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INTRODUCTION

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

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

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

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

2007 REGISTER SCHEDULE VOLUME #31

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 26, 2006	January 5, 2007
2	January 2, 2007	January 12, 2007
3	January 8, 2007	January 19, 2007
4	January 16, 2007	January 26, 2007
5	January 22, 2007	February 2, 2007
6	January 29, 2007	February 9, 2007
7	February 5, 2007	February 16, 2007
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15	April 2, 2007	April 13, 2007
16	April 9, 2007	April 20, 2007
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25	June 11, 2007	June 22, 2007
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35	August 20, 2007	August 31, 2007
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37	September 4, 2007	September 14, 2007
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46	November 5, 2007	November 16, 2007
47	November 13, 2007	November 23, 2007
48	November 19, 2007	November 30, 2007
49	November 26, 2007	December 7, 2007
50	December 3, 2007	December 14, 2007
51	December 10, 2007	December 21, 2007
52	December 17, 2007	December 28, 2007

Editor's Note: The Secretary of State Index Department is providing this opportunity to remind you that the next filing period for your Regulatory Agenda will occur from October 1, 2007 to January 2, 2008 by 4:30 pm, as January 1st is a holiday and the office will be closed.

HIGHER EDUCATION TRAVEL CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Higher Education Travel
- 2) Code Citation: 80 Ill. Adm. Code 2900
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
2900.10	Amendment
2900.15	New Section
2900.20	Amendment
2900.25	New Section
2900.30	Amendment
2900.35	New Section
2900.40	Amendment
2900.45	New Section
2900.50	Amendment
2900.55	Amendment
2900.60	Amendment
2900.65	Amendment
2900.70	New Section
2900.75	New Section
2900.80	New Section
2900.85	New Section
2900.90	New Section
2900.95	New Section
2900.100	New Section
2900.105	Amendment
2900.110	Amendment
2900.115	New Section
- 4) Statutory Authority: Authorized by Section 12-1(a)(3) of the State Finance Act [30 ILCS 105/12-1(a)(3)] and the Travel Regulation Council (80 Ill. Adm. Code 3000)
- 5) A Complete Description of the Subjects and Issues Involved: Pursuant to Section 12-1 of the State Finance Act and 80 Ill. Adm. Code 3000.200, the Higher Education Travel Control Board has the authority to promulgate travel rules for agencies and employees under its jurisdiction. The proposed changes include a number of improvements and clarifications designed to both bring the Part both up-to-date and to reduce the need for future rule revisions. Changes include updating the code to include requirements under the Open Meetings Act [5 ILCS 120] and allowing travelers to calculate mileage using

HIGHER EDUCATION TRAVEL CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

internet mapping programs. Information regarding specific reimbursement rates have been removed and replaced with references to Travel Regulation Council rules.

- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking affects only the officers and employees of institutions under the Board's jurisdiction and does not set out guidelines that affect local or other jurisdictions within the State.
- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking:

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- 12) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None

HIGHER EDUCATION TRAVEL CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent regulatory agendas because: it was not anticipated at the time when the agendas were published

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

HIGHER EDUCATION TRAVEL CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE I: GENERAL TRAVEL CONTROL
CHAPTER III: HIGHER EDUCATION TRAVEL CONTROL BOARD

PART 2900
HIGHER EDUCATION TRAVEL

SUBPART A: HIGHER EDUCATION TRAVEL CONTROL BOARD

Section	
2900.10	<u>Authority, Philosophy and Definitions</u> Applicability and Definitions
<u>2900.15</u>	<u>Regular Meetings</u>
2900.20	<u>Special Meetings</u> Authority to Travel
<u>2900.25</u>	<u>Quorum</u>
2900.30	<u>Powers and Duties</u> Allowable Transportation Expenses
<u>2900.35</u>	<u>Board Officers</u>
2900.40	<u>Election of Officers</u> Living Expenses
<u>2900.45</u>	<u>Duties of Officers</u>
2900.50	<u>Amendments to Bylaws</u> Exceptions to the Regulations

SUBPART B: TRAVEL REGULATIONS

2900.55	2900.20	<u>Authority to Travel</u>
2900.60	2900.30	<u>Allowable Transportation Expenses</u> Travel Vouchers
2900.65	2900.40	<u>Special Expenses</u>
<u>2900.70</u>		<u>Lodging</u>
<u>2900.75</u>		<u>Employee Owned or Controlled Housing</u>
<u>2900.80</u>		<u>Meal Allowances</u>
<u>2900.85</u>		<u>Per Diem</u>
<u>2900.90</u>		<u>Receipts Required</u>
<u>2900.95</u>		<u>Meals for Other Persons</u>
<u>2900.100</u>		<u>Approved Conferences/Official Meetings</u>
2900.105	2900.50	<u>Exceptions to the Regulations</u>
2900.110	2900.60	<u>Travel Vouchers</u>
<u>2900.115</u>		<u>Reimbursement Rates</u>

AUTHORITY: Implementing Section 12-1(a)(3) of the State Finance Act [30 ILCS 105/12-1(a)(3)] and authorized by Sections 1-5 and 1-20 of the Illinois Administrative Procedure Act [5 ILCS 100/1-5 and 1-20].

HIGHER EDUCATION TRAVEL CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

SOURCE: Adopted December 15, 1975; amended at 3 Ill. Reg. 32, p. 35, effective September 1, 1979; amended at 4 Ill. Reg. 44, p. 447, effective October 16, 1980; amended at 5 Ill. Reg. 5858, effective July 1, 1981; amended at 6 Ill. Reg. 9312, effective July 20, 1982; amended at 7 Ill. Reg. 2156, effective February 4, 1983; codified at 8 Ill. Reg. 5672; amended at 32 Ill. Reg. _____, effective _____.

SUBPART A: HIGHER EDUCATION TRAVEL CONTROL BOARD**Section 2900.10 Authority, Philosophy and Definitions~~Applicability and Definitions~~**a) Authority~~Applicability~~

- 1) This Part is promulgated under the authority vested in the Higher Education Travel Control Board by Section 12-1(a)(3) of the State Finance Act. Nothing in this Part shall be construed to conflict with or replace the Travel Regulation Council Rules (80 Ill. Adm. Code 3000).
- 2) The Board shall have jurisdiction over travel of the Board of Higher Education, the Board of Trustees of the University of Illinois, the Board of Trustees of Southern Illinois University, the Board of Trustees of Chicago State University, the Board of Trustees of Eastern Illinois University, the Board of Trustees of Governors State University, the Board of Trustees of Illinois State University, the Board of Trustees of Northeastern Illinois University, the Board of Trustees of Northern Illinois University, the Board of Trustees of Western Illinois University, the Illinois Community College Board, the Illinois Student Assistance Commission, the State Universities Retirement System, the University Civil Service Merit Board, the Board of Trustees of the Illinois Mathematics and Science Academy, and all employees of the named Agencies and of the institutions governed or maintained by the named Boards.

b) Philosophy

The Higher Education Travel Control Board believes first and foremost that State employees are honest individuals and that claims for reimbursement are made in all good faith. The Board is therefore obliged to deal fairly with institutions and individuals in carrying out its responsibilities.

- 1) ~~These travel regulations are issued pursuant to authority vested in the~~

HIGHER EDUCATION TRAVEL CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

~~Higher Education Travel Control Board as cited in "An Act in relation to State Finance" (Ill. Rev. Stat. 1981, ch. 127, par. 148-8), approved July 1, 1919, as amended.~~

- 2) ~~They govern the Board of Higher Education, the Board of Trustees of the University of Illinois, the Board of Trustees of Southern Illinois University, the Board of Governors of State Colleges and Universities, the Board of Regents of Regency Universities, the Illinois Community College Board, the Illinois State Scholarship Commission, the State Universities Retirement System, the University Civil Service Merit Board and all employees of the named Boards, Commission and System.~~

~~c) b)~~ Definitions

Act or State Finance Act: 30 ILCS 105.

~~3) Agency As used herein, Agency: Any shall mean any of the above named boards, commission, or system~~ named in subsection (a)(2).

Agency Head: The chief executive officer of an Agency or a designated representative. Representatives must be authorized by the Agency head and must be on file with the Office of the Comptroller. Filing of the Signature Authorization Card (SCO-95) shall constitute authorization.

Commuting Mileage: The actual round trip mileage between residence and headquarters.

Designated Deputy: An individual designated by a member of the Board, and approved by the appointing authority, to serve in the member's stead at any or all Board meetings.

~~2)~~ Headquarters:

~~A)~~ The official headquarters of an Agency a Board, Commission or System employee is generally the primary post of duty or official station in a specified location, the limits of which are no broader than the corporate limits of the city or town in which the employee is stationed, or may be a defined geographical area.

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B) In the case of an employee whose duties require travel almost every working day, the official headquarters may be the employee's place of residence.

C) In those instances in which an employee's official headquarters is a location other than that at which official duties require the spending of the largest part of working time, the Agency shall be responsible for maintaining adequate records to support these exceptions. In all such instances, the Agencies shall comply with reporting requirements of Section 12-3 of the Act. cited in Illinois Revised Statutes, Chapter 127, Paragraph 148-3.

D) The official headquarters for members of the Agencies boards, commission, and system covered by this Part shall be the residences of the members.

Higher Education Travel Control Board or Board: In accordance with Section 12-1(a)(3) of the Act, the Higher Education Travel Control Board consists of 11 members, one appointed by each of the following: the Board of Trustees of the University of Illinois, the Board of Trustees of Southern Illinois University, the Board of Trustees of Chicago State University, the Board of Trustees of Eastern Illinois University, the Board of Trustees of Illinois State University, the Board of Trustees Northeastern Illinois University, the Board of Trustees of Northern Illinois University, the Board of Trustees of Western Illinois University, the Board of Trustees of Governors State University, the Illinois Community College Board, and the Illinois Board of Higher Education. Each member shall be an officer, member or employee of the board making the appointment, or of an institution governed or maintained by that board. Any chairman or member of the Board, with the consent of the respective appointing official, may designate a deputy to serve in his or her place at any or all meetings of the Board. The designation shall be in writing and directed to the chairman of the Board.

Member: An individual appointed under subsection (c)(1) or that individual's duly appointed and approved designated deputy.

Public Building: Any building or portion of a building owned or leased by any public body.

HIGHER EDUCATION TRAVEL CONTROL BOARD

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Travel Control Board: Those boards created by Section 12-1(a)(3) of the State Finance Act.

Travel Regulation Council or Council or TRC: The Travel Regulation Council created by Section 12-2 of the Act that consists of the Chairmen or designee of each of the Travel Control Boards created by Section 12-1 of the Act.

Travel Regulations: This Part and Travel Regulation Council rules at 80 Ill. Adm. Code 3000.

Travel Through Headquarters: Any travel to or through the corporate city limits of the employee's designated headquarters, regardless or whether the employee made a stop at the work site or changed vehicles or modes of transportation.

1) ~~Travel Control Board~~

~~The Higher Education Travel Control Board consists of six members, one appointed by each of the following: the Board of Trustees of the University of Illinois, the Board of Trustees of Southern Illinois University, the Board of Governors of State Colleges and Universities, the Board of Regents of Regency Universities, the Illinois Board of Higher Education. Any member may designate a deputy, who may be an assistant or other subordinate, to serve in lieu of the member at any or all meetings of the Board.~~

4) ~~Chicago Metropolitan Area~~

~~The counties of Cook, Lake, McHenry, Kane, DuPage, and Will are considered to be the "Chicago Metropolitan Area."~~

e) ~~Responsibilities of Agency~~

~~The agency is responsible for the execution of these travel regulations as the Higher Education Travel Control Board may promulgate and publish.~~

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 2900.15 Regular Meetings

- a) Section 12-1(b) of the Act provides that the Board shall meet at least once each quarter. Meetings shall be at the time and place designated by the Board. The Board must meet in a public building. A schedule of regular meetings designating

HIGHER EDUCATION TRAVEL CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

the dates, times and places shall be announced and public notice given as required by the Open Meetings Act [5 ILCS 120]. No member of a travel control board may receive additional compensation for service as a member. Meetings may be conducted by video conference. If unable to physically attend a meeting, by majority vote of the Board, members may attend via telephone because of personal illness or disability, employment purposes, business for the Board, or a family or other emergency.

