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DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Licensing of Public Adjusters
- 2) Code Citation: 50 Ill. Adm. Code 3118
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
3118.10	Amendment
3118.20	Amendment
3118.25	New Section
3118.50	Amendment
3118.60	Amendment
3118.80	Amendment
3118.85	New Section
3118.90	Amendment
3118.120	Amendment
3118.130	Amendment
- 4) Statutory Authority: Implementing Article XXXI $\frac{3}{4}$ and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/Art. XXXI $\frac{3}{4}$ and 401].
- 5) A Complete Description of the Subjects and Issues Involved: The general purpose of this Part is to regulate the activities of public adjusters. At this time, the Division of Insurance will be adding provisions to Section 3118.60 that will subject an applicant for a public adjuster's license to a criminal background check. The background check of applicants, as well as renewal applicants will equip the Director to deny licensure when a felony conviction is identified. Exercising this authority will provide Illinois residents with greater consumer protection.

Additionally, new Section 3118.85 will require public adjusters to notify their clients that they are free to choose any contractor or vendor to repair their property. Amendments to Section 3118.90 will prohibit public adjusters from charging their clients higher fees when the client elects to choose their own contractor or vendor for repair services.

The Division has also made a number of housekeeping changes to Section 3118.10, 3118.20, 3118.50, 3118.80, 3118.120 and 3118.130 to accurately reflect the consolidation of our agency under IDFPR. We have added a definition Section which identifies terms that were not previously described.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when comprising this rulemaking: None

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

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TITLE 50: INSURANCE

CHAPTER I: DEPARTMENT OF [FINANCIAL AND PROFESSIONAL REGULATION](#)~~INSURANCE~~

SUBCHAPTER ii: INSURANCE PRODUCERS, LIMITED INSURANCE REPRESENTATIVES AND REGISTERED FIRMS

PART 3118

LICENSING OF PUBLIC ADJUSTERS

Section

3118.10	Authority
3118.20	Purpose and Scope
3118.25	Definitions
3118.30	Engaged in the Business of Adjusting Insurance Claims (Repealed)
3118.40	Valuable Consideration (Repealed)
3118.50	Records Material
3118.60	Grandfather License Provisions
3118.70	Nonresident Public Adjusters (Repealed)
3118.80	Filing of Contract Forms
3118.85	Client Disclosure
3118.90	Filing for Rate Schedule of Charges for Services
3118.100	Maintenance of Records (Repealed)
3118.110	Performance Standards Applicable to All Public Adjusters (Repealed)
3118.120	Hearings
3118.130	Severability

AUTHORITY: Implementing Article XXXI³/₄ and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/Art. XXXI³/₄ and 401].

SOURCE: Adopted and codified at 6 Ill. Reg. 14622, effective November 16, 1982; amended at 14 Ill. Reg. 17978, effective October 18, 1990; amended at 30 Ill. Reg. _____, effective _____.

Section 3118.10 Authority

This Part is promulgated by the Director of [the Division of Insurance](#) under Section 401 of the Illinois Insurance Code ~~that (the Act) (Ill. Rev. Stat. 1989, ch. 73, par. 1013) which~~ empowers the Director "to make reasonable rules and regulations as may be necessary for making effective" the insurance laws of this State. This Part is promulgated [pursuant to](#) Article ~~XXXI³/₄~~^{XXX³/₄} [entitled Public Insurance Adjuster and Registered Firm](#)~~commonly referred to as the Public~~

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~~Adjuster Regulatory Act, Section 512.51 et seq. of the Illinois Insurance Code, (Ill. Rev. Stat. 1989, ch. 73, par. 1065.59-51 et seq.).~~

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 3118.20 Purpose and Scope

The purpose of this ~~PartRule~~ is to regulate the activities of public adjusters. This ~~PartRule~~ applies to all public adjusters licensed in accordance with ~~the Article XXXI³/₄ of the Code~~ "Public Adjuster Regulatory Act", hereinafter referred to as the Act.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 3118.25 Definitions

Adjusting Insurance Claims means representing an insured with an insurer for compensation, and while representing that insured, either negotiating values, damages, or depreciation or applying the loss circumstances to insurance policy provisions.

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

Department means the Illinois Department of Financial and Professional Regulation.

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

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

Person embraces both natural persons and business entities of whatever type.

Public Insurance Adjuster means a person engaged in the business of adjusting insurance claims.

Secretary means the Secretary of the Illinois Department of Financial and Professional Regulation.

(Source: Added at 30 Ill. Reg. _____, effective _____)

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Section 3118.50 Records Material

As used in ~~Article XXXI³/₄ of the Code~~^{the Act}, records material means all books, papers and documentary materials regardless of physical form or characteristics made, produced, executed or received by any public adjuster pursuant to a law or in connection with the transaction of its business and preserved or appropriate for preservation by such adjuster or its successors as evidence of the organization, function, policies, decisions, procedures, obligations and business of the adjuster or because of the informational data contained therein.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 3118.60 Grandfather License Provisions

- a) For the purpose of implementing ~~Article XXXI³/₄ of the Code~~^{the Act}, any persons engaged in ~~the~~ business as a public adjuster ~~before December 16, 1983~~^{prior to the effective date of the Act} will be issued a license pursuant to Section ~~512.54(c) of the Code~~^{4(e) of the Act}. Being engaged in the business as a public adjuster shall mean any person who has adjusted or has participated in the adjustment of a minimum of ~~twelve~~ (12) insurance claims for insureds in the State of Illinois between the period from September 3, 1981 through June 30, 1982.
- b) Any persons whose application to qualify under the grandfather provision is received ~~after~~^{subsequent to} January 1, 1983, shall be subject to a written examination and interrogatories as provided in Section ~~512.54(c) of the Code~~^{4(e) of the Act}.
- c) Any person who has successfully passed the examination referred to in subsection (b), before being issued a license in Illinois, and prior to any renewal of that license, will be subjected to a criminal background check to determine whether the applicant is competent, trustworthy and of good business reputation. In the event that the criminal background reveals that an applicant has been convicted of a felony of any type, or has engaged in any of the acts enumerated in Section 512.61 of the Code [215 ILCS 5/512.61(a)], the Director may deny the application for a license, or initiate proceedings to suspend or revoke a renewal license.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 3118.80 Filing of Contract Forms

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NOTICE OF PROPOSED AMENDMENTS

- a) Each public adjuster shall file with and secure the approval of the Director of ~~Insurance~~ of each form of contract before it is used in the State of Illinois.
- b) Each contract form filing submitted for approval must be accompanied by a forms submission letter, in duplicate, ~~that~~~~which~~ must include:
 - 1) the name of the public adjuster making the filing.
 - 2) the title, form number, and edition identification of the ~~forms~~form(s).
 - 3) notification as to whether the filing is new or supersedes a present filing. Identification of all changes in all superseding filings, as well as identification of all superseded forms, is required.
 - 4) the effective date of use.
- c) Each control form filing submitted for approval must:
 - 1) be submitted in duplicate.
 - 2) have printed at the head of the contract form the name of the public adjuster, and the location and telephone number of the public adjuster's principal place of business. Unless located in a rural area ~~that~~~~which~~ does not use a street address, Post Office Box (P.O. Box) addresses are not permitted unless the street address is also included.
 - 3) be identified by a descriptive title, form number and edition identification number. The form number must appear in the lower left-hand corner of the contract form to be approved.
 - 4) in addition to the requirements of the Fire Damage Representation Agreement Act~~AN ACT relating to certain agreements in connection with fire insurance claims [815 ILCS 625], (Ill. Rev. Stat. 1989, ch. 29, par. 81)~~ each contract form must include the following:

"Pursuant to Article XXXI³/₄ of the Code, the Public Adjuster Regulatory Act, Section 512.51 et seq. of the Illinois Insurance Code, (Ill. Rev. Stat. 1989, ch. 73, par. 1065.59-58 et seq.) a contract which is executed within 5 days after the conclusion of the loss-producing occurrence shall be

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voidable at the option of the insured for 10 days after execution of the contract. The written contract shall constitute the entire agreement between the public adjuster and the insured."

- 5) have highlighted all changes from currently filed forms. Any changes not highlighted will not be deemed filed.
 - 6) be made out in "John Doe" fashion, exactly as it is to be presented to an insured, except for any variable material.
 - 7) be submitted in final printed form. Typed or printer's proof copies may be submitted for review, but must be refiled in final printed form.
 - 8) be printed in not less than ten-point type.
- d) Where contract forms submitted by a partnership, association or corporation will be used by other public adjusters engaged or employed by ~~thesueh~~ partnership, association or corporation, the forms submission letter must, in addition to meeting the other requirements of this Section, include the following information concerning the public ~~adjusters~~adjuster(s) who will use ~~thesueh~~ forms:
- 1) name;
 - 2) license identification number.
- e) Contract forms shall not include:
- 1) hold harmless agreements that provide indemnification to the public adjuster by the insured resulting from the public adjuster's negligence.
 - 2) power-of-attorney by which the public adjuster can act in the place and instead of the insured as ~~his~~ attorney-in fact.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 3118.85 Client Disclosure

If the client of the public adjuster chooses either a board up company, contractor or any other vendor in which the public adjuster, or its employees, agents or assigns, has or receives any ownership, beneficial or equitable interest in that ownership, then the nature of that ownership or

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interest must be disclosed to the public adjuster's client in writing prior to execution of any contract between the public adjuster's client and any entity in which the public adjuster has ownership or beneficial or equitable interest. The disclosure must contain, at a minimum, the following wording in 14 point font, upper case, red lettering:

"In addition to the amount you will pay your public adjuster for loss settlement, [public adjuster name] will receive an additional payment from [contractor or vendor name] because of your agreement to work with that company. [Public adjuster name] has an arrangement with [contractor or vendor name] whereby [contractor vendor name] agrees to pay [public adjuster name] if you agree to have [contractor or vendor] complete work for you. You are not required to use any person recommended to you by the public adjuster and may choose any contractor or vendor you so choose."

(Source: Added at 30 Ill. Reg. _____, effective _____)

Section 3118.90 Filing for Rate Schedule of Charges for Services

All public adjusters shall file with the Director prior to July 1, 1982 a Rate Schedule of Charges for Services. Any changes subsequent to July 1, 1982 shall also be filed with the Director prior to their use.

- a) All filing required under the above must be accompanied by duplicate copies of a rate submission letter ~~that~~which includes:
 - 1) the name of the public adjuster making the filing.
 - 2) notification of whether the filing is new or supersedes a present filing.
 - 3) the effective date of use.
- b) Rate Schedule of Charges for Services submitted by partnerships, associations or corporations ~~that~~which will be used by other public adjusters engaged or employed by ~~those~~such partnerships, associations or corporations must, in addition to meeting the other requirements of this Section, be accompanied by a list of ~~these~~such public adjusters, including ~~their~~ 1) name and; 2) license identification number.
- c) A public adjuster client shall not be required by the licensed public adjuster, or its agent, to pay higher fees to the public adjuster if the client does not elect to work with the contractor or vendor preferred or primarily recommended by the public

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adjuster. A licensed public adjuster, or its agent, shall present to the public adjuster client not fewer than two good faith, competitive bids for any contractor, vendor or service provider recommended to the client by the public adjuster.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 3118.120 Hearings

Any hearing granted under this PartRule shall be in accordance with Departmental Rule 50 Ill. Adm. Code 2402 entitled Administrative Hearing Procedures.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 3118.130 Severability

If any provision of this PartRule shall be held invalid, the remainder of the PartRule shall not be affected ~~thereby~~.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Primary Drinking Water Standards
- 2) Code citation: 35 Ill. Adm. Code 611
- 3)

<u>Section numbers:</u>	<u>Proposed action:</u>
611.102	Amend
611.105	New Section
611.111	Amend
611.212	Amend
611.359	Amend
611.380	Amend
611.609	Amend
611.646	Amend
611.APPENDIX D	Amend
- 4) Statutory authority: 415 ILCS 5/7.2, 17, 17.5, and 27.
- 5) A Complete description of the subjects and issues involved: The following briefly describes the subjects and issues involved in the docket R06-15 rulemaking. A comprehensive description is contained in the Board's opinion and order of July 20, 2006, proposing amendments in docket R06-15, which opinion and order is available from the address below.

This proceeding updates the Illinois Safe Drinking Water Act (SDWA) rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) that appeared in the Federal Register during a single update period. The docket and time period that is involved in this proceeding is the following:

R06-15	Federal SDWA amendments that occurred during the period July 1, 2005 through December 31, 2005.
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The R06-15 docket only amends rules in Part 611. The following table briefly summarizes the sole federal action in the update period:

October 13, 2005 (70 Fed. Reg. 59848)	USEPA adopted new requirements for the filing and receipt of required documents as electronic documents. The filings included are all documents whose filing is provided by the primary drinking water regulations.
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The USEPA action of October 13, 2005 (70 Fed. Reg. 59848) established the Cross-Media Electronic Reporting Rule (CROMERR). The CROMERR sets standards for the filing of documents in various federal program areas in an electronic format. While the CROMERR does not require the filing of documents in an electronic format, it does impose minimum requirements on documents that are filed in such a format and on the electronic document receiving systems used to receive them. The CROMERR imposes requirements on electronic filings submitted to USEPA and on USEPA's Central Data Exchange (CDX) that receives them, as well as on any electronic document filings submitted to the states and any systems used by the states to receive those filings.

Tables appear in the Board's opinion and order of July 20, 2006 in docket R06-15 that list numerous corrections and amendments that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the July 20, 2006 opinion and order in docket R06-15.

Section 17.5 of the Environmental Protection Act [415 ILCS 5/17.5] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency amendments currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes. Section 611.102 is the centralized location of all incorporations of documents used for the purposes of compliance with all of Part 611. The amendments update all citations to the *Code of Federal Regulations* to the latest edition available, although those updates do not necessarily incorporate the cited federal regulations. Second, the amendments add incorporations of segments of the *Code of Federal Regulations* that embody key elements of the federal CROMERR requirements. Third, the amendments remove the incorporation by reference of appendix C to 40 CFR 136, since this document is not referenced in any substantive segment of the rules. The amendments also update the version of appendix B to 40 CFR 136 incorporated by reference to the latest edition

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available. Finally, the amendments add to each incorporation by reference of a segment of the *Code of Federal Regulations* a citation to the segments of the Illinois regulations for which the incorporation is made.

- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of statewide policy objectives: These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b) (2002)].
- 12) Time, Place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R06-15 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

Please direct inquiries to the following person and reference docket R06-15:

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

312-814-6924
E-mail: mccambm@ipcb.state.il.us

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

- 13) Initial regulatory flexibility analysis:
 - A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations that own or operate a public water supply.

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- B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of reports, water analyses, and maintenance of operating records.
- C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer.
- 14) Regulatory agenda on which this rulemaking was summarized: December 2005

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

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE F: PUBLIC WATER SUPPLIES
CHAPTER I: POLLUTION CONTROL BOARDPART 611
PRIMARY DRINKING WATER STANDARDS

SUBPART A: GENERAL

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611.102	Incorporations by Reference
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611.111	Relief Equivalent to SDWA Section 1415(a) Variances
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611.113	Alternative Treatment Techniques
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611.121	Maximum Contaminant Levels and Finished Water Quality
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611.296	Acrylamide and Epichlorohydrin
611.297	Corrosion Control

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611.300	Old MCLs for Inorganic Chemical Contaminants
611.301	Revised MCLs for Inorganic Chemical Contaminants
611.310	Old Maximum Contaminant Levels (MCLs) for Organic Chemical Contaminants
611.311	Revised MCLs for Organic Chemical Contaminants
611.312	Maximum Contaminant Levels (MCLs) for Disinfection Byproducts (DBPs)
611.313	Maximum Residual Disinfectant Levels (MRDLs)
611.320	Turbidity (Repealed)
611.325	Microbiological Contaminants

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- 611.330 Maximum Contaminant Levels for Radionuclides
611.331 Beta Particle and Photon Radioactivity (Repealed)

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- 611.350 General Requirements
611.351 Applicability of Corrosion Control
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- 611.744 Filtration Sampling Requirements
611.745 Reporting and Recordkeeping Requirements

SUBPART T: REPORTING AND RECORDKEEPING

- Section
611.830 Applicability
611.831 Monthly Operating Report
611.832 Notice by Agency (Repealed)
611.833 Cross Connection Reporting
611.840 Reporting
611.851 Reporting MCL, MRDL, and other Violations (Repealed)
611.852 Reporting other Violations (Repealed)
611.853 Notice to New Billing Units (Repealed)
611.854 General Content of Public Notice (Repealed)
611.855 Mandatory Health Effects Language (Repealed)
611.856 Fluoride Notice (Repealed)
611.858 Fluoride Secondary Standard (Repealed)
611.860 Record Maintenance
611.870 List of 36 Contaminants (Repealed)

SUBPART U: CONSUMER CONFIDENCE REPORTS

- Section
611.881 Purpose and Applicability
611.882 Compliance Dates
611.883 Content of the Reports
611.884 Required Additional Health Information
611.885 Report Delivery and Recordkeeping

SUBPART V: PUBLIC NOTIFICATION OF DRINKING WATER VIOLATIONS

- Section
611.901 General Public Notification Requirements
611.902 Tier 1 Public Notice: Form, Manner, and Frequency of Notice
611.903 Tier 2 Public Notice: Form, Manner, and Frequency of Notice
611.904 Tier 3 Public Notice: Form, Manner, and Frequency of Notice
611.905 Content of the Public Notice
611.906 Notice to New Billing Units or New Customers
611.907 Special Notice of the Availability of Unregulated Contaminant Monitoring

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Results

- 611.908 Special Notice for Exceedence of the Fluoride Secondary Standard
611.909 Special Notice for Nitrate Exceedences above the MCL by a Non-Community
Water System
611.910 Notice by the Agency on Behalf of a PWS

SUBPART X: ENHANCED FILTRATION AND DISINFECTION –
SYSTEMS SERVING FEWER THAN 10,000 PEOPLE

Section

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611.951 Finished Water Reservoirs
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611.953 Disinfection Profile
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611.955 Combined Filter Effluent Turbidity Limits
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AUTHORITY: Implementing Sections 7.2, 17, and 17.5 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 17, 17.5, and 27].

SOURCE: Adopted in R88-26 at 14 Ill. Reg. 16517, effective September 20, 1990; amended in R90-21 at 14 Ill. Reg. 20448, effective December 11, 1990; amended in R90-13 at 15 Ill. Reg. 1562, effective January 22, 1991; amended in R91-3 at 16 Ill. Reg. 19010, effective December 1, 1992; amended in R92-3 at 17 Ill. Reg. 7796, effective May 18, 1993; amended in R93-1 at 17 Ill. Reg. 12650, effective July 23, 1993; amended in R94-4 at 18 Ill. Reg. 12291, effective July 28, 1994; amended in R94-23 at 19 Ill. Reg. 8613, effective June 20, 1995; amended in R95-17 at 20 Ill. Reg. 14493, effective October 22, 1996; amended in R98-2 at 22 Ill. Reg. 5020, effective March 5, 1998; amended in R99-6 at 23 Ill. Reg. 2756, effective February 17, 1999; amended in R99-12 at 23 Ill. Reg. 10348, effective August 11, 1999; amended in R00-8 at 23 Ill. Reg. 14715, effective December 8, 1999; amended in R00-10 at 24 Ill. Reg. 14226, effective September 11, 2000; amended in R01-7 at 25 Ill. Reg. 1329, effective January 11, 2001; amended in R01-20 at 25 Ill. Reg. 13611, effective October 9, 2001; amended in R02-5 at 26 Ill. Reg. 3522, effective February 22, 2002; amended in R03-4 at 27 Ill. Reg. 1183, effective January 10, 2003; amended in R03-15 at 27 Ill. Reg. 16447, effective October 10, 2003; amended in R04-3 at 28 Ill. Reg. 5269, effective March 10, 2004; amended in R04-13 at 28 Ill. Reg. 12666, effective August 26, 2004; amended in R05-6 at 29 Ill. Reg. 2287, effective January 28, 2005; amended in R06-15 at 30 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 611.102 Incorporations by Reference

- a) Abbreviations and short-name listing of references. The following names and abbreviated names, presented in alphabetical order, are used in this Part to refer to materials incorporated by reference:

"Amco-AEPA-1 Polymer" is available from Advanced Polymer Systems.

"ASTM Method" means a method published by and available from the American Society for Testing and Materials (ASTM).

"Colisure Test" means "Colisure Presence/Absence Test for Detection and Identification of Coliform Bacteria and Escherichia Coli in Drinking Water," available from Millipore Corporation, Technical Services Department.

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"Colitag® Test" means "Colitag® Product as a Test for Detection and Identification of Coliforms and E. coli Bacteria in Drinking Water and Source Water as Required in National Primary Drinking Water Regulations," available from CPI International.

"Dioxin and Furan Method 1613" means "Tetra- through Octa-Chlorinated Dioxins and Furans by Isotope-Dilution HRGC/HRMS," available from NTIS.

"GLI Method 2" means GLI Method 2, "Turbidity," Nov. 2, 1992, available from Great Lakes Instruments, Inc.

"Hach FilterTrak Method 10133" means "Determination of Turbidity by Laser Nephelometry," available from Hach Co.

"HASL Procedure Manual" means HASL Procedure Manual, HASL 300, available from ERDA Health and Safety Laboratory.

"Kelada 01" means "Kelada Automated Test Methods for Total Cyanide, Acid Dissociable Cyanide, And Thiocyanate," Revision 1.2, August 2001, EPA #821-B-01-009, available from the National Technical Information Service (NTIS).

"Membrane Filter Technique using Chromocult Coliform Agar" means "Chromocult Coliform Agar Presence/Absence Membrane Filter Test Method for Detection and Identification of Coliform Bacteria and Escherichia coli in Finished Waters," available from EMD Chemicals Inc.

"NCRP" means "National Council on Radiation Protection."

"NTIS" means "National Technical Information Service."

"New Jersey Radium Method" means "Determination of Radium 228 in Drinking Water," available from the New Jersey Department of Environmental Protection.

"New York Radium Method" means "Determination of Ra-226 and Ra-228 (Ra-02)," available from the New York Department of Public Health.

"ONGP-MUG Test" (meaning "minimal medium ortho-nitrophenyl-beta-

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d-galactopyranoside-4-methyl-umbelliferyl -beta-d-glucuronide test"), also called the "Autoanalysis Colilert System," is Method 9223, available in "Standard Methods for the Examination of Water and Wastewater," 18th ed., from American Public Health Association.

"Palintest Method 1001" means "Method Number 1001," available from Palintest, Ltd. or the Hach Company.

"QuikChem Method 10-204-00-1-X" means "Digestion and distillation of total cyanide in drinking and wastewaters using MICRO DIST and determination of cyanide by flow injection analysis," available from Lachat Instruments.

"Readycult Coliforms 100 Presence/Absence Test" means "Readycult Coliforms 100 Presence/Absence Test for Detection and Identification of Coliform Bacteria and Escherichia coli in Finished Waters," available from EMD Chemicals Inc.

"SimPlate Method" means "IDEXX SimPlate TM HPC Test Method for Heterotrophs in Water," available from IDEXX Laboratories, Inc.

"Radiochemical Methods" means "Interim Radiochemical Methodology for Drinking Water," available from NTIS.

"Standard Methods" means "Standard Methods for the Examination of Water and Wastewater," available from the American Public Health Association or the American Waterworks Association.

"Syngenta AG-625" means "Atrazine in Drinking Water by Immunoassay," February 2001 is available from Syngenta Crop Protection, Inc.

"Technical Bulletin 601" means "Technical Bulletin 601, Standard Method of Testing for Nitrate in Drinking Water," July 1994, available from Analytical Technology, Inc.

"Technicon Methods" means "Fluoride in Water and Wastewater," available from Bran & Luebbe.

"USDOE Manual" means "EML Procedures Manual," available from the

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United State Department of Energy.

"USEPA Asbestos Methods-100.1" means Method 100.1, "Analytical Method for Determination of Asbestos Fibers in Water," September 1983, available from NTIS.

"USEPA Asbestos Methods-100.2" means Method 100.2, "Determination of Asbestos Structures over 10-mm in Length in Drinking Water," June 1994, available from NTIS.

"USEPA Environmental Inorganics Methods" means "Methods for the Determination of Inorganic Substances in Environmental Samples," August 1993, available from NTIS.

"USEPA Environmental Metals Methods" means "Methods for the Determination of Metals in Environmental Samples," available from NTIS.

"USEPA Inorganic Methods" means "Methods for Chemical Analysis of Water and Wastes," March 1983, available from NTIS.

"USEPA Interim Radiochemical Methods" means "Interim Radiochemical Methodology for Drinking Water," EPA 600/4-75-008 (revised), March 1976. Available from NTIS.

"USEPA Organic Methods" means "Methods for the Determination of Organic Compounds in Drinking Water," July 1991, for Methods 502.2, 505, 507, 508, 508A, 515.1, and 531.1; "Methods for the Determination of Organic Compounds in Drinking Water – Supplement I," July 1990, for Methods 506, 547, 550, 550.1, and 551; and "Methods for the Determination of Organic Compounds in Drinking Water – Supplement II," August 1992, for Methods 515.2, 524.2, 548.1, 549.1, 552.1, and 555, available from NTIS. Methods 504.1, 508.1, and 525.2 are available from EPA EMSL; "Methods for the Determination of Organic Compounds" in Drinking Water – Supplement II, August 1992, for Method 552.1; "Methods for the Determination of Organic Compounds in Drinking Water – Supplement III," August 1995, for Methods 502.2, 524.2, 551.1, and 552.2. Method 515.4, "Determination of Chlorinated Acids in Drinking Water by Liquid-Liquid Microextraction, Derivatization and Fast Gas Chromatography with Electron Capture Detection," Revision 1.0,

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April 2000, EPA 815/B-00/001, and Method 531.2, "Measurement of N-methylcarbamoyloximes and N-methylcarbamates in Water by Direct Aqueous Injection HPLC with Postcolumn Derivatization," Revision 1.0, September 2001, EPA 815/B/01/002, are both available on-line from USEPA, Office of Ground Water and Drinking Water.

"USEPA Radioactivity Methods" means "Prescribed Procedures for Measurement of Radioactivity in Drinking Water," EPA 600/4-80-032, August 1980. Available from NTIS.

"USEPA Radiochemical Analyses" means "Radiochemical Analytical Procedures for Analysis of Environmental Samples," March 1979. Available from NTIS.

"USEPA Radiochemistry Methods" means "Radiochemistry Procedures Manual," EPA 520/5-84-006, December 1987. Available from NTIS.

"USEPA Technical Notes" means "Technical Notes on Drinking Water Methods," available from NTIS.

"USGS Methods" means "Methods of Analysis by the U.S. Geological Survey National Water Quality Laboratory – Determination of Inorganic and Organic Constituents in Water and Fluvial Sediments," available from NTIS and USGS.

"Waters Method B-1011" means "Waters Test Method for the Determination of Nitrite/Nitrate in Water Using Single Column Ion Chromatography," available from Waters Corporation, Technical Services Division.

- b) The Board incorporates the following publications by reference:

Advanced Polymer Systems, 3696 Haven Avenue, Redwood City, CA 94063 415-366-2626.

Amco-AEPA-1 Polymer. See 40 CFR 141.22(a) ~~(2005)(2003)~~. Also, as referenced in ASTM D1889.

American Public Health Association, 1015 Fifteenth Street NW, Washington, DC 20005 800-645-5476.

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"Standard Methods for the Examination of Water and Wastewater," 17th Edition, 1989 (referred to as "Standard Methods, 17th ed.").

"Standard Methods for the Examination of Water and Wastewater," 18th Edition, 1992, including "Supplement to the 18th Edition of Standard Methods for the Examination of Water and Wastewater," 1994 (collectively referred to as "Standard Methods, 18th ed."). See the methods listed separately for the same references under American Waterworks Association.

"Standard Methods for the Examination of Water and Wastewater," 19th Edition, 1995 (referred to as "Standard Methods, 19th ed.").

"Standard Methods for the Examination of Water and Wastewater," 20th Edition, 1998 (referred to as "Standard Methods, 20th ed.").

American Waterworks Association et al., 6666 West Quincy Ave., Denver, CO 80235 303-794-7711.

"National Field Evaluation of a Defined Substrate Method for the Simultaneous Enumeration of Total Coliforms and Escherichia coli for Drinking Water: Comparison with the Standard Multiple Tube Fermentation Method," S.C. Edberg, M.J. Allen & D.B. Smith, Applied Environmental Microbiology, vol. 54, iss. 6, pp 1595-1601 (1988).

"Standard Methods for the Examination of Water and Wastewater," 13th Edition, 1971 (referred to as "Standard Methods, 13th ed.").

Method 302, Gross Alpha and Gross Beta Radioactivity in Water (Total, Suspended, and Dissolved).

Method 303, Total Radioactive Strontium and Strontium 90 in Water.

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Method 304, Radium in Water by Precipitation.

Method 305, Radium 226 by Radon in Water (Soluble, Suspended, and Total).

Method 306, Tritium in Water.

"Standard Methods for the Examination of Water and Wastewater," 17th Edition, 1989 (referred to as "Standard Methods, 17th ed.").

Method 7110 B, Gross Alpha and Gross Beta Radioactivity in Water (Total, Suspended, and Dissolved).

Method 7500-Cs B, Radioactive Cesium, Precipitation Method.

Method 7500-³H B, Tritium in Water.

Method 7500-I B, Radioactive Iodine, Precipitation Method.

Method 7500-I C, Radioactive Iodine, Ion-Exchange Method.

Method 7500-I D, Radioactive Iodine, Distillation Method.

Method 7500-Ra B, Radium in Water by Precipitation.

Method 7500-Ra C, Radium 226 by Radon in Water (Soluble, Suspended, and Total).

Method 7500-Ra D, Radium, Sequential Precipitation Method (Proposed).

Method 7500-Sr B, Total Radioactive Strontium and Strontium 90 in Water.

Method 7500-U B, Uranium, Radiochemical Method (Proposed).

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Method 7500-U C, Uranium, Isotopic Method (Proposed).

"Standard Methods for the Examination of Water and Wastewater," 18th Edition, 1992 (referred to as "Standard Methods, 18th ed.").

Method 2130 B, Turbidity, Nephelometric Method.

Method 2320 B, Alkalinity, Titration Method.

Method 2510 B, Conductivity, Laboratory Method.

Method 2550, Temperature, Laboratory and Field Methods.

Method 3111 B, Metals by Flame Atomic Absorption Spectrometry, Direct Air-Acetylene Flame Method.

Method 3111 D, Metals by Flame Atomic Absorption Spectrometry, Direct Nitrous Oxide-Acetylene Flame Method.

Method 3112 B, Metals by Cold-Vapor Atomic Absorption Spectrometry, Cold-Vapor Atomic Absorption Spectrometric Method.

Method 3113 B, Metals by Electrothermal Atomic Absorption Spectrometry, Electrothermal Atomic Absorption Spectrometric Method.

Method 3114 B, Metals by Hydride Generation/Atomic Absorption Spectrometry, Manual Hydride Generation/Atomic Absorption Spectrometric Method.

Method 3120 B, Metals by Plasma Emission Spectroscopy, Inductively Coupled Plasma (ICP) Method.

Method 3500-Ca D, Calcium, EDTA Titrimetric Method.

Method 3500-Mg E, Magnesium, Calculation Method.

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Method 4110 B, Determination of Anions by Ion Chromatography, Ion Chromatography with Chemical Suppression of Eluent Conductivity.

Method 4500-CN⁻ C, Cyanide, Total Cyanide after Distillation.

Method 4500-CN⁻ E, Cyanide, Colorimetric Method.

Method 4500-CN⁻ F, Cyanide, Cyanide-Selective Electrode Method.

Method 4500-CN⁻ G, Cyanide, Cyanides Amenable to Chlorination after Distillation.

Method 4500-Cl D, Chlorine, Amperometric Titration Method.

Method 4500-Cl E, Chlorine, Low-Level Amperometric Titration Method.

Method 4500-Cl F, Chlorine, DPD Ferrous Titrimetric Method.

Method 4500-Cl G, Chlorine, DPD Colorimetric Method.

Method 4500-Cl H, Chlorine, Syringaldazine (FACTS) Method.

Method 4500-Cl I, Chlorine, Iodometric Electrode Method.

Method 4500-ClO₂ C, Chlorine Dioxide, Amperometric Method I.

Method 4500-ClO₂ D, Chlorine Dioxide, DPD Method.

Method 4500-ClO₂ E, Chlorine Dioxide, Amperometric Method II (Proposed).

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Method 4500-F⁻ B, Fluoride, Preliminary Distillation Step.

Method 4500-F⁻ C, Fluoride, Ion-Selective Electrode Method.

Method 4500-F⁻ D, Fluoride, SPADNS Method.

Method 4500-F⁻ E, Fluoride, Complexone Method.

Method 4500-H⁺ B, pH Value, Electrometric Method.

Method 4500-NO₂⁻ B, Nitrogen (Nitrite), Colorimetric Method.

Method 4500-NO₃⁻ D, Nitrogen (Nitrate), Nitrate Electrode Method.

Method 4500-NO₃⁻ E, Nitrogen (Nitrate), Cadmium Reduction Method.

Method 4500-NO₃⁻ F, Nitrogen (Nitrate), Automated Cadmium Reduction Method.

Method 4500-O₃ B, Ozone (Residual) (Proposed), Indigo Colorimetric Method.

Method 4500-P E, Phosphorus, Ascorbic Acid Method.

Method 4500-P F, Phosphorus, Automated Ascorbic Acid Reduction Method.

Method 4500-Si D, Silica, Molybdosilicate Method.

Method 4500-Si E, Silica, Heteropoly Blue Method.