- b) If a regularly scheduled meeting must be rescheduled, in compliance with Section 2.03 of the Open Meetings Act, a notice of change must be given 10 days prior to the meeting, published in a newspaper of general circulation in the area, and posted at the meeting location.

(Source: Added at 32 Ill. Reg. _____, effective _____)

Section 2900.20 Special Meetings Authority to Travel

Special meetings may be called by the Chairman or by any 2 appointed members of the Board. Meetings may be conducted by video conference. Notice of a special meeting must be given 48 hours in advance, as required by Section 2.02 of the Open Meetings Act. If unable to physically attend a special meeting, by majority vote of the Board, members may attend via telephone because of personal illness or disability, employment purposes, business for the Board, or a family or other emergency.

(Source: Old Section 2900.20 renumbered to Section 2900.55 and new Section 2900.20 added at 32 Ill. Reg. _____, effective _____)

Section 2900.25 Quorum

Six members of the Board shall constitute a quorum if there are 11 members then serving. If there are 10 or fewer members serving, 5 members shall constitute a quorum. In order to conduct a regular or special meeting via teleconference, 6 members must participate.

(Source: Added at 32 Ill. Reg. _____, effective _____)

Section 2900.30 Powers and Duties Allowable Transportation Expenses

As directed by Section 12-1 of the Act, it is the duty of the Board to:

HIGHER EDUCATION TRAVEL CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- a) Promulgate and publish official travel regulations governing the Agencies named in Section 2900.10(a)(2).
- b) Review requested exceptions to travel regulations and take action on those requests.
- c) Submit a report of travel reimbursement exceptions approved by the Board, at least once a quarter, to the Legislative Audit Commission.

(Source: Old Section 2900.30 renumbered to Section 2900.60 and new Section 2900.30 added at 32 Ill. Reg. _____, effective _____)

Section 2900.35 Board Officers

- a) The officers of the Board shall be elected by majority vote of the Board and shall consist of a Chairman and Vice-Chairman/Secretary, both of whom shall be members of the Board or deputies designated by members.
- b) All officers shall be elected for a 2 year term and shall hold office until a successor is selected.
- c) Any officer may be removed from office by a vote of 6 members. The question concerning removal of an officer must be put at a regular or special meeting of the Board preceded by the mailing of notice to each Board member and to the officer 10 days prior to the meeting. The notice shall set forth the proposed action.

(Source: Added at 32 Ill. Reg. _____, effective _____)

Section 2900.40 Election of Officers~~Living Expenses~~

Officers shall normally be elected at the regular January meeting. In case of a vacancy of an office for any reason, the Board shall fill, by majority vote, the office for the unexpired term.

(Source: Old Section 2900.40 renumbered to Section 2900.65 and new Section 2900.40 added at 32 Ill. Reg. _____, effective _____)

Section 2900.45 Duties of Officers

- a) The Chairman shall:

HIGHER EDUCATION TRAVEL CONTROL BOARD

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- 1) Preside at all Board meetings, with full power to vote on and discuss all matters before the Board;
 - 2) Receive Agency requests for exceptions to travel regulations;
 - 3) Submit a written report of travel reimbursement exceptions approved by the Board, at least once each quarter, to the Legislative Audit Commission;
 - 4) Represent the Higher Education Travel Control Board on the State Travel Regulation Council or other appropriate bodies;
 - 5) File rules and amendments to rules on behalf of the Board in compliance with the Administrative Procedure Act;
 - 6) Conduct meetings in accordance with Roberts Rules of Order, newly revised;
 - 7) Carry out other functions assigned by the Board;
 - 8) Prepare meeting notices and agenda, with accompanying supporting data, and distribute to Board members at least 10 days in advance of meeting date; and
 - 9) Notify the appropriate Agency, in writing, of action taken by the Board on a request for exception to travel regulations through issuance of minutes to each member of the Board.
- b) The Vice Chairman/Secretary shall:
- 1) Serve as Chairman in the absence of the Chairman;
 - 2) In the event of death, resignation or removal of the Chairman from office, succeed to the office of Chairman until the Board elects a new Chairman; and
 - 3) Carry out other functions assigned by the Board.

HIGHER EDUCATION TRAVEL CONTROL BOARD

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(Source: Added at 32 Ill. Reg. _____, effective _____)

Section 2900.50 ~~Amendments to Bylaws~~ Exceptions to the Regulations

The bylaws of the Board may be amended at any regular or special meeting of the Board by a majority vote of the total membership of the Board, provided that notice of the intention to amend the bylaws must be presented in writing at least 10 days prior to the meeting date. The notice shall provide, so far as possible, the exact wording of the amendment proposed.

(Source: Old Section 2900.50 renumbered to Section 2900.70 and new Section 2900.50 added at 32 Ill. Reg. _____, effective _____)

SUBPART B: TRAVEL REGULATIONS

Section ~~2900.55~~ 2900.20 Authority to Travel

Applicability

~~All travel of any individual subject to these travel regulations shall be authorized and approved by the Agency's authorized representative(s) prior to the beginning of the travel.~~ b) Travel Control System Each Agency shall develop a system for the control of travel sufficient to prevent obligation of funds exceeding budget limitations and to hold travel to the minimum required for the efficient and economical conduct of the Agency's business.

(Source: Renumbered from Section 2900.20 and amended at 32 Ill. Reg. _____, effective _____)

Section ~~2900.60~~ 2900.30 Allowable Transportation Expenses ~~Travel Vouchers~~

a) Allowable Expenses Definition

- 1) ~~Modes of transportation authorized for official travel include automobiles, railroads, airlines, buses, taxicabs, and other usual means of conveyance.~~ Transportation may include fares and ~~such~~ expenses incidental to transportation, such as baggage transfer, official telephone messages in connection with items classed as transportation, and reasonable tips.
- 2) Reimbursement for taxicab fares incurred in the efficient and economical pursuit of the Agency's business will be allowed. All taxicab fares in excess of ~~\$10~~ \$6.00 shall be accompanied by a receipt indicating the

HIGHER EDUCATION TRAVEL CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

amount paid. ~~When transportation by airport limousine is available and convenient, it shall be used in lieu of a taxi.~~

- 3) ~~When~~Where the nature and location of the work at a temporary duty station are such that suitable meals cannot be procured there, the expenses of daily travel required to procure meals at the nearest available place shall be considered necessary transportation. A statement of the necessity for such daily travel shall accompany the travel voucher.
- 4) Transportation between place of lodging and place of business at a temporary duty station shall be allowed as a transportation expense.
- 5) Reimbursement of expenses between the residence and the official headquarters of any individual subject to this Part shall not be allowed.

b) Routing of Travel

~~1) All travel shall be by the most direct route. Travel by other routes may be allowed when the official necessity of that route thereof is satisfactorily established by the Agency. The responsibility of insuring use of the most direct routes of travel possible, and for allowing use of other routes under certain circumstances, belongs with each individual Agency. Expenses due to deviations for convenience shall be borne by the employee. Distances between destinations shall be determined using odometer readings, internet map programs or the Illinois Highway Map published by the Secretary of State. Mileage in and around a city of destination may be claimed as such.~~

~~2) In case an individual travels by an indirect route or interrupts travel by direct route only because it is more convenient, the extra expense shall be borne by the traveler. Reimbursement for expenses shall be based only on such charges as would have been incurred by the most direct and economical route.~~

c) Mode of Travel

~~1) All travel shall be by the most economical mode of transportation available, considering travel time, costs, number of persons traveling together and work requirements. Modes of transportation authorized for official travel include automobiles, railroads, airlines, buses, taxicabs and other usual means of conveyance.~~

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- 2) State vehicles shall be used when most economical. Agency rules further defining use of vehicles may also apply. Specific instructions covering services and repairs of these vehicles are to be found in the glove compartment of each vehicle.
- d) Accommodations on Transportation Conveyances~~Airplanes and Trains~~
- 1) Airplane Accommodations
- A) Travel on airplane shall ordinarily be coach class.
- B) Reimbursement for first-class or business-class accommodations on commercial air carriers shall be explained on the travel voucher and shall be permitted when any one of the following conditions exists:
- i) Regularly scheduled flights between authorized origin and destination points provide only first-class or business-class accommodations.
- ii) Space is not available in less-than-first-class or business-class accommodations in time to carry out the purpose of the travel.
- iii) An Agency authorizes or approves the use of first-class or business-class accommodations as necessary for the conduct of the mission or for reasons of the traveler's health.
- 2) Arrangements on airplanes, trains or boats shall be the least costly reasonably available alternative.
- 3) Chartered aircraft, boats, trains, buses or such other conveyance shall be used only as a last resort or if proven to be most economical for the circumstances. A full explanation for the use of such transportation must accompany the voucher.

HIGHER EDUCATION TRAVEL CONTROL BOARD

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- 4) The rental of an auto while on travel status is allowed, if circumstances require. The most economical vehicle available that is suitable for the State's business shall be obtained. Optional insurance on rented vehicles is not reimbursable. Fuel service options may be reimbursed on a prorated basis.
- 2) ~~Train Accommodations~~
 - A) ~~Sleeping car accommodations: one standard roomette will be allowed when night travel is involved.~~
 - B) ~~Parlor car and coach accommodations: Coach accommodations should be used whenever possible. In the event that a parlor car is approved by the agency head, one seat will be allowed.~~
- e) Use of Privately Owned Vehicles
 - 1) Privately owned vehicles may be used when authorized by appropriate Agency personnel. Employees using private vehicles while on State business must have insurance coverage in an amount not less than that required by Section 10-101(b) of the Illinois Vehicle Code [625 ILCS 5/10-101(b)]. Prior to authorization to use a privately owned vehicle the Agency head shall require employees to file a statement certifying that they are duly licensed and carry at least the minimum insurance coverage or shall require these certifications to be noted on the travel voucher.
 - 1) ~~The use of privately owned vehicles for Agency business is not permitted except when such use is necessary or desirable due to a lack of other convenient means of transportation or is otherwise advantageous to the Agency.~~
 - 2) When an individual rendering service to the Agency uses privately owned vehicles in the conduct of official business outside official headquarters and ~~that such~~ use is authorized or approved by the Agency's authorized ~~representative as being representative(s) therefore as~~ advantageous to the Agency, payment shall be made on a mileage basis and shall be in accordance with the rate established by the Council (see 80 Ill. Adm. Code 3000.300). However, in the event the rate set under federal regulations increases during the course of the State's fiscal year, the effective date of

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the new rate shall be the July 1 immediately following the change in the federal rate. In the event the rate set under federal regulations decreases during the course of the State's fiscal year, the effective date of the new rate shall be the effective date of the change in the federal rate.~~at rates not to exceed 20 cents (effective July 1, 1981) for the use of privately owned vehicles.~~

- 3) Reimbursement for the cost of vehicle parking fees and bridge, road, and tunnel tolls shall be allowed. All fees or tolls in excess of \$10 shall be accompanied by a receipt indicating the amount paid. The fee for parking a vehicle at a common carrier terminal, or other parking area, shall be allowed only to the extent that the fee, plus the allowable mileage reimbursement to and from the terminal or other parking area, does not exceed the estimated cost for use of a limousine or taxicab to and from the terminal.~~When transportation by privately owned vehicle is authorized or approved, distances between points traveled will be as shown in official mileage guides or on official State of Illinois maps. Any substantial deviations from distances shown in the standard mileage guides shall be explained on the applicable travel voucher. Where no guides or maps are available, odometer readings may be used. Travel within and in the near vicinity of a city may be reported as mileage in and around such city, thus eliminating the need to report point to point mileages as in the case of an admission officer visiting several schools within a single city.~~
- 4) When the use of public transportation is a reasonable alternative, the mileage payment shall not exceed the cost of its use. A reasonable alternative exists when the cost of travel, taking into account both transportation, time, and per diem expenses, would be less if public transportation were used.
- 5) Mileage will be payable to only one of ~~two~~ or more individuals traveling in the same vehicle. The names of the individuals and their respective employing ~~Agencies~~agencies shall be stated on the travel voucher.
- 6) Use by an employee of privately owned aircraft on State business is governed by 80 Ill. Adm. Code 3000.300(g).
- ~~6) When using a private vehicle, the employee must be in compliance with the Illinois Vehicle Code (Ill. Rev. Stat. 1981, ch. 95 1/2, par. 10-101),~~

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~~regarding liability insurance coverage.~~

f) Travel Through Headquarters

1) Examples of reimbursable mileage expenses are as follows:

A) Residence - Lincoln/Headquarters - Springfield. Employee drives from residence in Lincoln to Chicago and returns to residence. Reimbursement is for all mileage because the travel was not through headquarters.