Method 4500-Si F, Silica, Automated Method for Molybdate-Reactive Silica.

Method 6651, Glyphosate Herbicide (Proposed).

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NOTICE OF PROPOSED AMENDMENTS

Method 7110 B, Gross Alpha and Beta Radioactivity (Total, Suspended, and Dissolved), Evaporation Method for Gross Alpha-Beta.

Method 7110 C, Gross Alpha and Beta Radioactivity (Total, Suspended, and Dissolved), Coprecipitation Method for Gross Alpha Radioactivity in Drinking Water (Proposed).

Method 7500-Cs B, Radioactive Cesium, Precipitation Method.

Method 7500-3 H B, Tritium, Liquid Scintillation Spectrometric Method.

Method 7500-I B, Radioactive Iodine, Precipitation Method.

Method 7500-I C, Radioactive Iodine, Ion-Exchange Method.

Method 7500-I D, Radioactive Iodine, Distillation Method.

Method 7500-Ra B, Radium, Precipitation Method.

Method 7500-Ra C, Radium, Emanation Method.

Method 7500-Ra D, Radium, Sequential Precipitation Method (Proposed).

Method 7500-Sr B, Total Radioactive Strontium and Strontium 90, Precipitation Method.

Method 7500-U B, Uranium, Radiochemical Method (Proposed).

Method 7500-U C, Uranium, Isotopic Method (Proposed).

Method 9215 B, Heterotrophic Plate Count, Pour Plate Method.

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Method 9221 A, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Introduction.

Method 9221 B, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Standard Total Coliform Fermentation Technique.

Method 9221 C, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Estimation of Bacterial Density.

Method 9221 D, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Presence-Absence (P-A) Coliform Test.

Method 9221 E, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Fecal Coliform Procedure.

Method 9222 A, Membrane Filter Technique for Members of the Coliform Group, Introduction.

Method 9222 B, Membrane Filter Technique for Members of the Coliform Group, Standard Total Coliform Membrane Filter Procedure.

Method 9222 C, Membrane Filter Technique for Members of the Coliform Group, Delayed-Incubation Total Coliform Procedure.

Method 9222 D, Membrane Filter Technique for Members of the Coliform Group, Fecal Coliform Membrane Filter Procedure.

Method 9223, Chromogenic Substrate Coliform Test (Proposed).

"Supplement to the 18th Edition of Standard Methods for the Examination of Water and Wastewater," American Public Health

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Association, 1994.

Method 6610, Carbamate Pesticide Method.

"Standard Methods for the Examination of Water and Wastewater," 19th Edition, 1995 (referred to as "Standard Methods, 19th ed.").

Method 2130 B, Turbidity, Nephelometric Method.

Method 2320 B, Alkalinity, Titration Method.

Method 2510 B, Conductivity, Laboratory Method.

Method 2550, Temperature, Laboratory, and Field Methods.

Method 3111 B, Metals by Flame Atomic Absorption Spectrometry, Direct Air-Acetylene Flame Method.

Method 3111 D, Metals by Flame Atomic Absorption Spectrometry, Direct Nitrous Oxide-Acetylene Flame Method.

Method 3112 B, Metals by Cold-Vapor Atomic Absorption Spectrometry, Cold-Vapor Atomic Absorption Spectrometric Method.

Method 3113 B, Metals by Electrothermal Atomic Absorption Spectrometry, Electrothermal Atomic Absorption Spectrometric Method.

Method 3114 B, Metals by Hydride Generation/Atomic Absorption Spectrometry, Manual Hydride Generation/Atomic Absorption Spectrometric Method.

Method 3120 B, Metals by Plasma Emission Spectroscopy, Inductively Coupled Plasma (ICP) Method.

Method 3500-Ca D, Calcium, EDTA Titrimetric Method.

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Method 3500-Mg E, Magnesium, Calculation Method.

Method 4110 B, Determination of Anions by Ion Chromatography, Ion Chromatography with Chemical Suppression of Eluent Conductivity.

Method 4500-Cl D, Chlorine, Amperometric Titration Method.

Method 4500-Cl E, Chlorine, Low-Level Amperometric Titration Method.

Method 4500-Cl F, Chlorine, DPD Ferrous Titrimetric Method.

Method 4500-Cl G, Chlorine, DPD Colorimetric Method.

Method 4500-Cl H, Chlorine, Syringaldazine (FACTS) Method.

Method 4500-Cl I, Chlorine, Iodometric Electrode Method.

Method 4500-ClO₂ C, Chlorine Dioxide, Amperometric Method I.

Method 4500-ClO₂ D, Chlorine Dioxide, DPD Method.

Method 4500-ClO₂ E, Chlorine Dioxide, Amperometric Method II (Proposed).

Method 4500-CN⁻ C, Cyanide, Total Cyanide after Distillation.

Method 4500-CN⁻ E, Cyanide, Colorimetric Method.

Method 4500-CN⁻ F, Cyanide, Cyanide-Selective Electrode Method.

Method 4500-CN⁻ G, Cyanide, Cyanides Amenable to

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Chlorination after Distillation.

Method 4500-F⁻ B, Fluoride, Preliminary Distillation Step.

Method 4500-F⁻ C, Fluoride, Ion-Selective Electrode Method.

Method 4500-F⁻ D, Fluoride, SPADNS Method.

Method 4500-F⁻ E, Fluoride, Complexone Method.

Method 4500-H⁺ B, pH Value, Electrometric Method.

Method 4500-NO₂⁻ B, Nitrogen (Nitrite), Colorimetric Method.

Method 4500-NO₃⁻ D, Nitrogen (Nitrate), Nitrate Electrode Method.

Method 4500-NO₃⁻ E, Nitrogen (Nitrate), Cadmium Reduction Method.

Method 4500-NO₃⁻ F, Nitrogen (Nitrate), Automated Cadmium Reduction Method.

Method 4500-O₃ B, Ozone (Residual) (Proposed), Indigo Colorimetric Method.

Method 4500-P E, Phosphorus, Ascorbic Acid Method.

Method 4500-P F, Phosphorus, Automated Ascorbic Acid Reduction Method.

Method 4500-Si D, Silica, Molybdosilicate Method.

Method 4500-Si E, Silica, Heteropoly Blue Method.

Method 4500-Si F, Silica, Automated Method for Molybdate-Reactive Silica.

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Method 5910 B, UV Absorbing Organic Constituents, Ultraviolet Absorption Method.

Method 6251 B, Disinfection Byproducts: Haloacetic Acids and Trichlorophenol, Micro Liquid-Liquid Extraction Gas Chromatographic Method.

Method 6651, Glyphosate Herbicide (Proposed).

Method 7110 B, Gross Alpha and Gross Beta Radioactivity, Evaporation Method for Gross Alpha-Beta.

Method 7110 C, Gross Alpha and Beta Radioactivity (Total, Suspended, and Dissolved), Coprecipitation Method for Gross Alpha Radioactivity in Drinking Water (Proposed).

Method 7120 B, Gamma-Emitting Radionuclides, Gamma Spectrometric Method.

Method 7500-Cs B, Radioactive Cesium, Precipitation Method.

Method 7500-3H B, Tritium, Liquid Scintillation Spectrometric Method.

Method 7500-I B, Radioactive Iodine, Precipitation Method.

Method 7500-I C, Radioactive Iodine, Ion-Exchange Method.

Method 7500-I D, Radioactive Iodine, Distillation Method.

Method 7500-Ra B, Radium, Precipitation Method.

Method 7500-Ra C, Radium, Emanation Method.

Method 7500-Ra D, Radium, Sequential Precipitation Method.

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Method 7500-Sr B, Total Radiactive Strontium and Strontium 90, Precipitation Method.

Method 7500-U B, Uranium, Radiochemical Method.

Method 7500-U C, Uranium, Isotopic Method.

Method 9215 B, Heterotrophic Plate Count, Pour Plate Method.

Method 9221 A, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Introduction.

Method 9221 B, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Standard Total Coliform Fermentation Technique.

Method 9221 C, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Estimation of Bacterial Density.

Method 9221 D, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Presence-Absence (P-A) Coliform Test.

Method 9221 E, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Fecal Coliform Procedure.

Method 9222 A, Membrane Filter Technique for Members of the Coliform Group, Introduction.

Method 9222 B, Membrane Filter Technique for Members of the Coliform Group, Standard Total Coliform Membrane Filter Procedure.

Method 9222 C, Membrane Filter Technique for Members of the Coliform Group, Delayed-Incubation Total Coliform Procedure.

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Method 9222 D, Membrane Filter Technique for Members of the Coliform Group, Fecal Coliform Membrane Filter Procedure.

Method 9223, Chromogenic Substrate Coliform Test (Proposed).

"Supplement to the 19th Edition of Standard Methods for the Examination of Water and Wastewater," American Public Health Association, 1996.

Method 5310 B, TOC, Combustion-Infrared Method.

Method 5310 C, TOC, Persulfate-Ultraviolet Oxidation Method.

Method 5310 D, TOC, Wet-Oxidation Method.

"Standard Methods for the Examination of Water and Wastewater," 20th Edition, 1998 (referred to as "Standard Methods, 20th ed.").

Method 2130 B, Turbidity, Nephelometric Method.

Method 2320 B, Alkalinity, Titration Method.

Method 2510 B, Conductivity, Laboratory Method.

Method 2550, Temperature, Laboratory, and Field Methods.

Method 3120 B, Metals by Plasma Emission Spectroscopy, Inductively Coupled Plasma (ICP) Method.

Method 3500-Ca B, Calcium, EDTA Titrimetric Method.

Method 3500-Mg B, Magnesium, EDTA Titrimetric Method.

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Method 4110 B, Determination of Anions by Ion Chromatography, Ion Chromatography with Chemical Suppression of Eluent Conductivity.

Method 4500-CN⁻ C, Cyanide, Total Cyanide after Distillation.

Method 4500-CN⁻ E, Cyanide, Colorimetric Method.

Method 4500-CN⁻ F, Cyanide, Cyanide-Selective Electrode Method.

Method 4500-CN⁻ G, Cyanide, Cyanides Amenable to Chlorination after Distillation.

Method 4500-Cl D, Chlorine, Amperometric Titration Method.

Method 4500-Cl E, Chlorine, Low-Level Amperometric Titration Method.

Method 4500-Cl F, Chlorine, DPD Ferrous Titrimetric Method.

Method 4500-Cl G, Chlorine, DPD Colorimetric Method.

Method 4500-Cl H, Chlorine, Syringaldazine (FACTS) Method.

Method 4500-Cl I, Chlorine, Iodometric Electrode Method.

Method 4500-ClO₂ C, Chlorine Dioxide, Amperometric Method I.

Method 4500-ClO₂ D, Chlorine Dioxide, DPD Method.

Method 4500-ClO₂ E, Chlorine Dioxide, Amperometric Method II (Proposed).

Method 4500-F⁻ B, Fluoride, Preliminary Distillation Step.

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Method 4500-F⁻ C, Fluoride, Ion-Selective Electrode Method.

Method 4500-F⁻ D, Fluoride, SPADNS Method.

Method 4500-F⁻ E, Fluoride, Complexone Method.

Method 4500-H⁺ B, pH Value, Electrometric Method.

Method 4500-NO₂⁻ B, Nitrogen (Nitrite), Colorimetric Method.

Method 4500-NO₃⁻ D, Nitrogen (Nitrate), Nitrate Electrode Method.

Method 4500-NO₃⁻ E, Nitrogen (Nitrate), Cadmium Reduction Method.

Method 4500-NO₃⁻ F, Nitrogen (Nitrate), Automated Cadmium Reduction Method.

Method 4500-O₃ B, Ozone (Residual) (Proposed), Indigo Colorimetric Method.

Method 4500-P E, Phosphorus, Ascorbic Acid Method.

Method 4500-P F, Phosphorus, Automated Ascorbic Acid Reduction Method.

Method 4500-Si C, Silica, Molybdosilicate Method.

Method 4500-Si D, Silica, Heteropoly Blue Method.

Method 4500-Si E, Silica, Automated Method for Molybdate-Reactive Silica.

Method 4500-Cl E, Chlorine (Residual), Low-Level Amperometric Titration Method.

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Method 4500-Cl F, Chlorine (Residual), DPD Ferrous Titrimetric Method.

Method 4500-Cl G, Chlorine (Residual), DPD Colorimetric Method.

Method 4500-Cl H, Chlorine (Residual), Syringaldazine (FACTS) Method.

Method 4500-Cl I, Chlorine (Residual), Iodometric Electrode Technique.

Method 4500-ClO₂ D, Chlorine Dioxide, DPD Method.

Method 4500-ClO₂ E, Chlorine Dioxide, Amperometric Method II.

Method 6651, Glyphosate Herbicide (Proposed).

Method 7110-B, Gross Alpha and Gross Beta Radioactivity, Evaporation Method for Gross Alpha-Beta.

Method 7110 C, Gross Alpha and Beta Radioactivity (Total, Suspended, and Dissolved), Coprecipitation Method for Gross Alpha Radioactivity in Drinking Water (Proposed).

Method 7120-B, Gamma-Emitting Radionuclides, Gamma Spectrometric Method.

Method 7500-Cs B, Radioactive Cesium, Precipitation Method.

Method 7500-3H B, Tritium, Liquid Scintillation Spectrometric Method.

Method 7500-I B, Radioactive Iodine, Precipitation Method.

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Method 7500-I C, Radioactive Iodine, Ion-Exchange Method.

Method 7500-I D, Radioactive Iodine, Distillation Method.

Method 7500-Ra B, Radium, Precipitation Method.

Method 7500-Ra C, Radium, Emanation Method.

Method 7500-Sr B, Total Radiactive Strontium and Strontium 90, Precipitation Method.

Method 7500-U B, Uranium, Radiochemical Method.

Method 7500-U C, Uranium, Isotopic Method.

Method 9215 B, Heterotrophic Plate Count, Pour Plate Method.

Method 9221 A, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Introduction.

Method 9221 B, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Standard Total Coliform Fermentation Technique.

Method 9221 C, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Estimation of Bacterial Density.

Method 9221 D, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Presence-Absence (P-A) Coliform Test.

Method 9221 E, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Fecal Coliform Procedure.

Method 9222 A, Membrane Filter Technique for Members of the Coliform Group, Introduction.

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Method 9222 B, Membrane Filter Technique for Members of the Coliform Group, Standard Total Coliform Membrane Filter Procedure.

Method 9222 C, Membrane Filter Technique for Members of the Coliform Group, Delayed-Incubation Total Coliform Procedure.

Method 9222 D, Membrane Filter Technique for Members of the Coliform Group, Fecal Coliform Membrane Filter Procedure.

Method 9223, Chromogenic Substrate Coliform Test (Proposed).

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ASTM Method D2460-90, "Standard Test Method for Radionuclides of Radium in Water," approved 1990.

ASTM Method D2907-91, "Standard Test Methods for Microquantities of Uranium in Water by Fluorometry," "Test Method A – Direct Fluorometric" & "Test Method B – Extraction," approved June 15, 1991.

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ASTM Method D2972-93 B or C, "Standard Test Methods for Arsenic in Water," "Test Method B – Atomic Absorption, Hydride Generation" & "Test Method C – Atomic Absorption, Graphite Furnace," approved 1993.

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ASTM Method D4785-88, "Standard Test Method for Low-Level Iodine-131 in Water," approved 1988.

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480 S. Democrat Road, Gibbstown, NJ 08027–1297. Telephone: 800-
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PO Box 130140, Ann Arbor, Michigan 48113-0140, 734-769-8010.

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BOARD NOTE: USEPA made the following assertion with regard to this reference at 40 CFR 141.23(k)(1) and 141.24(e) and (n)(11) ~~(2003)~~⁽²⁰⁰⁵⁾: "This document contains other analytical test procedures and approved analytical methods that remain available for compliance monitoring until July 1, 1996."

"Tetra- through Octa-Chlorinated Dioxins and Furans by Isotope Dilution HRGC/HRMS," October 1994, EPA-821-B-94-005 (referred to as "Dioxin and Furan Method 1613").

New Jersey Department of Environment, Division of Environmental Quality, Bureau of Radiation and Inorganic Analytical Services, 9 Ewing Street, Trenton, NJ 08625.

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Syngenta Crop Protection, Inc., 410 Swing Road, Post Office Box 18300,
Greensboro, NC 27419. Telephone: 336-632-6000.

"Atrazine in Drinking Water by Immunoassay," February 2001
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Waters Corporation, Technical Services Division, 34 Maple St., Milford, MA 01757 800-252-4752.

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Using Single Column Ion Chromatography," Method B-1011, August 1987 (referred to as "Waters Method B-1011").

- c) The Board incorporates the following federal regulations by reference:

40 CFR 3.2, as added at 70 Fed. Reg. 59848 (Oct. 13, 2005) (How Does This Part Provide for Electronic Reporting?), referenced in Section 611.105.

40 CFR 3.3, as added at 70 Fed. Reg. 59848 (Oct. 13, 2005) (What Definitions Are Applicable to This Part?), referenced in Section 611.105.

40 CFR 3.10, as added at 70 Fed. Reg. 59848 (Oct. 13, 2005) (What Are the Requirements for Electronic Reporting to EPA?), referenced in Section 611.105.

40 CFR 3.2000, as added at 70 Fed. Reg. 59848 (Oct. 13, 2005) (What Are the Requirements Authorized State, Tribe, and Local Programs' Reporting Systems Must Meet?), referenced in Section 611.105.

Appendix B to 40 CFR 136 (2005), referenced in Sections 611.359, 611.609, and 611.646., Appendix B and C (2003)

- d) This Part incorporates no later amendments or editions.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 611.105 Electronic Reporting

The filing of any document pursuant to any provision of this Part as an electronic document is subject to this Section.

- a) Scope and Applicability.

- 1) The USEPA, the Board, or the Agency may allow for the filing of electronic documents. This Section does not require submission of electronic documents in lieu of paper documents. This Section sets forth the requirements for the optional electronic filing of any report or document that must be submitted to the appropriate of the following:

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- A) To USEPA directly under Title 40 of the Code of Federal Regulations; or
 - B) To the Board or the Agency pursuant to any provision of 35 Ill. Adm. Code 702 through 705, 720 through 728, 730, 733, 738, or 739.
- 2) Electronic document filing under this Section can begin only after USEPA has first done as follows:
- A) As to filing with USEPA, USEPA has published a notice in the Federal Register announcing that USEPA is prepared to receive documents required or permitted by the identified part or subpart of Title 40 of the Code of Federal Regulations in an electronic format; or
 - B) As to filing with the State, USEPA has granted approval of any electronic document receiving system established by the Board or the Agency that meets the requirements of 40 CFR 3.2000, incorporated by reference in Section 611.102(c).
- 3) This Section does not apply to any of the following documents, whether or not the document is a document submitted to satisfy the requirements cited in subsection (a)(1) of this Section:
- A) Any document submitted via facsimile;
 - B) Any document submitted via magnetic or optical media, such as diskette, compact disc, digital video disc, or tape; or
 - C) Any data transfer between USEPA, any state, or any local government and either the Board or the Agency as part of administrative arrangements between the parties to the transfer to share data.
- 4) Upon USEPA conferring approval for the filing of any types of documents as electronic documents, as described in subsection (a)(2)(B) of this Section, the Agency or the Board, as appropriate, must publish a Notice of Public Information in the Illinois Register that describes the documents approved for submission as electronic documents, the electronic document

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receiving system approved to receive them, the acceptable formats and procedures for their submission, and the date on which the Board or the Agency will begin to receive those submissions. In the event of cessation of USEPA approval or receiving any type of document as an electronic document, the Board or the Agency must similarly cause publication of a Notice of Public Information in the Illinois Register.

BOARD NOTE: Subsection (a) of this Section is derived from 40 CFR 3.1, as added at 70 Fed. Reg. 59848 (Oct. 13, 2005).

- b) Definitions. For the purposes of this Section, terms will have the meaning attributed them in 40 CFR 3.3, incorporated by reference in 35 Ill. Adm. Code 611.102(c).
- c) Procedures for submission of electronic documents to USEPA. Except as provided in subsection (a)(3) of this Section, any person who is required under Title 40 of the Code of Federal Regulations to create and submit or otherwise provide a document to USEPA may satisfy this requirement with an electronic document, in lieu of a paper document, provided the following conditions are met:
- 1) The person satisfies the requirements of 40 CFR 3.10, incorporated by reference in Section 611.102(c); and
 - 2) USEPA has first published a notice in the Federal Register as described in subsection (a)(2) of this Section.

BOARD NOTE: Subsection (c) of this Section is derived from 40 CFR 3.2(a) and subpart B of 40 CFR 3, as added at 70 Fed. Reg. 59848 (Oct. 13, 2005).

- d) Procedures for submission of electronic documents to the Board or the Agency.
- 1) The Board or the Agency may, but is not required to, establish procedures for the electronic submission of documents that meet the requirements of 40 CFR 3.2 and 3.2000, incorporated by reference in Section 611.102(c). The Board or the Agency must establish any such procedures under the Administrative Procedure Act [5 ILCS 100/Art. 5].
 - 2) The Board or the Agency may not accept electronic documents under this Section until after USEPA has approved the procedures in writing, and the Board or the Agency has published a notice of that approval in the Illinois

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Register. Nothing in this subsection (d) limits the authority of the Board or the Agency under the Illinois Environmental Protection Act [415 ILCS 5] to accept documents filed electronically.

BOARD NOTE: Subsection (d) of this Section is derived from 40 CFR 3.2(b) and subpart D of 40 CFR 3, as added at 70 Fed. Reg. 59848 (Oct. 13, 2005).

- e) Effects of submission of an electronic document.
- 1) If a person who submits a document as an electronic document fails to comply with the requirements of this Section, that person is subject to the penalties prescribed for failure to comply with the requirement that the electronic document was intended to satisfy.
 - 2) Where a document submitted as an electronic document to satisfy a reporting requirement bears an electronic signature, the electronic signature legally binds, obligates, and makes the signer responsible to the same extent as the signer's handwritten signature would on a paper document submitted to satisfy the same reporting requirement.
 - 3) Proof that a particular signature device was used to create an electronic signature will suffice to establish that the individual uniquely entitled to use the device did so with the intent to sign the electronic document and give it effect.
 - 4) Nothing in this Section limits the use of electronic documents or information derived from electronic documents as evidence in enforcement or other proceedings.

BOARD NOTE: Subsection (e) of this Section is derived from 40 CFR 3.4 and 3.2000(c), as added at 70 Fed. Reg. 59848 (Oct. 13, 2005).

- f) Public document subject to State laws. Any electronic document filed with the Board is a public document. The document, its filing, its retention by the Board, and its availability for public inspection and copying are subject to various State laws, including, but not limited to, the following:
- 1) The Administrative Procedure Act [5 ILCS 100];
 - 2) The Freedom of Information Act [5 ILCS 140];

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- 3) The State Records Act [5 ILCS 160];
 - 4) The Electronic Commerce Security Act [5 ILCS 175];
 - 5) The Environmental Protection Act [415 ILCS 5];
 - 6) Regulations relating to public access to Board records (2 Ill. Adm. Code 2175); and
 - 7) Board procedural rules relating to protection of trade secrets and confidential information (35 Ill. Adm. Code 130).
- g) Nothing in this Section or in any provisions adopted pursuant to subsection (c)(1) of this Section will create any right or privilege to submit any document as an electronic document.

BOARD NOTE: Subsection (g) of this Section is derived from 40 CFR 3.2(c), as added at 70 Fed. Reg. 59848 (Oct. 13, 2005).

BOARD NOTE: Derived from 40 CFR 3, as added, and 40 CFR 142.10(g) (2005), as amended at 70 Fed. Reg. 59848 (Oct. 13, 2005).

(Source: Added at 30 Ill. Reg. _____, effective _____)

Section 611.111 Relief Equivalent to SDWA Section 1415(a) Variances

This Section is intended to describe how the Board grants State relief equivalent to that available from USEPA under section 1415(a)(1)(A) and (a)(1)(B) of the SDWA (42 USC 300g-4(a)(1)(A) and (a)(1)(B)). SDWA section 1415 variances do not require ultimate compliance within five years in every situation. Variances under Sections 35-37 of the Act [415 ILCS 5/35-37] do require compliance within five years in every case. Consequently, a PWS may have the option of seeking State regulatory relief equivalent to a SDWA section 1415 variance through one of three procedural mechanisms: a variance under Sections 35-37 of the Act [415 ILCS 5/35-37] and Subpart B of 35 Ill. Adm. Code 104; a site-specific rule under Sections 27-28 of the Act [415 ILCS 5/27-28] and 35 Ill. Adm. Code 102; or an adjusted standard under Section 28.1 of the Act [415 ILCS 5/28.1] and Subpart D of 35 Ill. Adm. Code 104.

- a) The Board will grant a PWS a variance, a site-specific rule, or an adjusted standard from an MCL or a treatment technique pursuant to this Section.

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- 1) The PWS must file a petition pursuant to 35 Ill. Adm. Code 102 or 104, as applicable.
 - 2) If a State requirement does not have a federal counterpart, the Board may grant relief from the State requirements without following this Section.
- b) Relief from an MCL.
- 1) As part of the justification for relief from an MCL under this Section, the PWS must demonstrate the following:
 - A) Because of characteristics of the raw water sources and alternative sources that are reasonably available to the system, the PWS cannot meet the MCL; and
 - B) The PWS will install or has installed the best available technology (BAT) (as identified in Subpart F of this Part), treatment technique, or other means that the Agency finds available. BAT may vary depending on the following:
 - i) The number of persons served by the system;
 - ii) Physical conditions related to engineering feasibility; and
 - iii) Costs of compliance; and
 - C) The variance will not result in an unreasonable risk to health.
 - 2) In any order granting relief under this subsection, the Board will prescribe a schedule for the following:
 - A) Compliance, including increments of progress, by the PWS, with each MCL with respect to which the relief was granted; and
 - B) Implementation by the PWS of each additional control measure for each MCL with respect to which the relief is granted, during the period ending on the date compliance with such requirement is required.

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- 3) Schedule of compliance for relief from an MCL.
 - A) A schedule of compliance will require compliance with each MCL with respect to which the relief was granted as expeditiously as practicable.
 - B) If the Board prescribes a schedule requiring compliance with an MCL for which the relief is granted later than five years from the date of issuance of the relief, the Board will do the following:
 - i) Document its rationale for the extended compliance schedule;
 - ii) Discuss the rationale for the extended compliance schedule in the required public notice and opportunity for public hearing; and
 - iii) Provide the shortest practicable time schedule feasible under the circumstances.
- c) Relief from a treatment technique requirement.
 - 1) As part of the justification for relief from a treatment technique requirement under this Section, the PWS must demonstrate that the treatment technique is not necessary to protect the health of persons served because of the nature of the raw water source.
 - 2) The Board may prescribe monitoring and other requirements as a condition for relief from a treatment technique requirement.
- d) The Board will hold at least one public hearing. In addition the Board will accept comments as appropriate pursuant to 35 Ill. Adm. Code 102 or 104.
- e) The Board will not grant relief from any of the following:
 - 1) From the MCL for total coliforms. However, the Board may grant a variance from the total coliform MCL of Section 611.325 for PWSs that prove that the violation of the total coliform MCL is due to persistent growth of total coliform in the distribution system, rather than from fecal or pathogenic contamination, from a treatment lapse or deficiency, or from

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- a problem in the operation or maintenance of the distribution system.
- 2) From any of the treatment technique requirements of Subpart B of this Part.
 - 3) From the residual disinfectant concentration (RDC) requirements of Sections 611.241(c) and 611.242(b).
- f) The Agency must promptly send USEPA the opinion and order of the Board granting relief pursuant to this Section. The Board may reconsider and modify a grant of relief, or relief conditions, if USEPA notifies the Board of a finding pursuant to section 1415 of the SDWA (42 USC 300g-4).
- g) In addition to the requirements of this Section, the provisions of Section 611.130 or 611.131 may apply to relief granted pursuant to this Section.

BOARD NOTE: Derived from 40 CFR 141.4 ~~(2005)(2002)~~, from section 1415(a)(1)(A) and (a)(1)(B) of the SDWA and from the "Guidance Manual for Compliance with the Filtration and Disinfection Requirements for Public Water Systems using Surface Water Sources", incorporated by reference in Section 611.102. USEPA has reserved the discretion to review and modify or nullify Board determinations made pursuant to this Section at 40 CFR 142.23 ~~(2005)(2002)~~.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

SUBPART B: FILTRATION AND DISINFECTION

Section 611.212 Groundwater under Direct Influence of Surface Water

The Agency shall, pursuant to Section 611.201, require all CWSs to demonstrate whether they are using "groundwater under the direct influence of surface water": The Agency must determine with information provided by the supplier whether a PWS uses "groundwater under the direct influence of surface water" on an individual basis. The Agency must determine that a groundwater source is under the direct influence of surface water based upon the following:

- a) Physical characteristics of the source: whether the source is obviously a surface water source, such as a lake or stream. Other sources that may be subject to influence from surface waters include: springs, infiltration galleries, wells, or other collectors in subsurface aquifers.

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- b) Well construction characteristics and geology with field evaluation.
- 1) The Agency may use the wellhead protection program's requirements, which include delineation of wellhead protection areas, assessment of sources of contamination and implementation of management control systems, to determine if the wellhead is under the influence of surface water.
 - 2) Wells less than or equal to 50 feet in depth are likely to be under the influence of surface water.
 - 3) Wells greater than 50 feet in depth are likely to be under the influence of surface water, unless they include the following:
 - A) A surface sanitary seal using bentonite clay, concrete, or similar material;
 - B) A well casing that penetrates consolidated (slowly permeable) material; and
 - C) A well casing that is only perforated or screened below consolidated (slowly permeable) material.
 - 4) A source that is less than 200 feet from any surface water is likely to be under the influence of surface water.
- c) Any structural modifications to prevent the direct influence of surface water and eliminate the potential for *Giardia lamblia* cyst contamination.
- d) Source water quality records. The following are indicative that a source is under the influence of surface water:
- 1) A record of total coliform or fecal coliform contamination in untreated samples collected over the past three years;
 - 2) A history of turbidity problems associated with the source; or
 - 3) A history of known or suspected outbreaks of *Giardia lamblia*, *Cryptosporidium* or other pathogenic organisms associated with surface

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water that has been attributed to that source.

- e) Significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity, or pH.
 - 1) A variation in turbidity of 0.5 NTU or more over one year is indicative of surface influence.
 - 2) A variation in temperature of nine⁹ Fahrenheit degrees or more over one year is indicative of surface influence.
- f) Significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity, or pH that closely correlate to climatological or surface water conditions are indicative of surface water influence.
 - 1) Evidence of particulate matter associated with the surface water; or,
 - 2) Turbidity or temperature data that correlates to that of a nearby surface water source.
- g) Particulate analysis: Significant occurrence of insects or other macroorganisms, algae, or large diameter pathogens such as Giardia lamblia is indicative of surface influence.
 - 1) "Large diameter" particulates are those over seven⁷ micrometers.
 - 2) Particulates must be measured as specified in the "Guidance Manual for Compliance with the Filtration and Disinfection Requirements for Public Water Systems using Surface Water Sources"; incorporated by reference in Section 611.102.
- h) The potential for contamination by small-diameter pathogens, such as bacteria or viruses, does not alone render the source "under the direct influence of surface water";

BOARD NOTE: Derived from the definition of "groundwater under the direct influence of surface water" in 40 CFR 141.2 (2005)(~~2002~~); from the Preamble at 54 Fed. Reg. 27489 (June 29, 1989); and from the USEPA "Guidance Manual for Compliance with the Filtration and Disinfection Requirements for Public Water Systems using Surface Water Sources"; incorporated by reference in Section 611.102.

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(Source: Amended at 30 Ill. Reg. _____, effective _____)

SUBPART G: LEAD AND COPPER

Section 611.359 Analytical Methods

Analyses for lead, copper, pH, conductivity, calcium, alkalinity, orthophosphate, silica, and temperature must be conducted using the methods set forth in Section 611.611(a).

- a) Analyses for lead and copper performed for the purposes of compliance with this Subpart G must only be conducted by laboratories that have been certified by USEPA or the Agency. To obtain certification to conduct analyses for lead and copper, laboratories must do the following:
 - 1) Analyze performance evaluation samples that include lead and copper provided by USEPA Environmental Monitoring and Support Laboratory or equivalent samples provided by the Agency; and
 - 2) Achieve quantitative acceptance limits as follows:
 - A) For lead: ± 30 percent of the actual amount in the performance evaluation sample when the actual amount is greater than or equal to 0.005 mg/l (the PQL for lead is 0.005 mg/l);
 - B) For copper: ± 10 percent of the actual amount in the performance evaluation sample when the actual amount is greater than or equal to 0.050 mg/l (the PQL for copper is 0.050 mg/l);
 - C) Achieve the method detection limit (MDL) for lead (0.001 mg/l, as defined in Section 611.350(a)) according to the procedures in 35 Ill. Adm. Code 186 and [appendix B to 40 CFR 136](#), ~~Appendix B:~~ "Definition and Procedure for the Determination of the Method Detection Limit – Revision 1.11" (2005), [incorporated by reference in Section 611.102\(c\)\(2002\)](#). This need only be accomplished if the laboratory will be processing source water composite samples under Section 611.358(a)(1)(C); and
 - D) Be currently certified by USEPA or the Agency to perform analyses to the specifications described in subsection (a)(2) of this

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BOARD NOTE: Subsection (a) is derived from 40 CFR 141.89(a) and (a)(1) (2005)~~(2002)~~.

- b) The Agency must, by a SEP issued pursuant to Section 611.110, allow a supplier to use previously collected monitoring data for the purposes of monitoring under this Subpart G if the data were collected and analyzed in accordance with the requirements of this Subpart G.