B) Residence - Lincoln/Headquarters - Springfield. Employee drives from residence in Lincoln to Collinsville and back to residence. Reimbursement is for all mileage in excess of commuting mileage. The travel, by the most direct route, was through headquarters.

C) Residence - Carbondale/Headquarters - Marion. Employee drives from residence to headquarters. Later, employee drives from headquarters to Anna and back to residence. Reimbursement is for all mileage in excess of commuting mileage.

D) Residence - Evanston/Headquarters - Chicago. Employee drives from residence to McCormick Place for an event. After the event, the employee drives to headquarters, then to residence. Reimbursement is for all mileage in excess of commuting mileage because the travel was through headquarters.

E) Residence - Chicago/Headquarters - Chicago. Employee normally commutes to work by train. However, in order to attend a meeting at another location, the employee drives from residence to headquarters, then to the meeting location, then returns to headquarters and back to residence. Reimbursement is for all mileage in excess of commuting mileage. The fact that the employee normally rides the train to work has no effect on determining reimbursement.

2) As a condition of employment, employees expect to incur commuting expenses between their residence and headquarters. These expenses are

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not reimbursable. Meals, lodging and per diem are not reimbursable at headquarters or at residence.

- ~~f) Use of Agency Owned Vehicles
Agency owned vehicles shall be used whenever possible.~~
- ~~g) Use of Rented Vehicles
The use of rented automobiles, aircraft, boats, or other such conveyance will be kept at an absolute minimum and then rented only in an emergency. Every effort shall be made to obtain other suitable transportation rather than to use rented vehicles. Where emergencies require the use of a rented vehicle, the most economical vehicle available and suitable for the conduct of the agency's business shall be obtained. In these circumstances, the actual cost may be charged and a full explanation for the use of a rented vehicle will be provided with the travel voucher.
AGENCY NOTE: Vehicles rented by a traveler while traveling under these rules must be charged to travel expense.~~

(Source: Renumbered from Section 2900.30 and amended at 32 Ill. Reg. _____, effective _____)

Section ~~2900.65~~2900.40 ~~Special Expenses~~Living Expenses

~~Personal living expenses of travel shall be reimbursed on the basis of either a "Living Expenses Incurred" allowance or "Per Diem" allowance, except as noted in paragraph (d) below.~~

- ~~a) Living Expenses Incurred

 - ~~1) For travel of less than 18 hours during the same calendar day or when a night's lodging is not required, the per diem allowance is not permitted, and living expenses shall be allowed on the basis of living expenses incurred. Maximum amounts, per meal, which can be allowed to an individual traveling on the basis of living expenses incurred are as follows:~~~~

Breakfast	
.....	\$3.50
Lunch	
.....	\$4.50*

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Dinner\$9.00
Total\$17.00

~~*Applicable only if overnight travel is involved.~~

- ~~2) To receive reimbursement for breakfast expenses incurred during the same calendar day as commencement of travel, departure from the place at which official travel begins must be prior to 7:00 a.m. To receive reimbursement for dinner expenses incurred during the same calendar day as arrival at the place at which official travel ends, such arrival must be after 6:00 p.m.~~
- ~~3) It is not necessary for such traveler to submit receipts with travel vouchers to support this per meal allowance for food.~~
- ~~4) In addition, such traveler may receive reimbursement for special expenses as provided in par. (c) below.~~

~~b) Per Diem Allowance~~

- ~~1) The per diem allowance is allowed only when the travel period is overnight or exceeds 18 hours. The per diem allowance provided in this Part represents the maximum amount allowance and is given in lieu of the expenses allowed on the basis of "living expenses incurred."~~
- ~~2) The per diem allowance for travel on official business consists of the following three elements and may be authorized or approved within the following maximums:~~
 - ~~A) \$17 to cover the cost of meals and incidental travel expenses, telegrams, and telephone calls reserving hotel accommodations. Receipts need not be submitted to support this allowance.~~
 - ~~B) The actual cost of accommodations not to exceed the following daily maximums (effective July 1, 1981):~~
 - ~~i) For Chicago Metropolitan Area as defined in Section 1.2(d)~~

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.....\$45 plus tax
ii) For all other areas within the State (effective October 1, 1980)

.....\$30 plus tax
iii) For New York and Washington, D.C.

.....\$65 plus tax
iv) For all travel out of State

.....\$50 plus tax
v) Receipts are to be submitted with travel vouchers to support accommodation expenses claimed.

c) Reimbursement for "special expenses" as provided in paragraph (e) below.

3) Day Defined
In computing the per diem in lieu of living expenses incurred for continuous travel of more than 18 hours or when a night's lodging is required, midnight to midnight will be the unit. For fractional parts of a day at the commencement or ending of such continuous travel constituting a travel period, one fourth of the \$17 allowance for a calendar day will be allowed for each period of 6 hours or fraction thereof. Such 6 hour periods commence at Midnight, 6:00 a.m., Noon, and 6:00 p.m.

e) Special Expenses

a) The cost of miscellaneous business related~~other~~ expenses incurred shall be allowed if reasonable. Examples of reimbursable expenses include: to a traveler who is on either the per diem or living expenses incurred basis, and if they have been incurred in connection with official duties. The following are examples of special expenses for which reimbursement may or may not be given:

- 1) Hire of room, exhibit space, set up, etc., for official business.
- 2) Laundry and dry cleaning if on travel status for at least 7 consecutive days.

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- 3) Storage and handling of baggage.
 - 4) Taxis, including reasonable tips.
 - 5) Telephone calls on official business, including calls of 3 minutes or less to announce safe arrival or delay or change in plans.
 - 6) Telephone calls to secure lodging.
 - 7) Hotel internet charges when used for official business and Agency head approval is obtained.
- b) Examples of non-reimbursable expenses include:
- 1) Alcoholic beverages.
 - 2) Coat check.
 - 3) Entertainment.
 - 4) Late checkout and room guarantee charges (unless special circumstances exist and Agency head approval is obtained).
 - 5) Meals for other State employees or officers.
 - 6) Parking tickets or other traffic tickets and charges associated with locksmith service.
 - 7) Tips incurred beyond those specifically provided in this Part.
 - 8) Transportation to procure meals, except as provided in Section 2900.60(a)(3).

REIMBURSABLE

~~Stenographic and Typing Services~~
~~Storage and Handling of Baggage~~
~~Hire of Room for Official Business~~
~~Telephone Calls on Official Business~~

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~~NON-REIMBURSABLE~~~~Laundry and Dry-Cleaning~~~~Entertainment~~~~Alcoholic Beverages~~

- 2) ~~All special expenses shall be itemized on the travel vouchers, if separately claimed. The cost of meals for other persons incurred in connection with official agency business and while on travel status shall be allowed up to the maximum per meal allowance provided in this Part. It shall be indicated in detail on the travel voucher why and for whom the expense was incurred.~~
- d) ~~Members of Boards, Commission and System~~
~~All members of the boards, commission, and system covered by this Part who receive no compensation for their services may be reimbursed on the basis of actual cost for living expenses necessarily incurred in the performance of their duties, provided such costs are reasonable in nature.~~
- e) ~~Time of Departure and Arrival~~
- 1) ~~The date and hour of departure from and arrival at the place at which official travel begins and ends, and points at which temporary duty is performed shall be shown on the travel voucher where such arrival or departure affects the allowance or other travel expenses. Other points visited shall be shown on the voucher; time of arrival and departure need not be shown.~~
- 2) ~~Where for the traveler's personal convenience or through the taking of leave there is interruption of travel or deviation from the direct route, any allowance allowed shall not exceed that which would have been incurred on uninterrupted travel by a usually traveled route. (See Section 2900.30 (b)).~~
- f) ~~Conference~~
- 1) ~~Conferences recognized by agency heads as approvable for reimbursement are usually regional or national seminars, conferences, or conventions which relate to the activities of an agency.~~

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~~2) When an employee attends a recognized conference in the conduct of official Agency business and obtains overnight accommodations at the hotel or motel where the conference is being held, or at a hotel or motel where conference officials arrange for accommodations, the individual may be reimbursed for room cost in an amount greater than the maximum room allowance provided for in paragraph (b) if the room rate is the lowest available at that hotel or motel. However, it must be asserted in writing on the travel voucher that the traveler stayed at the hotel or motel where the conference was held or where the conference officials arranged for accommodations.~~

~~3) When the cost of meals for approved conferences is an integral part of the registration fee, the per diem traveler shall deduct the following amounts from the "cost of meals and other travel expenses" allowance and the traveler on "living expenses incurred" shall deduct the following amounts from the per meal allowance (effective September 1, 1979):~~

~~A) If breakfast is included in the registration fee, deduct~~

~~.....\$3.50~~

~~B) If lunch is included in the registration fee, deduct~~

~~.....\$4.50~~

~~C) If dinner is included in the registration fee, deduct~~

~~.....\$9.00~~

~~AGENCY NOTE: Registration fees exceeding \$50 in amount are not properly reimbursed on travel vouchers but should be charged to contractual services.~~

~~g) Board, Commission and System Meetings
If an employee attending an official meeting of any board, commission, or system covered by this Part obtains lodging at the hotel or motel where the meeting was held or where agency officials arranged for accommodations.~~

~~h) No Allowance at Official Headquarters
No travel expenses shall be allowed an employee either at official headquarters or at the place of abode from which the employee commutes daily to official~~

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~~headquarters.~~

(Source: Renumbered from Section 2900.40 and amended at 32 Ill. Reg. _____, effective _____)

Section 2900.70 Lodging

- a) It is the responsibility of each employee to request the lowest available lodging rate at the time of making reservations. However, a person who, due to a handicap, may require special lodging consideration may be reimbursed for the actual cost of the least costly lodging that is substantially accessible. Employees should be prepared to provide identification and proof of State employment to obtain State lodging rates.
- b) Lodging allowances are specified in 80 Ill. Adm. Code 3000.400 and Appendix A. State of Illinois travel regulations allow for payments in excess of State rates when approved by the Board. In all cases of requests for approval for payment of hotel rates that exceed the maximum rate permitted, a diligent effort must be made to obtain lodging in a hotel honoring the State rate. A reasonable number of hotels must be contacted. This is not required in the case of an individual who attends a conference and stays at or near the hotel where the conference is held, as provided in Section 2900.100(a). A report of all lodging exceptions granted by an Agency shall be submitted for approval at the quarterly meeting of the Board.

(Source: Added at 32 Ill. Reg. _____, effective _____)

Section 2900.75 Employee Owned or Controlled Housing

- a) State employees on travel status may stay in employee owned or controlled (rented, leased, etc.) property, including motor homes, and shall be reimbursed, upon request for the cost of lodging not to exceed 75% of the applicable lodging rate per day. Lodging reimbursement shall not exceed the mortgage, installment or rental payment made by the employee. The monthly mortgage, installment or rental payment may not exceed \$960 in the city of Chicago, \$700 in suburban Cook County or Lake, McHenry, Kane, Will or DuPage County, and \$550 in the 96 downstate counties. The total reimbursement for the fiscal year shall not exceed the mortgage, installment or rental total of that fiscal year. Exceptions to the monthly mortgage, installment or rental payment allowed may be granted by the Board upon written request from the Agency head. Once that amount is

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reached, further lodging reimbursement shall not be given for travel to the city or work site containing the employee owned or controlled housing. Each Agency shall monitor expenses to ensure compliance with travel regulations and shall report to the Board when the maximum reimbursement is reached. Agencies shall report quarterly to the Board fiscal year to date expenses of employees receiving reimbursement under this provision. Prior to receiving reimbursement, a statement giving the address of the property, mortgage, installment or rental payment and distance from the work site must be filed with the Board. This option is available only if it is proven to be the least costly alternative.

(Source: Added at 32 Ill. Reg. _____, effective _____)

Section 2900.80 Meal Allowances

Meal allowances are specified in 80 Ill. Adm. Code 3000.510 and Appendix A. Receipts are not required to support the claim.

(Source: Added at 32 Ill. Reg. _____, effective _____)

Section 2900.85 Per Diem

- a) Per diem allowances are specified in 80 Ill. Adm. Code 3000.500 and Appendix A.

(Source: Added at 32 Ill. Reg. _____, effective _____)

Section 2900.90 Receipts Required

Receipts are required for any transportation, lodging or miscellaneous expense that individually exceeds \$10. If the receipts are not available, a signed affidavit by the traveler certifying the amount may be acceptable. Agencies are responsible for proper monitoring of claims under this Section.

(Source: Added at 32 Ill. Reg. _____, effective _____)

Section 2900.95 Meals for Other Persons

Meals purchased for non-State employees while on travel status and in conjunction with State business are reimbursable in reasonable amounts. An affidavit specifying why, for whom, and

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certifying that the claim does not include alcoholic beverages shall be attached to the travel voucher. Agencies are responsible for proper monitoring of claims under this Section.

(Source: Added at 32 Ill. Reg. _____, effective _____)

Section 2900.100 Approved Conferences/Official Meetings

- a) When an employee attends a recognized conference in the conduct of official Agency business and obtains overnight accommodations at the hotel or motel where the conference is being held, or at a hotel or motel where conference officials arrange for accommodations, the individual may be reimbursed for room cost in an amount greater than the maximum room allowance provided by 80 Ill. Adm. Code 3000. Appendix A if the room rate is the lowest available at that hotel or motel. A copy of the conference agenda depicting the hotels must be attached to the travel voucher.
- b) If the conference fee includes a meal, the meal or per diem allowance shall be reduced by the actual value of the meal or the amount of the applicable meal allowance shown in the reimbursement schedule, whichever is less.
- c) An employee may be reimbursed from the Travel line 1290 for conference registration fees of \$50 or less on Form C-10 (Travel Voucher). Conference registration fees billed directly to the State are to be paid from Contractual Services (line 1200). When conference fees include lodging and/or meals and no detailed breakdown is given, the entire amount is to be charged to Contractual Services.

(Source: Added at 32 Ill. Reg. _____, effective _____)

Section 2900.1052900.50 Exceptions to the Regulations

- a) ~~Special~~ Exceptions
The ~~Higher Education Travel Control~~ Board will review requests submitted by Agencies each voucher for travel reimbursement involving ~~a special~~ exceptions for travel ~~paid from State appropriations~~ and may approve ~~exceptions such exception~~ to ~~travel regulations the above rules~~ when ~~necessary to meet special circumstances or when~~ they are deemed to be in the best interest of the ~~Agency~~ agency. Requests for such exceptions shall be submitted in writing and apply only to one instance or event. Approval is based upon a review of the circumstances ~~of the exception~~ in

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relation to economic factors and feasibility. The Board may ~~consider review such~~ exceptions either before or after payment has been made by the ~~Agency~~agency.

- b) Refund of Disbursements
Amounts disbursed for travel reimbursement claims ~~that~~which are disapproved by the Board shall be refunded to and deposited in the fund from which payment was made.
- c) Agency Policies
The rates for reimbursements set forth in this Part represent the maximums permitted. An Agency may provide for lesser reimbursement amounts if it determines that lesser amounts are reasonable and in the best interest of the State of Illinois. The Agency may otherwise establish more restrictive policies if it is determined that ~~they~~such are warranted in the conduct of the Agency's business.
- d) Report to Legislative Audit Commission
A report of travel reimbursement claims, involving exceptions to ~~travel regulations this Part,~~ reviewed by the ~~Higher Education Travel Control~~ Board shall be submitted to the Legislative Audit Commission at least once each quarter.

(Source: Renumbered from Section 2900.50 and amended at 32 Ill. Reg. _____, effective _____)

Section ~~2900.110~~2900.60 Travel Vouchers

- a) Preparation of Travel Vouchers
- 1) All claims for the reimbursement of travel expenses shall be prepared in accordance with this Part.
 - 2) The purpose of the travel shall be indicated on the travel voucher.
 - 3) ~~A)~~The travel voucher shall show in the space provided the dates of travel, ~~the~~ points of departure and destination, mode of transportation, and ~~the~~ cost of the transportation secured. When a privately owned vehicle is used, the travel voucher shall also show the rate of reimbursement, mileage, and amount of reimbursement.
- ~~4B)~~ If the distance traveled between any given points is greater than the usual

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route between these points shown on a map or internet program, the reason for the greater distance shall be stated. (See Section 2900.30 (b).)

- 54) Travel vouchers shall be supported by receipts in all instances for railroad and airplane transportation, for lodging, and all other items ~~so specified in excess of \$10~~Sections 2900.30 and 2900.40.
- 65) The travel expense voucher shall be ~~either typewritten or prepared in ink. All copies of the voucher shall be~~ signed by the individual who has incurred the expense.
- 76) Each travel voucher must contain a certification as required by Section 12 of the State Finance Act [30 ILCS 105/12]~~provisions of "An Act in relation to State Finance" (Ill. Rev. Stat. 1981, ch. 127, par. 148)~~.
- 87) Individuals submitting travel vouchers are personally responsible for their accuracy and propriety. Any misrepresentation may be cause for disciplinary or legal action. It is the individual agencies' responsibility to detect misrepresentation and impose consequent disciplinary action.

b) Approval and Submission of Travel Vouchers

- 1) All copies of each travel voucher shall be first approved in accordance with Agency policy to certify that the travel shown was required by official duties.
- 2) All copies of the travel voucher shall then be approved in writing by the Agency's authorized ~~representative~~representative(s). After such processing, appropriate copies of the voucher shall ~~then~~ be forwarded to the Comptroller, or appropriate Agency department, for payment.
- 3) Travel vouchers that are not prepared in accordance with this Part or not properly supported by receipts or affidavits when required shall be returned to the originator for correction.

c) Items Billed Directly

No requests for reimbursement shall be made for items of expenditure in connection with travel ~~that~~which are billed directly to the Agency. However, ~~those~~such charges shall be itemized on the individual's travel voucher. Such

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expenses shall not be in excess of the maximum allowed. Meal and incidental expenses billed directly to the Agency that are in excess of the amount allowed shall be deducted from the per diem allowance.

(Source: Renumbered from Section 2900.60 and amended at 32 Ill. Reg. _____, effective _____)

Section 2900.115 Reimbursement Rates

All business travel shall be reimbursed according to the rates set forth in 80 Ill. Adm. Code 3000, Appendix A.

(Source: Added at 32 Ill. Reg. _____, effective _____)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) Section Number: 310.APPENDIX A TABLE A Adopted Action: Amendment
- 4) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a]
- 5) Effective Date of Amendment: November 20, 2007
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection. Copies of all Pay Plan amendments and collective bargaining contracts are available upon request from the Division of Technical Services.
- 9) Notice of Proposal Published in the Illinois Register: August 31, 2007; 31 Ill. Reg. 12384
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: The changes are because these are proposed amendments (not the emergency amendment at 31 Ill. Reg. 12608, effective August 16, 2007, that they accompanied), and because of intervening rulemaking (emergency amendment at 31 Ill. Reg. 13220, effective August 30, 2007, for a maximum of 150 days; peremptory amendment at 31 Ill. Reg. 13357, effective August 29, 2007; proposed amendment adopted at 31 Ill. Reg. 13981, effective September 21, 2007; and peremptory amendment at 31 Ill. Reg. 14331, effective October 1, 2007).
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were made.
- 13) Will this amendment replace any emergency amendments currently in effect? Yes

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
310.270	Amendment	31 Ill. Reg. 13050; September 14, 2007
310.40	Amendment	31 Ill. Reg. 14619; November 2, 2007
310.47	Amendment	31 Ill. Reg. 14619; November 2, 2007
310.110	Amendment	31 Ill. Reg. 14619; November 2, 2007
310.130	Amendment	31 Ill. Reg. 14619; November 2, 2007
310.220	Amendment	31 Ill. Reg. 14619; November 2, 2007
310.260	Amendment	31 Ill. Reg. 14619; November 2, 2007
310.290	Amendment	31 Ill. Reg. 14619; November 2, 2007
310.295	Amendment	31 Ill. Reg. 14619; November 2, 2007
310.410	Amendment	31 Ill. Reg. 14619; November 2, 2007
310.490	Amendment	31 Ill. Reg. 14619; November 2, 2007
310.APPENDIX A TABLE O	Amendment	31 Ill. Reg. 14619; November 2, 2007
310.APPENDIX B	Amendment	31 Ill. Reg. 14619; November 2, 2007
310.APPENDIX D	Amendment	31 Ill. Reg. 14619; November 2, 2007

- 15) Summary and Purpose of Amendment: The Memorandum of Agreement between the Departments of Central Management Services and Natural Resources and the Laborers' International Union of North America – Illinois State Employees' Association, Local 2002 and the Southern and Central Illinois Laborers' District Council was signed March 22, 2007. Effective February 1, 2007, the Conservation Police Lieutenant title was represented by the RC-104 bargaining unit and rates were assigned.

In the Table of Contents, the Section 310.Appendix A Table A heading is changed to better describe the bargaining unit given the additional title represented by the bargaining unit.

In Section 310.Appendix A Table A, the heading is changed to better describe the bargaining unit given the additional title represented by the bargaining unit. The Conservation Police Lieutenant title, its title code, bargaining unit and Pay Plan Code are added to the title table. The title's step and longevity rates are added to the rate tables effective July 1, 2007 and January 1, 2008. The rates assigned to the Conservation Police Lieutenant title are:

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Effective July 1, 2007

S T E P S						
1	2	3	4	5	6	7
4407	4632	4856	5081	5316	5565	5565

Longevity Bonus Rates

9	10	12.5	14	15	17.5	20	21	22.5	25
Yrs									
5824	6161	6311	6311	6609	6920	7254	7322	7666	8027

Effective January 1, 2008

S T E P S						
1	2	3	4	5	6	7
4671	4910	5147	5386	5635	5899	5899

Longevity Bonus Rates

9	10	12.5	14	15	17.5	20	21	22.5	25
Yrs									
6173	6531	6690	6690	7006	7335	7689	7761	8126	8509

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

Mr. Jason Doggett
 Manager
 Compensation Section
 Division of Technical Services and Agency Training and Development
 Bureau of Personnel
 Department of Central Management Services
 504 William G. Stratton Building
 Springfield IL 62706

Telephone: 217/782-7964
 Fax: 217/524-4570
 CMS.PayPlan@Illinois.gov

- 17) Does this amendment require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code [30 ILCS 50/5-25]? No

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS,
AND POSITION CLASSIFICATIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

Section	
310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.45	Comparison of Pay Grades or Salary Ranges Assigned to Classifications
310.47	In-Hiring Rate
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
310.110	Implementation of Pay Plan Changes
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases (Repealed)
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

Section	
310.205	Introduction
310.210	Prevailing Rate
310.220	Negotiated Rate
310.230	Part-Time Daily or Hourly Special Services Rate
310.240	Daily or Hourly Rate Conversion
310.250	Member, Patient and Inmate Rate
310.260	Trainee Rate

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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310.270	Legislated and Contracted Rate
310.280	Designated Rate
310.290	Out-of-State Rate
310.295	Foreign Service Rate
310.300	Educator Schedule for RC-063 and HR-010
310.310	Physician Specialist Rate
310.320	Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections (Repealed)
310.330	Excluded Classes Rate (Repealed)

SUBPART C: MERIT COMPENSATION SYSTEM

Section	
310.410	Jurisdiction
310.420	Objectives
310.430	Responsibilities
310.440	Merit Compensation Salary Schedule
310.450	Procedures for Determining Annual Merit Increases and Bonuses
310.455	Intermittent Merit Increase
310.456	Merit Zone (Repealed)
310.460	Other Pay Increases
310.470	Adjustment
310.480	Decreases in Pay
310.490	Other Pay Provisions
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310.APPENDIX B	Schedule of Salary Grade Pay Grades - Monthly Rates of Pay
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AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

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SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; preemptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; preemptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; preemptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; preemptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; preemptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; preemptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; preemptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; preemptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; preemptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; preemptory

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amendment at 12 Ill. Reg. 3811, effective January 27, 1988; preemptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; preemptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; preemptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; preemptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; preemptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; preemptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; preemptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; preemptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; preemptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; preemptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; preemptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; preemptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; preemptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; preemptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; preemptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; preemptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at

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16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; preemptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; preemptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; preemptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; preemptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; preemptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; preemptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; preemptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; preemptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; preemptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; preemptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; preemptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; preemptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996;