BOARD NOTE: Subsection (b) is derived from 40 CFR 141.89(a)(2) (2005)~~(2002)~~.

- c) Reporting lead and copper levels.
- 1) All lead and copper levels greater than or equal to the lead and copper PQL ($Pb \geq 0.005 \text{ mg/l}$ and $Cu \geq 0.050 \text{ mg/l}$) must be reported as measured.
 - 2) All lead and copper levels measured less than the PQL and greater than the MDL ($0.005 \text{ mg/l} > Pb > MDL$ and $0.050 \text{ mg/l} > Cu > MDL$) must be either reported as measured or as one-half the PQL set forth in subsection (a) of this Section (i.e., reported as 0.0025 mg/l for lead or 0.025 mg/l for copper).
 - 3) All lead and copper levels below the lead and copper MDL ($MDL > Pb$) must be reported as zero.

BOARD NOTE: Subsection (c) is derived from 40 CFR 141.89(a)(3) and (a)(4) (2005)~~(2002)~~.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

SUBPART I: DISINFECTANT RESIDUALS, DISINFECTION BYPRODUCTS,
AND DISINFECTION BYPRODUCT PRECURSORS

Section 611.380 General Requirements

- a) The requirements of this Subpart I constitute NPDWRs.
- 1) The regulations in this Subpart I establish standards under which a CWS

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supplier or an NTNCWS supplier that adds a chemical disinfectant to the water in any part of the drinking water treatment process ~~or which provides water that contains a chemical disinfectant~~ must modify its practices to meet MCLs and MRDLs in Sections 611.312 and 611.313, respectively, and must meet the treatment technique requirements for DBP precursors in Section 611.385.

- 2) The regulations in this Subpart I establish standards under which a transient non-CWS supplier that uses chlorine dioxide as a disinfectant or oxidant must modify its practices to meet the MRDL for chlorine dioxide in Section 611.313.
 - 3) The Board has established MCLs for TTHM and HAA5 and treatment technique requirements for DBP precursors to limit the levels of known and unknown DBPs that may have adverse health effects. These DBPs may include chloroform, bromodichloromethane, dibromochloromethane, bromoform, dichloroacetic acid, and trichloroacetic acid.
- b) Compliance dates.
- 1) CWSs and NTNCWSs. Unless otherwise noted, a supplier must comply with the requirements of this Subpart I as follows: A Subpart B system supplier serving 10,000 or more persons must comply with this Subpart I beginning January 1, 2002. A Subpart B system supplier serving fewer than 10,000 persons or a supplier using only groundwater not under the direct influence of surface water must comply with this Subpart I beginning January 1, 2004.
 - 2) Transient non-CWSs. A Subpart B system supplier serving 10,000 or more persons and using chlorine dioxide as a disinfectant or oxidant must comply with any requirements for chlorine dioxide in this Subpart I beginning January 1, 2002. A Subpart B system supplier serving fewer than 10,000 persons and using chlorine dioxide as a disinfectant or oxidant or a supplier using only groundwater not under the direct influence of surface water and using chlorine dioxide as a disinfectant or oxidant must comply with any requirements for chlorine dioxide in this Subpart I beginning January 1, 2004.
- c) Each CWS or NTNCWS supplier regulated under subsection (a) of this Section must be operated by qualified personnel who meet the requirements specified in

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35 Ill. Adm. Code 680.

- d) Control of disinfectant residuals. Notwithstanding the MRDLs in Section 611.313, a supplier may increase residual disinfectant levels in the distribution system of chlorine or chloramines (but not chlorine dioxide) to a level and for a time necessary to protect public health, to address specific microbiological contamination problems caused by circumstances such as, but not limited to, distribution line breaks, storm run-off events, source water contamination events, or cross-connection events.

BOARD NOTE: Derived from 40 CFR 141.130 [\(2005\)](#)~~(2002)~~.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

SUBPART N: INORGANIC MONITORING AND ANALYTICAL REQUIREMENTS

Section 611.609 Determining Compliance

Compliance with the MCLs of Section 611.300 or 611.301 (as appropriate) must be determined based on the analytical results obtained at each sampling point.

- a) For suppliers that monitor at a frequency greater than annual, compliance with the MCLs for antimony, arsenic (effective January 22, 2004), asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, selenium, or thallium is determined by a running annual average at each sampling point. Effective January 22, 2004, if a system fails to collect the required number of samples, compliance (average concentration) will be based on the total number of samples collected.
- 1) If the average at any sampling point is greater than the MCL, then the supplier is out of compliance.
 - 2) If any one sample would cause the annual average to be exceeded, then the supplier is out of compliance immediately.
 - 3) Any sample below the method detection limit must be calculated at zero for the purpose of determining the annual average.

BOARD NOTE: The "method detection limit" is different from the "detection limit," as set forth in Section 611.600. The "method detection

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limit" is the level of contaminant that can be determined by a particular method with a 95 percent degree of confidence, as determined by the method outlined in [appendix B to 40 CFR 136](#), ~~Appendix B~~, incorporated by reference at Section 611.102.

- b) For suppliers that monitor annually or less frequently, compliance with the MCLs for antimony, arsenic (effective January 22, 2004), asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, selenium, or thallium is determined by the level of the contaminant at any sampling point. If confirmation samples are required by the Agency, the determination of compliance will be based on the average of the annual average of the initial MCL exceedence and any Agency-required confirmation samples. Effective January 22, 2004, if a supplier fails to collect the required number of samples, compliance (average concentration) will be based on the total number of samples collected.
- c) Compliance with the MCLs for nitrate and nitrite is determined based on one sample if the levels of these contaminants are below the MCLs. If the levels of nitrate or nitrite in the initial sample exceed the MCLs, Section 611.606 requires confirmation sampling, and compliance is determined based on the average of the initial and confirmation samples.
- d) Arsenic sampling results must be reported to the nearest 0.001 mg/ℓ.

BOARD NOTE: Derived from 40 CFR 141.23(i) [\(2005\)](#)~~(2002)~~.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

SUBPART O: ORGANIC MONITORING AND ANALYTICAL REQUIREMENTS

Section 611.646 Phase I, Phase II, and Phase V Volatile Organic Contaminants

Monitoring of the Phase I, Phase II, and Phase V VOCs for the purpose of determining compliance with the MCL must be conducted as follows:

- a) Definitions. As used in this Section the following have the given meanings:

"Detect" and "detection" mean that the contaminant of interest is present at a level greater than or equal to the "detection limit."

"Detection limit" means 0.0005 mg/ℓ.

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BOARD NOTE: Derived from 40 CFR 141.24(f)(7), (f)(11), (f)(14)(i), and (f)(20) ~~(2005)(2003)~~. This is a "trigger level" for Phase I, Phase II, and Phase V VOCs inasmuch as it prompts further action. The use of the term "detect" in this Section is not intended to include any analytical capability of quantifying lower levels of any contaminant, or the "method detection limit." Note, however, that certain language at the end of federal paragraph (f)(20) is capable of meaning that the "method detection limit" is used to derive the "detection limit." The Board has chosen to disregard that language at the end of paragraph (f)(20) in favor of the more direct language of paragraphs (f)(7) and (f)(11).

"Method detection limit," as used in subsections (q) and (t) of this Section means the minimum concentration of a substance that can be measured and reported with 99 percent confidence that the analyte concentration is greater than zero and is determined from analysis of a sample in a given matrix containing the analyte.

BOARD NOTE: Derived from [appendix B to 40 CFR 136](#), ~~Appendix B (2005)(2003)~~. The method detection limit is determined by the procedure set forth in [appendix B to 40 CFR 136](#), [incorporated by reference in Section 611.102\(c\)](#) ~~Appendix B~~. See subsection (t) of this Section.

- b) Required sampling. Each supplier must take a minimum of one sample at each sampling point at the times required in subsection (u) of this Section.
- c) Sampling points.
 - 1) Sampling points for a GWS. Unless otherwise provided by a SEP granted by the Agency pursuant to Section 611.110, a GWS supplier must take at least one sample from each of the following points: each entry point that is representative of each well after treatment.
 - 2) Sampling points for an SWS or mixed system supplier. Unless otherwise provided by a SEP granted by the Agency pursuant to Section 611.110, an SWS or mixed system supplier must sample from each of the following points:
 - A) Each entry point after treatment; or

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- B) Points in the distribution system that are representative of each source.
- 3) The supplier must take each sample at the same sampling point unless the Agency has granted a SEP pursuant to Section 611.110 that designates another location as more representative of each source, treatment plant, or within the distribution system.
- 4) If a system draws water from more than one source, and the sources are combined before distribution, the supplier must sample at an entry point during periods of normal operating conditions when water is representative of all sources being used.

BOARD NOTE: Subsections (b) and (c) of this Section derived from 40 CFR 141.24(f)(1) through (f)(3) (2005)~~(2003)~~.

- d) Each CWS and NTNCWS supplier must take four consecutive quarterly samples for each of the Phase I VOCs, excluding vinyl chloride, and Phase II VOCs during each compliance period, beginning in the compliance period starting in the initial compliance period.
- e) Reduction to annual monitoring frequency. If the initial monitoring for the Phase I, Phase II, and Phase V VOCs, as allowed in subsection (r)(1) of this Section, was completed by December 31, 1992, and the supplier did not detect any of the Phase I VOCs, including vinyl chloride; Phase II VOCs; or Phase V VOCs, then the supplier must take one sample annually beginning in the initial compliance period.
- f) GWS reduction to triennial monitoring frequency. After a minimum of three years of annual sampling, GWS suppliers that have not previously detected any of the Phase I VOCs, including vinyl chloride; Phase II VOCs; or Phase V VOCs must take one sample during each three-year compliance period.
- g) A CWS or NTNCWS supplier that has completed the initial round of monitoring required by subsection (d) of this Section and which did not detect any of the Phase I VOCs, including vinyl chloride; Phase II VOCs; and Phase V VOCs may apply to the Agency for a SEP pursuant to Section 611.110 that releases it from the requirements of subsection (e) or (f) of this Section. A supplier that serves fewer than 3300 service connections may apply to the Agency for a SEP that releases it from the requirements of subsection (d) of this Section as to 1,2,4-

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trichlorobenzene.

BOARD NOTE: Derived from 40 CFR 141.24(f)(7) and (f)(10) ~~(2005)(2003)~~, and the discussion at 57 Fed. Reg. 31825 (July 17, 1992). Provisions concerning the term of the waiver appear in subsections (i) and (j) of this Section. The definition of "detect," parenthetically added to the federal counterpart paragraph, is in subsection (a) of this Section.

- h) Vulnerability assessment. The Agency must consider the factors of Section 611.110(e) in granting a SEP from the requirements of subsection (d), (e), or (f) of this Section sought pursuant to subsection (g) of this Section.
- i) A SEP issued to a GWS pursuant to subsection (g) of this Section is for a maximum of six years, except that a SEP as to the subsection (d) of this Section monitoring for 1,2,4-trichlorobenzene must apply only to the initial round of monitoring. As a condition of a SEP, except as to a SEP from the initial round of subsection (d) of this Section monitoring for 1,2,4-trichlorobenzene, the supplier shall, within 30 months after the beginning of the period for which the waiver was issued, reconfirm its vulnerability assessment required by subsection (h) of this Section and submitted pursuant to subsection (g) of this Section, by taking one sample at each sampling point and reapplying for a SEP pursuant to subsection (g) of this Section. Based on this application, the Agency must do either of the following:
 - 1) If it determines that the PWS meets the standard of Section 611.610(e), issue a SEP that reconfirms the prior SEP for the remaining three-year compliance period of the six-year maximum term; or
 - 2) Issue a new SEP requiring the supplier to sample annually.

BOARD NOTE: Subsection (i) of this Section does not apply to an SWS or mixed system supplier.

- j) Special considerations for a SEP for an SWS or mixed-system supplier.
 - 1) The Agency must determine that an SWS is not vulnerable before issuing a SEP pursuant to Section 611.110 to an SWS supplier. A SEP issued to an SWS or mixed system supplier pursuant to subsection (g) of this Section is for a maximum of one compliance period; and

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- 2) The Agency may require, as a condition to a SEP issued to an SWS or mixed supplier, that the supplier take such samples for Phase I, Phase II, and Phase V VOCs at such a frequency as the Agency determines are necessary, based on the vulnerability assessment.

BOARD NOTE: There is a great degree of similarity between 40 CFR 141.24(f)(7) ~~(2005)(2003)~~, the provision applicable to GWSs, and 40 CFR 141.24(f)(10) ~~(2005)(2003)~~, the provision for SWSs. The Board has consolidated the common requirements of both paragraphs into subsection (g) of this Section. Subsection (j) of this Section represents the elements unique to an SWSs or mixed system, and subsection (i) of this Section relates to a GWS supplier. Although 40 CFR 141.24(f)(7) and (f)(10) are silent as to a mixed system supplier, the Board has included a mixed system supplier with an SWS supplier because this best follows the federal scheme for all other contaminants.

- k) If one of the Phase I VOCs, excluding vinyl chloride; a Phase II VOC; or a Phase V VOC is detected in any sample, then the following must occur:
 - 1) The supplier must monitor quarterly for that contaminant at each sampling point that resulted in a detection.
 - 2) Annual monitoring.
 - A) The Agency must grant a SEP pursuant to Section 611.110 that allows a supplier to reduce the monitoring frequency to annual at a sampling point if it determines that the sampling point is reliably and consistently below the MCL.
 - B) A request for a SEP must include the following minimal information:
 - i) For a GWS, two quarterly samples.
 - ii) For an SWS or mixed system supplier, four quarterly samples.
 - C) In issuing a SEP, the Agency must specify the level of the contaminant upon which the "reliably and consistently" determination was based. Any SEP that allows less frequent monitoring based on an Agency "reliably and consistently"

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determination must include a condition requiring the supplier to resume quarterly monitoring pursuant to subsection (k)(1) of this Section if it violates the MCL specified by Section 611.311.

- 3) Suppliers that monitor annually must monitor during the quarters that previously yielded the highest analytical result.
- 4) Suppliers that do not detect a contaminant at a sampling point in three consecutive annual samples may apply to the Agency for a SEP pursuant to Section 611.110 that allows it to discontinue monitoring for that contaminant at that point, as specified in subsection (g) of this Section.
- 5) A GWS supplier that has detected one or more of the two-carbon contaminants listed in subsection (k)(5)(A) of this Section must monitor quarterly for vinyl chloride as described in subsection (k)(5)(B) of this Section, subject to the limitation of subsection (k)(5)(C) of this Section.
 - A) "Two-carbon contaminants" (Phase I or II VOC) are the following:
 - 1,2-Dichloroethane (Phase I)
 - 1,1-Dichloroethylene (Phase I)
 - cis-1,2-Dichloroethylene (Phase II)
 - trans-1,2-Dichloroethylene (Phase II)
 - Tetrachloroethylene (Phase II)
 - 1,1,1-Trichloroethylene (Phase I)
 - Trichloroethylene (Phase I)
 - B) The supplier must sample quarterly for vinyl chloride at each sampling point at which it detected one or more of the two-carbon contaminants listed in subsection (k)(5)(A) of this Section.
 - C) The Agency must grant a SEP pursuant to Section 611.110 that allows the supplier to reduce the monitoring frequency for vinyl chloride at any sampling point to once in each three-year

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compliance period if it determines that the supplier has not detected vinyl chloride in the first sample required by subsection (k)(5)(B) of this Section.

- l) Quarterly monitoring following MCL violations.
 - 1) Suppliers that violate an MCL for one of the Phase I VOCs, including vinyl chloride; Phase II VOCs; or Phase V VOCs, as determined by subsection (o) of this Section, must monitor quarterly for that contaminant, at the sampling point where the violation occurred, beginning the next quarter after the violation.
 - 2) Annual monitoring.
 - A) The Agency must grant a SEP pursuant to Section 611.110 that allows a supplier to reduce the monitoring frequency to annually if it determines that the sampling point is reliably and consistently below the MCL.
 - B) A request for a SEP must include the following minimal information: four quarterly samples.
 - C) In issuing a SEP, the Agency must specify the level of the contaminant upon which the "reliably and consistently" determination was based. Any SEP that allows less frequent monitoring based on an Agency "reliably and consistently" determination must include a condition requiring the supplier to resume quarterly monitoring pursuant to subsection (l)(1) of this Section if it violates the MCL specified by Section 611.311.
 - D) The supplier must monitor during the quarters that previously yielded the highest analytical result.
- m) Confirmation samples. The Agency may issue a SEP pursuant to Section 610.110 to require a supplier to use a confirmation sample for results that it finds dubious for whatever reason. The Agency must state its reasons for issuing the SEP if the SEP is Agency-initiated.
 - 1) If a supplier detects any of the Phase I, Phase II, or Phase V VOCs in a sample, the supplier must take a confirmation sample as soon as possible,

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but no later than 14 days after the supplier receives notice of the detection.

- 2) Averaging is as specified in subsection (o) of this Section.
 - 3) The Agency must delete the original or confirmation sample if it determines that a sampling error occurred, in which case the confirmation sample will replace the original or confirmation sample.
- n) This subsection (n) corresponds with 40 CFR 141.24(f)(14), an optional USEPA provision relating to compositing of samples that USEPA does not require for state programs. This statement maintains structural consistency with USEPA rules.
- o) Compliance with the MCLs for the Phase I, Phase II, and Phase V VOCs must be determined based on the analytical results obtained at each sampling point. Effective January 22, 2004, if one sampling point is in violation of an MCL, the system is in violation of the MCL.
- 1) Effective January 22, 2004, for a supplier that monitors more than once per year, compliance with the MCL is determined by a running annual average at each sampling point.
 - 2) Effective January 22, 2004, a supplier that monitors annually or less frequently whose sample result exceeds the MCL must begin quarterly sampling. The system will not be considered in violation of the MCL until it has completed one year of quarterly sampling.
 - 3) Effective January 22, 2004, if any sample result will cause the running annual average to exceed the MCL at any sampling point, the supplier is out of compliance with the MCL immediately.
 - 4) Effective January 22, 2004, if a supplier fails to collect the required number of samples, compliance will be based on the total number of samples collected.
 - 5) Effective January 22, 2004, if a sample result is less than the detection limit, zero will be used to calculate the annual average.
 - 6) Until January 22, 2004, for a supplier that conducts monitoring at a frequency greater than annual, compliance is determined by a running

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annual average of all samples taken at each sampling point.

- A) If the annual average of any sampling point is greater than the MCL, then the supplier is out of compliance.
 - B) If the initial sample or a subsequent sample would cause the annual average to exceed the MCL, then the supplier is out of compliance immediately.
 - C) Any samples below the detection limit must be deemed as zero for purposes of determining the annual average.
- 7) Until January 22, 2004, if monitoring is conducted annually, or less frequently, the supplier is out of compliance if the level of a contaminant at any sampling point is greater than the MCL. Until January 22, 2004, if a confirmation sample is taken, the determination of compliance is based on the average of two samples.
- p) This subsection (p) corresponds with 40 CFR 141.24(f)(16), which USEPA removed and reserved. This statement maintains structural consistency with the federal regulations.
- q) Analysis under this Section must only be conducted by laboratories that have received certification by USEPA or the Agency according to the following conditions:
- 1) To receive certification to conduct analyses for the Phase I VOCs, excluding vinyl chloride; Phase II VOCs; and Phase V VOCs, the laboratory must do the following:
 - A) It must analyze performance evaluation (PE) samples that include these substances provided by the Agency pursuant to 35 Ill. Adm. Code 186.170;
 - B) It must achieve the quantitative acceptance limits under subsections (q)(1)(C) and (q)(1)(D) of this Section for at least 80 percent of the regulated organic contaminants in the PE sample;
 - C) It must achieve quantitative results on the analyses performed under subsection (q)(1)(A) of this Section that are within ± 20

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percent of the actual amount of the substances in the PE sample when the actual amount is greater than or equal to 0.010 mg/l;

- D) It must achieve quantitative results on the analyses performed under subsection (q)(1)(A) of this Section that are within ± 40 percent of the actual amount of the substances in the PE sample when the actual amount is less than 0.010 mg/l; and
 - E) It must achieve a method detection limit of 0.0005 mg/l, according to the procedures in [appendix B to 40 CFR 136](#), ~~appendix B~~, incorporated by reference in Section 611.102.
- 2) To receive certification to conduct analyses for vinyl chloride the laboratory must do the following:
- A) It must analyze PE samples provided by the Agency pursuant to 35 Ill. Adm. Code 186.170;
 - B) It must achieve quantitative results on the analyses performed under subsection (q)(2)(A) of this Section that are within ± 40 percent of the actual amount of vinyl chloride in the PE sample;
 - C) It must achieve a method detection limit of 0.0005 mg/l, according to the procedures in [appendix B to 40 CFR 136](#), ~~appendix B~~, incorporated by reference in Section 611.102; and
 - D) It must obtain certification pursuant to subsection (q)(1) of this Section for Phase I VOCs, excluding vinyl chloride; Phase II VOCs; and Phase V VOCs.
- r) This subsection (r) corresponds with 40 CFR 141.24(f)(18), an obsolete provision that relates to the initial compliance period from 1993 through 1995. This statement maintains consistency with the federal regulations.
- s) The Agency shall, by a SEP issued pursuant to Section 611.110, increase the number of sampling points or the frequency of monitoring if it determines that it is necessary to detect variations within the PWS.
- t) Each laboratory certified for the analysis of Phase I, Phase II, or Phase V VOCs

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pursuant to subsection (q)(1) or (q)(2) of this Section shall do the following:

- 1) Determine the method detection limit (MDL), as defined in [appendix B to 40 CFR 136](#), ~~Appendix B~~, incorporated by reference in Section 611.102, at which it is capable of detecting the Phase I, Phase II, and Phase V VOCs; and,
 - 2) Achieve an MDL for each Phase I, Phase II, and Phase V VOC that is less than or equal to 0.0005 mg/ℓ.
- u) Each supplier must monitor, within each compliance period, at the time designated by the Agency by SEP pursuant to Section 611.110.
- v) A new system supplier or a supplier that uses a new source of water that begins operation after January 22, 2004 must demonstrate compliance with the MCL within a period of time specified by a permit issued by the Agency. The supplier must also comply with the initial sampling frequencies specified by the Agency to ensure the supplier can demonstrate compliance with the MCL. Routine and increased monitoring frequencies must be conducted in accordance with the requirements in this Section.

BOARD NOTE: Derived from 40 CFR 141.24(f) ~~(2005)(2003)~~.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

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Section 611.APPENDIX D Defined Substrate Method for the Simultaneous Detection of Total Coliforms and Escherichia Coli from Drinking Water

Autoanalysis Colilert Presence-Absence (AC P-A) Method.

The AC P-A test format must be either a 100-ml 10-tube most probable number test (one tube positive denoting the presence of total coliforms in that sample) or a single vessel containing sufficient reagent to receive 100 ml of sample. The reagent is available from Access Medical Systems, Branford Connecticut.

The AC P-A method must be performed as follows:

1. For the 10-tube method, add 10 ml of water sample to each test tube. For the single-vessel method, add 100 ml of water sample to the vessel.
2. Dissolve the reagent powder by agitation. (This should produce a colorless solution.)
3. Incubate the test tubes or vessel at 35° C for 24 hours.
4. Development of yellow during incubation denotes the presence of total coliforms in either the test tube or the vessel.
5. Expose each positive (yellow) test tube or vessel to a fluorescent (366 nm) light source. Fluorescence specifically demonstrates the presence of Escherichia coli.

BOARD NOTE: Derived from S. Edberg, M. Allen & D. Smith, "National Field Evaluation of a Defined Substrate Method for the Simultaneous Detection of Total Coliforms and Escherichia coli from Drinking Water: Comparison with Presence-Absence Techniques"; Applied and Environmental Microbiology, vol. 55, pp. 1003-1008, as incorporated by reference at 40 CFR 141.21(f)(6)(iii) ~~(2005)~~(2002). This method is for use in conjunction with the requirements of Section 611.526.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Animal Welfare Act
- 2) Code Citation: 8 Ill. Adm. Code 25
- 3) Section Numbers: Adopted Action:
25.20 Amendment
25.30 Amendment
25.50 Amendment
25.90 Amendment
25.110 Amendment
- 4) Statutory Authority: Animal Welfare Act [225 ILCS 605] and the Illinois Diseased Animals Act [510 ILCS 50]
- 5) Effective Date of Amendments: July 24, 2006
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 30 Ill. Reg. 704; January 20, 2006
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: In Section 25.90(d), the word "canine" has been added before "brucellosis".
- 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 indicated.
- 13) Will these amendments replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Update references to the *Code of Federal Regulations*. The Department is amending Section 25.90 to include a new subparagraph

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(d) that indicates any male dog standing for service at kennels will be required to have an annual negative test for canine brucellosis.

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

Linda Rhodes
Illinois Department of Agriculture
State Fairgrounds
P. O. Box 19281
Springfield, Illinois 62794-9281

217/785-5713
Facsimile: 217/785-4505

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

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TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 25
ANIMAL WELFARE ACT

Section

25.10	Definitions
25.15	Incorporations By Reference
25.20	Buildings and Premises
25.30	General Care of Animals
25.40	Dogs and Other Companion Animals Brought into Illinois
25.45	Importation of Exotic or Non-Domestic Animals; Permit
25.50	Shipment of Mammals and Birds
25.60	Health of Animals at Time of Release
25.70	Department May Restrict The Sale of Animals
25.80	Quarantine
25.90	Records
25.100	Consent Statement and Inspection
25.110	Animals Prohibited from Sale
25.115	Guard and Sentry Dogs
25.120	Boarding and Training
25.130	Animal Control Facilities and Animal Shelters
25.140	Foster Homes
25.150	Illinois Diseased Animals Act

AUTHORITY: Implementing and authorized by the Animal Welfare Act [225 ILCS 605] and the Illinois Diseased Animals Act [510 ILCS 50].

SOURCE: Regulations Relating to the Animal Welfare Act, filed May 17, 1974, effective May 27, 1974; amended October 6, 1976, effective October 16, 1976; codified at 5 Ill. Reg. 10438; amended at 7 Ill. Reg. 1724, effective January 28, 1983; amended at 12 Ill. Reg. 8265, effective May 2, 1988; amended at 13 Ill. Reg. 3628, effective March 13, 1989; amended at 18 Ill. Reg. 14898, effective September 26, 1994; amended at 20 Ill. Reg. 265, effective January 1, 1996; amended at 23 Ill. Reg. 9758, effective August 9, 1999; amended at 28 Ill. Reg. 13376, effective October 1, 2004; amended at 30 Ill. Reg. 13124, effective July 24, 2006.

Section 25.20 Buildings and Premises

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- a) All buildings and premises shall be maintained in a sanitary condition and the licensee shall:
- 1) Have covered, leak-proof containers available for storage of waste materials before disposal to control vermin and insects. Such containers shall be maintained in a sanitary condition.
 - 2) Dispose of dead animals in compliance with the Illinois Dead Animal Disposal Act [225 ILCS 610] and rules enacted pursuant to that law (8 Ill. Adm. Code 85) or the Companion Animal Cremation Act [815 ILCS 381]. Compliance with this State Law shall not exempt licensee from compliance with local ordinances.
 - 3) Take effective control measures to prevent infestation of animals and premises with external parasites and vermin.
 - 4) Provide water from a source having sufficient pressure to properly sanitize and clean kennels, runs, equipment, and utensils.
 - 5) Provide hand washing facilities.
- b) All buildings shall be constructed so as to provide adequate shelter for the comfort of the animals and shall provide adequate facilities for isolation of diseased animals and their waste to avoid exposure to healthy and salable animals.
- c) Floors of buildings housing or displaying animals shall be of permanent construction to enable thorough cleaning and sanitizing. Dirt and unfinished wood floors are unacceptable. Cleaning shall be performed daily, or more often if necessary, to prevent any accumulation of debris, dirt or waste.
- d) Cages shall be constructed of a material that is impervious to urine and water and able to withstand damage from gnawing and chewing.
- 1) The cages must be cleaned and sanitized at least once daily, or more often if necessary.
 - 2) All empty cages shall be kept clean at all times.
 - 3) Cages shall be of sufficient size to allow the animal to comfortably stand,

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sit, or lie, and offer freedom of movement.

- 4) An ambient temperature as defined in the rules for the Federal Animal Welfare Act (9 CFR 3.2; ~~20052004~~) shall be maintained for warmblooded animals. In the case of coldblooded animals, the temperature that is compatible to the well-being of the species shall be maintained.
- e) Runs shall be constructed of material of sufficient strength and design to confine the animals.
 - 1) They shall be kept in good repair and condition.
 - 2) For new construction or remodeling, the licensee shall provide runs surfaced with concrete or other impervious material.
 - 3) Surface of the run shall be designed to permit the surface to be cleaned and kept free from excessive accumulation of animal waste.
 - 4) Provisions must be made for adequate drainage, including gutters and discharge of any fluid or content into a sewer, septic tank or filter field, and shall comply with any local zoning.
- f) Cages or aquariums for housing of small animals, birds, or fish shall provide space not less than 2½ times the body volume of living creatures contained therein.
- g) If animals are group-housed, they shall be maintained in compatible groups without overcrowding. No female animal in estrus shall be placed in a pen with male animals, except for breeding purposes.

(Source: Amended at 30 Ill. Reg. 13124, effective July 24, 2006)

Section 25.30 General Care of Animals

- a) All persons or establishments licensed under this Act shall comply with all Sections of the Humane Care for Animals Act [510 ILCS 70].
- b) Sufficient clean water and fresh food shall be offered to each animal daily as prescribed in the rules for the Federal Animal Welfare Act (9 CFR 3.5-3.7; ~~20052004~~). In the case of young animals, they shall be fed more than once daily.

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Reptiles, fish or amphibians shall be fed and cared for in accordance with the eating patterns and environmental conditions compatible with each individual species.

- c) The licensee or his representative shall be present for general care and maintenance of the animals at least once daily.
- d) Aquariums containing fish shall be kept in a clean healthful condition. Live algae shall not be considered an unhealthful condition. Any dead fish shall be removed from aquariums.
- e) Adult cats shall be provided with litter pans at all times. The pans shall be cleaned and sanitized at least once daily or more often if necessary.

(Source: Amended at 30 Ill. Reg. 13124, effective July 24, 2006)

Section 25.50 Shipment of Mammals and Birds

- a) Animals shall be transported in crates constructed of a smooth, durable material which is easily cleaned and shall:
 - 1) Have a solid floor which may have a false bottom above it.
 - 2) Be so constructed as prescribed in the rules for the Federal Animal Welfare Act (9 CFR 3.13-3.19; [20052004](#)) as to provide maximum safety for the particular animal or animals being transported.
 - 3) Have openings on 2 sides and the top to assure adequate ventilation.
- b) In all cases, the crates shall be large enough to provide space for the animals to lie down in an extended position and to allow ease of movement when standing or turning around as prescribed in the rules for the Federal Animal Welfare Act (9 CFR 3.13-3.19; [20052004](#)). When the temperature is over 85° F., increased space shall be provided within reason.
- c) The crates shall be cleaned before use for each trip.
- d) Food and water containers shall be cleaned and sanitized before each trip.
- e) If bedding is used it shall be clean, dry, and relatively dust-free.

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- f) Animals in transit for 4 or more hours shall be offered food 2 hours before loading and fresh water about 30 minutes before loading.
- g) The person or persons responsible for the welfare of the animal or animals while in transit shall:
 - 1) Offer the animals food at least once each 24 hours, except that newly weaned young shall be offered suitable food at 4-hour intervals.
 - 2) Offer all animals water at 8-hour intervals at least, except that water shall be offered at 2-hour intervals when the temperature reaches 90° F.
 - 3) Clean the crate or crates at least every 24 hours and, if bedding is used, shall provide clean bedding.
 - 4) Inspect each animal at 4-hour intervals, or oftener.
- h) No female obviously near parturition shall be transported.
- i) Trucks transporting animals shall provide protection from the sun in hot weather, and protection from cold weather. Adequate ventilation shall be provided in hot weather, and the trucks shall be draft-free in cold weather. Provisions shall be made for warming an area carrying weaned young if the temperature falls below 50° F., and for unweaned young if the temperature falls below 65° F.

(Source: Amended at 30 Ill. Reg. 13124, effective July 24, 2006)

Section 25.90 Records

- a) Records of each sale of a dog, cat, non-human primate, or exotic or non-domesticated animal, including prairie dogs, shall be maintained by the licensee for a minimum period of 12 months after date of sale or transfer of animal, and shall include the source of animal, date of sale, description and sex of animal sold, and the name and address of purchaser. Records of sales of small mammals (i.e., hamsters, mice, gerbils or rats that were born in the United States), birds and fish are not required. These records must be available for inspection during normal business hours by Department employees or persons designated by the Department. Each licensee must report to the Department the number of dogs, puppies, cats, kittens and exotic or non-domesticated animals sold for the

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previous calendar year at the time of license renewal. Shelters and animal control facilities must report to the Department the total number of dogs, cats and other animals received, adopted, euthanized or reclaimed by the owner for the previous calendar year at the time of license renewal.

- b) If record of prophylactic medication is used in advertisement or is furnished the purchaser or person acquiring an animal, specific information regarding type, amount, and date of prophylactic medication shall be kept by the licensee and shall become a part of the retail sales record.
- c) The licensee or his representative shall furnish the purchaser of a dog, cat or non-human primate a written statement at the time of sale.
 - 1) The statement shall show:
 - A4) Date of sale and date of birth, if known.
 - B2) Name, address, and telephone number of licensee.
 - C3) Name, address, and telephone number of purchaser.
 - D4) Breed and description of dog, cat or non-human primate, including age, sex and weight of the animal.
 - E5) Prophylactic immunizations and dates administered.
 - F6) Internal parasite medications and dates administered.
 - G7) A record of sterilization or lack of sterilization.
 - H8) Guarantee, if offered; if none, so state.
 - I9) If the dog or cat is being sold as being capable of registration, the name and registration numbers of the sire and dam and registry information.
 - 2) This information may be recorded on Department Form PS-5 (Animal Welfare Release Statement), or on a similar form prepared by the licensee and approved in advance by the Department.

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- d) The licensee shall have any dog used as a sire tested annually for canine brucellosis. The test must be performed by a licensed veterinarian and the licensee must keep a copy of the test results for two years.

(Source: Amended at 30 Ill. Reg. 13124, effective July 24, 2006)

Section 25.110 Animals Prohibited from Sale

- a) Licensees shall not offer skunks for sale as pets.
- b) Licensees shall not offer for sale those animals the ownership of which would constitute a violation of Section 1 of the Illinois Dangerous Animals Act [720 ILCS 585/1]. These include the following animals and any hybrids thereof: lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, lynx, bobcat, jaguarundi, civet, serval, hyena, bear, wolf or coyote, or any poisonous or life-threatening reptile. A life-threatening reptile is any member of the crocodylian family or any constricting snake six feet or over in length, such as boa, python, and anaconda. This does not include any canine or feline breeds registered by the American Kennel Club, the United Kennel Club, the Cat Fancier's Association or the International Cat Association.
- c) Licensees shall not possess or offer for sale turtle or viable turtle eggs which would constitute a violation of Section 264 of the Public Health Service Act (42 USCA 264), the rules for that Act (21 CFR 1240.62; ~~20052004~~) and Section 3372 of the Lacey Act (16 USCA 3372).

(Source: Amended at 30 Ill. Reg. 13124, effective July 24, 2006)

ILLINOIS DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Licensing Standards for Youth Transitional Housing Programs
- 2) Code Citation: 89 III. Adm. Code 409
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
409.10	New
409.20	New
409.40	New
409.50	New
409.60	New
409.70	New
409.80	New
409.90	New
409.100	New
409.110	New
409.140	New
409.150	New
409.160	New
409.170	New
409.180	New
409.190	New
409.200	New
409.210	New
409.220	New
409.230	New
409.240	New
409.250	New
409.260	New
409.270	New
409.280	New
409.290	New
409.300	New
409.310	New
409.320	New
409.330	New
409.340	New
409.350	New
409.360	New
409.370	New
409.380	New

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409.390 New
409.400 New
409.410 New
409.420 New
409.APPENDIX A New

- 4) Statutory Authority: Implementing and authorized by The Children and Family Service Act [20 ILCS 505] and the Emancipation of Minors Act [750 ILCS 30]
- 5) Effective Date of Rules: September 1, 2006
- 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: December 2, 2005; 30 Ill Reg. 19322
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: In addition to editing and formatting corrections, the following amendments were made:

In Section 409.220:

Supervision of Residents, the Department added a provision requiring a Youth Transitional Housing Program (YTHP) that operates in a licensed child welfare facility to have the sleeping quarters of the YTHP youth separate from the sleeping quarters of the residents in the licensed facility.

In addition, the Department has added the requirement that when a YTHP operates in a facility serving other homeless adults in the community, the sleeping quarters of the YTHP is to be separate from the sleeping quarters of the adult residents in the facility. YTHP staff or volunteers shall also ensure that the adult residents of the facility are maintained separate from YTHP homeless youth.

In Section 409.170, the Department added provisions to accommodate the use of volunteers as support in the supervision of YTHP residents. It also added conditions for

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serving as a volunteer such as being over 21 years old, having a high school diploma or GED, and having demonstrated skills to deal with the population in the YTHP

In Section 409.190, the Department has revised the provision restricting staff who appear to be under the influence of alcohol or other drugs from having responsibility for homeless youth to not allowing these staff to be in the facility at all.

In Section 409.220:

The Department deleted the proposed provision that allowed mentally retarded youth to be admitted to a YTHP since these youth are not mentioned in the Emancipation of Minors Act or the Children and Family Service Act.

Additionally, the Department amended the proposed rule to require at least one staff person to be on duty when 7 or fewer youths are in the program, and to maintain the ratio of one staff to 8 youth.

In Section 409.260, the Department added the provision requiring volunteers to report suspected abuse or neglect to the Department.

In Section 409.270, the Department added a provision to allow homeless youth in need of shelter to be admitted to the YTHP not only upon written verification that a court has granted partial emancipation to the youth.

In Section 409.300, a copy of the financial reports regarding deposits of a youth's money will be provided to the youth. An inventory of the youth's personal property will be done at arrival. A copy of the inventory will be provided to the youth and another copy placed in the youth's file.

In Section 409.320, the Department is adding the provision that allows homeless youth to prepare a sack lunch.

In Section 409.330, a provision was added requiring the use of restraint systems as required by law when transporting minor children of homeless youth.

In Section 409.350, the word "new" was added before toothbrush.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

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- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose Rulemaking: This new rule implements Public Act 93-105 that amended the Children and Family Service Act [20 ILCS 505/4b] and the Emancipation of Minors Act [750 ILCS 30]. The Public Act directs the Department to develop rules governing the licensure of Youth Transitional Housing Programs (YTHP).

The Department will consider applications for licensure of youth transitional housing programs when these programs intend to operate in a facility licensed by the Department in accordance to the Child Care Act and where the operation of the YTHP does not compromise the safety of clients in the licensed facility, such as a youth emergency shelter. The Department will also consider licensing a YTHP in a facility that is not licensed by the Department as long as the facility complies with the requirements of this Part.

Homeless minors who are at least 16 years of age, but less than 18 years of age, who have applied for emancipation or obtained partial emancipation by the court can be admitted to the YTHP. The YTHP excludes minors in the custody, or under the guardianship of, the Department.

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

Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield, Illinois 62701-1498

217/524-1983
TDD: 217/524-3715
e-mail: cfpolicy@idcfs.state.il.us

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

ILLINOIS DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED RULES

TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

PART 409

LICENSING STANDARDS FOR YOUTH TRANSITIONAL HOUSING PROGRAMS

Section	
409.10	Purpose
409.20	Definitions
409.40	Application for Youth Transitional Housing Program License in a Licensed Child Care Facility
409.50	Application for Youth Transitional Housing Program License in a Facility Not Licensed by the Department
409.60	Application for Renewal of Youth Transitional Housing Program License
409.70	Provisions Pertaining to the Program License
409.80	Provisions Pertaining to Program Permits
409.90	Organization and Administration
409.100	Finances
409.110	Administrator of the Youth Transitional Housing Program
409.140	Youth Transitional Housing Program Staff
409.150	Professional Staff Requirements
409.160	Support Staff
409.170	Volunteers
409.180	Background Checks
409.190	Health Requirements for Staff and Volunteers
409.200	Staff Training
409.210	Live-in Staff
409.220	Supervision of Residents
409.230	Physical Facilities
409.240	Facility Capacity
409.250	Authorization to House Homeless Youth
409.260	Reporting to the Child Abuse/Neglect Hotline
409.270	Admission Criteria
409.280	Shelter and Housing Services
409.290	Length of Stay
409.300	Legal Safeguards of Homeless Youth Served
409.310	Discipline and Control of Residents
409.320	Food and Nutrition
409.330	Transportation of Homeless Youth

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409.340	Case Management Services
409.350	Medical and Health Services
409.360	Education
409.370	Religion
409.380	Required Written Consents for Minors
409.390	Records and Reports
409.400	Records Retention
409.410	Termination of Transitional Living Services
409.420	Severability of This Part

409.APPENDIX A Minimum Requirements for a Risk Management Plan

AUTHORITY: Implementing and authorized by the Children and Family Services Act [20 ILCS 505].

SOURCE: Adopted at 30 Ill. Reg. 13133, effective September 1, 2006.

Section 409.10 Purpose

- a) The purpose of this Part is to prescribe the standards for licensure as a Youth Transitional Housing Program and to describe how to apply for such a program license.
- b) The licensing standards set forth in this Part are applicable to Youth Transitional Housing Programs as defined in the Children and Family Services Act [20 ILCS 505/4b] and in the Emancipation of Minors Act [750 ILCS 30]. An individual or organization that operates a Transitional Housing Program only for youth ages 18 and older is exempt from licensing under this Part.

Section 409.20 Definitions

"Access to children" means an employee's job duties require that the employee be present in a licensed child care facility during the hours that children are present in the facility.

"Background check" means:

A criminal history check via fingerprints of staff/volunteers age 18 and over that are submitted to the Illinois State Police and the Federal Bureau of

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Investigation (FBI) for comparison to their criminal history records, as appropriate; and

A check of the Statewide Automated Child Welfare Information System (SACWIS) and other State child protection systems, as appropriate, to determine whether an individual is currently alleged or has been indicted as a perpetrator of child abuse or neglect; and

A check of the Illinois Sex Offender Registry.

"Child" means any person under 18 years of age. [225 ILCS 10/2.01]

"Child care facility" means any person, group of persons, agency, association or organization, whether established for gain or otherwise, who or which receives or arranges for the care or placement of one or more children, unrelated to the operator of the facility, apart from the parents, with or without the transfer of the right of custody in any facility as defined in the Child Care Act of 1969, established and maintained for the care of children. [225 ILCS 10/2.05]

"Conditional employee" means an individual (including any substitute or assistant) who has applied for and been conditionally selected to perform child care functions or administrative, professional, or support functions that allow access to children, as defined in this Section, and who has commenced such duties while awaiting the results of the background check required by this Part.

"Department" or "DCFS" means the Illinois Department of Children and Family Services. [225 ILCS 10/2.02]

"Employee" means any staff person employed by a child care facility, and includes any substitute or assistant. This definition includes administrative, professional and other support staff who have access to children.

"Homeless minor" or "homeless youth" means a person at least 16 years of age but less than 18 years of age who lacks a regular, fixed and adequate place to live and who desires to participate in a youth transitional housing program. The term includes, but is not limited to, a minor who is sharing the dwelling of another or living in a temporary shelter or who is unable or unwilling to return to the residence of a parent. The term does not include a minor in the custody or under the guardianship of the Department of Children and Family Services for the purpose of obtaining emancipation as a homeless minor. [750 ILCS 30/3-2.5]

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"Initial background check" means the individual has cleared a check of the Statewide Automated Child Welfare Information System (SACWIS) and the Illinois Sex Offender Registry.

"License" means a document issued by the Department that authorizes a child care facility to operate in accordance with applicable standards and the provisions of the Child Care Act of 1969 or a Youth Transitional Housing Program in accordance with the Children and Family Services Act [20 ILCS 505/4b].

"Licensee" means those individuals, agencies or organizations who hold a program license or permit issued by the Department.

"Licensing representative" means those persons authorized by the Department under the Child Care Act of 1969 to examine facilities for licensure.

"Persons subject to background checks" means:

The operator of the child care facility;

All current and conditional employees of the child care facility;

Any person who is used to replace or supplement staff;

Any staff/volunteer who has access to children, as defined in 89 Ill. Adm. Code 385.20 (Definitions).

In addition, any person who is permitted to be alone outside the visual or auditory supervision of facility staff with children or youth receiving care in a licensed child care facility is subject to the background check requirements of this Part.

"Program license", as used in this Part, means a document issued by the Department that authorizes a Youth Transitional Housing Program to operate in a licensed child care facility in accordance with applicable standards defined in the Children and Family Services Act [20 ILCS 505], or in a unlicensed facility where the transitional living facility meets the requirements of this Part.

"Program license capacity" means the number of residents, as approved by the Department and indicated in the program license, that the transitional living facility can physically hold, not including the resident's own children.

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"Program permit" means a one-time only document issued by the Department for a six-month period to allow the individual, agency or organization to become eligible for a program license.

"Replacement or supplemental staff" means any paid or unpaid individual who performs essential staff duties as evidenced by being counted in the staff-child ratio or by being permitted to be alone with children in a licensed child care facility outside the visual or auditory supervision of facility staff.

"Resident" means any homeless minor and his/her minor children who are sheltered or housed in a Youth Transitional Housing Program facility.

"SACWIS" means the Statewide Automated Child Welfare Information System operated by the Illinois Department of Children and Family Services.

"Transitional care services" means the provision of shelter or housing with laundry facilities, bathroom facilities (sink, toilet, shower), food and the adult supervision of such services when they are in operation and available to the recipients of these services, and the provision of services by referral as required by this Part.

"Transitional living facility" means the physical structure in which the Youth Transitional Housing Program provides shelter or housing.

"Youth", as used in this Part, means any person at least 16 years of age but less than 18 years of age.

"Youth transitional housing program" or "YTHP" means a licensed program that provides shelter or housing, and services to partially emancipated homeless minors who are at least 16 but less than 18 years of age for whom the Department does not have custody or guardianship (see 20 ILCS 505/4b; 750 ILCS 30/3-2.10).

Section 409.40 Application for Youth Transitional Housing Program License in a Licensed Child Care Facility

- a) Application for a Youth Transitional Housing Program license shall be completed by the officers of the governing body or its representatives for an agency or

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organization of a licensed child care facility where the program will operate on forms prescribed and furnished by the Department.

- b) For the application to be considered complete, the following shall be attached to the application:
- 1) A copy of the child care facility license where the Youth Transitional Housing Program (YTHP) will operate;
 - 2) A statement of purpose, including the types of youth to whom care is to be provided;
 - 3) A comprehensive staffing plan that includes job descriptions and the qualifications of the staff to work in the YTHP. If the YTHP operates within a multi-service agency, those staff positions that perform no functions for the YTHP do not need to be included in the staffing plan; and
 - 4) A list of persons subject to the background check requirements of 89 Ill. Adm. Code 385 (Background Checks) and each person's complete, signed authorization to conduct the background check.
- c) In addition, the license applicant shall have the following items available for review when the licensing worker visits the agency or organization's headquarters:
- 1) Articles of incorporation and by-laws, indicating that the agency's corporate status is in good standing with the Illinois Secretary of State; and, if a not-for-profit corporation under section 501 of the Internal Revenue Code (26 USC 501), a copy of the Internal Revenue Service ruling on the agency's exemption status from federal income tax and registration with the Charitable Trust Bureau of the Illinois Attorney General's office (if applicable);
 - 2) A list of current employees and administrators who will work in or have oversight of the YTHP and employees and persons to whom the agency has made a commitment to hire to work at the YTHP; and
 - A) Certified transcripts of each employee's educational credentials (if obtained from a foreign school or university, the credentials must

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- be translated into English and include a statement of equivalency in the United States educational system);
- B) Verification of prior work history, when the work history is required to qualify for the current position; and
 - C) Copy of current professional license or registration, if required;
- 3) The agency or organization's written personnel policies, including written compensation policies and salary levels;
 - 4) The agency or organization's written policies for providing service by referral;
 - 5) The agency or organization's risk management plan developed in accordance with Appendix A of this Part;
 - 6) The agency or organization's documentation of current public liability insurance in the amount of \$300,000 per occurrence;
 - 7) The agency or organization's code of ethics that has been adopted by the governing body that must be at least as stringent as the Code of Ethics for Child Welfare Professionals (published by the Office of Communications, Department of Children and Family Services, 406 E. Monroe Street, Station #65, Springfield, Illinois 62701, available at the Department website www.state.il.us/dcf); and
 - 8) The agency or organization's financial management policies.
- d) A new application shall be filed:
- 1) When an application for a license has been withdrawn, and the agency or organization seeks to reapply; or
 - 2) When there is a change in:
 - A) The name of the licensee;
 - B) The address of the YTHP;

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- C) The organization or governing body; or
- 3) Not sooner than 12 months after the Department has revoked or refused to renew a license, and a new license is sought.
- e) A new application may be submitted at any time when a program license, program permit or application has been voluntarily surrendered or withdrawn by the applicant.

Section 409.50 Application for Youth Transitional Housing Program License in a Facility Not Licensed by the Department

- a) The officers of the governing body, or its representatives, for the agency or organization where the YTHP will operate shall complete an application for a YTHP license on forms prescribed and furnished by the Department.
- b) For the application to be considered complete, the following shall be attached to the application:
 - 1) A copy of articles of incorporation and by-laws, indicating that the agency or organization's corporate status is in good standing with the Illinois Secretary of State and, if a not-for-profit corporation under section 501 of the Internal Revenue Code (26 USC 501), a copy of the Internal Revenue Service ruling on the corporation's exemption status from federal income tax and registration with the Charitable Trust Bureau of the Illinois Attorney General's office (if applicable);
 - 2) A statement of purpose, including the types of youth care to be provided;
 - 3) A comprehensive staffing plan that includes job descriptions and the qualifications of the staff to work in the YTHP. If the YTHP operates within a multi-service agency, those staff positions that perform no functions for the YTHP do not need to be included in the staffing plan; and
 - 4) A list of persons subject to the background check requirements of 89 Ill. Adm. Code 385 (Background Checks) and each person's complete, signed authorization to conduct the background check.

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- c) In addition, the license applicant shall have the following items available for review when the licensing worker visits the agency or organization's headquarters:
- 1) Floor plan where the youth transitional housing program will operate;
 - 2) A list of current employees and administrators who will work in or have oversight of the YTHP and employees and persons to whom the agency has made a commitment to hire to work at YTHP; and
 - A) Certified transcripts of each employee's educational credentials (if obtained from a foreign school or university, the credentials must be translated into English and include a statement of equivalency in the United States educational system);
 - B) Verification of prior work history, when the work history is required to qualify for the current position; and
 - C) Copy of current professional license or registration, if required;
 - 3) The agency or organization's written personnel policies, including written compensation policies and salary levels;
 - 4) The agency or organization's written policies for providing service by referral;
 - 5) The agency or organization's risk management plan developed in accordance with Appendix A of this Part;
 - 6) The agency or organization's documentation of current public liability insurance in the amount of \$300,000 per occurrence;
 - 7) The agency or organization's code of ethics that has been adopted by the governing body that must be at least as stringent as the Code of Ethics for Child Welfare Professionals (published by the Office of Communications, Department of Children and Family Services, 406 E. Monroe Street, Station #65, Springfield, Illinois 62701, available at the Department website www.state.il.us/dcf); and
 - 8) The agency or organization's financial management policies.

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- d) A new application shall be filed:
 - 1) When an application for a license has been withdrawn, and the agency or organization seeks to reapply; or
 - 2) When there is a change in:
 - A) The name of the licensee;
 - B) The address of the YTHP;
 - C) The organization or governing body; or
 - 3) Not sooner than 12 months after the Department has revoked or refused to renew a license, and a new license is sought.
- e) A new application may be submitted at any time when a program license, program permit or application has been voluntarily surrendered or withdrawn by the applicant.

Section 409.60 Application for Renewal of Youth Transitional Housing Program License

- a) The Department shall mail the application forms for renewal of a program license to the agency or organization responsible for the YTHP 6 months prior to the expiration of the YTHP license.
- b) To be considered a timely and sufficient application, the agency or organization shall submit the completed application to the Department at least 3 months prior to the expiration of the YTHP license.
- c) Upon receipt of the application for license renewal, the Department shall conduct a license study that will include, but is not limited to, on-site visits, a review of the records, interviews, and safety clearances in order to determine whether the YTHP continues to meet licensing standards. The written licensing study shall be reviewed and signed by the licensing supervisor and the licensing representative performing the study.
- d) *When a licensee has made timely and sufficient application for renewal of a license and the Department fails to render a decision prior to the expiration date*

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of the license, the existing license shall continue in full force and effect for up to 30 days or until the final Department decision has been made. The Department may further extend the period in which the decision must be made in individual cases up to 30 days, if good cause is shown. [225 ILCS 10/5(d)] "Good cause" includes, but is not limited to, staff shortages or failure by the Department to mail the renewal application in a timely manner.

Section 409.70 Provisions Pertaining to the Program License

- a) A facility licensed by the Department that provides a YTHP for partially emancipated homeless minors who are 16 years or older but less than 18 years of age, for whom the Department does not have custody or guardianship, shall obtain a YTHP license under conditions of this Part. A YTHP shall not house any person under age 16 unless that person is the minor child of a homeless youth who is a resident of the program.
- b) A facility that is not licensed by the Department may obtain a program license to operate a YTHP provided that the transitional living facility where the homeless minors are residents is in compliance with all the requirements of Section 409.230.
- c) A YTHP license is valid for 4 years unless revoked by the Department or voluntarily surrendered by the licensee.
- d) The number of persons admitted to the transitional living facility shall not exceed the program license capacity.
- e) The age limits specified on the program license shall be observed.
- f) The following changes in program licensing status shall occur only upon prior approval of the Department:
 - 1) The program licensed capacity; and
 - 2) The area within the transitional living facility used for residents.
- g) The program license shall not be transferred or transmitted to another legal entity.
- h) The program license shall not be valid for a name or address different than the name and address shown on the program license.

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- i) The program license shall be displayed on the premises in plain sight.
- j) There shall be no fee or charge for the program license.

Section 409.80 Provisions Pertaining to Program Permits

- a) A program permit shall not be issued until:
 - 1) The application for a program license has been completed and signed by the applicant and submitted to the Department;
 - 2) Written clearances issued by State or local authorities concerning compliance with the fire, health, sanitation and safety requirements as specified in State rules and municipal codes are received. State rules include, when applicable, Fire Prevention and Safety (41 Ill. Adm. Code 100); Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances (41 Ill. Adm. Code 180); Storage, Transportation, Sale and Use of Liquefied Petroleum Gas (41 Ill. Adm. Code 200); Boiler and Pressure Vessel Safety Rules and Regulations (41 Ill. Adm. Code 120); Food Service Sanitation Code (77 Ill. Adm. Code 750); Private Sewage Disposal Code (77 Ill. Adm. Code 905); Control of Communicable Diseases Code (77 Ill. Adm. Code 690); Illinois Plumbing Code (77 Ill. Adm. Code 890); and Structural Pest Control Code (77 Ill. Adm. Code 830). If well water is used, a copy of the inspection report and certification of compliance with local or State health department regulations, Illinois Water Well Construction Code (77 Ill. Adm. Code 920) and Illinois Water Well Pump Installation Code (77 Ill. Adm. Code 925), must be on file;
 - 3) A person in charge of the daily operation (administrator or homeless youth supervisor) of the transitional living facility has been selected who has passed the background check requirements of 89 Ill. Adm. Code 385 (Background Checks) and is prepared to begin work at the facility;
 - 4) Furnishings, equipment and space sufficient for the number of youth to be sheltered or housed have been acquired;
 - 5) Sufficient staff for the number of youth to be sheltered or housed has been selected and are prepared to begin work at the facility;

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- 6) Background checks required by Section 409.180 have been completed;
 - 7) A plan for the provision of food, clothing, educational and religious opportunities and health care for youth has been developed;
 - 8) The program has established procedures and forms to maintain required records including records on the youth served;
 - 9) A written plan on how the requirements for licensure will be met within the program permit period has been developed;
 - 10) A projected annual budget for the YTHP, approved by the governing body or the policy-making body, has been developed;
 - 11) An on-site visit to the facility by the licensing representative where the YTHP will operate has been completed; and
 - 12) The program has presented proof of liability insurance.
- b) A program permit shall not be issued retroactively.
 - c) This program permit shall not be transferred or transmitted to another legal entity.
 - d) The program permit shall not be valid for a name or an address different from the name and address shown on the issued program permit.
 - e) The program permit shall not be renewable.
 - f) The program permit shall be displayed on the premises at all times in plain sight.
 - g) A program license shall be issued any time within the six-month period covered by the program permit provided the facility achieves and maintains compliance with the Department's licensing standards.
 - h) There will be no fee or charge for issuing the program permit.

Section 409.90 Organization and Administration

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- a) The members of the governing body or organization of the facility where the YTHP operates are responsible for maintaining the standards set forth in this Part. The governing body may delegate responsibility for day-to-day compliance with these standards to the program administrator.
- b) The Office of Legal Services, Department of Children and Family Services, 100 W. Randolph, Chicago, Illinois 60601 shall be notified in writing within 10 business days after receipt of any notice of legal action that may affect the YTHP. The notice shall include a copy of all complaints, notices, demands, orders and other relevant materials received by the agency. The Office of Legal Services shall forward a copy of all materials to the Central Office of Licensing.
- c) A complete, current set of licensing standards for the YTHP shall be available at all times in an area that is accessible to agency employees.
- d) The administrator, supervisors and staff shall have a working knowledge of the Child Care Act of 1969 [225 ILCS 10], the Abused and Neglected Child Reporting Act [325 ILCS 5], the Children and Family Services Act [20 ILCS 505], the Juvenile Court Act of 1987 [705 ILCS 405], and the Emancipation of Minors Act [750 ILCS 30].
- e) Employees of a YTHP are mandated to report suspected child abuse or neglect directly to the State Central Register and are required to acknowledge their status as mandated reporters by signing a form prescribed by the Department when they begin their employment. Employees shall make reports immediately to the State Central Register as required by the Abused and Neglected Child Reporting Act. The telephone number for reporting is 1-800-252-2873.
- f) The YTHP shall develop a risk management plan, as described in Appendix A of this Part, that identifies potential financial and operational risks, specifies ways to reduce or eliminate the risks, and establishes procedures to be followed in an emergency or crisis.
- g) The YTHP shall carry public liability insurance in the single limit minimum amount of \$300,000 per occurrence.

Section 409.100 Finances

- a) The agency or organization operating a YTHP shall maintain a degree of financial solvency that ensures care of homeless minors as required by this Part. An

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agency is considered insolvent if its financial condition is such that the sum of its debts is greater than all of its property, at a fair valuation, exclusive of property transferred, concealed or removed with intent to hinder, delay or defraud creditors. (This definition of "insolvency" is based on the definition contained in the United States Bankruptcy Code of 1978 (11 USC 101(26)).)

- b) The YHTP shall maintain fiscal records that shall include:
 - 1) Current and projected operating budget for the program;
 - 2) Financial records that are audited annually and certified by public accountants not affiliated with the program.
- c) The records in subsection (b) shall be maintained and kept in the State of Illinois where they shall be readily available for review by designated Department licensing staff.

Section 409.110 Administrator of the Youth Transitional Housing Program

- a) The agency or organization shall designate a qualified administrator to provide ongoing program administration, personnel administration and monitoring of the YTHP's operation. The administrator shall maintain fiscal and administrative records for the facility. The administrator shall conduct on-site visits and on-site conferences with personnel employed at the facility at least twice a month. Visits at the facility shall include contact with residents to determine the residents' view of the program.
- b) Administration staff of a licensed child welfare facility may serve as the administrator of the youth transitional housing program.
- c) The administrator shall:
 - 1) Be at least 25 years of age;
 - 2) Have at least a Bachelor's degree; and
 - 3) Have at least 3 years of successful full-time experience in a residential program or in related youth service programs with at least 3 years in program administration.

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- d) The administrator is that person designated by the governing body to carry out established policies and procedures and the day-to-day management of the YTHP. The requirements of this Section apply to the person who reports to the board about the day-to-day management of the agency, regardless of the title used to describe the position within the program. When the YTHP operates within a larger, multi-service agency, the administrator responsible for the YTHP need not be the chief executive officer for the multi-service agency.
- e) The administrator may delegate certain program responsibilities to a program administrator. These may include day-to-day management of the program for homeless youth, supervision of YTHP staff, YTHP staff development and training, educational activities and other services to youth.

Section 409.140 Youth Transitional Housing Program Staff

- a) A YTHP supervisor shall be required for any YTHP and shall:
 - 1) Be at least 25 years of age;
 - 2) Have obtained a Bachelor's degree;
 - 3) Have 3 years of full-time experience in a residential, transitional or shelter care program or in related youth service programs;
 - 4) Demonstrate skill in working with and managing youth of the type served in the program; and
 - 5) Demonstrate ability to work cooperatively with administrative staff and persons external to the program.
- b) All persons currently serving as supervisors and who have served in that capacity for a minimum of 3 years immediately preceding September 1, 2006 shall continue to be deemed qualified for their positions as supervisors where they are employed as of the effective date of this Part.
- c) YTHP staff are those persons whose primary responsibility is the daily supervision of the residents of the YTHP. Persons employed in other capacities may function as homeless youth caretakers provided they are qualified as YTHP staff and other duties do not interfere with supervision of the youth. YTHP staff shall:

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- 1) Be at least 21 years of age;
 - 2) Have obtained a high school diploma or general education diploma (GED certificate);
 - 3) Be in good physical and mental health per Section 409.190;
 - 4) Have demonstrated through employment or volunteer work:
 - A) Skills in the field of youth care or the capacity to develop these skills;
 - B) Ability to work within the program structure and to accept supervision; and
 - C) Ability to work constructively with parents, other agencies and the community.
- d) YTHP case managers are those persons whose primary responsibilities are to assess the needs of homeless youth, to develop individualized plans for services, and to identify available resources to meet client needs. Homeless youth case managers shall:
- 1) Be at least 21 years of age;
 - 2) Have obtained a Bachelor's degree; and
 - 3) Have at least 2 years of full-time case management experience in a residential, transitional or shelter care program or in related youth service programs.

Section 409.150 Professional Staff Requirements

Professional staff, that are full-time or consulting (volunteers, employed or contractual) such as social workers, psychologists, psychiatrists, physicians, dentists, teachers, nutritionists, nurses, and speech, occupational, recreational or physical therapists, etc., shall meet the respective licensing and registration requirements of the State of Illinois.

Section 409.160 Support Staff

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Support staff or contractual personnel may provide supportive services such as maintenance, housekeeping and food preparation. YTHP staff may provide supportive services only if these duties do not interfere with supervision of the homeless youth in the transitional living facility. Homeless youth may be required to do simple household duties such as cooking and cleaning under the supervision of staff.

Section 409.170 Volunteers

- a) All volunteers shall meet the requirements of the functions they perform, shall be trained for the tasks they perform and shall be under the supervision of an appropriate staff member.
- b) YTHP volunteers may provide support to YTHP staff in providing daily supervision of YTHP residents.
- c) YTHP volunteers shall:
 - 1) Be at least 21 years of age;
 - 2) Have obtained a high school diploma or general education diploma (GED certificate);
 - 3) Be in good physical and mental health per Section 409.190;
 - 4) Have demonstrated through employment or volunteer work:
 - A) Skills in the field of youth care or the capacity to develop these skills;
 - B) Ability to work within the program structure and to accept supervision; and
 - C) Ability to work constructively with parents, other agencies and the community.

Section 409.180 Background Checks

- a) The governing body or organization shall ensure that all prospective and current employees and volunteers used to replace or supplement staff submit to

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fingerprinting (see the definition of "Persons subject to background checks" in Section 409.20), authorize a background check and otherwise meet the requirements of 89 Ill. Adm. Code 385.

- b) As a condition of issuance or renewal of a program license by the Department, the governing body or organization that operates the YTHP shall require all prospective and current employees, volunteers and subcontractor employees who have direct contact with residents to furnish information on any offenses (other than a minor traffic violation) for which they have been convicted in accordance with the standards set forth in the 89 Ill. Adm. Code 385.
- c) An employee or volunteer may begin work while awaiting the results of the background check. These conditional employees shall not be left alone with residents until the results of the initial background check have been received.
- d) All background information shall be maintained separately in a confidential file, apart from the employee's personnel records, that may be accessed only by authorized agency and Department staff.

Section 409.190 Health Requirements for Staff and Volunteers

- a) All YTHP staff and volunteers shall have an initial medical examination, that provides evidence that they are free from communicable diseases, including active tuberculosis, or physical or mental conditions identified by the examining physician that affect their ability to perform assigned duties.
- b) YTHP staff and volunteers shall have a tuberculosis skin test administered by the Mantoux method in accordance with the rules of the Department of Public Health, 77 Ill. Adm. Code 690 (Control of Communicable Diseases Code).
- c) YTHP staff and volunteers shall be reexamined at least every 2 years. The YTHP shall maintain reports of the examination.
- d) Cooks, nutritionists, dietitians, kitchen helpers and others assisting in the preparation, serving and handling of food and utensils shall have culture tests when required by the examining physician or by local health ordinances.
- e) Should the YTHP staff or volunteers be diagnosed as having a communicable disease for which isolation is required by the Illinois Department of Public Health (IDPH) or a local health department, the YTHP shall abide by the requirements of

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the public health agency until the infectious period has elapsed. Further, a YTHP staff member or substitute who does not reside in the transitional living facility diagnosed as having a communicable disease for which isolation is required shall be barred from the facility until IDPH or the local health department authorizes the presence of that person.

- f) During the hours of operation of the transitional living facility, there shall be at least one person on the premises certified in first-aid, the Heimlich maneuver and in cardiopulmonary resuscitation (CPR) by the American Red Cross or the American Heart Association. YTHP staff shall have on file current certificates attesting to the training.
- g) YTHP staff or volunteers shall not smoke or consume alcohol in the presence of YTHP residents or in any parts of the facility used by YTHP residents. YTHP staff that appear to be under the influence of alcohol or other drugs shall not be present in the YTHP.

Section 409.200 Staff Training

- a) There shall be an organized in-service training program to equip YTHP staff to meet the individual and group care needs of the YTHP residents. In-service training shall consist of at least 10 clock hours of training per year for each of the four years in the program license period for YTHP supervisors and staff, whether paid or volunteer. Documentation that each employee of the YTHP has completed the training program shall be included in the employee's personnel record.
- b) The in-service training program shall include content designed to familiarize YTHP staff with licensing rules, infection control measures, safety, identification of drug and alcohol abuse, symptoms of communicable disease, adolescent development and training in the customs of different cultures.

Section 409.210 Live-in Staff

- a) Facilities that utilize live-in staff shall provide staff with their own bedroom so located as to assure that they are readily available and easily accessible to the residents of the YTHP.
- b) Persons counted in the staff-to-youth ratio must be present, awake and free from responsibilities other than those directly related to the care and supervision of the

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residents when they are present. These responsibilities may include food preparation and light housekeeping to maintain the areas where youth care is provided.