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peremptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; peremptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; peremptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; peremptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; peremptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; peremptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; peremptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; peremptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; peremptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; peremptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; peremptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; peremptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; peremptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; peremptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective August 31, 1998; peremptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; peremptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; peremptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; peremptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; peremptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; peremptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; peremptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27, 2000; peremptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; peremptory amendment at 24 Ill. Reg. 14460, effective

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September 14, 2000; preemptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; preemptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; preemptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; preemptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; preemptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20, 2001; preemptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143, effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; preemptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective October 7, 2002; emergency amendment at 26 Ill. Reg. 16583, effective October 24, 2002, for a maximum of 150 days; emergency expired March 22, 2003; preemptory amendment at 26 Ill. Reg. 17280, effective November 18, 2002; amended at 26 Ill. Reg. 17374, effective November 25, 2002; amended at 26 Ill. Reg. 17987, effective December 9, 2002; amended at 27 Ill. Reg. 3261, effective February 11, 2003; expedited correction at 28 Ill. Reg. 6151, effective February 11, 2003; amended at 27 Ill. Reg. 8855, effective May 15, 2003; amended at 27 Ill. Reg. 9114, effective May 27, 2003; emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; preemptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December 1, 2003; preemptory amendment at 28 Ill. Reg. 1441, effective January 9, 2004; amended at 28 Ill. Reg. 2684, effective January 22, 2004; amended at 28 Ill. Reg. 6879, effective April 30, 2004; preemptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004; amended at 28 Ill. Reg. 8842, effective June 11, 2004; preemptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004; amended at 28 Ill. Reg. 12585, effective August 27, 2004; preemptory amendment at 28 Ill. Reg. 13011, effective September 8, 2004; preemptory amendment at 28 Ill. Reg. 13247, effective September 20, 2004; preemptory amendment at 28 Ill. Reg. 13656, effective September 27, 2004; emergency amendment at 28 Ill. Reg. 14174, effective October 15, 2004, for a maximum of 150 days; emergency expired March 13, 2005; preemptory amendment at 28 Ill. Reg. 14689, effective October 22, 2004; preemptory amendment at 28 Ill. Reg. 15336, effective

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November 15, 2004; preemptory amendment at 28 Ill. Reg. 16513, effective December 9, 2004; preemptory amendment at 29 Ill. Reg. 726, effective December 15, 2004; amended at 29 Ill. Reg. 1166, effective January 7, 2005; preemptory amendment at 29 Ill. Reg. 1385, effective January 4, 2005; preemptory amendment at 29 Ill. Reg. 1559, effective January 11, 2005; preemptory amendment at 29 Ill. Reg. 2050, effective January 19, 2005; preemptory amendment at 29 Ill. Reg. 4125, effective February 23, 2005; amended at 29 Ill. Reg. 5375, effective April 4, 2005; preemptory amendment at 29 Ill. Reg. 6105, effective April 14, 2005; preemptory amendment at 29 Ill. Reg. 7217, effective May 6, 2005; preemptory amendment at 29 Ill. Reg. 7840, effective May 10, 2005; amended at 29 Ill. Reg. 8110, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8214, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8418, effective June 1, 2005; amended at 29 Ill. Reg. 9319, effective July 1, 2005; preemptory amendment at 29 Ill. Reg. 12076, effective July 15, 2005; preemptory amendment at 29 Ill. Reg. 13265, effective August 11, 2005; amended at 29 Ill. Reg. 13540, effective August 22, 2005; preemptory amendment at 29 Ill. Reg. 14098, effective September 2, 2005; amended at 29 Ill. Reg. 14166, effective September 9, 2005; amended at 29 Ill. Reg. 19551, effective November 21, 2005; emergency amendment at 29 Ill. Reg. 20554, effective December 2, 2005, for a maximum of 150 days; preemptory amendment at 29 Ill. Reg. 20693, effective December 12, 2005; preemptory amendment at 30 Ill. Reg. 623, effective December 28, 2005; preemptory amendment at 30 Ill. Reg. 1382, effective January 13, 2006; amended at 30 Ill. Reg. 2289, effective February 6, 2006; preemptory amendment at 30 Ill. Reg. 4157, effective February 22, 2006; preemptory amendment at 30 Ill. Reg. 5687, effective March 7, 2006; preemptory amendment at 30 Ill. Reg. 6409, effective March 30, 2006; amended at 30 Ill. Reg. 7857, effective April 17, 2006; amended at 30 Ill. Reg. 9438, effective May 15, 2006; preemptory amendment at 30 Ill. Reg. 10153, effective May 18, 2006; preemptory amendment at 30 Ill. Reg. 10508, effective June 1, 2006; amended at 30 Ill. Reg. 11336, effective July 1, 2006; emergency amendment at 30 Ill. Reg. 12340, effective July 1, 2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 12418, effective July 1, 2006; amended at 30 Ill. Reg. 12761, effective July 17, 2006; preemptory amendment at 30 Ill. Reg. 13547, effective August 1, 2006; preemptory amendment at 30 Ill. Reg. 15059, effective September 5, 2006; preemptory amendment at 30 Ill. Reg. 16439, effective September 27, 2006; emergency amendment at 30 Ill. Reg. 16626, effective October 3, 2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 17603, effective October 20, 2006; amended at 30 Ill. Reg. 18610, effective November 20, 2006; preemptory amendment at 30 Ill. Reg. 18823, effective November 21, 2006; preemptory amendment at 31 Ill. Reg. 230, effective December 20, 2006; emergency amendment at 31 Ill. Reg. 1483, effective January 1, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 2485, effective January 17, 2007; preemptory amendment at 31 Ill. Reg. 4445, effective February 28, 2007; amended at 31 Ill. Reg. 4982, effective March 15, 2007; preemptory amendment at 31 Ill. Reg. 7338, effective May 3, 2007; amended at 31 Ill. Reg. 8901, effective July 1, 2007; emergency amendment at 31 Ill. Reg. 10056, effective July 1, 2007, for a maximum of 150 days;

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peremptory amendment at 31 Ill. Reg. 10496, effective July 6, 2007; peremptory amendment at 31 Ill. Reg. 12335, effective August 9, 2007; emergency amendment at 31 Ill. Reg. 12608, effective August 16, 2007, for a maximum of 150 days; emergency amendment at 31 Ill. Reg. 13220, effective August 30, 2007, for a maximum of 150 days; peremptory amendment at 31 Ill. Reg. 13357, effective August 29, 2007; amended at 31 Ill. Reg. 13981, effective September 21, 2007; peremptory amendment at 31 Ill. Reg. 14331, effective October 1, 2007; amended at 31 Ill. Reg. 16094, effective November 20, 2007.

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Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE A RC-104 (Conservation Police SupervisorsSergeants, Laborers' - ISEA Local #2002)**

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Plan Code</u>
Conservation Police Sergeant	09347	RC-104	Q
<u>Conservation Police Lieutenant</u>	<u>09340</u>	<u>RC-104</u>	<u>Q</u>

Effective July 1, 2007

<u>Title</u>	S T E P S						
	1	2	3	4	5	6	7
<u>Conservation Police Sergeant</u>	4321	4542	4762	4983	5214	5458	5458
<u>Conservation Police Lieutenant</u>	<u>4407</u>	<u>4632</u>	<u>4856</u>	<u>5081</u>	<u>5316</u>	<u>5565</u>	<u>5565</u>

Longevity Bonus Rates

<u>Title</u>	9 Yrs	10 Yrs	12.5 Yrs	14 Yrs	15 Yrs	17.5 Yrs	20 Yrs	21 Yrs	22.5 Yrs	25 Yrs
<u>Conservation Police Sergeant</u>	5712	6042	6190	6190	6482	6786	7114	7182	7518	7873
<u>Conservation Police Lieutenant</u>	<u>5824</u>	<u>6161</u>	<u>6311</u>	<u>6311</u>	<u>6609</u>	<u>6920</u>	<u>7254</u>	<u>7322</u>	<u>7666</u>	<u>8027</u>

Effective January 1, 2008

<u>Title</u>	S T E P S						
	1	2	3	4	5	6	7
<u>Conservation Police Sergeant</u>	4537	4769	5000	5232	5475	5731	5731
<u>Conservation Police Lieutenant</u>	<u>4671</u>	<u>4910</u>	<u>5147</u>	<u>5386</u>	<u>5635</u>	<u>5899</u>	<u>5899</u>

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Longevity Bonus Rates

<u>Title</u>	9 Yrs	10 Yrs	12.5 Yrs	14 Yrs	15 Yrs	17.5 Yrs	20 Yrs	21 Yrs	22.5 Yrs	25 Yrs
<u>Conservation Police</u> <u>Sergeant</u>	5998	6344	6500	6500	6806	7125	7470	7541	7894	8267
<u>Conservation Police</u> <u>Lieutenant</u>	<u>6173</u>	<u>6531</u>	<u>6690</u>	<u>6690</u>	<u>7006</u>	<u>7335</u>	<u>7689</u>	<u>7761</u>	<u>8126</u>	<u>8509</u>

(Source: Amended at 31 Ill. Reg. 16094, effective November 20, 2007)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: General Rules
- 2) Code Citation: 35 Ill. Adm. Code 101
- 3) Section Number: 101.202 Adopted Action: Amendment
- 4) Statutory Authority: Implementing Sections 5, 7.1, 7.2, 26, 27, 28, 29, 31, 32, 33, 35, 36, 37, 38, 40, 40.1, 40.2, 41, and 58.7 of the Environmental Protection Act (Act) [415 ILCS 5/5, 7.1, 7.2, 26, 27, 28, 29, 31, 32, 33, 35, 36, 37, 38, 40, 40.1, 40.2, 41, and 58.7] and authorized by Sections 26 and 27 of the Act [415 ILCS 5/26 and 27] as amended by Public Acts 94-0824, 95-0131, 95-0177, and 95-0408
- 5) Effective Date of Amendment: November 21, 2007
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) The adopted amendment, including any material incorporated by reference, is on file in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph, Suite 11-500 and is available for public inspection.
- 9) Notice of Proposal Published in the Illinois Register: May 4, 2007; 31 Ill. Reg. 6537
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: At second notice, the Board added language to the definition of a "pollution control facility" to reflect statutory changes that were signed into law after the Board went to first notice with this rulemaking.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No

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- 15) Summary and Purpose of Amendment: A more complete description of these adopted amendments may be found in the Board's opinion and order of November 15, 2007, in Board docket R07-17. The amendments in this rulemaking docket adopt changes to Parts 101, 732, and 734 to incorporate recent statutory changes to the Environmental Protection Act (Act) (415 ILCS 5 /1 et seq.).

The amendments to Part 101 are driven by changes to the Act found in Public Act 94-0824 (P.A. 94-0824). P.A. 94-0824, effective June 2, 2006, amended the Act's definition of "pollution control facility." See 415 ILCS 5/3.330(a)(11.5). Specifically, P.A. 94-0824 added a sixteenth exception to that definition to include processing sites or facilities that receive used oil for purposes of recycling the used oil. Additionally, since the Board opened this rulemaking docket, the General Assembly and the Governor had acted upon legislation that added three new exceptions to the Act's definition of "pollution control facility." See Public Acts 95-0131, 95-0177, 95-0408. The Board added these three exceptions to its definition of "pollution control facility" at second notice.

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

Tim Fox
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601

312/814-6085

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312/814-3620. Please refer to the Docket number R07-17 in your request. The Board order is also available from the Board's Web site (www.ipcb.state.il.us).