- 1) The Director of the Department or his or her designee may waive the awake night staff requirement for live-in arrangements when the facility has demonstrated that the well being of the youth can be protected in accordance with the requirements of this Part.
- 2) A request for a waiver of the awake night staff requirement shall be in writing and the Director's decision shall be in writing.

Section 409.220 Supervision of Residents

- a) **Administrative Coverage**
The YTHP shall not be left at any time, or under any circumstances, without a properly designated, administratively responsible person on the premises. The designated administratively responsible person may be an YTHP supervisor with the administrator, or someone designated by the administrator, to be on call.
- b) **Staff Coverage**
 - 1) At all times that there are one through 7 or more homeless youth in the program, the program shall maintain a minimum staff/youth ratio of one staff person per 8 youth.
 - 2) Overnight staff coverage for YTHP housing more than 16 homeless youth may maintain two staff persons in the facility and one person on call.
 - 3) The responsible staff shall meet to determine the supervision requirements of the specific population as necessary by changes in that population. When the governing body or organization determines that one staff person per 8 homeless youth or two staff and one on call for overnight is not sufficient to carry out the goals and objectives of the YTHP, additional staff, or other staff who meet the qualifications of YTHP staff as prescribed in Section 409.140, shall be on duty.
 - 4) The responsible staff shall meet to determine the supervision requirements of the specific population as necessary by changes in that population. When 2 YTHP staff is not sufficient to carry out the goals and objectives

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of the shelter or housing program, additional staff or other staff who meet the qualifications of YTHP staff as prescribed in Section 409.140 shall be on duty.

- 5) Decisions regarding the need for additional staff shall be documented and available for review upon request. Other staff shall perform YTHP staff duties only when their other assignments and time allow.
- c) When an emergency arises such as injury that necessitates taking the homeless youth to the hospital, or any other emergency, the individual agency or organization under whose auspices the YTHP operates is responsible for assuring appropriate staff coverage. If staff on call is used they shall meet the requirements of YTHP staff.
- d) During the absence of regular YTHP staff for time off, vacations, sick leave or any other absence (such as attendance at conferences or meetings), substitute YTHP staff must be provided. These substitutes shall meet the requirements of YTHP staff as specified in Section 409.140.
- e) In instances where the YTHP operates under a "shift" staffing pattern, night duty staff shall be awake and alert to assure protection and supervision of the YTHP residents in care.
- f) When the YTHP operates in a facility serving homeless of the community, the sleeping quarters of the YTHP youth shall be separate from the sleeping quarters of the residents 21 years and older in the facility.
- g) When the YTHP operates in a facility serving homeless of the community, the YTHP staff or volunteers shall ensure that the residents 21 years and older of the facility and the YTHP youth are maintained separate from each other.
- h) When YTHP operates in a licensed child welfare facility, the sleeping quarters of the YTHP youth shall be separate from the sleeping quarters of the residents in the licensed facility.

Section 409.230 Physical Facilities

- a) Programs, other than the YTHP, in the facility may house persons up to 21 years old. No person 21 years of age and older, other than YTHP staff, shall be permitted in the sleeping and housing areas of the YTHP.

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- b) The YTHP may operate in a child care facility licensed in accordance with the Child Care Act of 1969 or in a facility not licensed by the Department that meets all the requirements of this Part. In addition, the agency or organization operating the YTHP shall assure that the following provisions are in compliance:
- 1) Buildings, or parts of buildings, acquired or converted for use as a transitional living facility shall be safe, clean, well-ventilated, properly lighted and heated.
 - 2) If well water is used, a copy of the inspection report and compliance with local or State health department regulations shall be on file.
 - 3) Fire prevention and health standards complying with State laws and municipal codes shall be maintained.
 - 4) The YTHP shall have written emergency plans in the event of fire or natural disaster. The plans shall be posted in an area accessible to residents and shall be reviewed with residents upon their first admission.
 - 5) Dangerous household supplies and dangerous tools shall be kept in safe, locked places. Unlawful controlled substances, firearms, ammunition, and other weapons shall not be permitted in a transitional living facility.
 - 6) There shall be provisions for separating a resident who is suspected of having a contagious disease from other residents pending medical determination.
 - 7) The transitional living facility shall have an operating telephone on the premises.
 - 8) Each resident shall be provided with a separate bed. Each bed shall have a mattress and comfortable bedding. The bedding shall be changed for each new resident assigned to a bed. Linens shall be changed at least weekly.
 - 9) When a program admits the minor children of residents, appropriate bedding must be provided for the age of the children accepted.
 - 10) Residents shall not share a sleeping area or sleeping room with residents of the opposite sex except for minor children of residents.

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- 11) Sleeping areas shall be furnished according to the special needs of the residents. There shall be a minimum of 35 square feet of floor space per resident, excluding the closet and wardrobe area and an additional 35 square feet for each child of a resident.
- 12) Basements and attics may be used for sleeping for homeless youth who are mobile, physically and mentally capable of self-preservation, and able to understand and follow directions with minimal assistance in an emergency.
 - A) To be used for sleeping, basements and attics shall have two exits with one exit leading directly to the outside with means to safely reach the ground level. The second exit may be an easily accessible outside window that provides an unobstructed opening, operable from the inside without the use of tools, and large enough to accommodate an adult. The sleeping area shall be separated from the furnace and utility areas.
 - B) No basement or attic shall be used for sleeping without the written approval of fire, health, and safety officials.
- 13) The sleeping areas shall be exposed to an operable outside window or shall have some alternate permanent means of ventilation.
- 14) There shall be a bathroom unit including shower, lavatory and toilet for every 8 homeless youth. Bathroom use shall be separate for males and females.
- 15) Laundry facilities for the residents shall be provided in one of two ways:
 - A) Laundry facilities on-site at the transitional living facility; or
 - B) By providing funds to pay for outside laundry facilities.
- 16) Shower use shall be separate for males and females.
- 17) The water supply of the facility shall comply with the requirements of the local and State health departments. If the YTHP houses the resident's children under age 10 or who are developmentally disabled, the maximum

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hot water temperature from all showers and bathtubs shall be no more than 115° Fahrenheit.

- 18) Kitchen and dining facilities shall be maintained in a clean and sanitary condition in accordance with the requirements of the Food Service Sanitation Code (77 Ill. Adm. Code 750) and those of the local public health authorities.
- 19) Space and equipment shall be provided for indoor and outdoor recreation. Recreational resources in nearby communities may be used to fulfill this requirement.
- 20) There shall be office facilities and equipment for the conduct of the YTHP's professional services and business affairs. The office facilities do not need to be at the same location as the transitional living facility but they must be located within reasonable daytime access to the residents.
- 21) There shall be space designated in the facility for private interviews or conferences with residents.

Section 409.240 Facility Capacity

The initial program license capacity of a YTHP shall be limited to no more than 24 residents. After one year of operation, the YTHP may file a request that the program license capacity be expanded. In the application, the YTHP shall demonstrate that:

- a) There is an identified need for additional beds;
- b) Space, equipment and staff are available in the proposed transitional living facility to meet all requirements of this Part; and
- c) The organization has successfully operated a transitional living facility with a lower capacity.

Section 409.250 Authorization to House Homeless Youth

- a) The YTHP shall be authorized to provide transitional shelter or housing to homeless youth under the following circumstances:
 - 1) The homeless youth is 16 or older but less than 18 years of age and has

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petitioned for emancipation or has been partially emancipated under the Emancipation of Minors Act;

- 2) The partially emancipated homeless youth has consented to receive shelter or housing services;
 - 3) The Department does not have custody or guardianship of the homeless youth.
- b) A YTHP shall not house any person over the age of 17 years or any person under the age of 16 years unless that person is a minor child of a homeless youth who is a resident of the YTHP.
 - c) A written plan for services for the homeless youth shall be developed and, reviewed at least every 6 months, and shall be signed by all the parties involved. The plan shall describe the services to be provided, describe how it will meet the needs of the homeless youth, and establish a time frame for termination of services and care in the YTHP.

Section 409.260 Reporting to the Child Abuse/Neglect Hotline

YTHP staff, including volunteers, shall report immediately all youth under age 18 by telephone to the Statewide Central Register of the Department of Children and Family Services if there is reasonable cause to suspect the child has been abused or neglected. A parent who refuses to accept care and custody of his/her child under age 18 and who refuses to make an alternative safe plan for the care of the child shall be reported for neglect. Any additional information that has not been previously reported during custody, adjudication or emancipation hearings shall be reported by staff within 24 hours after receiving allegations of abuse or neglect.

Section 409.270 Admission Criteria

- a) The YTHP shall establish written admission policies, indicating criteria for suspending shelter or housing to the homeless youth in Section 409.280.
- b) The homeless youth must enter the YTHP on his/her own volition.
- c) No homeless youth may be admitted to the YTHP who, in the assessment of staff with supervisory concurrence, poses a serious threat of injury to himself/herself or other residents (e.g., intoxication, under the influence of drugs, or aggressive or

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self-harming behavior). Any homeless youth with serious health problems shall be immediately referred for local emergency health services.

- d) Any homeless youth who is suspected of having a contagious disease should be separated from other youth until a medical determination has been received that the disease is not contagious or is no longer contagious.
- e) Homeless minors, except as described in subsections (c) and (d) of this Section, who have been partially emancipated or are currently waiting the completion of the partial emancipation process at the YTHP shall be admitted to a YTHP if the YTHP is willing and able and no other temporary housing is available.
- f) The agency or organization shall have a copy or written verification of the court order granting partial emancipation of the homeless youth.
- g) The homeless youth shall provide written consent to receive shelter or housing and services.
- h) Information and documents collected as part of the admission and assessment shall include:
 - 1) Personal History
 - A) Name, birth date, sex, race, religion, legal status and current address of the homeless youth;
 - B) Names, addresses and telephone numbers of parents, significant relatives, guardian, referring agency and referring agency social worker;
 - C) Name and address of the school last attended, current address, school report and/or information on the homeless youth's educational needs;
 - D) Name, address and telephone number of the doctor, clinic or hospital currently or recently treating the homeless youth;
 - E) Financial and insurance resources available to the homeless youth; and

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- F) Listing of prior housing history with length of time and reasons for change.
- 2) Medical history. Attempts to obtain medical data about the homeless youth shall include:
 - A) Complete medical history including current problems, medications and handicaps, past health conditions such as diseases, allergies and surgeries, immunizations and dates, and a report of the most recent physical examination;
 - B) All available information pertaining to the health history of the homeless youth's family; and
 - C) If any of this information regarding medical history of the homeless youth or family of the homeless youth does not exist, the YTHP shall include in its record a written statement from the referral source to that effect.
 - 3) Employment history.
 - i) Any youth, aged 18 years old up to 21 years old, who is housed in the facility, where the YTHP is located, shall meet the admission criteria required for homeless youth participating in the YTHP and shall have completed a comparable screening and assessment.

Section 409.280 Shelter and Housing Services

- a) Shelter or housing shall be available every day of the year to homeless youth who have been partially emancipated.
- b) The YTHP may consist of providing shelter or housing, and services to homeless youth who are at least 16 but less than 18 years of age and have been partially emancipated under the Emancipation of Minors Act. No person 21 years of age or older, other than staff, shall be permitted in the sleeping area portion of the YTHP.
- c) Service referrals may include, but are not limited to:
 - 1) Contract with providers of youth services;

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- 2) Assistance to the youth to be independent and self-reliant.
- d) In the event that a youth is seriously ill or otherwise unable to take care of himself/herself away from the shelter or housing during the hours that it is not normally open, the YTHP shall have procedures in place to provide for adequate care and supervision of the homeless youth until appropriate care can be found.
- e) Shelter or housing may be suspended for up to 72 hours for the homeless youth's failure to follow policies of the YTHP. The agency shall find a safe place for the homeless youth to stay during the suspension before the suspension can take place.
- f) The YTHP shall have a written policy in place that enumerates the situations in which a homeless youth may be suspended or terminated from shelter or housing. The policy shall be approved by the Department and accessible to residents and shall be reviewed with homeless youth upon their first admission.
- g) The agency or organization may discharge from the YTHP any homeless youth who, after attempts have been made to meet the homeless youth's individual needs, demonstrates the inability to benefit from the type of shelter or housing offered by the YTHP, or whose presence is detrimental to the group. When applicable, the agency or organization shall notify the court that granted partial emancipation to the homeless youth of this action.
- h) In all instances, when the YTHP determines that its facility is no longer appropriate for the homeless youth or that another program is more appropriate for the homeless youth, the YTHP shall work to meet the homeless youth's needs when he or she leaves the shelter or housing, including referrals to other institutions, agencies or facilities.

Section 409.290 Length of Stay

Homeless youth can remain in the transitional living program up to attaining the age of 18 years. From 18 years of age and up to 21 years of age, the person can participate in another program within the facility, if available.

Section 409.300 Legal Safeguards of Homeless Youth Served

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- a) The agency or organization shall have written verification of the legal status for all homeless youth accepted for shelter or housing care and service by referral.
- b) The agency holding a homeless youth's funds shall have procedures for ensuring the safety of those funds. Amounts of \$300 and over shall be deposited in an insured account. Reports on the status of each homeless youth's insured account shall be kept on file for inspection by a licensing representative when requested and a copy shall be given to the youth.
- c) Personal financial transactions or transfers of a homeless youth's personal property among youth, youth and staff or volunteers/interns shall be prohibited. This prohibition does not apply to the common practice of transferring outgrown clothes or equipment.
- d) The agency shall assure that a homeless youth's valuables brought to a program are inventoried and a copy provided to the youth. Other valuables acquired by or given to the homeless youth, such as clothing, books, toys, gifts, private collections, photographs, youth's private savings, allowances and other items, accompany the homeless youth and are returned to the homeless youth when the he/she leaves that program.

Section 409.310 Discipline and Control of Residents

- a) The use of discipline and behavior management techniques in the YTHP shall be in accordance with 89 Ill. Adm. Code 384 (Behavior Treatment in Residential Child Care Facilities).
- b) YTHPs shall not institute an organized self-governance program, use confinement techniques to control residents other than the provisions indicated in 89 Ill. Adm. Code 384 (Behavior Treatment in Residential Child Care Facilities), administer psychotropic medications, or operate secure residential care facilities.
- c) The use of restraints/confinement shall be limited to incidents or events in which it is briefly required to ensure the youth's safety, the safety of other residents, or the safety of staff. Law enforcement authorities shall be immediately notified. Youth who pose a threat of self injury or appear to have a mental health disorder shall be referred to emergency health services.

Section 409.320 Food and Nutrition

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- a) It shall be the responsibility of the YTHP to provide for the food and nutritional needs of the residents in one of 3 ways:
 - 1) Through written agreements approved by the Department with other organizations that provide evening and breakfast meals for the residents; or
 - 2) Through the provision of kitchen and dining facilities at the temporary shelter and the food necessary for the preparation of an evening and breakfast meal; or
 - 3) Food coupons/or stipend for homeless youth to purchase and prepare meals in their units.
- b) If homeless youth or their minor children who have special medical, cultural, or religious needs are accepted at the YTHP, the meals shall be appropriate for the special needs of the homeless youth or their minor children.
- c) If the YTHP is providing the evening and breakfast meal at the transitional living facility, homeless youth staff may prepare the evening and breakfast meal for the residents or may allow the residents to prepare their own meals and a brown bag lunch under the supervision of homeless youth staff.
- d) Homeless youth or their minor children suspected of suffering from dehydration or malnutrition shall be referred for a medical assessment and treatment, as appropriate.

Section 409.330 Transportation of Homeless Youth

- a) A YTHP providing transportation of homeless youth shall comply with the provisions of: Sections 6-101 and 6-102 of the Illinois Driver Licensing Law [625 ILCS 5/6-101 and 6-102], the Illinois Safety Responsibility Law [625 ILCS 5/Ch. 7], the Illinois Rules of the Road [625 ILCS 5/Ch. 11] and the Illinois Vehicle Equipment Law [625 ILCS 5/Ch. 12].
- b) The driver of a vehicle transporting homeless youth or their minor children on behalf of a program shall be at least 21 years of age.
- c) The number of homeless youth transported in a vehicle shall not exceed the manufacturer's rated passenger capacity.

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- d) Seat belts shall be worn at all times the vehicle is in motion.
- e) A vehicle used by the program to transport homeless youth or their minor children shall be equipped with restraint systems required by law and maintained in a mechanically safe condition at all times.

Section 409.340 Case Management Services

The YTHP shall be responsible for providing case management services for the residents through the direct provision of case management services by staff of the YTHP. The goals of case management may include:

- a) Providing a full assessment of all homeless youths' needs and the needs of their minor children.
- b) Developing individualized service plans.
- c) Providing appropriate linkages with community resources to improve the educational and employment skills of all residents.
- d) Ensuring resources to meet the medical and mental health needs of all homeless youth and their minor children.
- e) Providing support to assist homeless youth in the development of life skills and personal characteristics that they will need to live independently.
- f) Providing assistance necessary to locate independent housing and the aftercare necessary to maintain independent living status.
- g) Providing support to assist homeless youth in the development of parental skills, when appropriate.

Section 409.350 Medical and Health Services

- a) It shall be the responsibility of the YTHP to assist those residents who are eligible in applying for Medicaid/KidCare benefits. Medical care referrals shall be provided to residents as a component of case management services. Services shall be provided through a family physician or through community-based

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facilities that have entered into written agreements to provide medical care for homeless youth and their minor children in the YTHP.

- b) Prescription drugs will be self-administered. Transitional living staff shall assist homeless youth with self-administration of prescription drugs. Assisting with self-administered medications is limited to reminding the resident to take his/her medications, reading instructions for utilization, uncapping medication containers, and providing the proper liquid and utensils with which to take medications. Prescription medications shall be kept in a locked, safe place within the transitional living facility.
- c) Hygiene products, including but not limited to clean linens, towel, washcloth, new toothbrush and comb or pick, shall be provided to each incoming resident.

Section 409.360 Education

Each homeless youth shall have the opportunity and shall be encouraged to complete high school or vocational training in accordance with his or her aptitude through referral to community resources that can provide these services.

Section 409.370 Religion

Each homeless youth shall be given information on available religious institutions in the area.

Section 409.380 Required Written Consents for Minors

- a) The YTHP staff or the referral source will assure that the partially emancipated minor can consent and has consented on his/her own behalf for participation in the YTHP.
- b) Written consents shall be dated and limited to a specific time period.

Section 409.390 Records and Reports

- a) The agency or organization shall maintain current records on each homeless youth receiving transitional living services, on agency personnel (including volunteers), and on each facility operating under its supervision.

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- b) Records for each homeless youth shall include a brief admission history, consent to care signed by the youth, and case recording reflective of the ongoing transitional living services for the homeless youth.
- c) Records shall be maintained on all employees and, in addition, for each volunteer who has responsibility for the care and supervision of homeless youth. The records shall document compliance with Section 409.180.
- d) The organization shall maintain a separate file of the results of the background checks required by Section 409.180.
- e) The organization shall maintain records on staff and volunteers and shall submit reports to the Department of Children and Family Services. The following personnel reports are required:
 - 1) A personnel report on each new employee (including owner, operator, or director) shall be filed with the Department of Children and Family Services. A copy of this report shall be kept at the agency.
 - 2) All staff changes shall be reported to the Department within 2 business days after beginning employment. Such reports shall be accompanied by complete, signed authorizations for background checks.
 - 3) Copies of documentation of medical information, verification of educational achievement, and character references of employees shall be provided, upon request, to the Department.
- f) Financial records of the operations shall be maintained as part of the permanent records of the YTHP and shall include a copy of the certified annual audit.
- g) In addition to the records maintained by the organization, the YTHP shall maintain current records on its premises. These records shall include a daily log that includes entries on each resident's stay in the YTHP and records any unusual incidents of serious occurrences and the use of any behavior management techniques as described in 89 Ill. Adm. Code 384 (Behavior Treatment in Residential Child Care Facilities).
- h) The YTHP shall report to the Department any unusual incidents and serious occurrences involving residents under age 18. These incidents and occurrences shall be reported in writing, or if made verbally, confirmed in writing within 2

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working days of the occurrence. Unusual incidents or occurrences include serious accident or injury requiring extensive medical care or hospitalization, death, arrest, alleged abuse or neglect, major fire or other emergency situations, or any serious incident that results in legal action by or against the YTHP, that affects any resident, personnel or conduct of the YTHP.

- i) Records shall be kept in safe, locked places.
- j) Authorized Department licensing representatives or other Department representatives who have the Director's written authorization shall have access to the records and reports. All persons who have access to the records and reports shall respect their confidential nature.

Section 409.400 Records Retention

Personnel, general and financial records required of the YTHP shall be maintained for 5 years. Minor's records shall be maintained for at least 5 years after he/she reaches the age of majority.

Section 409.410 Termination of Transitional Living Services

The YTHP shall have a written policy outlining the reasons for which residents may be terminated from transitional living services consistent with Section 409.280, and shall advise residents both in writing and verbally of the policy.

Section 409.420 Severability of This Part

If any court of competent jurisdiction finds that any Section, clause, phrase or provision of this Part is unconstitutional or invalid for any reason whatsoever, this finding shall not affect the validity of the remaining portions of this Part.

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Section 409.APPENDIX A Minimum Requirements for a Risk Management Plan

The risk management plan required by Sections 409.40(c)(5) and 409.50(c)(5) shall address at least the following areas of risk with the answers sufficiently explained.

- 1) What risks are presented by the shelter or housing services offered by the YTHP when the YTHP is operational? How is the agency or organization minimizing those risks?
- 2) What risks are presented to staff or volunteers and caregivers in the conduct of their duties? How is the YTHP minimizing those risks? Does the agency or organization provide staff with a photo identification card?
- 3) What training is provided to staff or volunteers to help them identify and minimize risks associated with their various duties or living arrangements? Describe all required training.
- 4) Does the YTHP have a plan to assure the quality of shelter or housing services it delivers? Describe the quality assurance plan.
- 5) Are adequate investigations into the qualifications, education, and experience of staff or volunteers completed before they are hired? Describe the hiring process.
- 6) Are facility personnel or volunteers sufficiently qualified to provide shelter or housing services to the types of youth accepted for care? How do staff qualifications compare to the special needs that youth may present?
- 7) Does the design of any building used for family and child related activities (such as rooms used for family counseling or visits) minimize risks to staff and clients?
- 8) Does the YTHP appropriately maintain the buildings?
- 9) Does the agency or organization have a regular maintenance schedule for vehicles used to transport youth? If so, describe the schedule.
- 10) Does the YTHP require persons who transport children and or youth to use safety restraints and make adequate child safety seats available to staff and volunteers?
- 11) Does the YTHP have policies in place regarding when staff and volunteers of the same and opposite sex may be alone with clients?
- 12) Does the YTHP have emergency and disaster preparedness plans? Are they posted and made available to staff? If so, describe the plan and how it is made available to staff.

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- 13) Does the YTHP have plans to ensure the needs and special risks when homeless youth are caring for their own children?

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Ceded Reinsurance of Property and Liability Insurers
- 2) Code Citation: 50 Ill. Adm. Code 923
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
923.10	Repeal
923.20	Repeal
923.30	Repeal
923.40	Repeal
923.50	Repeal
923.60	Repeal
923.70	Repeal
- 4) Statutory Authority: Implementing Section 136 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/136 and 401].
- 5) Effective Date of Rulemaking: July 24, 2006
- 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, including any material incorporated by reference, is on file in the principal office of the Division of Insurance and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: October 14, 2005; 29 Ill. Reg. 15381
- 10) Has JCAR issued a Statement of Objection to this Repealer? No
- 11) Differences between proposal and final version: None
- 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 repealer replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No

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NOTICE OF ADOPTED REPEALER

- 15) Summary and Purpose of repealer: Part 923 is being repealed because the information it requires insurance companies to provide in the form of a Ceded Reinsurance Report is now either included in the annual statement, or can be determined using annual statement amounts.

Additionally, Part 923 specifies certain conditions under which credit may be allowed for reinsurance ceded by licensed property and casualty insurers in their annual statements, but these provisions are obsolete and have been superseded by Section 173.1 of the Illinois Insurance Code [215 ILCS 5/173.1].

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

Sara Ross, Unit Supervisor
L/A&H Financial Analysis
Department of Financial and Professional Regulation
Division of Insurance
320 West Washington Street
Springfield, Illinois 62767-0001

217/782-9760

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Payment of Annual Compliance Fees for Pension Funds
- 2) Code Citation: 50 Ill. Adm. Code 4415
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
4415.10	Amendment
4415.20	Amendment
4415.30	Amendment
4415.40	Amendment
4415.50	Amendment
4415.60	Amendment
4415.70	Amendment
4415.80	Amendment
4415.90	Amendment
4415.ILLUSTRATION A	Amendment
4415.ILLUSTRATION B	Amendment
- 4) Statutory Authority: Implementing Sections 1A-107 and 1A-112, and authorized by Section 1A-103 of the Illinois Pension Code [40 ILCS 5/1A-103, 1A-107 and 1A-112]
- 5) Effective Date of Rulemaking: July 24, 2006
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rulemaking, including any material incorporated by reference, is on file in the principal office of the Division of Insurance and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: February 24, 2006; 30 Ill. Reg. 2456
- 10) Has JCAR issued a Statement of Objection to this Rulemaking? No
- 11) Differences between proposal and final version:
 - a) In Section 4415.30, the definition of "Code" has been deleted.
 - b) In Section 4415.30, a "Pension Laws" definition has been added and reads as follows:

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"Pension Laws means the Illinois Pension Code [40 ILCS 5], the Deferred Compensation Continuing Appropriation Act [40 ILCS 10], and the State Pension Funds Continuing Appropriation Act [40 ILCS 15]."

- c) In Section 4415.80, "administrative hearing under 50 Ill. Adm. Code 2402" was added at the end of the last sentence and "appeal" was stricken.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of rulemaking: Section 4415.40 is being amended to implement Public Act 93-32, which increased the amount of the compliance fee that pension funds must pay under Articles 3 and 4 of the Illinois Pension Code [40 ILCS 5] from 0.007 percent to 0.02 percent of total assets of the pension fund and increased the maximum fee from \$6000 to \$8000. Housekeeping changes are being made in the remaining Sections.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

John McNutt
Department of Financial and Professional Regulation
Division of Insurance
Public Pension Division
320 West Washington Street
Springfield, Illinois 62767-0001

217/524-7171

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 50: INSURANCE

CHAPTER I: DEPARTMENT OF FINANCIAL AND PROFESSIONAL
REGULATION ~~INSURANCE~~

SUBCHAPTER aaa: PENSIONS

PART 4415

PAYMENT OF ANNUAL COMPLIANCE FEES FOR PENSION FUNDS

Section

4415.10	Purpose
4415.20	Applicability
4415.30	Definitions
4415.40	Annual Compliance Fee Amount
4415.50	Notification of Annual Compliance Fee Amount
4415.60	Annual Compliance Fee Payment Date
4415.70	Payment Method
4415.80	Hearing on Annual Compliance Fee Amount
4415.90	Penalties
4415.ILLUSTRATION A	Designation for Fund Transfer for State Pension Fund for Payment of Annual Compliance Fee
4415.ILLUSTRATION B	Designation for Automated Clearing House Payment of Annual Compliance Fees

AUTHORITY: Implementing Sections 1A-107 and 1A-112, and authorized by Section 1A-103 of the Illinois Pension Code [40 ILCS 5/1A-103, 1A-107 and 1A-112].

SOURCE: Adopted at 22 Ill. Reg. 7987, effective April 27, 1998; amended at 26 Ill. Reg. 16529, effective October 28, 2002; amended at 30 Ill. Reg. 13176, effective July 24, 2006.

Section 4415.10 Purpose

This Part sets forth the procedural requirements for the submission of the annual compliance fee by pension funds to the Department of Financial and Professional Regulation-
Division ~~Department~~ of Insurance as required by Section 1A-112 of the Illinois Pension Code [40 ILCS 5/1A-112]. Additionally, this Part will further the directive of the Legislature given to the Public Pension Division of the Division ~~Department~~ of Insurance to automate its operations as set forth in Section 1A-107 of the Illinois Pension Code [40 ILCS 5/1A-107].

(Source: Amended at 30 Ill. Reg. 13176, effective July 24, 2006)

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Section 4415.20 Applicability

This Part applies to every pension fund that is required to file an annual statement with the Division of Insurance~~Department~~ pursuant to Section 1A-109 of the Code [40 ILCS 5/1A-109] .

(Source: Amended at 30 Ill. Reg. 13176, effective July 24, 2006)

Section 4415.30 Definitions

Automated Clearing House, or ACH, means a central distribution and settlement point for the electronic clearing of debts between the financial institutions rather than the physical movement of paper items. The term includes any Federal reserve bank, or an organization established by agreement with the National Automated Clearing House Association, which operates as a clearing house for transmitting or receiving entries between banks and/or bank accounts and which authorizes an electronic transfer of funds between ~~such~~ banks or bank's accounts.

ACH Debit means the electronic transfer of funds from the pension fund's account for deposit in the Public Pension Regulation Fund pursuant to Section 8(f) of the State Finance Act [30 ILCS 105/8(f)] .

Annual compliance fee means the fee required to be paid by pension funds pursuant to Section 1A-112 of the Illinois Pension Code [40 ILCS 5/1A-112].

Basis point means ~~0.01%~~1/100th of one percent [40 ILCS 5/1A-102].

~~Code means the Illinois Pension Code [40 ILCS 5], the Deferred Compensation Continuing Appropriation Act [40 ILCS 10], and the State Pension Funds Continuing Appropriation Act [40 ILCS 15].~~

Department means the Illinois Department of Financial and Professional Regulation~~Insurance of the State of Illinois~~ [40 ILCS 5/1A-102].

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

~~Division means the Public Pension Division of the Department of Insurance [40 ILCS 5/1A-102].~~

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Payment information means the data ~~that~~^{which} the Division of Insurance~~Department~~ requires from a pension fund for the purpose of making an ACH Debit transaction.

Pension Fund means any public pension fund, annuity and benefit fund, or retirement system established under the Illinois Pension Code [40 ILCS 5/1A-102].

Pension Laws means the Illinois Pension Code [40 ILCS 5], the Deferred Compensation Continuing Appropriation Act [40 ILCS 10], and the State Pension Funds Continuing Appropriation Act [40 ILCS 15].

Public Pension Division means the Public Employee Pension Division of the Division of Insurance [40 ILCS 5/1A-102].

State Pension Fund means any of the following pension funds: General Assembly Retirement System (~~see [40 ILCS 5/Art. 2]~~), State Employees' Retirement System (~~see [40 ILCS 5/Art. 14]~~), State Universities Retirement System (~~see [40 ILCS 5/Art. 15]~~), Teachers' Retirement System of the State of Illinois (~~see [40 ILCS 5/Art. 16]~~), and Judges Retirement System of Illinois (~~see [40 ILCS 5/Art. 18]~~).

(Source: Amended at 30 Ill. Reg. 13176, effective July 24, 2006)

Section 4415.40 Annual Compliance Fee Amount

Every pension fund that is required to file an annual statement under Section 1A-109 of the Code shall pay an annual compliance fee pursuant to the following schedule:

- a) *In the case of a pension fund under Article 3 or 4 of the Code, the annual compliance fee is ~~0.02%~~ ~~0.007%~~ (~~20.7~~ basis points) of the total assets of the pension fund, as reported in the most current annual statement of the fund, but no more than ~~\$8,000~~ ~~\$6,000~~; or*
- b) *In the case of all other pension funds and retirement systems, the annual compliance fee shall be ~~\$8,000~~ ~~\$6,000~~ [40 ILCS 5/1A-112(a)]-*

(Source: Amended at 30 Ill. Reg. 13176, effective July 24, 2006)

Section 4415.50 Notification of Annual Compliance Fee Amount

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The [Public Pension](#) Division shall notify by mail each pension fund of the amount of its annual compliance fee, calculated pursuant to Section 4415.40 of this Part, at least 45 days prior to the payment due date ~~as~~ set forth in Section 4415.60 of this Part. Failure of the [Public Pension](#) Division to provide notification to any pension fund pursuant to this Section does not relieve any pension fund from the obligations of Section 1A-112 of the Code.