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

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE A: GENERAL PROVISIONS
CHAPTER I: POLLUTION CONTROL BOARDPART 101
GENERAL RULES

SUBPART A: GENERAL PROVISIONS

Section	
101.100	Applicability
101.102	Severability
101.104	Repeals
101.106	Board Authority
101.108	Board Proceedings
101.110	Public Participation
101.112	Bias and Conflict of Interest
101.114	Ex Parte Communications

SUBPART B: DEFINITIONS

Section	
101.200	Definitions Contained in the Act
101.202	Definitions for Board's Procedural Rules

SUBPART C: COMPUTATION OF TIME, FILING, SERVICE
OF DOCUMENTS, AND STATUTORY DECISION DEADLINES

Section	
101.300	Computation of Time
101.302	Filing of Documents
101.304	Service of Documents
101.306	Incorporation of Documents by Reference
101.308	Statutory Decision Deadlines and Waiver of Deadlines

SUBPART D: PARTIES, JOINDER, AND CONSOLIDATION

Section	
101.400	Appearances, Withdrawals, and Substitutions of Attorneys in Adjudicatory

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Proceedings

101.402	Intervention of Parties
101.403	Joinder of Parties
101.404	Agency as a Party in Interest
101.406	Consolidation of Claims
101.408	Severance of Claims

SUBPART E: MOTIONS

Section

101.500	Filing of Motions and Responses
101.502	Motions Directed to the Hearing Officer
101.504	Contents of Motions and Responses
101.506	Motions Attacking the Sufficiency of the Petition, Complaint, or Other Pleading
101.508	Motions to Board Preliminary to Hearing
101.510	Motions to Cancel Hearing
101.512	Motions for Expedited Review
101.514	Motions to Stay Proceedings
101.516	Motions for Summary Judgment
101.518	Motions for Interlocutory Appeal from Hearing Officer Orders
101.520	Motions for Reconsideration
101.522	Motions for Extension of Time

SUBPART F: HEARINGS, EVIDENCE, AND DISCOVERY

Section

101.600	Hearings
101.602	Notice of Board Hearings
101.604	Formal Board Transcript
101.606	Informal Recordings of the Proceedings
101.608	Default
101.610	Duties and Authority of the Hearing Officer
101.612	Schedule to Complete the Record
101.614	Production of Information
101.616	Discovery
101.618	Admissions
101.620	Interrogatories
101.622	Subpoenas and Depositions
101.624	Examination of Adverse, Hostile or Unwilling Witnesses

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- 101.626 Information Produced at Hearing
- 101.628 Statements from Participants
- 101.630 Official Notice
- 101.632 Viewing of Premises

SUBPART G: ORAL ARGUMENT

- Section
- 101.700 Oral Argument

SUBPART H: SANCTIONS

- Section
- 101.800 Sanctions for Failure to Comply with Procedural Rules, Board Orders, or Hearing Officer Orders
- 101.802 Abuse of Discovery Procedures

SUBPART I: REVIEW OF FINAL BOARD OPINIONS AND ORDERS

- Section
- 101.902 Motions for Reconsideration
- 101.904 Relief from and Review of Final Opinions and Orders
- 101.906 Judicial Review of Board Orders
- 101.908 Interlocutory Appeal

- 101.APPENDIX A Captions
 - 101.ILLUSTRATION A Enforcement Case
 - 101.ILLUSTRATION B Citizen's Enforcement Case
 - 101.ILLUSTRATION C Variance
 - 101.ILLUSTRATION D Adjusted Standard Petition
 - 101.ILLUSTRATION E Joint Petition for an Adjusted Standard
 - 101.ILLUSTRATION F Permit Appeal
 - 101.ILLUSTRATION G Underground Storage Tank Appeal
 - 101.ILLUSTRATION H Pollution Control Facility Siting Appeal
 - 101.ILLUSTRATION I Administrative Citation
 - 101.ILLUSTRATION J General Rulemaking
 - 101.ILLUSTRATION K Site-specific Rulemaking
- 101.APPENDIX B Appearance Form
- 101.APPENDIX C Withdrawal of Appearance Form

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- 101.APPENDIX D Notice of Filing
- 101.APPENDIX E Certificate of Service
 - 101.ILLUSTRATION A Service by Non-Attorney
 - 101.ILLUSTRATION B Service by Attorney
- 101.APPENDIX F Notice of Withdrawal (Repealed)
- 101.APPENDIX G Comparison of Former and Current Rules (Repealed)

AUTHORITY: Implementing Sections 5, 7.1, 7.2, 26, 27, 28, 29, 31, 32, 33, 35, 36, 37, 38, 40, 40.1, 40.2, 41, and 58.7 of the Environmental Protection Act (Act) [415 ILCS 5/5, 7.1, 7.2, 26, 27, 28, 29, 31, 32, 33, 35, 36, 37, 38, 40, 40.1, 40.2, 41, and 58.7] and authorized by Sections 26 and 27 of the Act [415 ILCS 5/26 and 27].

SOURCE: Filed with Secretary of State January 1, 1978; codified 6 Ill. Reg. 8357; Part repealed, new Part adopted in R88-5A at 13 Ill. Reg. 12055, effective July 10, 1989; amended in R90-24 at 15 Ill. Reg. 18677, effective December 12, 1991; amended in R92-7 at 16 Ill. Reg. 18078, effective November 17, 1992; old Part repealed, new Part adopted in R00-20 at 25 Ill. Reg. 446, effective January 1, 2001; amended in R04-24 at 29 Ill. Reg. 8743, effective June 8, 2005; amended in R06-9 at 29 Ill. Reg. 19666, effective November 21, 2005; amended in R07-17 at 31 Ill. Reg. 16109, effective November 21, 2007.

SUBPART B: DEFINITIONS

Section 101.202 Definitions for Board's Procedural Rules

Unless otherwise provided in 35 Ill. Adm. Code 101-130, or unless a different meaning of a word or term is clear from the context, the following definitions also apply to the Board's procedural rules, found in 35 Ill. Adm. Code 101 through 130:

"Act" means the Environmental Protection Act [415 ILCS 5/1].

"Adjudicatory proceeding" means an action of a quasi-judicial nature brought before the Board pursuant to authority granted to the Board under Section 5(d) of the Act or as otherwise provided by law. Adjudicatory proceedings include enforcement, variance, permit appeal, pollution control facility siting appeal, Underground Storage Tank (UST) Fund determination, water well set back exception, adjusted standard, and administrative citation proceedings. Adjudicatory proceedings do not include regulatory, quasi-legislative, or informational proceedings.

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"Adjusted standard" or "AS" means an alternative standard granted by the Board in an adjudicatory proceeding pursuant to Section 28.1 of the Act and 35 Ill. Adm. Code 104.Subpart D. The adjusted standard applies instead of the rule or regulation of general applicability.

"Administrative citation" or "AC" means a citation issued pursuant to Section 31.1 of the Act by the Agency, or by a unit of local government acting as the Agency's delegate pursuant to Section 4(r) of the Act.

"Administrative citation review (appeal)" means a petition for review of an administrative citation filed pursuant to Section 31.1(d) of the Act. (See 35 Ill. Adm. Code 108.)

"Affidavit" means a sworn, signed statement witnessed by a notary public.

"Affidavit of service" means an affidavit that states that service of a document upon specified persons was made, and the manner in which, and date upon which, service was made.

"Agency" means the Illinois Environmental Protection Agency as established by Section 4 of the Act.

"Agency recommendation" means the document filed by the Agency pursuant to Sections 37(a) and 28.1(d)(3) of the Act in which the Agency provides its recommended disposition of a petition for variance or an adjusted standard. This includes a recommendation to deny, or a recommendation to grant with or without conditions. (See 35 Ill. Adm. Code 104.218 and 104.416.)

"Amicus curiae brief" means a brief filed in a proceeding by any interested person who is not a party. (See Sections 101.110 and 101.628 of this Part.)

"Applicant" means any person who submits, or has submitted, an application for a permit or for local siting approval pursuant to any of the authorities to issue permits or granting of siting approval identified in Sections 39, 39.1, and 39.5 of the Act.

"Article" means *any object, material, device or substance, or whole or partial copy thereof, including any writing, record, document, recording, drawing, sample, specimen, prototype, model, photograph, culture, microorganism,*

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blueprint or map [415 ILCS 5/7.1].

"Attorney General" means the Attorney General of the State of Illinois or representatives thereof.

"Authorized representative" means any person who is authorized to act on behalf of another person.

"Board" means the Illinois Pollution Control Board as created in Section 5 of the Act or, if applicable, its designee.

"Board decision" means an opinion or an order voted in favor of by at least three members of the Board at an open Board meeting except in a proceeding to remove a seal under Section 34(d) of the Act.

"Board designee" means an employee of the Board who has been given authority by the Board to carry out a function for the Board (e.g., the Clerk, Assistant Clerk of the Board, or hearing officer).

"Board meeting" means an open meeting held by the Board pursuant to Section 5(a) of the Act in which the Board makes its decisions and determinations.

"Board's procedural rules" means the Board's regulations set forth at 35 Ill. Adm. Code 101 through 130.

"Brief" means a written statement that contains a summary of the facts of a proceeding, the pertinent laws, and an argument of how the law applies to the facts supporting a position.

"CAAPP" means the Clean Air Act Permit Program, as adopted in Section 39.5 of the Act.

"Certificate of acceptance" means a certification, executed by a successful petitioner in a variance proceeding, in which the petitioner agrees to be bound by all terms and conditions that the Board has affixed to the grant of variance.

"Chairman" means the Chairman of the Board designated by the Governor pursuant to Section 5(a) of the Act.

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"Citizen's enforcement proceeding" means an enforcement action brought before the Board pursuant to Section 31(d) of the Act by any person who is not authorized to bring the action on behalf of the People of the State of Illinois.

"Clean Air Act" or "CAA" means the federal *Clean Air Act*, as now and hereafter amended, 42 USC 7401 et seq. [415 ILCS 5/39.5]

"Clean Water Act" means the federal Clean Water Act, 33 USC 1251 et seq.

"Clerk" means the Clerk of the Board.

"Complaint" means the initial filing that begins an enforcement proceeding pursuant to Section 31 of the Act and 35 Ill. Adm. Code 103.

"Compliance plan" means a detailed description of a program designed to achieve compliance with the Act and Board regulations.

"Copy" means any *facsimile, replica, photograph or other reproduction of an article, and any note, drawing or sketch made of or from an article* [415 ILCS 5/7.1].

"Counter-complaint" means a pleading that a respondent files setting forth a claim against a complainant. (See 35 Ill. Adm. Code 103.206.)

"Cross-complaint" means a pleading that a party files setting forth a claim against a co-party. (See 35 Ill. Adm. Code 103.206.)

"Cross-media impacts" means impacts that concern multiple environmental areas, such as air, land and/or water.

"Decision date" means the Board meeting immediately preceding the decision deadline.

"Decision deadline" means the last day of any decision period, as established by law, within which the Board is required to render a decision in an adjudicatory proceeding. (See Subpart C of this Part.) (See also Sections 38(a), 40, and 40.1 of the Act that establish 120-day decision deadlines for variances, permit appeals, and review of pollution control facility siting decisions respectively.)

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"Decision period" means the period of time established by the Act within which the Board is required to make a Board decision in certain adjudicatory proceedings. (See Subpart C of this Part.) (See also Sections 38(a), 40, and 40.1 of the Act that establish 120-day decision deadlines for variances, permit appeals, and review of pollution control facility siting decisions, respectively.)

"Deinked stock" *means paper that has been processed to remove inks, clays, coatings, binders and other contaminants* [415 ILCS 20/2.1].

"Delegated unit" means the unit of local government to which the Agency has delegated its administrative citation or other function pursuant to Section 4(r) of the Act.

"DNR" means the Illinois Department of Natural Resources.

"Discovery" means a pre-hearing process that can be used to obtain facts and information about the adjudicatory proceeding in order to prepare for hearing. The discovery tools include depositions upon oral and written questions, written interrogatories, production of documents or things, and requests for admission.

"DOA" means the Illinois Department of Agriculture.

"Duplicative" means the matter is identical or substantially similar to one brought before the Board or another forum.

"Environmental Management System Agreement" or "EMSA" means the agreement between the Agency and a sponsor, entered into under Section 52.3 of the Act and 35 Ill. Adm. Code 187, that describes the innovative environmental measures to be implemented, schedules to attain goals, and mechanisms for accountability.

"Enforcement proceeding" means an adjudicatory proceeding brought upon a complaint filed pursuant to Section 31 of the Act by the Attorney General, State's Attorney, or other persons, in which the complaint alleges violation of the Act, any rule or regulation adopted under the Act, any permit or term or condition of a permit, or any Board order.

"Ex parte communication" means *any written or oral communication by any person that imparts or requests material information or makes a material*

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argument regarding potential action concerning regulatory, quasi-adjudicatory, investment, or licensing matters pending before or under consideration by the Board. "Ex parte communication" does not include the following:

statements by a person publicly made in a public forum, including pleadings, transcripts, and public comments made part of the proceeding's record;

statements regarding matters of procedure and practice, such as format , the number of copies required, the manner of filing, and the status of a matter; and

statements made by a State employee of the Board to Board members or other employees of the Board. [5 ILCS 430/5-50(b)]. For purposes of this definition, "Board employee" means a person the Board employs on a full-time, part-time, contract or intern basis. (See Section 101.114 of this Part.)