(Source: Amended at 30 Ill. Reg. 13176, effective July 24, 2006)

Section 4415.60 Annual Compliance Fee Payment Date

The annual compliance fee shall be due on June 30 for the following State fiscal year. [40 ILCS 5/1A-112(b)]-

(Source: Amended at 30 Ill. Reg. 13176, effective July 24, 2006)

Section 4415.70 Payment Method

- a) Payment of the annual compliance fee may be made by any of the following methods:
 - 1) By check or money order in U.S. funds, made payable to the [Illinois State Treasurer](#)~~Director of Insurance~~ and mailed to the Department of [Financial and Professional Regulation](#)-[Division of Insurance](#), [P.O. Box 7087](#),~~Administrative Services Division, Tax and Fiscal Services Section, Tax and Audit Unit, 320 West Washington Street,~~ Springfield, Illinois [62791](#)~~62767-0001~~;
 - 2) By State voucher, submitted to the address in subsection (a)(1) above; or
 - 3) By utilizing an ACH payment process that is compatible with the State accounting systems. This option ~~cannot~~~~not~~ be utilized without first obtaining specific written acceptance from the [Division of Insurance](#)~~Department~~.
- b) Pension funds seeking approval to make payment utilizing the ACH must first obtain the written approval of the [Division of Insurance](#)~~Department~~. Upon receipt of ~~such~~ approval and at least 30 days prior to the payment due date, the Pension fund shall file with the [Public Pension](#) Division, as set forth in Section 4415.60 of this Part, the appropriate information of either:

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- 1) If a State pension fund, payment information as shown in Illustration A of this Part, which must contain at least the following information:
 - A) Fund account number from which the annual compliance fee may be withdrawn; and
 - B) State pension fund name; or
- 2) If not a State pension fund, payment information as shown in Illustration B of this Part, which must contain at least the following information:
 - A) Banking account number from which the annual compliance fee payment may be withdrawn;
 - B) Routing number for the financial institution in which the bank account is held;
 - C) The pension fund name; and
 - D) Financial institution's name where the pension fund's account is located.
- c) Filings made pursuant to subsection (b) of this Section shall be addressed to the Department of ~~Financial and Professional Regulation Insurance~~, Administrative Services ~~Section~~Division, Tax and Fiscal Services ~~Section, Tax and Audit~~Unit, 320 West Washington, Springfield, Illinois 62767-0001.
- d) Pension funds electing to make payment utilizing the ACH are not required to file the payment information ~~required by~~pursuant to subsection (b) of this Section if the payment information has been previously submitted and ~~such payment information~~ has not changed since the previous submittal.
- e) Based on the payment information provided by the pension funds ~~under~~in subsection (b) of this Section, the ~~Public Pension~~ Division will initiate an ACH Debit transfer or account transfer on the payment due date, or the first business day thereafter, in an amount equal to the annual compliance fee as calculated pursuant to Section 4415.40 of this Part and as stated in the notification sent pursuant to Section 4415.50 of this Part.

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(Source: Amended at 30 Ill. Reg. 13176, effective July 24, 2006)

Section 4415.80 Hearing on Annual Compliance Fee Amount

A pension fund that wants to challenge the annual compliance fee as calculated by the [Public Pension](#) Division pursuant to Section 4415.40 of this Part, and as stated in the notification pursuant to Section 4415.50 of this Part, may submit a written request for hearing pursuant to 50 Ill. Adm. Code 2402 within 15 days after receipt of the notification. ~~The~~ Such written request shall include the pension fund's reasons for disagreement with the [Public Pension](#) Division's calculation of the annual compliance fee and must include a copy of the [Public Pension](#) Division notification sent pursuant to Section 4415.50 of this Part. The pension fund will not be assessed late fees pursuant to 50 Ill. Adm. Code 4435 and Section 1A-113 of the Code by the Division of [Insurance](#) unless the pension fund loses its [administrative hearing under 50 Ill. Adm. Code 2402](#) appeal.

(Source: Amended at 30 Ill. Reg. 13176, effective July 24, 2006)

Section 4415.90 Penalties

Every pension fund required to pay an annual compliance fee pursuant to Section 4415.20 may also be subject to a late penalty fee and a noncompliance penalty as set forth in 50 Ill. Adm. Code 4435 if the pension fund fails to comply by the payment due date, as set forth in Section 4415.60 of this Part.

(Source: Amended at 30 Ill. Reg. 13176, effective July 24, 2006)

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NOTICE OF ADOPTED AMENDMENTS

Section 4415.ILLUSTRATION A Designation for Fund Transfer for State Pension Fund for Payment of Annual Compliance Fee

Illinois Department of [Financial and Professional Regulation-Division of Insurance](#)
[Public](#) Pension Division

Designation for Automated Clearing House Payment of Annual Compliance Fees

State Pension Fund Name: _____

City: _____ State _____ Zip Code _____

Fund Account Number to be Debited: _____

Fund Account Number to be Credited: _____

Amount of Transfer: _____

Requested Date of Transfer: _____

Statutory Authority: _____

Authorized State Pension Fund Representative: _____

Phone Number: _____

Signed: _____

Dated: _____

(Source: Amended at 30 Ill. Reg. 13176, effective July 24, 2006)

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Section 4415.ILLUSTRATION B Designation for Automated Clearing House Payment of Compliance Annual Fees

Illinois Department of [Financial and Professional Regulation-Division of Insurance](#)
[Public](#) Pension Division

Designation for Automated Clearing House
Payment of Annual Compliance Fees

Depository Name: _____

Account Name: _____

City: _____ State _____ Zip Code _____

Routing Transit Number of Depository Above: _____

Account Number to be Debited: _____

Authorized Pension Representative: _____

Phone Number: _____

Signed: _____

Dated: _____

(Source: Amended at 30 Ill. Reg. 13176, effective July 24, 2006)

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- 1) Heading of the Part: Illinois Elevator Safety Rules
- 2) Code Citation: 41 Ill. Adm. Code 1000
- 3)

<u>Section Numbers:</u>	<u>Emergency Action:</u>
1000.10	New Section
1000.20	New Section
1000.30	New Section
1000.40	New Section
1000.50	New Section
1000.60	New Section
1000.70	New Section
1000.80	New Section
1000.90	New Section
1000.100	New Section
1000.110	New Section
1000.120	New Section
1000.130	New Section
1000.140	New Section
1000.150	New Section
1000.160	New Section
1000.170	New Section
1000.180	New Section
- 4) Statutory Authority: Authorized by and implementing Section 35 of the Elevator Safety and Regulation Act [225 ILCS 312/35].
- 5) Effective Date of Rules: July 21, 2006
- 6) If this emergency rule will expire before the end of the 150-day period, please specify the date on which it will expire? The emergency rule will not expire before the end of the 150-day period.
- 7) Date filed with the Index Department: July 21, 2006
- 8) A copy of the emergency rule, including any material incorporated by reference, is on file in the office of the Illinois State Fire Marshal's office, 1035 Stevenson Drive, Springfield, IL 62703.

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- 9) Reason for the emergency: The rules are necessary to effect the purpose of this Act to provide for the public safety of life and limb and to promote public safety awareness. The prevention of these injuries and protection of employees and the public from unsafe conditions is in the best interest of the people of this State.
- 10) Complete Description of Subjects and Issues involved: The issues involved are the licensing of individuals who install, maintain, inspect and repair all passenger elevators in the State of Illinois, including those handicapped accessible conveyances used by the public.
- 11) Are there any proposed rulemakings to this Part Pending? No
- 12) Statement of Statewide Policy Objectives: The Statewide Policy Objectives met by these rules is the safety of the public who use elevators, escalators and other public conveyances.
- 13) Information and questions regarding these emergency rules shall be directed to:

Deborá Watts
Division of Elevator Safety
Office of the State Fire Marshal
1035 Stevenson Dr.
Springfield, IL 62703-4259

Facsimile: 217-558-1320

The full text of the Emergency Rules begins on the next page.

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NOTICE OF EMERGENCY RULES

TITLE 41: FIRE PROTECTION
CHAPTER II: ELEVATOR SAFETY REVIEW BOARD

PART 1000
ILLINOIS ELEVATOR SAFETY RULES

Section

1000.10 Purpose of this Part

EMERGENCY

1000.20 Applicability

EMERGENCY

1000.30 Definitions

EMERGENCY

1000.40 Local Regulation

EMERGENCY

1000.50 Elevator Safety Review Board

EMERGENCY

1000.60 Adoption of Nationally Recognized Safety Codes

EMERGENCY

1000.70 Variance and Reconsideration

EMERGENCY

1000.80 Licensure and Registration Requirements

EMERGENCY

1000.90 Application for License or Registration

EMERGENCY

1000.100 License and Registration Fees

EMERGENCY

1000.110 Renewal of License

EMERGENCY

1000.120 Registration of Conveyances

EMERGENCY

1000.130 Permits

EMERGENCY

1000.140 Conveyance Inspection

EMERGENCY

1000.150 Certificate of Operation

EMERGENCY

1000.160 Administrative Hearing

EMERGENCY

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NOTICE OF EMERGENCY RULES

1000.170 Administrative Penalties

EMERGENCY

1000.180 Implementation Schedule

EMERGENCY

AUTHORITY: Implementing and authorized by Section 35 of the Elevator Safety and Regulation Act [225 ILCS 312/35].

SOURCE: Emergency rule adopted at 30 Ill. Reg. 13186, effective July 21, 2006, for a maximum of 150 days.

Section 1000.10 Purpose of this Part**EMERGENCY**

The purpose of this Part is to assure that conveyances are correctly and safely installed and operated within the State by regulating the design, installation, construction, operation, inspection, testing, maintenance, alteration, and repair of elevators, dumbwaiters, escalators, moving sidewalks, platform lifts, stairway chairlifts, and automated people movers, and by licensing personnel and businesses that work on these conveyances.

Section 1000.20 Applicability**EMERGENCY**

- a) *This Part applies to the design, construction, operation, inspection, testing, maintenance, alteration and repair of the following equipment, its associated parts, and its hoistways (except as exempted in subsection (c) of this Section):*
- 1) *Hoisting and lowering mechanisms equipped with a car or platform, which move between 2 or more landings and include, but is not limited to, elevators, platform lifts and stairway chairlifts;*
 - 2) *Power driven stairways and walkways for carrying persons between landings. This equipment includes, but is not limited to, escalators and moving walkways;*
 - 3) *Hoisting and lowering mechanisms equipped with a car, which serve 2 or more landings and are restricted to the carrying of material by their limited size or limited access to the car and include, but are not limited to, dumbwaiters or material lifts and dumbwaiters with automatic transfer devices;*

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- 4) *Automatic guided transit vehicles on guide ways with an exclusive right-of-way. This equipment includes, but is not limited to, automated people movers.* [225 ILCS 312/10(a)]
- b) This Part *does not apply to a municipality with a population over 500,000* [225 ILCS 312/10(d)].
- c) This Part does not apply to the following equipment: *material hoists; belt manlifts; mobile scaffolds, towers, and platforms, except those covered by ANSI A10.4; powered platforms and equipment for exterior and interior maintenance; conveyors and related equipment; cranes, derricks, hoists, hooks, jacks, and slings; industrial trucks; portable equipment, except for portable escalators; tiering or piling machines used to move materials to and from storage located and operating entirely within one story; equipment for feeding or positioning materials at machine tools, printing presses, etc.; skip or furnace hoists; wharf ramps; railroad car lifts or dumpers; line jacks, false cars, shafters, moving platforms, and similar equipment used for installing an elevator by a contractor licensed in this State; railway and transit systems; conveyances located in a private residence not accessible to the public; special purpose personnel elevators.* [225 ILCS 312/10(c)]

Section 1000.30 Definitions
EMERGENCY

For the purposes of this Part, the definitions of terms in Section 15 of the Act and in this Section shall apply.

"Acceptance Inspection" means an inspection performed at the completion of the initial installation or alteration of equipment in accordance with applicable standards.

"Act" means the Elevator Safety and Regulation Act [225 ILCS 312].

"Board" means the Elevator Safety Review Board created by Section 25 of the Act [225 ILCS 312/15].

"Certificate of Operation" means a certificate issued by the OSFM that indicates that the conveyance has passed the required safety inspection and tests and fees have been paid. [225 ILCS 312/15]

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"Code" or "State Code" means the standards and recommendations incorporated by reference in Section 1000.60.

"Contractor License Designee" means an individual designated by a licensed elevator contractor or licensed limited elevator contractor who is the holder of the elevator contractor license or limited elevator contractor license and has the responsibility to ensure that work performed by the contractor is done so in conformance with the Act.

"Elevator Contractor" means any person, firm, or corporation who possesses an elevator contractor license in accordance with the provisions of Sections 40 and 55 of the Act and who is engaged in the business of erecting, constructing, installing, altering, servicing, repairing, or maintaining elevators or related conveyances covered by the Act. [225 ILCS 312/15]

"Elevator Helper" means an individual registered with OSFM as an elevator helper. Elevator helpers must work under the direct supervision of a licensed elevator mechanic or licensed limited elevator mechanic. [225 ILCS 312/15]

"Elevator Industry Apprentice" means an individual who is enrolled in an apprenticeship program approved by the Bureau of Apprenticeship and Training of the U.S. Department of Labor and who is registered by OSFM to perform work within the elevator industry under the direct supervision of a licensed elevator mechanic or licensed limited elevator mechanic. [225 ILCS 312/15]

"Elevator Inspector" means any person who possesses an elevator inspector license in accordance with the provisions of the Act or any person who, prior to June 1, 2003, performs the duties and functions of an elevator inspector for any unit of local government with a population greater than 500,000. [225 ILCS 312/15]

"Elevator Mechanic" means any person who possesses an elevator mechanic license in accordance with the provisions of Section 45 of the Act and who is engaged in erecting, constructing, installing, altering, servicing, repairing, or maintaining elevators or related conveyances covered by the Act. [225 ILCS 312/15]

"Emergency Elevator Mechanic License" means a license issued by OSFM, under Section 60(b) of the Act and Section 1000.80(d) of this Part and based upon the certification of a licensed elevator contractor or licensed limited elevator

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contractor, *whenever an emergency exists in the State due to disaster or work stoppage and the number of persons in the State holding mechanic licenses granted by the Board is insufficient to cope with the emergency.*

"Hearing Officer" means the presiding officer or officers at the initial hearing before the Board and each continuation of that hearing. A hearing officer must be an attorney-at-law licensed to practice in Illinois.

"Limited Elevator Contractor License" means a license issued by OSFM, under Section 1000.80(f), that limits the licensee's business to platform lifts and stairway chairlifts. (See definition of Elevator Contractor's License at 225 ILCS 312/15.)

"Limited Elevator Mechanic License" means a license issued by OSFM, under Section 1000.80(a), that *authorizes the licensee to carry on a business of erecting, constructing, installing, altering, servicing, repairing or maintaining platform lifts and stairway chairlifts within any building or structure.* [225 ILCS 312/15]

"Material Alteration" means any change to equipment, including its parts, components, and/or subsystems, other than maintenance, repair, or replacement.

"OSFM" means the Office of the State Fire Marshal, which is designated by the Act to be the administrator of the Illinois Elevator Safety and Regulation program.

"Owner" means any person or authorized agent of that person who owns a device or equipment subject to regulation under the Act, or in the event the device or equipment is leased, the lessee.

"Private Residence" means a separate dwelling or a separate apartment or condominium units in a multiple-family dwelling that is occupied by members of a single-family unit. [225 ILCS 312/15]

"Repair" means reconditioning or renewal of parts, components, and/or subsystems necessary to keep equipment in compliance with applicable code requirements. Repair includes only such work as is necessary to maintain present equipment in a safe and serviceable condition and to adjust or replace defective, broken, or worn parts with parts made of equivalent material, strength, and design, and where the replacing part performs the same function as the replaced part. Section 15 of the Act exempts repairs from the Act's permit requirements.

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"Temporary Certificate of Operation" means a certificate issued by the OSFM that permits the temporary use of a non-compliant conveyance by the general public for a limited time of 30 days while minor repairs are being completed, or use of elevators temporarily used for construction or demolition to provide transportation for construction personnel, tools, and materials only. [225 ILCS 312/15]

"Temporary Elevator Mechanic License" means a license issued by OSFM, under Section 45(e) of the Act and Section 1000.80(c) of this Part, upon the request and certification of a licensed elevator contractor or licensed limited elevator contractor, when there are no licensed personnel available to perform elevator work [225 ILCS 312/45(e)].

**Section 1000.40 Local Regulation
EMERGENCY**

- a) **Authorization of Local Programs**
A municipality or county may issue permits and may enter into a contract with the OSFM under which the municipality or county will operate a local program, provided that the local program safety standards, codes and regulations are at least as stringent as those adopted in this Part, to:
- 1) *Issue construction permits and certificates of operation;*
 - 2) *Provide for inspection of elevators, including temporary operation inspections; and*
 - 3) *Enforce the applicable provisions of the Act. [225 ILCS 312/140]*
- b) **Approval by the Board**
- 1) **Application.**
Any municipality or county that chooses to inspect, license or otherwise regulate conveyances must apply to the Board for approval of the local program. The application shall include the name of the local program administrator, the standards and regulations adopted, the number and types of conveyances covered by the program, the name and license number of inspectors, and other reasonable information the Board may request. The form shall be provided by the OSFM.

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- 2) **Approval and Program Agreement**

If the OSFM determines that the local program will be at least as stringent as the requirements of the Act and this Part, the OSFM will so notify the local program. Each municipality or county approved by the Board to implement a local program shall enter into a written agreement with OSFM under which the local program will apply within the described territory.
 - 3) **Existing Local Programs**

Initial applications for approval of local programs existing when this Part is adopted must be submitted to the Board. Municipalities or counties having conveyance safety inspection programs existing on the effective date of this Part that are in substantial conformance with this Part may continue to operate those programs pending approval by the Board. The OSFM shall be responsible for oversight and concurrent enforcement during the period between application and approval of local programs.
 - 4) **Annual Review**

Board approval of local programs is renewable annually.
- c) **Local Ordinances, Resolutions and Regulations**

The municipality or county must enact enabling ordinances or resolutions creating the local program and adopt standards and regulations at least as stringent as those provided in this Part. Variances to standards and regulations adopted by a local program shall not become final until ratified by the Board.
 - d) **Local Enforcement**

Within the jurisdiction of an approved local program, except as otherwise provided in this subsection (d), the procedural requirements of the local program shall be followed, rather than the procedural requirements of this Part, including the specified fees. However, all conveyances located within the jurisdiction of a local program shall be registered with the OSFM in accordance with Section 80 of the Act and Section 1000.120 of this Part.
 - e) **Reporting and Recordkeeping**
 - 1) **Annual Report**

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The municipality or county shall submit an annual report to the OSFM documenting the standards and regulations enforced by the municipality or county and the number of inspections performed and permits issued.

2) Other Reporting

The OSFM may require additional reports and information to be provided on a periodic basis to assure that local programs are operating in conformance with the Act.

3) Recordkeeping

A municipality or county that operates a local program shall maintain for inspection by the OSFM copies of all inspection reports, permit applications and permits issued, and shall maintain a record of the number of certificates of operation issued by that jurisdiction. These records must be maintained for at least one year. A copy of permits issued shall also be forwarded to the OSFM.

f) Discontinuance of a Local Program

1) Discontinuance by the Local Jurisdiction

Should a local program determine to discontinue inspecting, licensing, or otherwise regulating conveyances, the local program administrator shall notify the OSFM 90 days prior to termination of the program. The municipality or county shall make available to the OSFM program records and documents necessary for the OSFM to maintain regulatory continuity.

2) Discontinuance by the Board

The OSFM shall monitor the local programs and report to the Board whenever a program is found to not meet the requirements of the Act and this Part. The Board shall review the report and notify the municipality or county of corrective actions needed to be taken to bring its program into compliance. The Board may, after allowing time for corrective action and after a hearing under 41 Ill. Adm. Code 210 and Section 160 of this Part, withdraw approval of a non-compliant local program.

**Section 1000.50 Elevator Safety Review Board
EMERGENCY**

a) Appointment

The Elevator Safety Review Board consists of 13 members, 10 of whom are

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appointed by the Governor and 3 of whom are appointed by the State Fire Marshal under Section 25 of the Act.

- b) **Powers and Duties**
Section 35 of the Act authorizes the Board to adopt rules for administration and enforcement of the Act. The rules shall establish standards and criteria consistent with the Act for licensing of elevator mechanics, limited elevator mechanics, inspectors and contractors. The Board may grant variances from the applicable standards, establish fees and recommend changes to the Act.
- c) **Contact**
The Board's office is located at the Office of the Illinois State Fire Marshal, 1035 Stevenson Drive, Springfield, Illinois 62703-4259.

**Section 1000.60 Adoption of Nationally Recognized Safety Codes
EMERGENCY**

- a) All conveyances shall be designed, constructed, installed, operated, inspected, tested, maintained, altered, and repaired in accordance with the following standards and recommended practices:
 - 1) American Society of Mechanical Engineers (ASME)
Three Park Avenue
New York NY 10016-5990
 - A) Safety Code for Elevators and Escalators (ASME A17.1-2004);
 - B) Guide for Inspection of Elevators, Escalators, and Moving Walks (ASME A17.2-2004);
 - C) Safety Code for Existing Elevators and Escalators (ASME A17.3-2005);
 - D) Safety Standard for Platform Lifts and Stairway Chairlifts (ASME A18.1-2005);
 - E) Standard for the Qualification of Elevator Inspectors (ASME QEI-1-2004).
 - 2) American National Standards Institute (ANSI)

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25 West 43rd Street, 4th Floor
New York NY 10036

Safety Requirements for Personnel Hoists and Employee Elevators (ANSI A10.4-2004).

- 3) American Society of Civil Engineers (ASCE)
1801 Alexander Bell Drive
Reston VA 20191-4400

Automated People Mover Standards (ASCE 21-2000).

- b) All the materials incorporated by reference in this Section are incorporated as of the date specified and include no later editions or amendments.

Section 1000.70 Variance and Reconsideration
EMERGENCY

- a) The Board may grant variances to applicable State codes, standards or this Part that are consistent with the intent of the Act.
- b) In order for a variance request to be reviewed, the request shall be submitted in writing by the owner or his/her designated representative and shall include:
- 1) Evidence that the proposed or existing conveyance is not in compliance with the code or regulation.
 - 2) Evidence that strict compliance with the code or regulation would entail practical difficulty or unnecessary hardship or is otherwise found unwarranted.
 - 3) Evidence that any requested variance does not jeopardize the safety and health of those that would use the conveyance or work on the conveyance and that the methods, means, or practices proposed provide equal protection of the public's safety and health.
 - 4) A processing fee of \$200.
- c) The Board's determination on the variance request shall be made in writing to the party making the request and shall advise the party of the reconsideration process

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contained in subsection (d). This determination shall be made no later than 30 days after the Board meeting at which the variance request is heard.

- d) The Board may reconsider a determination made pursuant to this Section. To request reconsideration, the owner or his/her designee shall submit a written request to the Board including:
 - 1) Information in addition to that provided under subsection (b) that may assist the Board in its reconsideration.
 - 2) Evidence that this Part or a code or regulation has been incorrectly interpreted, the provisions of the code or regulation do not fully apply, or the decision is unreasonable or arbitrary as it applies to alternatives or new materials.
- e) The request for reconsideration shall be submitted no later than 30 days after receiving the variance determination. A request for variance or reconsideration shall not relieve a person from complying with the Act or this Part during the pending review.

Section 1000.80 Licensure and Registration Requirements
EMERGENCY

- a) *Qualifications for Elevator Mechanic or Limited Elevator Mechanic License*
 - 1) Elevator Mechanic License
Section 20(a) of the Act states that *no person shall erect, construct, wire, alter, replace, maintain, remove, or dismantle any conveyance contained within buildings or structures in the jurisdiction of this State unless he or she possesses an elevator mechanic license.*
 - A) *No license shall be granted to any person who has not paid the application fee required by Section 1000.100(a).*
 - B) Grandfathering
A person applying for an elevator mechanic license by January 1, 2007 and submitting to the OSFM *acceptable proof that he or she has worked as an elevator constructor or maintenance or repair person for equipment the licensee is authorized to install shall be issued an elevator mechanic license. Acceptable proof shall*

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consist of documentation that he or she worked without direct and immediate supervision for an elevator contractor who has worked on elevators in this State for a period of not less than 3 years immediately prior to adoption of this emergency rule.

- C) *No license shall be granted to any person who has not proven his or her qualifications and abilities. Applicants for an elevator mechanic license must demonstrate one of the following qualifications:*
- i) *an acceptable combination of documented experience and education credits consisting of:*
 - *not less than 3 years work experience in the elevator industry, in construction, maintenance, and service or repair, as verified by current and previous employers licensed to do business in this State; and*
 - *satisfactory completion of a written examination administered by the Elevator Safety Review Board or its designated provider on this Part and the State codes incorporated in Section 1000.60; or*
 - ii) *a certificate of successful completion of the mechanic examination of a nationally recognized training program for the elevator industry, such as the National Elevator Industry Educational Program or its equivalent based on the codes applicable to the type of license for which the individual is applying; or*
 - iii) *a certificate of completion of an elevator mechanic apprenticeship program with standards substantially equal to those of the Act and registered with the Bureau of Apprenticeship and Training, U.S. Department of Labor; or*
 - iv) *a valid license from a state having standards substantially equal to those of this State. [225 ILCS 312/45]*
- 2) Qualifications for a Limited Elevator Mechanic License

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- A) No license shall be granted to any person or firm that has not paid the application fee required by Section 1000.100(g).
 - B) Qualifications for a limited elevator mechanic license shall be the same of for an elevator mechanic license with the exception that work experience shall consist of work performed on ASME A18.1 conveyances (platform lifts and stairway chairlifts). Examinations will cover ASME A18.1 standards, the Act, and this Part.
- b) Elevator Industry Apprentice or Helper Registration
- 1) *A person who is not licensed as an elevator mechanic or limited elevator mechanic may not work as elevator industry apprentice or helper unless her or she is registered as such by OSFM and works under the direct supervision of a licensed elevator mechanic or licensed limited elevator mechanic. [225 ILCS 312/20(c)]*
 - 2) No person shall be registered as an elevator industry apprentice or helper who has not paid the registration fee required by Section 1000.100(j).
 - 3) All elevator mechanic apprentices shall be registered with an apprenticeship or training program approved by the Bureau of Apprenticeship and Training, U.S. Department of Labor.
 - 4) Elevator industry apprentices and helpers shall register by submitting, on a form provided by the OSFM, the following information:
 - A) Name, address and telephone number of the applicant.
 - B) Whether the applicant is registering as an apprentice or as a helper.
 - C) If an apprentice, the name and contact information for the apprenticeship or training program with which the apprentice is registered.
 - D) Upon determination that the applicant for registration meets all the requirements of the Act and this Part, OSFM will provide the applicant with an elevator industry apprentice or helper registration card.

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- c) Qualifications for a Temporary Elevator Mechanic License
- 1) No license shall be granted to any person who has not paid the application fee required by Section 1000.100(e).
 - 2) *A licensed elevator contractor or licensed limited elevator contractor shall notify OSFM when there are no licensed personnel available to perform elevator work and may request that the OSFM issue temporary elevator mechanic licenses to persons certified by the contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision.*
 - 3) A person for whom a contractor requests a temporary elevator mechanic license shall show proof of competency by documenting 3 years of work experience in the elevator industry, without direct supervision, in Illinois or any other state having standards substantially equal to those of this State.
 - 4) *A temporary elevator mechanic license shall recite that it is valid for a period of 30 days from the date of issuance and while the elevator mechanic is employed by the licensed elevator contractor or licensed limited elevator contractor that certified the individual as qualified. It shall apply to such particular elevators or geographical areas as OSFM designates and shall be renewable as long as the shortage of license holders continues. [225 ILCS 312/45(e)]*
- d) Qualifications for Emergency Elevator Mechanic License
- 1) No application fee is required for an individual applying for an emergency elevator mechanic license or for the renewal of that license.
 - 2) *Whenever an emergency exists in the State due to disaster or work stoppage and the number of persons in the State holding elevator mechanic licenses is insufficient to cope with the emergency, any person certified by a licensed elevator contractor or licensed limited elevator contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision shall seek an emergency elevator mechanic license from the OSFM within 5 business days after commencing work requiring a license.*

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- 3) *The applicant shall furnish proof of competency by submitting to the OSFM documentation of 3 years of work experience in the elevator industry, without direct supervision, in Illinois or any other state having standards substantially equal to those of this State.*
 - 4) *An emergency mechanic license is valid for 30 days from the date issued and for such particular elevators or geographical areas as the OSFM may designate. The emergency license entitles the licensee to the rights and privileges of an elevator mechanic license issued under subsection (a).*
 - 5) *OSFM shall renew an emergency elevator mechanic license during the existence of an emergency. [225 ILCS 312/45(d)]*
- e) *Qualifications for Elevator Inspector License*
- 1) *No person shall inspect any conveyance within buildings or structures, including, but not limited to, private residences, unless he or she has an inspector license [225 ILCS 312/20(b)].*
 - 2) *No elevator inspector license shall be granted to any person who has not paid the application fee required by Section 1000.100(b).*
 - 3) *No inspector's license shall be granted to any person, unless he or she proves to the satisfaction of the OSFM that he or she meets the current ASME QEI-1, Standards for the Qualifications of Elevator Inspectors. [225 ILCS 312/50]*
 - 4) *To be licensed as an elevator inspector, the applicant must have attained QEI certification (see Section 1000.60(a)(1)(E)). An elevator inspector shall notify the OSFM within 24 hours after suspension, termination or expiration of his/her QEI certification. No inspector shall perform any inspection covered by the Act without a current QEI certification and valid elevator inspector license.*
- f) *Qualifications for Elevator Contractor License*
Section 40(a) of the Act requires that any person *wishing to engage in the business of installing, altering, repairing, servicing, replacing, or maintaining elevators, dumbwaiters, escalators, or moving walks within this State* must be licensed.

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- 1) *No license shall be granted to any person or firm unless the application fee required by Section 1000.100(c) is paid.*
 - 2) *No license shall be granted to any person or firm who has not proven the required qualifications and abilities. An applicant must demonstrate one of the following qualifications:*
 - A) *five years work experience in the elevator industry in construction, maintenance, and service or repair, as verified by documentation as required by the Board;*
 - B) *satisfactory completion of a written examination administered by the Elevator Safety Review Board directly or through its designated provider on this Part and the State codes incorporated in Section 1000.60; or*
 - C) *proof that the individual or firm holds a valid license from a state having standards substantially equal to those of this State. [225 ILCS 312/55]*
- g) Qualifications for a Limited Contractor License
- 1) No license shall be granted to any person or firm unless the application fee required by Section 1000.100(d) is paid.
 - 2) Qualifications for a limited contractor license shall be the same as for an elevator contractor license with the exception that work experience shall consist of work performed on ASME A18.1 conveyances (platform lifts and stairway chairlifts). Examinations will cover ASME A18.1 standards, the Act, and this Part.
- h) Miscellaneous Requirements
- 1) No licensee shall work on non-registered or non-permitted conveyances covered by the Act, except for those conveyances exempted from registration by the Act or Section 1000.120(e)(3) of this Part.
 - 2) All license holders are required to report violations of the Act, this Part and the standards listed in Section 1000.60 to the OSFM.

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- 3) All license holders are required to submit proof of insurance as required by Section 100 of the Act and must provide notice at least 10 days in advance to the OSFM of any substantial alteration or cancellation of a policy. No work covered by the Act is to be performed without insurance required by Section 100 of the Act.
- 4) Each licensee shall have his/her valid license, and each elevator industry apprentice or helper shall have his/her valid registration card, in his/her possession when working on conveyances covered by the Act.

**Section 1000.90 Application for License or Registration
EMERGENCY**

- a) **Application Forms**
All applications for an elevator mechanic, limited elevator mechanic, temporary elevator mechanic, emergency elevator mechanic, elevator inspector, elevator contractor, or limited elevator contractor license, or for registration as an elevator industry apprentice or helper, shall be submitted to the OSFM on forms provided by the OSFM.
- b) **OSFM Approval or Denial**
Upon receipt, review and approval of the application, the OSFM shall issue the appropriate license or registration. If OSFM determines the applicant does not qualify for licensure or registration based on the criteria established in Section 1000.80, OSFM shall deny the application and notify the applicant of the reason for denial.
- c) **Application for an Elevator Contractor or Limited Elevator Contractor License**
 - 1) *All applications for an elevator contractor or limited elevator contractor license shall include:*
 - A) *if the applicant is a person, the name, residence and business address of the applicant;*
 - B) *if the applicant is a partnership, the name, residence address, and business address of each partner;*

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- C) *if the applicant is a domestic corporation, the name and business address of the corporation and the name and residence address of the principal officer of the corporation;*
 - D) *if the applicant is a corporation other than a domestic corporation, the name and address of an agent locally located who shall be authorized to accept service of process and official notices;*
 - E) *the number of years the applicant has engaged in the business of installing, inspecting, maintaining, or servicing elevators or platform lifts or both;*
 - F) *if applying for an elevator contractor or limited elevator contractor license, the approximate number of persons, if any, to be employed by the applicant and, if applicable, satisfactory evidence that the employees are or will be covered by workers' compensation insurance;*
 - G) *satisfactory evidence that the applicant is or will be covered by general liability, personal injury, and property damage insurance;*
and
 - H) *any criminal record of convictions. [225 ILCS 312/40]*
- 2) Contractor License Designee
Each applicant for an elevator contractor license and a limited elevator contractor license must designate an individual as the Contractor License Designee. The Designee shall hold an elevator contractor license, a limited elevator contractor license, an elevator mechanic license or a limited elevator mechanic license. When an exam is required, the exam will be administered to the Designee. If the Designee separates employment or his/her designation is terminated, the contractor must notify the OSFM within 24 hours. The contractor must designate a new Designee and inform the OSFM in writing within 10 working days or the contractor's license will be automatically suspended. No work on conveyances covered by the Act may be performed by a contractor unless a Contractor License Designee has been appointed and the OSFM has been notified of the appointment.

Section 1000.100 License and Registration Fees

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License fees shall be as follows:

a)	Elevator Mechanic License (initial and renewal)	\$200
b)	Elevator Inspector License (initial and renewal)	\$400
c)	Elevator Contractor License (initial and renewal)	\$1,000
d)	Limited Elevator Contractor License (initial and renewal)	\$500
e)	Temporary Elevator Mechanic License (initial and renewal)	\$0
f)	Emergency Elevator Mechanic License (initial and renewal)	\$0
g)	Limited Elevator Mechanic License (initial and renewal)	\$100
h)	License Restoration	Renewal Fee+\$50
i)	Replacement License	\$25
j)	Elevator Industry Apprentice or Helper Registration	\$50

Section 1000.110 Renewal of License**EMERGENCY**

- a) All licenses shall be renewed every 2 years. A licensee may renew a license by submitting a written application for renewal, accompanied by the required fee, 30 days prior to expiration of the license.
- b) The individual applicant or the elevator contractor or limited elevator contractor shall provide evidence satisfactory to the OSFM of completion by the individual applicant or the Contractor License Designee of at least 8 hours of continuing education approved by the Board, designed to ensure the continued qualifications of the applicant.
- c) *A licensee who is unable to complete the continuing education course required by subsection (b) prior to the expiration of his/her license due to a temporary disability may apply for a waiver from the Board as provided for in Section 60(f) of the Act. [225 ILCS 312/60(f)]*
- d) If a license is allowed to lapse, it may be restored within one year after its expiration date by meeting the requirement of subsection (b) and the payment of

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\$50 in addition to the renewal fee. If a license is not restored within one year after its expiration date, the licenseholder must apply for a new license and shall follow the appropriate licensing procedure.