"Fast Track rulemaking" means a Clean Air Act rulemaking conducted pursuant to Section 28.5 of the Act.

"Federally required rule" means *a rule that is needed to meet the requirements of the federal Clean Water Act, Safe Drinking Water Act, Clean Air Act (including required submission of a State Implementation Plan), or Resource Conservation and Recovery Act, other than a rule required to be adopted under subsection (c) of Section 13, Section 13.3, Section 17.5, subsection (a) or (d) of Section 22.4, or subsection (a) of Section 22.40 [415 ILCS 5/28.2].*

"Filing" means the act of delivering a document or article into the custody of the Clerk with the intention of incorporating that document or article into the record of a proceeding before the Board. The Clerk's Office is located at 100 West Randolph Street, Suite 11-500, Chicago, IL 60601.

"Final order" means an order of the Board that terminates the proceeding leaving nothing further to litigate or decide and that is appealable to an appellate court pursuant to Section 41 of the Act. (See Subpart I of this Part.)

"Frivolous" means a request for relief that the Board does not have the authority to grant, or a complaint that fails to state a cause of action upon which the Board

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can grant relief.

"Hearing" means a public proceeding conducted by a hearing officer where the parties and other interested persons, as provided for by law and the Board's procedural rules, present evidence and argument regarding their positions.

"Hearing officer" means a person licensed to practice law in the State of Illinois who presides over hearings and otherwise carries out record development responsibilities as directed by the Board.

"IAPA" means the Illinois Administrative Procedure Act [5 ILCS 100].

"Identical-in-substance rules (or regulations)" means *State regulations which require the same actions with respect to protection of the environment, by the same group of affected persons, as would federal regulations if USEPA administered the subject program in Illinois* [415 ILCS 5/7.2].

"Initial filing" means the filing that initiates a Board proceeding and opens a docket. For instance, the initial filing in an enforcement proceeding is the complaint; in a permit appeal it is a petition for review; and in a regulatory proceeding it is the proposal.

"Innovative environmental measures" means any procedures, practices, technologies or systems that pertain to environmental management and are expected to improve environmental performance when applied. (See 35 Ill. Adm. Code 106.Subpart G.)

"Inquiry hearing" means a hearing conducted by the Board for the purpose of seeking input and comment from the public regarding the need for a rulemaking proceeding in a specific area.

"Interlocutory appeal" means an appeal of a Board decision to the appellate court that is not dispositive of all the contested issues in the proceeding. (See Section 101.908 of this Part.) An interlocutory appeal may also be the appeal of a hearing officer ruling to the Board. (See Section 101.518 of this Part.)

"Intervenor" means a person, not originally a party to an adjudicatory proceeding, who voluntarily participates as a party in the proceeding with the leave of the Board. (See Section 101.402 of this Part.)

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"Intervention" means the procedure by which a person, not originally a party to an adjudicatory proceeding, voluntarily comes into the proceeding as a party with the leave of the Board. (See Section 101.402 of this Part.)

"JCAR" means the Illinois General Assembly's Joint Committee on Administrative Rules established by the IAPA (see 5 ILCS 100/5-90).

"Joinder" means the procedure by which the Board adds a person, not originally a party to an adjudicatory proceeding, as a party to the proceeding. (See Section 101.403 of this Part and 35 Ill. Adm. Code 103.206.)

"Misnomer" means a mistake in name, giving an incorrect name in a complaint or other document with respect to any properly included party.

"Motion" means a request made to the Board or the hearing officer for the purposes of obtaining a ruling or order directing or allowing some act to be done in favor of the movant. (See definition of "movant" in this Section.)

"Movant" means the person who files a motion.

"New pollution control facility" means *a pollution control facility initially permitted for development or construction after July 1, 1981; or the area of expansion beyond the boundary of a currently permitted pollution control facility; or a permitted pollution control facility requesting approval to store, dispose of, transfer or incinerate, for the first time, any special or hazardous waste* [415 ILCS 5/3.330(b)].

"Non-disclosable information" means *information which constitutes a trade secret; information privileged against introduction in judicial proceedings; internal communications of the several agencies; information concerning secret manufacturing processes or confidential data submitted by any person under the Act* [415 ILCS 5/7(a)].

"Notice list" means the list of persons in a regulatory proceeding who will receive all Board opinions and orders and all hearing officer orders. Persons on a notice list generally do not receive copies of motions, public comments, or testimony. (See definition of "service list" in this Section.) (See also 35 Ill. Adm. Code 102.422.)

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"Notice to reinstate" means a document filed that recommences the decision period after a decision deadline waiver has been filed. The notice will give the Board a full decision period in which to make a decision. (See Section 101.308 of this Part.)

"Oral argument" means a formal verbal statement of advocacy on a proceeding's legal questions made at a Board meeting with the Board's permission. (See Section 101.700 of this Part.)

"OSFM" means Office of the State Fire Marshal.

"OSFM appeal" means an appeal of an OSFM final decision concerning eligibility and deductibility made pursuant to Title XVI of the Act.

"Participant" means any person, not including the Board or its staff, who takes part in an adjudicatory proceeding who is not a party, or a person who takes part in a regulatory or other quasi-legislative proceeding before the Board. A person becomes a participant in any of several ways, including filing a comment, being added to the notice list of a particular proceeding, or testifying at hearing.

"Participant in a CAAPP Comment Process" means a person who takes part in a Clean Air Act Permit Program (CAAPP) permit hearing before the Agency or comments on a draft CAAPP permit.

"Party" means the person by or against whom a proceeding is brought.

"Party in interest" means the Agency when asked to conduct an investigation pursuant to Section 30 of the Act during an ongoing proceeding. (See Section 101.404 of this Part.)

"Peremptory rulemaking" means *any rulemaking that is required as a result of federal law, federal rules and regulations, or an order of a court, under conditions that preclude compliance with the general rulemaking requirements of Section 5-40 of the IAPA and that preclude the exercise by the Board as to the content of the rule it is required to adopt.* [5 ILCS 100/5-50]

"Permit appeal" means an adjudicatory proceeding brought before the Board pursuant to Title X of the Act.

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

"Petition" means the initial filing in an adjudicatory proceeding other than an enforcement proceeding, including permit appeals, OSFM appeals, UST appeals, appeals of pollution control facility siting decisions, variances and adjusted standards.

"Pilot project" means an innovative environmental project that covers one or more designated facilities, designed and implemented in the form of an EMSA. (See Section 52.3 of the Act.)

"Pollution control facility" means *any waste storage site, sanitary landfill, waste disposal site, waste transfer station, waste treatment facility, or waste incinerator. This includes sewers, sewage treatment plants, and any other facilities owned or operated by sanitary districts organized under the Metropolitan Water Reclamation District Act. The following are not pollution control facilities:*

waste storage sites regulated under 40 CFR 761.42;

sites or facilities used by any person conducting a waste storage, waste treatment, waste disposal, waste transfer or waste incineration operation, or a combination thereof, for wastes generated by such person's own activities, when such wastes are stored, treated, disposed of, transferred or incinerated within the site or facility owned, controlled or operated by such person, or when such wastes are transported within or between sites or facilities owned, controlled or operated by such person;

sites or facilities at which the State is performing removal or remedial action pursuant to Section 22.2 or 55.3 of the Act;

abandoned quarries used solely for the disposal of concrete, earth materials, gravel, or aggregate debris resulting from road construction activities conducted by a unit of government or construction activities due to the construction and installation of underground pipes, lines, conduit or wires off of the premises of a public utility company which are conducted

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by a public utility;

sites or facilities used by any person to specifically conduct a landscape composting operation;

regional facilities as defined in the Central Midwest Interstate Low-Level Radioactive Waste Compact;

the portion of a site or facility where coal combustion wastes are stored or disposed of in accordance with subdivision (r)(2) or (r)(3) of Section 21 of the Act;

the portion of a site or facility used for the collection, storage or processing of waste tires as defined in Title XIV;

the portion of a site or facility used for treatment of petroleum contaminated materials by application onto or incorporation into the soil surface and any portion of that site or facility used for storage of petroleum contaminated materials before treatment. Only those categories of petroleum listed in Section 57.9(a)(3) of the Act are exempt under this definition;

the portion of a site or facility where used oil is collected or stored prior to shipment to a recycling or energy recovery facility, provided that the used oil is generated by households or commercial establishments, and the site or facility is a recycling center or a business where oil or gasoline is sold at retail;

processing sites or facilities that receive only on-specification used oil, as defined in 35 Ill. Adm. Code 739, originating from used oil collectors for processing that is managed under 35 Ill. Adm. Code 739 to produce products for sale to off-site petroleum facilities, if these processing sites or facilities are:

located within a home rule unit of local government with a population of at least 30,000 according to the 2000 federal census, that home rule unit of local government has been designated as an Urban Round II Empowerment Zone by the United States Department of Housing and Urban Development, and that home

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rule unit of local government has enacted an ordinance approving the location of the site or facility and provided funding for the site or facility; and

in compliance with all applicable zoning requirements [415 ILCS 5/3.330];

the portion of a site or facility utilizing coal combustion waste for stabilization and treatment of only waste generated on that site or facility when used in connection with response actions pursuant to the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, the federal Resource Conservation and Recovery Act of 1976, or the Illinois Environmental Protection Act or as authorized by the Agency;

the portion of a site or facility accepting exclusively general construction or demolition debris, located in a county with a population over 700,000 as of January 1, 2000, and operated and located in accordance with Section 22.38 of the Act;

the portion of a site or facility, located within a unit of local government that has enacted local zoning requirements, used to accept, separate, and process uncontaminated broken concrete, with or without protruding metal bars, provided that the uncontaminated broken concrete and metal bars are not speculatively accumulated, are at the site or facility no longer than one year after their acceptance, and are returned to the economic mainstream in the form of raw materials or products; ~~and~~

the portion of a site or facility located in a county with a population over 3,000,000 that has obtained local siting approval under Section 39.2 of the Act for a municipal waste incinerator on or before July 1, 2005 and that is used for a non-hazardous waste transfer station ~~[415 ILCS 5/3.330];~~

the portion of a site or facility located in a county with a population greater than 3,000,000 that has obtained local siting approval, under Section 39.2 of the Act, for a municipal waste incinerator on or before July 1, 2005 and that is used for wood combustion facilities for energy recovery that accept and burn only wood material, as included in a fuel specification approved by the Agency;

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effective January 1, 2008, a site or facility that temporarily holds in transit for 10 days or less, non-putrescible solid waste in original containers, no larger in capacity than 500 gallons, provided that such waste is further transferred to a recycling, disposal, treatment, or storage facility on a non-contiguous site and provided such site or facility complies with the applicable 10-day transfer requirements of the federal Resource Conservation and Recovery Act of 1976 and United States Department of Transportation hazardous material requirements. For purposes of this Section only, "non-putrescible solid waste" means waste other than municipal garbage that does not rot or become putrid, including, but not limited to, paints, solvent, filters, and absorbents; and

a transfer station used exclusively for landscape waste, including a transfer station where landscape waste is ground to reduce its volume, where the landscape waste is held no longer than 24 hours from the time it was received. [415 ILCS 5/3.330]

"Pollution control facility siting appeal" means an appeal of a decision made by a unit of local government filed with the Board pursuant to Section 40.1 of the Act.

"Postconsumer material" means *paper, paperboard, and fibrous wastes from retail stores, office buildings, homes, and so forth, after the waste has been passed through its end usage as a consumer item, including used corrugated boxes, old newspapers, mixed waste paper, tabulating cards, and used cordage.* Additionally, it includes *all paper, paperboard, and other fibrous wastes that are diverted or separated from the municipal solid waste stream* [415 ILCS 20/3(f)(2)(i) and (ii)]. (See also definition of "recycled paper" in this Section.)

"Prehearing conference" means a meeting held in an adjudicatory case to determine the status of the proceedings. A prehearing conference may also be a meeting held in a regulatory proceeding prior to the hearing, the purposes of which *shall be to maximize understanding of the intent and application of the proposal, if possible, and to attempt to identify and limit the issues of disagreement among participants to promote efficient use of time at hearing* [415 ILCS 5/27(d)]. (See 35 Ill. Adm. Code 102.404 and 102.406.)