Section 1000.120 Registration of Conveyances**EMERGENCY**

- a) **Registration of Newly Installed Conveyances**
The licensed elevator contractor or limited elevator contractor installing a new conveyance shall register the conveyance with the OSFM as required by Section 95 of the Act and pay a registration fee of \$30.
- b) **Registration of Existing Conveyances**
Owners of existing conveyances shall register the conveyance with the OSFM as required by Section 80 of the Act and pay a registration fee of \$30.
- c) The registration shall be on a form provided by the OSFM and shall include, but is not limited to, the type, rated load and speed, manufacturer, location, purpose, and date of installation.
- d) The OSFM shall issue for each conveyance a registration identification plate with the registration number inscribed that shall be used to identify the conveyance thereafter. The registration plate shall be permanently affixed/attached to one of the following:
 - 1) Machine, pump unit or drive unit;
 - 2) Car operating station.
- e) **Penalties**
 - 1) **Conveyance Owners**
The OSFM may assess a penalty in accordance with Section 110(b) of the Act not to exceed \$1,500 per violation, per day to an owner of a building other than his/her own private residence who fails to register a conveyance with the OSFM.
 - 2) **Contractors**

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The OSFM may assess a penalty not to exceed \$500 for each day a contractor fails to register a new conveyance as required by Section 95(a) of the Act.

- 3) Private Residence Owners
No fee will be charged for registration of existing private residence conveyances and no penalties will be incurred by the owner of a private residence.

**Section 1000.130 Permits
EMERGENCY**

- a) A licensed elevator contractor or limited licensed elevator contractor shall obtain a permit from the OSFM, municipality, or county that regulates such activities prior to erecting, constructing, installing, or materially altering any conveyances covered by the Act. Permits will be required under this subsection only for projects that commence after the effective date of this Part.
- b) If the permit is issued by a local government, the governmental entity issuing the permit shall send a copy to the OSFM. The governmental entity shall be required to maintain the permit on file for a period of not less than one year from the date of issuance.
- c) Each application for a permit from the OSFM shall be on a form provided by the OSFM and shall be accompanied by the permit fee established in subsection (g) and *accurately scaled and fully dimensioned plans and shall show the location of the machinery room and the equipment to be installed, relocated, or altered, and all structural supporting members, including foundations. The specifications shall include all materials to be employed and all loads to be supported or conveyed. These plans and specifications shall be sufficiently complete to illustrate all details of construction and design.* [225 ILCS 312/90(c)] All permit applications shall be signed by the Contractor License Designee.
- d) At the conclusion of the permitted activity, the licensed elevator contractor or limited elevator contractor shall arrange for a licensed elevator inspector to perform an acceptance inspection.
- e) The licensed elevator contractor or limited elevator contractor shall notify the OSFM no less than 7 days prior to the acceptance inspection being performed.

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- f) The licensed elevator contractor or limited elevator contractor shall specify whether the permit is for a conveyance used for mobility-impaired or nonmobility-impaired purposes.
- g) OSFM permit fees shall be as follows:
 - 1) New installation \$200
 - 2) Material alteration \$100

**Section 1000.140 Conveyance Inspection
EMERGENCY**

- a) **Acceptance Inspections**
All new conveyance installations shall be inspected and, based on that inspection, shall, prior to initial use, receive a Certificate of Operation from the OSFM. *All new conveyance installations shall be performed by a licensed elevator contractor who shall, subsequent to inspection, certify compliance with the applicable Sections of the Act and this Part. [225 ILCS 312/95(a)]*
- b) **Periodic Inspections and Tests**
 - 1) *It shall be the responsibility of the owner of all new and existing conveyances located in any building or structure to have the conveyance inspected at intervals stated in the standards incorporated by Section 100.60. It shall be the responsibility of the owner to insure that the inspections and test are performed at the prescribed intervals.*
 - 2) All inspections and tests shall be conducted in accordance with the State code listed in Section 1000.60 that applies to the conveyance being inspected.
 - 3) *Subsequent to inspection, the licensed elevator inspector must supply the property owner and the OSFM with a written inspection report describing any and all violations.*
 - 4) *Property owners shall have 30 days from the date of the published inspection report to be in full compliance by correcting any violations. The licensed inspector will review the actions taken by the property owner and, if the corrections are adequate, will issue a follow-up inspection report indicating adequate remediation of the violations.*

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- 5) *All tests shall be performed by a licensed elevator mechanic or licensed limited elevator mechanic who is licensed to perform work on that particular type of conveyance.* [225 ILCS 312/120(c)]
- c) **Random Inspections**
As authorized by Section 105(a) of the Act, the OSFM may conduct random on-site inspections and tests on existing installations.
- d) **Conflict of Interest**
No individual licensed as both an elevator mechanic (regular or limited) and elevator inspector may inspect his/her own work, the work of his/her company, or the work of a company affiliated with his/her company. The Board may grant exceptions for governmental, academic, and other institutions that maintain their own personnel licensed as elevator inspectors and as elevator mechanics to allow those personnel to inspect conveyances owned or leased by the institutions as long as they are not inspecting their own work.

**Section 1000.150 Certificate of Operation
EMERGENCY**

- a) Each application for a Certificate of Operation shall be submitted to the OSFM and shall include the following:
- 1) An acceptance report or the report from the most recent periodic inspection from a licensed elevator inspector indicating the date of the inspection and that the conveyance is safe for normal use;
 - 2) A certification from a licensed elevator mechanic or licensed limited elevator mechanic that the conveyance was tested in accordance with the appropriate State code;
 - 3) Any other information the OSFM may require; and
 - 4) The fee required by subsection (b).
- b) The fees for Certificate of Operation shall be as follows:
- 1) Initial Certificate of Operation \$100

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| 2) | Annual Renewal of Certificate of Operation | \$75 |
| 3) | Renewal of Expired Certificate of Operation | \$100 |
| 4) | Temporary Certificate of Operation | \$200 |
- c) Upon receipt and review of the application and supporting documentation, the OSFM shall issue the appropriate Certificate of Operation or shall notify the applicant of the reason for the denial of the certificate.
- d) The OSFM may issue a Temporary Certificate of Operation that permits the temporary use of a non-compliant conveyance by the public for up to 30 days while minor repairs are being completed if the OSFM determines that use of the conveyance pending repair will not jeopardize the safety and health of those using or working on the conveyance. The OSFM also may issue Temporary Certificates of Operation for elevators used for construction or demolition.
- e) *Certificates of Operation shall be clearly displayed on or in each conveyance or in the machine room for the benefit of the State code enforcement staff. [225 ILCS 312/95(c)]*
- f) Upon expiration of the Certificate of Operation, the OSFM may direct the building owner to suspend operation of the conveyance.
- g) The OSFM may cancel the Certificate of Operation and place the conveyance out of service when any of the following conditions exist:
- 1) The conveyance is deemed unsafe for operation or is being operated in an unsafe manner.
 - 2) The owner fails to pay fees or penalties.
 - 3) The owner fails to have the conveyance inspected at required intervals.
 - 4) The owner fails to take corrective action as directed by the OSFM.
- h) When a Certificate of Operation has been suspended or cancelled or the conveyance has been placed out of service by the OSFM, no person shall operate the conveyance. The owner of the conveyance shall remediate the cause of the suspension or cancellation; shall have the conveyance reinspected; and shall apply

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to have a suspended Certificate of Operation reinstated or shall apply for a new Certificate of Operation to replace a cancelled certificate.

**Section 1000.160 Administrative Hearing
EMERGENCY**

- a) An Administrative Order issued by the Board or OSFM may be appealed in accordance with 41 Ill. Adm. Code 210.20.
- b) All appeals shall be submitted in writing to the Board no later than 10 working days following the date of the Administrative Order to correct the conveyance endangering public safety and welfare; all other appeals shall be made within 30 days following the date of the Administrative Order.
- c) All hearings conducted by the Board will be conducted pursuant to 41 Ill. Adm. Code 210.
- d) The Board may appoint a hearing officer to assist the Board with the hearing procedures.
- e) In accordance with 41 Ill. Adm. Code 210.150, failure of a party to appear on the date of the hearing shall constitute default. The Board will hold the hearing and enter a final order.
- f) All final administrative decisions of OSFM or the Board are subject to judicial review under the Administrative Review Law [735 ILCS 5/Art. III].

**Section 1000.170 Administrative Penalties
EMERGENCY**

- a) The OSFM may assess an administrative penalty against any person who violates the Act or this Part or any of the standards listed in Section 1000.60.
- b) Issuance of Administrative Citation
 - 1) The OSFM may issue an administrative citation in writing and shall specifically describe the nature of the violation and its location and shall include a reference to the particular Section of the Act or this Part or the specific standard alleged to have been violated. The citation shall also

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state the amount of the fine levied in accordance with subsection (d) and the process for appeal.

- 2) The person alleged to have committed the violation shall have 30 days from the date of service of the notice to notify the Board in writing of any intent to appeal the citation and fine. If no notice of appeal is filed, the citation and penalty shall be deemed a final order of the OSFM.
- 3) Administrative citations and penalties issued under this Section shall not limit the authority of the OSFM to issue orders, revoke permits, stop work on construction and/or order the electrical power to be disconnected, or take any other appropriate enforcement action.

c) Appeal of a Citation

- 1) A person who appeals a citation issued by the OSFM shall be entitled to a hearing before the Board or the Board's designee within 90 days after filing the notice of appeal. The 90 day time frame may be extended, with OSFM approval, if the appellant requests in writing additional time to prepare for the hearing.
- 2) The hearing notice to the appellant shall include the following information:
 - A) A statement of the time, place, and nature of the hearing;
 - B) A statement of the legal authority and jurisdiction under which the hearing is to be held;
 - C) A reference to the Sections of the Act and this Part involved and/or the specific State code involved;
 - D) A short and plain statement of the matters at issue.
- 3) The Board may appoint a hearing officer to hear evidence on any appeal, prepare findings, and recommend a decision.
- 4) The appellant may appear at the hearing with counsel, present evidence, and cross-examine witnesses.

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- 5) An opportunity shall be given all parties to respond and present evidence and arguments on all issues involved.
 - 6) At the close of the evidence, the Board shall issue a written decision with findings of fact and conclusions of law determining whether a violation has occurred and the amount of any penalty to be assessed.
 - 7) Nothing in this Section shall prohibit the informal disposition of a citation by stipulation, agreed settlement, consent order, or default. Informal disposition may proceed with clear and simple documentation without complete adherence to this Section.
- d) Administrative Penalty/Fine
- 1) Violation of the Act or this Part or Any of the Standards Listed in Section 1000.60.
 - A) In assessing the penalty for violations, the OSFM shall consider the seriousness of the violation, whether the violation was corrected after notification of its existence, and whether the person has been fined for the same or similar violations in the past.
 - B) When a penalty is assessed, the fine shall be as follows:
 - i) The fine shall not exceed \$1,500 for each violation that poses a serious threat to life safety.
 - ii) The fine shall not exceed \$500 for each violation that does not pose a serious threat to life safety.
 - iii) Each day that a violation continues constitutes a separate violation, up to the limitations specified in subsection (d)(3).
 - iv) All fines must be paid within 30 days after receipt or the fine doubles, up to the limitations specified in subsection (d)(3). After 60 days, the OSFM may remove the conveyance from service until all fines are paid.
 - 2) Licensure or Registration Violation

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- A) The fine shall not exceed \$2,000 for each instance for any person or business that performs elevator work without being properly licensed or registered as required by this Part.
 - B) The fine shall not exceed \$2,000 for each instance for any contractor that allows an individual to perform work on a conveyance covered by the Act who does not possess a valid license required by this Part.
 - C) The OSFM may suspend or revoke any license or registration when the licensee or registrant fails to pay assessed penalties or willfully or repeatedly violates the Act or this Part.
- 3) The fine shall not exceed \$1,500 per violation, per day for any owner that fails to comply with the Act.
 - 4) The fine shall not exceed \$1,500 for each instance of a licensee failing to notify the OSFM of violations of the Act.

Section 1000.180 Implementation Schedule
EMERGENCY

- a) The OSFM may issue an elevator mechanic or limited elevator mechanic license, in accordance with Section 45(c)(2) of the Act (grandfathering), to a person applying by January 1, 2007.
- b) Permits shall be required by January 1, 2007.
- c) All conveyances shall be registered by January 1, 2007.
- d) All new conveyances shall be required to have a certificate of operation after January 1, 2007.
- e) Those municipalities and counties that intend to regulate conveyances must notify the Board of their intent by January 1, 2007.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of July 18, 2006 through July 24, 2006 and have been scheduled for review by the Committee at its August 8, 2006 meeting in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
8/30/06	<u>Property Tax Appeal Board</u> , Practice and Procedure for Appeals Before the Property Tax Appeal Board (86 Ill. Adm. Code 1910)	4/28/06 30 Ill. Reg. 7844	8/8/06
8/30/06	<u>Department of Financial and Professional Regulation-Division of Professional Regulation</u> , Pharmacy Practice Act of 1987 (68 Ill. Adm. Code 1330)	4/21/06 30 Ill. Reg. 6641	8/8/06
9/1/06	<u>Department of Healthcare and Family Services</u> , Long Term Care Reimbursement Changes (89 Ill. Adm. Code 153)	4/14/06 30 Ill. Reg. 6257	8/8/06
9/1/06	<u>Department of Healthcare and Family Services</u> , Medical Payment (89 Ill. Adm. Code 140)	4/14/06 30 Ill. Reg. 6230	8/8/06
9/1/06	<u>Department of Human Services</u> , Aid to the Aged, Blind or Disabled (89 Ill. Adm. Code 113)	4/21/06 30 Ill. Reg. 6662	8/8/06
9/1/06	<u>Department of Human Services</u> , Food Stamps (89 Ill. Adm. Code 121)	4/21/06 30 Ill. Reg. 6673	8/8/06

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

9/1/06	<u>Department of Natural Resources</u> , Operation of Watercraft Carrying Passengers for Hire on Illinois Waters (17 Ill. Adm. Code 2080)	6/2/06 30 Ill. Reg. 9986	8/8/08
9/2/06	<u>Department of Transportation</u> , Prequalification of Contractors and Issuance of Plans and Proposals (44 Ill. Adm. Code 650)	6/2/06 30 Ill. Reg. 9991	8/8/06
9/2/06	<u>Department of Veterans' Affairs</u> , Veterans' Scratch-Off Lottery Grants (95 Ill. Adm. Code 123)	5/5/06 30 Ill. Reg. 8398	8/8/06

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF PUBLICATION ERROR

ILLINOIS RACING BOARD

- 1) Heading of the Part: Medication
- 2) Code Citation: 11 Ill. Adm. Code 603
- 3) Illinois Register Citation to Notice of Proposed Rulemaking: 30 Ill. Reg. 12548; July 21, 2006
- 4) Explanation: Section 603.60(a)(3)(B) contains a typographical error in the reference to the amount of phenylbutazone or oxyphenylbutazone found in post-race samples. The phrase "greater than or equal to ~~1.08-0~~ mcg/ml" should read "greater than or equal to ~~10.08-0~~ mcg/ml". Also, because of a typographical error in Section 603.60(c), the subsection addressing "Anti-Ulcers" is labeled as "4)" instead of "3)". The rulemaking text filed with the Secretary of State for publication by the Illinois Racing Board was correct. JCAR regrets the error.

JOINT COMMITTEE ON ADMINISTRATIVE RULES

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ILLINOIS RACING BOARD

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER c: RULES APPLICABLE TO ALL OCCUPATION LICENSEES

PART 603

MEDICATION

Section

603.10	Pre-Race Saliva Tests
603.20	Racing Soundness Exam
603.30	Foreign Substances and Pharmaceutical Aids Banned
603.40	Twenty-four Hour Ban
603.50	Trainer Responsibility
603.55	Prima Facie Evidence
603.60	Permitted Use of Foreign Substances and Threshold Levels
603.70	Furosemide
603.80	Needles, Syringes and Injectables
603.90	Drugs, Chemicals and Prescription Items
603.100	Detention Barn
603.110	Test Samples
603.120	Referee Samples
603.130	Laboratory Findings and Reports
603.140	Distribution of Purses and Retention of Samples
603.150	Post Mortems
603.160	Penalties
603.170	Veterinarian's Records
603.180	Carbon Dioxide Tests

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 21 Ill. Reg. 3232, effective March 4, 1997; amended at 22 Ill. Reg. 2217, effective January 1, 1998; amended at 22 Ill. Reg. 3594, effective February 1, 1998; amended at 25 Ill. Reg. 15611, effective December 1, 2001; amended at 26 Ill. Reg. 12360, effective August 1, 2002; amended at 27 Ill. Reg. 5027, effective March 7, 2003; amended at 27 Ill. Reg. 7331, effective April 15, 2003; amended at 28 Ill. Reg. 1374, effective January 19, 2004; amended at 28 Ill. Reg. 4751, effective March 1, 2004; emergency amendment at 28 Ill. Reg. 7565, effective

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May 11, 2004, for a maximum of 150 days; emergency expired October 7, 2004; amended at 28 Ill. Reg. 11250, effective August 1, 2004; amended at 28 Ill. Reg. 15790, effective December 1, 2004; emergency amendment at 29 Ill. Reg. 2779, effective February 22, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 4116, effective February 25, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 5726, effective April 8, 2005; amended at 29 Ill. Reg. 12265, effective July 24, 2005; amended at 29 Ill. Reg. 14038, effective September 1, 2005; amended at 30 Ill. Reg. _____, effective _____.

Section 603.60 Permitted Use of Foreign Substances and Threshold Levels

a) Non-Steroidal Anti-Inflammatories (NSAID): Threshold Levels

- 1) Only one non-steroidal anti-inflammatory drug (NSAID) may be present in a horse's body while it is participating in a race. The presence of more than one NSAID greater than the threshold level at any test level is forbidden and will result in the purse being redistributed.
- 2) Subject to the prohibition contained in Section 603.40 (24 hour ban), the only foreign substances that now meet the criteria established in Section 603.80 are phenylbutazone (or its metabolite oxyphenylbutazone), flunixin, and ketoprofen.
- 3) The threshold test level of phenylbutazone shall be less than 5.15-0 micrograms (mcg)/milliliter (ml) of serum or plasma. The threshold test level for oxyphenylbutazone shall be less than 5.15-0 mcg/ml of plasma.
 - A) In the event a post-race sample from a horse contains an amount of phenylbutazone or oxyphenylbutazone greater than or equal to 5.15-0 mcg/ml but less than 10.08-0 mcg/ml of serum or plasma, the trainer shall be subject to the following penalties, within a 365 day period, and absent mitigating circumstances: a fine not to exceed \$500.
 - i) first offense, minimum fine of \$250;
 - ii) second offense, minimum fine of \$500;

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iii) third or subsequent offense, minimum fine of \$1,000 and a 15 day suspension.

B) In the event a post-race sample from a horse contains an amount of phenylbutazone or oxyphenylbutazone greater than or equal to 10.08-0 mcg/ml but less than 15.0 mcg/ml of serum or plasma, the trainer shall be subject to the following penalties, within a 365 day period, and absent mitigating circumstances: a fine not to exceed \$1000 and/or a suspension not to exceed 15 days (see subsection (a)(3)(F)).

i) first offense, minimum fine of \$500 and the purse shall be redistributed;

ii) second offense, minimum fine of \$1,000, a 15 day suspension and the purse shall be redistributed;

iii) third or subsequent offense, minimum fine of \$2,500, a 30 day suspension and the purse shall be redistributed.

C) In the event a post-race sample from a horse contains an amount of phenylbutazone or oxyphenylbutazone greater than or equal to 15.0 mcg/ml of serum or plasma, the trainer shall be subject to a fine not to exceed \$1000 and/or a suspension not to exceed 60 days and the purse shall be redistributed (see subsection (a)(3)(F) below).

D) If the phenylbutazone or oxyphenylbutazone overage is due to the negligence of the veterinarian attending the horse, the veterinarian shall be subject to the same penalties as are set forth in subsections (a)(3)(A)-(D).

E) Penalties for violations of this Section shall be based on the following criteria:

i) previous warnings and rulings for violations of this Section;

ii) the age and experience of the violator;

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- iii) ~~whether the violator has ever been the subject of a medication ruling in this or any other racing jurisdiction;~~
 - iv) ~~what action, if any, was taken to avoid the violation;~~
 - v) ~~the purse of the race.~~
- 4) The ~~threshold test~~ level of flunixin shall be less than ~~21.020-0~~ ng/ml of serum or plasma and the threshold level of ketoprofen shall be less than 11.0 ng/ml of serum or plasma. In the event a post-race sample from a horse contains an amount of:-
- A) flunixin greater than or equal to 21.0 ng/ml but less than 100.0 ng/ml or ketoprofen greater than or equal to 11.0 ng/ml but less than 50.0 ng/ml, the trainer shall be subject to the following penalties, within a 365 day period, and absent mitigating circumstances:
 - i) first offense, minimum fine of \$250;
 - ii) second offense, minimum fine of \$500;
 - iii) third or subsequent offense, minimum fine of \$1,000 and a 15 day suspension.
 - B) flunixin greater than or equal to 100.0 ng/ml or ketoprofen greater than or equal to 50.0 ng/ml, the trainer shall be subject to the following penalties, within a 365 day period, and absent mitigating circumstances:
 - i) first offense, minimum fine of \$500 and the purse shall be redistributed;
 - ii) second offense, minimum fine of \$1,000, a 15 day suspension and the purse shall be redistributed;

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- iii) third or subsequent offense, minimum fine of \$2,500, a 30 day suspension and the purse shall be redistributed.
 - ~~5) The test level of ketoprofen shall be less than 10.0 ng/ml of serum or plasma.~~
 - 5) If the phenylbutazone, oxyphenylbutazone, flunixin or ketoprofen overage is due to the negligence of the veterinarian attending the horse, the veterinarian shall be subject to the same penalties as are set forth in subsections (a)(3)(A) and (B) and (a)(4)(A) and (B).
 - 6) To help horsemen determine the test levels of phenylbutazone, oxyphenylbutazone, flunixin, and ketoprofen, the Board laboratory will test, for the actual cost of processing the sample, all equine serum or plasma samples submitted to it that are accompanied by an affidavit indicating time, method, and route of administration.
 - 7) Penalties for violations of this Section shall be based on the following criteria:
 - A) previous warnings and rulings for violations of this Section;
 - B) the age and experience of the violator;
 - C) whether the violator has ever been the subject of a medication ruling in this or any other racing jurisdiction;
 - D) what action, if any, was taken to avoid the violation;
 - E) the purse of the race.
- b) The following foreign substances may be administered externally to a horse entered to a race: Leg paints and liniment which do not contain any "caine" derivatives, pharmacodynamic and/or chemotherapeutic agents, and which can be applied topically without penetrating the skin.
- c) Subject to the prohibition contained in Section 603.40 (24-hour ban), the following foreign substances, commonly referred to as anti-bacterial, anti-fungal,

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or anti-ulcer drugs, may be present in the body of a horse participating in a race.

1) Anti-Bacterials

Amikacin
Ampicillin
Ampicillin sodium
Azolsulfamide
Chloramphenicol
Doxycycline
Enrofloxacin (Baytril)
Erythromycin sulfate
Gentamicin sulfate
Kanamycin sulfate
Methenamine
Levamisole (tetramisole)
Metronidazole
Neomycin sulfate
Nitrofurantoin
Oxytetracycline
Penicillin G. Benzathine
Penicillin G. Potassium
Sulfadimethozine
Sulfadimethoxine
Sulfamethoxazole
Sulfamethranidazole
Sulfapyridine
Sulfathiazole
Tetracycline
Trimethoprim

2) Anti-Fungals

Amphotericin B
Griseofulvin
Neomycin Undecylenate
Nystatin

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3) Anti-ProtozoalsNitazoxanide (Navigator)Ponazuril (Marquis)Pyrimethamine (Daraprim)

4)3) Anti-Ulcers

Cimetidine (Tagamet)

Omeprazole (Prilosec or GastroGard)

Ranitidine (Zantac)

- d) This listing of anti-bacterial, anti-fungal, and anti-ulcer drugs is all inclusive and shall not include any other anti-bacterial, anti-fungal, or anti-ulcer drug.
- e) A foreign substance of accepted therapeutic value may be administered as prescribed by a veterinarian when threshold levels and guidelines for its use have been approved by the Board and this Part has been duly amended. The Board shall give due consideration to threshold levels and guidelines that have been established by the Quality Assurance Program Committee of the Association of Racing Commissioners International when making additions to the permitted list.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 603.140 Distribution of Purses ~~and Retention of Samples~~

- a) The Board recognizes that occasionally post-race specimens do not reach the laboratory within 72 hours nor can all samples be thoroughly analyzed within 72 hours. However, as a convenience to horsemen, all purse money shall be distributed no later than 72 hours after a race, unless the laboratory has issued a report to the stewards pursuant to these rules.
- b) The fact that purse money has been distributed prior to the issuance of a laboratory report shall not be deemed a finding that no foreign substance has been administered in violation of these rules to the horse winning such purse money.
- c) Upon receipt of a positive laboratory report, the stewards or the Executive Director of the Board shall immediately direct that no purse money shall be

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awarded to the horse in question pending a final determination by the stewards or the Board of the accuracy of the laboratory's report. The stewards or the Executive Director of the Board shall notify the owner, trainer, and any other person having care or custody or control of the horse. If the purse money has been distributed, the stewards or the Executive Director shall order it returned pending determination of the accuracy of the laboratory's report. The stewards or the Executive Director of the Board shall proceed to conduct an inquiry or the Board shall conduct an inquiry or hearing.

- d) If the report of a laboratory is not contested or if the stewards or the Board determine that the laboratory report is accurate, all purse money won by the horse in the race in question shall be forfeited and redistributed among the remaining horses according to their order of finish. No such forfeiture and redistribution shall affect the distribution of pari-mutuel pools.
- e) If no positive laboratory report has been issued to the stewards or the Board within 60 days after the date of a race, the owner of a horse shall become legally entitled to the money in the purse and it shall be conclusively presumed that the conditions precedent to such entitlement have been met. Provided, however, positive laboratory reports issued more than 60 days after the date of a race may be considered by the stewards or the Board as evidence of a rule violation under Sections 603.50, 603.60, or 603.70.
- f) If a positive laboratory report has been issued, whatever remains of that particular test sample shall be retained until all legal proceedings have been concluded.
- g) ~~All samples shall be retained by the laboratory for the maximum period permitted by available storage facilities. No samples may be destroyed when storage facilities become unavailable except upon approval by a majority of the members of the Board.~~

(Source: Amended at 30 Ill. Reg. _____, effective _____)

DEPARTMENT OF LABOR

NOTICE OF PUBLIC INFORMATION

CONTRACTOR PROHIBITED FROM AN AWARD
OF A CONTRACT OR SUBCONTRACT
FOR PUBLIC WORKS PROJECTS

Pursuant to the findings in Re: Del Toro Landscaping, Inc., IDOL File No.(s) 2005-PW-WJ04-0932, 2004-PW-WJ10-0922, 2005-PW-WJ10-0395, 2004-PW-WJ02-1303, 2004-PW-WJ11-1008, the Director of the Department of Labor gives notice that [Del Toro Landscaping, Inc.], its member(s), officer(s), manager(s), agent(s), and all persons acting in Del Toro Landscaping, Inc.'s interest and/or on Del Toro Landscaping, Inc.'s behalf, and any business entity, including, but not limited to, any firm, corporation, partnership or association in which Del Toro Landscaping, Inc., its member(s), officer(s), manager(s), agent(s), and all other persons acting in Del Toro Landscaping, Inc.'s interest and/or on Del Toro Landscaping, Inc.'s behalf have an interest, pecuniary or otherwise, is(are) prohibited from bidding, accepting or working on any contract or subcontract for a public works project covered by the Prevailing Wage Act, 820 ILCS 130/0.01-12 (2001), commencing July 18, 2006 and continuing through July 17, 2008.

Copies of the Prevailing Wage Act are available on the internet at <http://www.legis.state.il.us/ilcs/ch820/ch820act130.htm>, and at the:

Illinois Department of Labor
Conciliation and Mediation Division
One West Old State Capital Plaza, Room 300
Springfield, Illinois 62701-1217

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

2006 SECOND QUARTER SALES TAX SUNSHINE INDEX LISTING

1. Statute requiring agency to publish information concerning Private Letter Rulings in the *Illinois Register*:

Name of Act: Illinois Department of Revenue Sunshine Act

Citation: 20 ILCS 2515/1

2. Summary of information:

Index of Department of Revenue sales tax Private Letter Rulings and General Information Letters issued for the Second Quarter of 2006. Private letter rulings are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. Private letter rulings are binding on the Department only as to the taxpayer who is the subject of the request for ruling. (See 2 Ill. Adm. Code 1200.110) General information letters are issued by the Department in response to written inquiries from taxpayers, taxpayer representatives, business, trade, industrial associations or similar groups. General information letters contain general discussions of tax principles or applications. General information letters are designed to provide general background information on topics of interest to taxpayers. General information letters do not constitute statements of agency policy that apply, interpret, or prescribe tax laws administered by the Department. *General information letters may not be relied upon by taxpayers in taking positions with reference to tax issues and create no rights for taxpayers under the Taxpayers' Bill of Rights Act.* (See 2 Ill. Adm. Code 1200.120)

The letters are listed numerically, are identified as either a General Information Letter or a Private Letter Ruling and are summarized with a brief synopsis under the following subjects:

Aircraft Use Tax
Bingo
Certificate of Registration
Charitable Games
Computer Software
Construction Contractors
Delivery Charges
Electricity Excise Tax
Enterprise Zones
Exempt Organizations

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Farm Machinery & Equipment
Food
Food, Drugs & Medical Appliances
Gas Use Tax
Graphic Arts
Interstate Commerce
Leasing
Local Taxes
Manufacturer's Purchase Credit
Manufacturing Machinery & Equipment
Medical Appliances
Miscellaneous
Motor Fuel Tax
Motor Vehicles
Nexus
Occasional Sale
Public Utility Taxes
Returns
Rolling Stock Exemption
Sale at Retail
Sale for Resale
Sale of Service
Service Occupation Tax
Tax Collection
Telecommunications Excise Tax
Tire User Fee
Trade-Ins
Use Tax
Vehicle Use Tax

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of \$1.00 per opinion plus 50¢ per page for each page over one. Copies of the ruling letters may be downloaded free of charge from the Department's World Wide Web site at www.revenue.state.il.us/.

The annual index of Sales and Excise Tax letter rulings (all four quarters) is available for \$3.00.

3. Name and address of person to contact concerning this information:

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2006 SECOND QUARTER SALES TAX SUNSHINE INDEX LISTING

Marie Keeney, Legal Services Office 217/782-2844
101 West Jefferson Street
Springfield, Illinois 62794

AIRCRAFT USE TAX

ST 06-0072-GIL 04/19/2006 Aircraft Use Tax liability is incurred on aircraft acquired by gift, transfer, or non-retail purchase after June 30, 2003. See 86 Ill. Adm. Code 152.101.

BINGO

ST 06-0042-GIL 04/13/2006 Bingo is defined as the form of lottery authorized by the Act in which prizes are awarded on the basis of designated numbers or symbols on a card for which consideration has been paid, conforming to numbers or symbols selected at random. See 86 Ill. Adm. Code 430.100.

ST 06-0085-GIL 04/20/2006 Unlicensed raffles or other forms of gambling prohibited by law shall not be conducted on the premises where bingo is being conducted. See 86 Ill. Adm. Code 430.160.

CERTIFICATE OF REGISTRATION

ST 06-0107-GIL 04/27/2006 The Social Security Act establishes federal authority by which this Department may use social security numbers as the identification numbers required by the tax laws. See 42 USC 405 (c)(2)(C)(i).

CHARITABLE GAMES

ST 06-0065-GIL 04/18/2006 For information regarding a licensed supplier in the distribution of charitable gaming equipment please see 86 Ill. Adm. Code 435.130.

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COMPUTER SOFTWARE

- ST 06-0005-PLR 05/16/2006 License agreements in which the customer electronically accepts the terms by clicking (“I agree”) do not comply with the requirement of a written agreement signed by the licensor and customer as set forth in 86 Ill. Adm. Code 130.1935(a)(1)(A).
- ST 06-0010-PLR 06/29/2006 This letter rescinds and clarifies ST-05-0028-PLR. If transactions for the licensing of computer software meet all of the criteria provided in subsection (a)(1) of Section 130.1935, neither the transfer of the software nor the subsequent software updates will be subject to Retailers' Occupation Tax. See 86 Ill. Adm. Code 130.1935.
- ST 06-0033-GIL 04/03/2006 For information regarding sales of computer goods and services, please see the Department’s regulation on “Computer Software” at 86 Ill. Adm. Code 130.1935 available on the Department’s website.
- ST 06-0035-GIL 04/13/2006 The sale of canned software is subject to tax in Illinois regardless of the form in which it is transferred. See 86 Ill. Adm. Code 130.1935.
- ST 06-0043-GIL 04/13/2006 A license of canned software is subject to Retailers' Occupation Tax liability if all of the criteria set out in 86 Ill. Adm. Code 130.1935(a)(1) are not met.
- ST 06-0046-GIL 04/13/2006 For general information regarding sales of computer goods and services, see the Department’s regulation “Computer Software” at 86 Ill. Adm. Code 130.1935, available on the Department’s website.
- ST 06-0081-GIL 04/20/2006 The transfer of any canned software (or update of canned software) is considered the transfer of tangible personal property and will be subject to Retailers' Occupation Tax and Use Tax liability. Sales of canned software are taxable regardless of the means of delivery. See 86 Ill. Adm. Code 130.1935.
- ST 06-0091-GIL 04/24/2006 In general, maintenance agreements that cover computer software and hardware are treated the same as maintenance agreements for

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2006 SECOND QUARTER SALES TAX SUNSHINE INDEX LISTING

other types of tangible personal property. See 86 Ill. Adm. Code Sec. 130.1935.

ST 06-0092-GIL 04/24/2006 Issues regarding the taxation of software and software licenses may be found at 86 Ill. Adm. Code 130.1935.

ST 06-0116-GIL 05/16/2006 The Department declines to issue at this time any General Information Letters concerning the taxability of Application Service Provider "ASP" software transactions. For general information regarding the taxation of computer software, see

CONSTRUCTION CONTRACTORS

ST 06-0006-PLR 05/31/2006 Tangible personal property that will be physically incorporated into public improvements, the ownership of which is required to be conveyed to a unit of local government pursuant to a pre-development transfer requirement, is exempt from Retailers' Occupation Tax and Use Tax. See 86 Ill. Adm. Code 130.2075(e).

ST 06-0054-GIL 04/14/2006 A contract to incorporate tangible personal property into real property is considered a construction contract. A contractor incurs Use Tax on the cost price of the tangible personal property that is installed into real property. See 86 Ill. Adm. Code 130.1940 and 130.2075.

ST 06-0070-GIL 04/19/2006 In Illinois, construction contractors are deemed end users of tangible personal property purchased for incorporation into real property. As end users of such tangible personal property, these contractors incur Use Tax liability for such purchases based upon their cost price of the tangible personal property. See 86 Ill. Adm. Code 130.1940 and 86 Ill. Adm. Code 130.2075.

ST 06-0074-GIL 04/19/2006 This letter discusses various kinds of sales and leases of tangible personal property to construction contractors who are under contract to the government. See 86 Ill. Adm. Code Sections 130.2012, 130.2075, and 130.2076.

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ST 06-0115-GIL 05/15/2006 If a purchaser makes a purchase of cabinetry under a purchase agreement, and enters into a separate installation agreement for the cabinetry, then the retailer owes Retailers' Occupation Tax and must collect the corresponding Use Tax from the customer on the sale of the cabinetry. See 86 Ill. Adm. Code 130.450 and 130.1940.

ST 06-0117-GIL 05/17/2006 For general information regarding the sales tax liabilities of construction contractors in Illinois, see the Department's regulations at 86 Ill. Adm. Code 130.1940 and 130.2075.

DELIVERY CHARGES

ST 06-0069-GIL 04/19/2006 Shipping and handling charges are not taxable if it can be shown that the charges are agreed to separately from the selling price of the tangible personal property sold and, the charges are actually reflective of the costs of shipping. See 86 Ill. Adm. Code 130.415.

ELECTRICITY EXCISE TAX

ST 06-0009-PLR 06/29/2006 This is a supplemental private letter ruling issued in response to ST-06-0030-GIL, which discusses the definition of "use" pursuant to The Electricity Excise Tax Law. See 35 ILCS 640/2-3(k).

ENTERPRISE ZONES

ST 06-0060-GIL 04/17/2006 This letter discusses an out-of-state combination retailer/contractor installation of qualifying building materials into an Illinois enterprise zone. See 86 Ill. Adm. Code 130.1951.

EXEMPT ORGANIZATIONS

ST 06-0050-GIL 04/13/2006 This letter discusses personal property purchased through certain fundraising events for the benefit of certain schools. See 86 Ill. Adm. Code 130.2009.

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- ST 06-0098-GIL 04/26/2006 For general information regarding sales by exempt organizations, see the Department's regulation, "Persons Engaged in Nonprofit Service Enterprises and in Similar Enterprises Operated as Businesses, and Suppliers of Such Persons" at 86 Ill. Adm. Code 130.2005. Also see the Department's letters on exempt organizations.
- ST 06-0100-GIL 04/26/2006 In general, a school does not incur Retailers' Occupation Tax liability on its operation of a cafeteria or other dining facility which is conducted on the school's premises, and which confines its selling to the students and employees of the school. See 86 Ill. Adm. Code 130.2005.
- ST 06-0110-GIL 05/09/2006 This letter discusses sales to persons who lease tangible personal property to exempt hospitals. See 86 Ill. Adm. Code 130.2011.

FARM MACHINERY & EQUIPMENT

- ST 06-0045-GIL 04/13/2006 If tender trailers are used primarily to transport fertilizer to the field and are then attached to equipment that applies the fertilizer to the field, they would qualify for the farm equipment and machinery exemption pursuant to 86 Ill. Adm. Code 130.305(h).

FOOD

- ST 06-0040-GIL 04/13/2006 This letter provides a brief summary of when the high rate of tax for food and the low rate of tax for food apply. See 86 Ill. Adm. Code 130.310.
- ST 06-0047-GIL 04/13/2006 For general information regarding sales of food, see the Department's regulation "Food, Drugs, Medicines and Medical Appliances" at 86 Ill. Adm. Code 130.310, available on the Department's website.
- ST 06-0094-GIL 04/26/2006 Persons that are engaged in the business of selling meals to purchasers for use or consumption incur Retailers' Occupation Tax

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liability on their gross receipts from such sales. See the Department's regulation "Vendors of Meals" at 86 Ill. Adm. Code 130.2145.

FOOD, DRUGS & MEDICAL APPLIANCES

ST 06-0104-GIL 04/27/2006 Information concerning the tax liabilities of dietary supplements, vitamins and personal care products may be found at 86 Ill. Adm. Code 130.310.

ST 06-0113-GIL 05/11/2006 This letter provides a reference for the tax liabilities incurred on sales of chewing gum. See 86 Ill. Adm. Code 130.310.

GAS USE TAX

ST 06-0077-GIL 04/19/2006 The provisions of 49 U.S.C.A. 24301(l) prevent the State of Illinois from taxing Amtrak and its rail carrier subsidiaries.

GRAPHIC ARTS

ST 06-0008-PLR 06/14/2006 The sale of an integrated computer and printer system for the printing of digital images is graphic arts machinery and equipment exempt from Retailer's Occupation Tax and Use Tax. See 86 Ill. Adm. 130.325.

ST 06-0097-GIL 04/26/2006 The Department's rules regarding the Graphic Arts Machinery and Equipment Exemption are set forth at 86 Ill. Adm. Code 130.325.

INTERSTATE COMMERCE

ST 06-0095-GIL 04/26/2006 A review of the Department's regulation, "Sales of Property Originating in Illinois" at 86 Ill. Adm. Code 130.605, is useful for questions regarding interstate commerce.

LEASING

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ST 06-0121-GIL 05/31/2006 For Retailers' Occupation Tax and Use Tax liability purposes, there are two types of leasing situations: conditional sales and true leases. This letter discusses the taxability of fees often associated with leases. See 86 Ill. Adm. Code 130.420 and 130.410.

ST 06-0128-GIL 06/27/2006 Lessors of tangible personal property under true leases in Illinois are deemed end users of the property to be leased. As end users of tangible personal property located in Illinois, lessors owe Use Tax on their cost price of such property. See 86 Ill. Adm. Code 130.220 and 86 Ill. Adm. Code 150.310(a)(3).

LOCAL TAXES

ST 06-0064-GIL 04/17/2006 If a purchase order is accepted outside the State, but the property being sold is located in an Illinois jurisdiction that has imposed a local tax, then the location of the property at the time of sale will determine where the seller is engaged in business for the purpose of determining the imposition of applicable local sales taxes. See 86 Ill. Adm. Code 270.115.

ST 06-0066-GIL 04/18/2006 The Department's opinion is that the most important element of selling is the seller's acceptance of the purchase order. Consequently, if a purchase order is accepted in a jurisdiction that imposes a local tax, that tax will be incurred. See 86 Ill. Adm. Code 220.115.

ST 06-0108-GIL 04/28/2006 Generally, purchase orders accepted in a local jurisdiction would be subject to that local jurisdiction's occupation tax, if any. See 86 Ill. Adm. Code 270.115.

MANUFACTURER'S PURCHASE CREDIT

ST 06-0103-GIL 04/27/2006 If items of tangible personal property are used or consumed in a production related process, they will qualify as production related tangible personal property. See 86 Ill. Adm. Code 130.331.

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2006 SECOND QUARTER SALES TAX SUNSHINE INDEX LISTING

ST 06-0127-GIL 06/23/2006 Manufacture's Purchase Credit ("MPC") can only be used to satisfy a liability under the Use Tax Act or Service Use Tax Act incurred on purchases of certain production related tangible personal property. See 35 ILCS 105/3-85 and 35 ILCS 110/3-70.

MANUFACTURING MACHINERY & EQUIPMENT

ST 06-0048-GIL 04/13/2006 Baking equipment that falls within the definition of equipment set forth in Section 2-45 of the Retailers' Occupation Tax qualifies for the manufacturing machinery and equipment exemption if it is used primarily in an exempt manner. Use in the preparation of food for immediate consumption does not qualify. See 86 Ill. Adm. Code 130.330.

ST 06-0051-GIL 04/14/2006 This letter discusses items that qualify for the manufacturing machinery and equipment exemption when used to convey component parts. See 86 Ill. Adm. Code 130.330.

ST 06-0075-GIL 04/19/2006 Paper balers and compactors generally qualify for the exemption when they are used to compact cardboard and other paper materials for wholesale or retail sale or lease. This type of use is considered to be manufacturing because the machinery is effecting a direct and immediate physical change upon the form of the paper by compacting it. See 86 Ill. Adm. Code 130.330(d)(3)(A).

ST 06-0082-GIL 04/20/2006 Machinery and equipment may qualify for the exemption where it is used to inspect, test, or measure the tangible personal property to be sold where such function is an integral part of the production flow. See 86 Ill. Adm. Code 130.330.

ST 06-0096-GIL 04/26/2006 Cleaning activities are not considered to be repair or maintenance for purposes of 86 Ill. Adm. Code 130.330(c)(2). As a result, machinery whose function is to clean exempt machinery and equipment does not qualify for the manufacturing machinery and equipment exemption.

MEDICAL APPLIANCES

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- ST 06-0068-GIL 04/19/2006 Generally, medical tools, devices and equipment used for diagnostic, rehabilitative and treatment purposes do not qualify for the reduced State rate of tax for medical appliances as such items, while being used for treatment of patients, are not directly substituting for a malfunctioning part of the body. See 86 Ill. Adm. Code 130.310.
- ST 06-0076-GIL 04/19/2006 Products that qualify as medicines, drugs, or medical appliances are taxed at the reduced sales tax rate of 1% plus applicable local taxes. See 86 Ill. Adm. Code 130.310.
- MISCELLANEOUS
- ST 06-0038-GIL 04/13/2006 The Department does not consider the viewing and downloading of text and similar data over the Internet to be the transfer of tangible personal property. See 86 Ill. Adm. Code 130.101.
- ST 06-0052-GIL 04/14/2006 This letter responds to an annual survey regarding coal mining equipment. See 86 Ill. Adm. Code 130.350.
- ST 06-0053-GIL 04/14/2006 This letter discusses sales of cigarette rolling papers. See the Cigarette Tax Act (35 ILCS 130/1 et seq.), the Cigarette Use Tax Act (35 ILCS 135/1 et seq.), and the Tobacco Products Tax Act of 1995 (35 ILCS 143/10-1 et seq.).
- ST 06-0055-GIL 04/14/2006 Sales of fuel used in the operation of ships which are used primarily in transportation of property or the conveyance of persons for hire on rivers bordering on this State are exempt from Retailers' Occupation Tax if such fuel is delivered by the seller to the purchaser's ship while it is afloat upon such bordering river. See 86 Ill. Adm. Code 130.315.
- ST 06-0063-GIL 04/17/2006 The regulations for taxes administered by the Department are posted on the Department's web site at www.ILTAX.com.
- ST 06-0078-GIL 04/19/2006 This letter discusses the Department's regulation governing "Sales of Containers, Wrapping and Packing Materials and Related

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Products,” at 86 Ill. Adm. Code 130.2070. It also discusses the warehousing of alcoholic liquors.

- ST 06-0083-GIL 04/20/06 The sale of a satellite television-programming card is the sale of an intangible and is not subject to tax. See 86 Ill. Adm. Code 130.101.
- ST 06-0088-GIL 04/21/2006 This letter discusses sales tax issues in regard to sales made by a retailer located on a U.S. Government facility in Illinois. See 86 Ill. Adm. Code 130.1105.
- ST 06-0093-GIL 04/24/2006 The Legal Services Office does not issue Private Letter Rulings regarding requests for sales tax Exemption Identification “E” Numbers. “E” numbers are issued by the Sales Tax Exemption Section.
- ST 06-0105-GIL 04/27/2006 This letter discusses documentation issues regarding government exemptions, drop shipments, resales, and exports. See 86 Ill. Adm. Code Part 130.
- ST 06-0106-GIL 04/27/2006 This letter discusses nexus and taxation of computer software and installation. (See 86 Ill. Adm. Code 130.1935).
- ST 06-0118-GIL 05/23/2006 This letter discusses nexus, local taxes and drop shipments. See 86 Ill. Adm. Code Part 270 and 86 Ill. Adm. Code 130.225.
- ST 06-0120-GIL 05/31/2006 This letter discusses nexus, construction contractors, sales for resale, and sales to governmental bodies. See 86 Ill. Adm. Code Part 130.
- ST 06-0124-GIL 06/06/2006 This letter discusses taxation of various kinds of digital photographs, conventional photographs and other souvenirs sold at an amusement park. See 86 Ill. Adm. Code sections 130.2000 and 130.1995, and 86 Ill. Adm. Code 140.101.
- ST 06-0125-GIL 06/07/2006 Useful information for many sales tax questions can be found by reviewing the Department’s regulations for these taxes at 86 Ill. Adm. Code Part 130 and Part 150. The Department’s General Information Letters are also helpful for guidance in specific situations.

MOTOR FUEL TAX

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ST 06-0058-GIL 04/14/2006 Section 13a.8 of the Motor Fuel Tax Law, 35 ILCS 505/13a.8, allows licensed receivers to file claims for credit. These provisions, however, do not apply to unlicensed receivers.

ST 06-0123-GIL 06/05/2006 When a purchaser of motor fuel is not licensed in Illinois, but takes delivery of the fuel in Illinois, the purchaser must pay the motor fuel tax. See 35 ILCS 505/1 et seq.

MOTOR VEHICLES

ST 06-0112-GIL 05/09/2006 This letter provides references for information regarding motor vehicles converted for use by disabled persons. See 86 Ill. Adm. Code 130.310.

NEXUS

ST 06-0036-GIL 04/13/2006 This letter discusses nexus. See Quill Corp. v. North Dakota, 112 S.Ct. 1904 (1992).

ST 06-0073-GIL 04/19/2006 This letter discusses nexus. See Quill Corp. v. North Dakota, 112 S.Ct. 1904 (1992).

OCCASIONAL SALE

ST 06-0059-GIL 04/14/2006 A person does not incur Retailers' Occupation Tax liability on the gross receipts from an isolated or occasional sale. See 86 Ill. Adm. Code 130.110.

PUBLIC UTILITY TAXES

ST 06-0119-GIL 05/31/2006 This letter discusses Energy Assistance Charges and Renewable Energy Resources and Coal Technology Development Assistance Charges. See 305 ILCS 20/13 and 20 ILCS 687/6-5.

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REPAIRS

ST 06-0080-GIL 04/20/2006 A "service exchange" program is taxed under the Retailers' Occupation Tax Act or the Service Occupation Tax Act depending upon the relationship between the parties. See 86 Ill. Adm. Code 130.2015.

RETURNS

ST 06-0099-GIL 04/26/2006 With an agency agreement, a manufacturer or wholesaler whose products are sold by numerous distributors in Illinois assumes the responsibility of collecting and remitting Retailers' Occupation Tax on behalf of all sales made by distributors. See 86 Ill. Adm. Code 130.550.

ROLLING STOCK EXEMPTION

ST 06-0101-GIL 04/27/2006 Information concerning the tax liabilities related to rolling stock moving in interstate commerce may be found by reviewing the Department's regulations found at 86 Ill. Adm. Code 130.340 and Public Act 93-1033.

ST 06-0122-GIL 06/05/2006 This letter provides an example of how a carrier may use intrastate trips to qualify for the rolling stock exemption. See 86 Ill. Adm. Code 130.340(g).

SALE AT RETAIL

ST 06-0086-GIL 04/20/2006 Retailers' Occupation Tax is measured by gross receipts from retail sales of tangible personal property. See 86 Ill. Adm. Code 130.101.

ST 06-0109-GIL 04/28/2006 Vendors who accept points in exchange for the transfer of tangible personal property will incur Retailers' Occupation Tax liability on their gross receipts from their sales involving the redemption of points. See 86 Ill. Adm. Code 130.2125.

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SALE FOR RESALE

- ST 06-0084-GIL 04/20/2006 This letter concerns Certificates of Resale. See 86 Ill. Adm. Code 130.1405.
- ST 06-0089-GIL 04/24/2006 This letter concerns Certificates of Resale. See 86 Ill. Adm. Code 130.1405.

SALE OF SERVICE

- ST 06-0039-GIL 04/13/2006 This letter discusses the sale of service and various fees. See 86 Ill. Adm. Code 140.101 through 140.109.

SERVICE OCCUPATION TAX

- ST 06-0004-PLR 05/03/2006 The Service Occupation Tax is a tax imposed upon servicemen engaged in the business of making sales of service in this State, based on the tangible personal property transferred incident to sales of service. See, 35 ILCS 115/3.
- ST 06-0007-PLR 06/12/2006 The purchase of a conveyor system does not qualify as a purchase of special order machinery because the conveyor system cannot be shown to have use or value only to the purchaser. See 86 Ill. Adm. Code 130.2115.
- ST 06-0056-GIL 04/14/2006 Sellers of special order machines are considered to be engaged primarily in a service occupation, rather than being engaged in the business of selling tangible personal property, if the test set out in 86 Ill. Adm. Code 130.2115(b) is met. See 86 Ill. Adm. Code 130.2115.
- ST 06-0057-GIL 04/14/2006 Under the Service Occupation Tax Act, servicemen are taxed on tangible personal property transferred incident to sales of service. See 86 Ill. Adm. Code 140.101.

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- ST 06-0062-GIL 04/17/2006 When custom order items such as personalized business calling cards and letterheads are sold, Retailers' Occupation Tax does not apply. However, sales of custom order items are subject to Service Occupation Tax liability. See 86 Ill. Adm. Code 130.1995.
- ST 06-0067-GIL 04/18/2006 Under the Service Occupation Tax, servicemen are taxed on tangible personal property transferred as an incident of sales of service. See 86 Ill. Adm. Code 140.101.
- ST 06-0087-GIL 04/20/2006 The Service Occupation Tax is a tax imposed on the tangible personal property transferred incident to sales of service. See 86 Ill. Adm. Code 140.101 – 140.109.
- ST 06-0111-GIL 05/09/2006 Physicians are generally subject to the Service Occupation Tax on tangible personal property transferred as an incident to the sale of service. See 86 Ill. Adm. Code 140.101.
- ST 06-0126-GIL 06/12/2006 If tangible personal property is transferred incident to sales of service, this will result in either Service Occupation Tax liability or Use Tax liability for the serviceman depending upon his activities. See 86 Ill. Adm. Code 140.101.
- ST 06-0129-GIL 06/30/2006 This letter discusses the Service Occupation Tax and the taxation of repairs involving leased vehicles. See 86 Ill. Adm. Code 140.101.
- ST 06-0130-GIL 06/30/2006 Under the Service Occupation Tax Act, businesses providing services (i.e. servicemen) are taxed on tangible personal property transferred as an incident to sales of service. See 86 Ill. Adm. Code 140.101.

TAX COLLECTION

- ST 06-0037-GIL 04/13/2006 This letter discusses various taxes imposed by the State. See 86 Ill. Adm. Code 130.101, 150.101, 140.101, and 160.101.

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TELECOMMUNICATIONS EXCISE TAX

ST 06-0034-GIL 04/12/2006 For purposes of the Telecommunications Excise Tax, “telecommunications” does not include value added services in which computer processing applications are used to act on the form, content, code, and protocol of the information for purposes other than transmission. See 35 ILCS 630/5-7 and 86 Ill. Adm. Code 495.100(d).

ST 06-0044-GIL 04/13/2006 The Telecommunications Excise Tax is imposed upon the act or privilege of originating or receiving intrastate or interstate telecommunications in Illinois at the rate of 7% of the gross charges for such telecommunications purchased at retail from retailers. See 86 Ill. Adm. Code 495.100.

ST 06-0102-GIL 04/27/2006 Pursuant to the Simplified Municipal Telecommunications Tax Act, a municipality may furnish a list of service address information to the telecommunications retailers for tax situs reasons. See 35 ILCS 636/5-42.

ST 06-0131-GIL 06/30/2006 DSL services purchased, used, or sold by a provider of Internet access, to provide Internet access, remain subject to Illinois telecommunications taxes. Illinois falls under the November 1, 2007, grandfather clause provided in the Internet Tax Nondiscrimination Act. See P.L. 108-435.

TIRE USER FEE

ST 06-0114-GIL 05/11/2006 This letter discusses the general application of the Tire User Fee. See 415 ILCS 5/55.8.

TRADE-INS

ST 06-0049-GIL 04/13/2006 This letter discusses advance trade-ins. See 86 Ill. Adm. Code 130.455.

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USE TAX

- ST 06-0041-GIL 04/13/2006 Retailers are prohibited from advertising or holding out that they will absorb the purchaser's Use Tax obligation. See 86 Ill. Adm. Code 150.515.
- ST 06-0061-GIL 04/17/2006 The Illinois Use Tax does not apply to tangible personal property acquired outside of Illinois which is then brought into Illinois to the extent the property was taxed by another State and such tax was properly due and paid to such other state. See 86 Ill. Adm. Code 150.310(a)(3).
- ST 06-0071-GIL 04/19/2006 In general, the downloading of digital media represents the transfer of an intangible and is thus not subject to Retailers' Occupation and Use Tax. See 86 Ill. Adm. Code 130.2105.
- ST 06-0079-GIL 04/20/2006 Information concerning the tax liabilities of biodiesel-blended fuel under the Use Tax Act may be found at 35 ILCS 105/3-10.

VEHICLE USE TAX

- ST 06-0090-GIL 04/24/2006 The Vehicle Use Tax is a tax imposed on the use of motor vehicles acquired by gift, transfer, or purchase. See 86 Ill. Adm. Code 151.101.

PROCLAMATIONS

**2006-235
TRADE SHOW WEEK**

- WHEREAS, TS² 2006 is a conference and exposition for exhibitors and event education focusing on best practices, proven strategies, new ideas, and new resources to enhance performance for trade show exhibitors and corporate event managers; and
- WHEREAS, TS² is sponsored by the Chicago-based Trade Show Exhibitors Association (TSEA) and owned and produced by the National Trade Productions (NTP), a leader in the production, management, and marketing of trade expositions, conferences, and special events; and
- WHEREAS, the workshops throughout the week will serve as an opportunity for many industry professionals to learn trends and benchmarks that directly impact decisions for the exhibit and event professional; and
- WHEREAS, TS² 2006 will take place in Chicago, Illinois at McCormick Place from July 25-27, 2006:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim July 23-29, 2006 as **TRADE SHOW WEEK** in Illinois, in recognition of this "trade show for trade shows."

Issued by the Governor on July 18, 2006.
Filed by the Secretary of State July 18, 2006.

**2006-236
CHILD SUPPORT AWARENESS MONTH**

- WHEREAS, the Department of Healthcare and Family Services has been given the responsibility of providing child support services to all Illinois families; and
- WHEREAS, Illinois recognizes that children need strong family support; and
- WHEREAS, Illinois works to focus attention on the needs of children to have both parents' involvement in their children's lives; and
- WHEREAS, under my administration, Illinois Child Support Enforcement was named the Most Improved Program in the nation for 2006 by the National Child Support Enforcement Association; and

PROCLAMATIONS

- WHEREAS, Illinois' focus on improving outcomes for Illinois families has resulted in record-breaking collections of more than \$1.14 billion dollars; and
- WHEREAS, the Department of Healthcare and Family Services is working closely with the Departments of Human Services, Public Health, Children & Family Services, Employment Security, Corrections, Revenue, other state and county agencies as well as community groups to increase the number of children for whom paternity is established and whose families receive child support services; and
- WHEREAS, Illinois is playing a lead role in helping strengthen Illinois families through innovation and sound practices in child support services:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim August 2006 as **CHILD SUPPORT AWARENESS MONTH** in Illinois to promote the importance of child support and to affirm the continued commitment of my administration to helping our children receive the love and care that is vital to their success and the future welfare of Illinois.

Issued by the Governor on July 18, 2006.

Filed by the Secretary of State July 18, 2006.

2006-237**OPERATION SUPPORT OUR TROOPS**

- WHEREAS, Operation Support Our Troops has been a dedicated source of support for the thousands of members of the United States Armed Forces who are currently on active duty in Iraq, Afghanistan, and other war zones; and
- WHEREAS, Operation Support Our Troops Illinois has sent over 8400 "Care Packages" to the men and women bravely serving our country; and
- WHEREAS, the troops and their loved ones truly appreciate the outpouring of generosity by the people of Illinois; and
- WHEREAS, Illinois recognizes the efforts of those sending packages, letters, and pieces of home that have brought joy to the men and women serving our country:

PROCLAMATIONS

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby honor and commend Operation Support Our Troops in recognition of their noble effort to support and recognize the men and women who are in service of the United States.

Issued by the Governor on July 18, 2006.

Filed by the Secretary of State July 18, 2006.

2006-238
SCIENCE DAY

WHEREAS, science is an essential and vital field of study. It helps answer critical questions such as how we think and behave, what happened in the past, and what comprises the universe; and

WHEREAS, science is a fundamental part of a child's education in Illinois and is very important to our state's future and economic development; and

WHEREAS, the children of Illinois deserve the best science education possible and Illinois is dedicated to improving the quality of a science education in order to keep our children competitive in the world; and

WHEREAS, parents, guardians, grandparents, and other family members are encouraged to do a simple science experiment with their children, to honor science teachers in their community, and to recognize the importance of science and how it plays an important role in our children's futures:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 3, 2006 as **SCIENCE DAY** in Illinois, and encourage all citizens to recognize the importance of science in our children's future.

Issued by the Governor on July 19, 2006.

Filed by the Secretary of State July 19, 2006.

2006-239
MOTHERS OF MULTIPLES WEEK

WHEREAS, according to the United States Census Bureau, expecting mothers have a 1 in 32 chance of delivering twins; and

WHEREAS, there are two kinds of twins: fraternal twins develop from two separate eggs that are fertilized at the same time, while identical twins develop from one fertilized egg that splits into two separate eggs; and

PROCLAMATIONS

- WHEREAS, twins and their mothers share a special bond, but often, twins can bring about unforeseen challenges and lifestyle adjustments; and
- WHEREAS, for that reason, the Illinois Organization of Mothers of Twins Clubs was formed in 1962 to provide assistance and support to mothers of twins; and
- WHEREAS, every third week of October, the Illinois Organization of Mothers of Twins Clubs hosts a convention that brings mothers of twins throughout the state together to share new information and engage in networking opportunities:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 15-21, 2006 as **MOTHERS OF MULTIPLES WEEK** in Illinois to recognize mothers of twins for the care and love they, like all mothers, provide to our children, and in support of the Illinois Organization of Mothers of Twins Clubs for all of their valuable work in this state.

Issued by the Governor on July 19, 2006.

Filed by the Secretary of State July 19, 2006.

2006-240**NATIONAL ASSOCIATION OF PARLIAMENTARIANS/ILLINOIS ASSOCIATION OF PARLIAMENTARIANS DAY**

- WHEREAS, parliamentary law is the embodiment of the democratic principles of justice, obedience to law and order, courtesy, and a regard for the rights of all; and
- WHEREAS, knowledge and practice of parliamentary procedure facilitates efficiency and harmony in organizational meetings; and
- WHEREAS, the National Association of Parliamentarians is dedicated to the promotion of principles underlying the rules of deliberate assemblies and to further NAP members' skills, knowledge, and abilities; and
- WHEREAS, members of the National Association of Parliamentarians give their time and effort to teach, conduct workshops, and to provide service; and
- WHEREAS, members of the Illinois Association of Parliamentarians have provided Illinoisans with public programs and activities that help promote democratic processes in numerous organizational meetings throughout the state for more than forty years; and

PROCLAMATIONS

WHEREAS, the Illinois Association of Parliamentarians is hosting the 2006 National Training Conference in Oak Brook, Illinois from September 1-3, 2006:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 1, 2006 as **NATIONAL ASSOCIATION OF PARLIAMENTARIANS/ILLINOIS ASSOCIATION OF PARLIAMENTARIANS DAY** in Illinois.

Issued by the Governor on July 20, 2006.

Filed by the Secretary of State July 20, 2006.

2006-241
PERU DAY

WHEREAS, July 28, 1821 marks the beginning of Peruvian independence from Spanish rule, led by liberator José de San Martín; and

WHEREAS, this day is internationally recognized as Peruvian Independence Day, and 2006 marks the 185th Anniversary of Peruvian independence; and

WHEREAS, there are approximately 50,000 Peruvians currently living in the state of Illinois, more than 15,000 of which live in the Chicagoland area; and

WHEREAS, the Peruvian community is active and successful, with only a 2 percent unemployment rate, and over 75% of the population earning more than \$20,000 annually; and

WHEREAS, Peruvian-Americans have greatly added to the rich cultural diversity of Chicago through their vibrant presence in the Little Village Neighborhood and their many art exhibitions throughout city museums and galleries; and

WHEREAS, Peruvians have a strong and organized presence in the city of Chicago with eleven ethnic organizations including the Peruvian American Medical Society, the Peruvian Chamber of Commerce, and the Peruvian Arts Society among others:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim July 26, 2006 as **PERU DAY** in Illinois, and I encourage all citizens to join in celebrating the great contributions of Peruvian-Americans to the State of Illinois.

Issued by the Governor on July 20, 2006.

Filed by the Secretary of State July 20, 2006.

PROCLAMATIONS

2006-242**GUBERNATORIAL PROCLAMATION**

Severe storms with high winds moved through Illinois on Wednesday, July 20, 2006. These storms resulted in extensive power outages and damage to homes and businesses creating significant debris. In addition the extreme heat causes the need to address life safety issues to impacted areas. An additional round of severe storms with high winds struck the region Friday, July 21, 2006 slowing down recovery and causing additional damage.

In the interest of aiding the citizens of Illinois and the local governments responsible for ensuring public health and safety, I hereby proclaim that a disaster exists within the State of Illinois, and specifically, declare Madison and St. Clair counties as disaster areas, pursuant to the provisions of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7.

This gubernatorial proclamation of disaster will facilitate the Illinois Emergency Management Agency in providing financial assistance from the disaster relief fund for extraordinary costs incurred by local units of government in responding to and recovery from the damage and debris. This proclamation will facilitate coordination of state assets in responding to local government requests for assistance in the counties most severely impacted by the disaster.

Issued by the Governor July 21, 2006.

Filed with the Secretary of State July 21, 2006.

2006-242 (Revised)**GUBERNATORIAL PROCLAMATION**

Severe storms with high winds moved through Illinois on Wednesday July 19, 2006. These storms resulted in extensive power outages and damage to homes and businesses creating significant debris. In addition the extreme heat causes the need to address life safety issues to impacted areas. An additional round of severe storms with high winds struck the region Friday, July 21, 2006 slowing down recovery and causing additional damage.

In the interest of aiding the citizens of Illinois and the local governments responsible for ensuring public health and safety, I hereby proclaim that a disaster exists within the State of Illinois, and specifically, declare Madison and St. Clair counties as disaster areas, pursuant to the provisions of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7.

This gubernatorial proclamation of disaster will facilitate the Illinois Emergency Management Agency in providing financial assistance from the disaster relief fund for extraordinary costs incurred by local units of government in responding to and recovery from the

PROCLAMATIONS

damage and debris. This proclamation will facilitate coordination of state assets in responding to local government requests for assistance in the counties most severely impacted by the disaster.

Issued by the Governor July 21, 2006

Filed with the Secretary of State July 21, 2006

2006-243**GUBERNATORIAL PROCLAMATION**

Severe storms with high winds moved through Illinois on Friday, July 21, 2006. These storms resulted in extensive power outages and damage to homes and businesses creating significant debris from the Metro East area continuing through Mt. Vernon. .

In the interest of aiding the citizens of Illinois and the local governments responsible for ensuring public health and safety, I hereby proclaim that a disaster exists within the State of Illinois, and specifically, declare Clinton and Jefferson counties as disaster areas, pursuant to the provisions of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7.

This gubernatorial proclamation of disaster will facilitate the Illinois Emergency Management Agency in providing financial assistance from the disaster relief fund for extraordinary costs incurred by local units of government in responding to and recovering from the damage and debris. This proclamation will facilitate coordination of State assets in responding to local government requests for assistance in the counties most severely impacted by the disaster.

Issued by the Governor July 22, 2006.

Filed with the Secretary of State July 24, 2006.

ILLINOIS ADMINISTRATIVE CODE

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