"Proceeding" means an action conducted before the Board pursuant to authority granted under Section 5 of the Act or as otherwise provided by law. Board

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proceedings are of two types: quasi-legislative (rulemaking and inquiry proceedings) and quasi-judicial (adjudicatory proceedings).

"Proponent" means any person, not including the Board or its staff, who submits a regulatory proposal to the Board for the adoption, amendment, or repeal of a regulation.

"Provisional variance" means a short term variance sought by an applicant and issued by the Agency pursuant to Section 35(b) of the Act. (See 35 Ill. Adm. Code 104.Subpart C.)

"Public comment" means information submitted to the Board during a pending proceeding either by oral statement made at hearing or written statement filed with the Board.

"Qualitative description" means a narrative description pertaining to attributes and characteristics.

"Quantitative description" means a numerically based description pertaining to attributes and characteristics.

"RCRA variance" means a variance from a RCRA rule or a RCRA permit required pursuant to Section 21(f) of the Act.

"Record" means the official collection, as kept by the Clerk, of all documents and exhibits including pleadings, transcripts, and orders filed during the course of a proceeding.

"Recycled paper" means paper which contains at least 50% recovered paper material. The recovered paper material must contain at least 45% deinked stock or postconsumer material. (See also "postconsumer material" in this Section.)

"Registered agent" means a person registered with the Secretary of State for the purpose of accepting service for any entity, or a person otherwise authorized in writing as an agent for the purpose of accepting service for that entity.

"Regulatory hearing" or "proceeding" means a hearing or proceeding held pursuant to Title VII of the Act or other applicable law with respect to regulations.

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"Regulatory relief mechanisms" means variances, provisional variances and adjusted standards. (See 35 Ill. Adm. Code 104.)

"Representing" means, for purposes of Part 130, *describing, depicting, containing, constituting, reflecting or recording* [415 ILCS 5/7.1].

"Requester" means, for purposes of Part 130, the person seeking from the agency the material claimed or determined to be a trade secret (see 415 ILCS 5/7.1).

"Resource Conservation and Recovery Act" or "RCRA" means the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (42 USC 6901 et seq.).

"Rulemaking" or "rulemaking proceeding" means a proceeding brought under Title VII of the Act or other applicable law for the purpose of adoption, amendment, or repeal of a regulation.

"Sanction" means a penalty or other mechanism used by the Board to provide incentives for compliance with the Board's procedural rules, Board orders or hearing officer orders. (See also Subpart H of this Part.)

"SDWA" means the federal Safe Drinking Water Act (42 USC 300f et seq.).

"Service" means delivery of documents upon a person. (See Sections 101.300(c) and 101.304 of this Part.)

"Service list" means the list of persons designated by the hearing officer or Clerk in a regulatory or adjudicatory proceeding upon whom participants must serve motions, prefiled questions and prefiled testimony and any other documents that the participants file with the Clerk unless the hearing officer otherwise directs. (See definition of "notice list" in this Section.) (See also 35 Ill. Adm. Code 102.422.)

"Severance" means the separation of a proceeding into two or more independent proceedings, each of which terminates in a separate, final judgment.

"Site-specific rule or regulation" means a proposed or adopted regulation, not of general applicability, that applies only to a specific facility, geographic site, or

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activity. (See 35 Ill. Adm. Code 102.208.)

"Sponsor" means the proponent of a pilot project that enters into an EMSA with the Agency.

"State enforcement proceeding" means an enforcement proceeding, other than a citizen's enforcement proceeding, that is brought pursuant to Section 31 of the Act.

"Stay" means a temporary suspension of the regular progress of a proceeding pursuant to an order of the Board or by operation of law. (See Section 101.514 of this Part.)

"Subpoena" means a command to appear at a certain time and place to give testimony upon a certain matter.

"Subpoena duces tecum" means a document that compels the production of specific documents and other items at a specified time and place.

"Summary judgment" means the disposition of an adjudicatory proceeding without hearing when the record, including pleadings, depositions and admissions on file, together with any affidavits, shows that there is no genuine issue of material fact, and that the moving party is entitled to judgment as a matter of law. (See Section 101.516 of this Part.)

"Third party complaint" means a pleading that a respondent files setting forth a claim against a person who is not already a party to the proceeding. (See 35 Ill. Adm. Code 103.206.)

"Trade secret" means *the whole or any portion or phase of any scientific or technical information, design, process (including a manufacturing process), procedure, formula or improvement, or business plan which is secret in that it has not been published or disseminated or otherwise become a matter of general public knowledge, and which has competitive value. A trade secret is presumed to be secret when the owner thereof takes reasonable measures to prevent it from becoming available to persons other than those selected by the owner to have access thereto for limited purposes.* [415 ILCS 5/3.490]

"Transcript" means the official recorded testimony from a hearing.

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"USEPA" means the United States Environmental Protection Agency.

"Underground storage tank appeal" or "UST appeal" means an appeal of an Agency final decision made pursuant to Title XVI of the Act.

"UST" means underground storage tank.

"Variance" means a temporary exemption from any specified regulation, requirement or order of the Board granted to a petitioner by the Board pursuant to Title IX of the Act *upon presentation of adequate proof that compliance with the rule or regulation, requirement or order of the Board would impose an arbitrary or unreasonable hardship* [415 ILCS 5/35(a)].

"Waiver" means the intentional relinquishing of a known right, usually with respect to a hearing before the Board or entry of a Board decision within the decision period. (See also Section 101.308 of this Part.)

"Web site" means the Board's computer-based informational service accessed on the Internet at <http://www.ipcb.state.il.us>.

(Source: Amended at 31 Ill. Reg. 16109, effective November 21, 2007)

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- 1) Heading of the Part: Petroleum Underground Storage Tanks (Releases Reported September 23, 1994, Through June 23, 2002)
- 2) Code Citation: 35 Ill. Adm. Code 732
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
732.103	Amendment
732.702	Amendment
- 4) Statutory Authority: Implementing Sections 22.12 and 57-57.17 and authorized by Section 57.14 of the Environmental Protection Act [415 ILCS 5/22.12, 57-57.17] as amended by Public Acts 94-274, and 94-276
- 5) Effective Date of Amendments: November 21, 2007
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) The adopted amendments, including any material incorporated by reference, are on file in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph, Suite 11-500 and are available for public inspection.
- 10) Notice of Proposal Published in Illinois Register: May 4, 2007; 31 Ill. Reg. 6629
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: In response to comments filed by the Illinois Environmental Protection Agency, the Board made minor, technical changes to the rule text at second notice to clarify the impact of the statutory amendments on unremediated properties by moving the proposed language within the Section where the Board had proposed it for first notice.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR? No changes were made.
- 13) Will these amendments replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No

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- 15) Summary and Purpose of Amendments: A more complete description of these adopted amendments may be found in the Board's opinion and order of November 15, 2007, in Board docket R07-17. The amendments in this rulemaking docket adopt changes to Parts 101, 732, and 734 to incorporate recent statutory changes to the Environmental Protection Act (Act) (415 ILCS 5 /1 et seq.).

The amendments to Part 732 are driven by changes to provisions of the underground storage tank (UST) program in the Act found in Public Act 94-274 and 94-276. Public Act 94-0274 (P.A. 94-0274), effective January 1, 2006, amended the Act's definitions with regard to certain activities taken by the Illinois Environmental Protection Agency (Agency) in its UST program by amending the definition of "owner". See 415 ILCS 5/57.2 (2004). The Board's adopted amendments incorporate the statutory changes to the definition of "owner" in Sections 732.103 and 734.115 of the UST regulations (35 Ill. Adm. Code 732.103, 734.115).

Public Act 94-0276 (P.A. 94-0276), effective January 1, 2006, amended the Act's provisions regarding no further remediation (NFR) letters. See 415 ILCS 5/57.10(c). Specifically, P.A. 94-0276 provides that the Act's subsection addressing the significance of the Agency's issuance of an NFR letter "does not apply to off-site contamination related to the occurrence that has not been remediated due to denial of access to the off-site property." The Board amended its regulations regarding NFR letters in Sections 732.702 and 734.710 (35 Ill. Adm. Code 732.702, 734.710) to reflect the statutory amendment enacted by P.A. 92-0276.

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

Tim Fox
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601

312-814-6085

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312/814-3620. Please refer to the Docket number R07-17 in your request. The Board order is also available from the Board's Web site (www.ipcb.state.il.us)

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

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER d: UNDERGROUND INJECTION CONTROL
AND UNDERGROUND STORAGE TANK PROGRAMS

PART 732

PETROLEUM UNDERGROUND STORAGE TANKS
(RELEASES REPORTED SEPTEMBER 23, 1994, THROUGH JUNE 23, 2002)

SUBPART A: GENERAL

Section	
732.100	Applicability
732.101	Election to Proceed under Part 732
732.102	Severability
732.103	Definitions
732.104	Incorporations by Reference
732.105	Agency Authority to Initiate Investigative, Preventive or Corrective Action
732.106	Laboratory Certification
732.108	Licensed Professional Engineer or Licensed Professional Geologist Supervision
732.110	Form and Delivery of Plans, Budget Plans, and Reports; Signatures and Certifications
732.112	Notification of Field Activities
732.114	LUST Advisory Committee

SUBPART B: EARLY ACTION

Section	
732.200	General
732.201	Agency Authority to Initiate
732.202	Early Action
732.203	Free Product Removal
732.204	Application for Payment of Early Action Costs

SUBPART C: SITE EVALUATION AND CLASSIFICATION

Section	
732.300	General

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732.301	Agency Authority to Initiate
732.302	No Further Action Sites
732.303	Low Priority Sites
732.304	High Priority Sites
732.305	Plan Submittal and Review
732.306	Deferred Site Classification; Priority List for Payment
732.307	Site Evaluation
732.308	Boring Logs and Sealing of Soil Borings and Groundwater Monitoring Wells
732.309	Site Classification Completion Report
732.310	Indicator Contaminants
732.311	Groundwater Remediation Objectives
732.312	Classification by Exposure Pathway Exclusion

SUBPART D: CORRECTIVE ACTION

Section	
732.400	General
732.401	Agency Authority to Initiate
732.402	No Further Action Site
732.403	Low Priority Site
732.404	High Priority Site
732.405	Plan Submittal and Review
732.406	Deferred Corrective Action; Priority List for Payment
732.407	Alternative Technologies
732.408	Remediation Objectives
732.409	Groundwater Monitoring and Corrective Action Completion Reports
732.410	"No Further Remediation" Letter (Repealed)
732.411	Off-site Access

SUBPART E: REVIEW OF PLANS, BUDGET PLANS, AND REPORTS

Section	
732.500	General
732.501	Submittal of Plans or Reports (Repealed)
732.502	Completeness Review (Repealed)
732.503	Review of Plans, Budget Plans, or Reports
732.504	Selection of Plans or Reports for Full Review (Repealed)
732.505	Standards for Review of Plans, Budget Plans, or Reports

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SUBPART F: PAYMENT FROM THE FUND

Section

732.600	General
732.601	Applications for Payment
732.602	Review of Applications for Payment
732.603	Authorization for Payment; Priority List
732.604	Limitations on Total Payments
732.605	Eligible Corrective Action_Costs
732.606	Ineligible Corrective Action_Costs
732.607	Payment for Handling Charges
732.608	Apportionment of Costs
732.609	Subrogation of Rights
732.610	Indemnification
732.611	Costs Covered by Insurance, Agreement or Court Order
732.612	Determination and Collection of Excess Payments
732.614	Audits and Access to Records; Records Retention

SUBPART G: NO FURTHER REMEDIATION LETTERS
AND RECORDING REQUIREMENTS

Section

732.700	General
732.701	Issuance of a No Further Remediation Letter
732.702	Contents of a No Further Remediation Letter
732.703	Duty to Record a No Further Remediation Letter
732.704	Voidance of a No Further Remediation Letter

SUBPART H: MAXIMUM PAYMENT AMOUNTS

Section

732.800	Applicability
732.810	UST Removal or Abandonment Costs
732.815	Free Product or Groundwater Removal and Disposal
732.820	Drilling, Well Installation, and Well Abandonment
732.825	Soil Removal and Disposal
732.830	Drum Disposal
732.835	Sample Handling and Analysis
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732.845	Professional Consulting Services
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732.APPENDIX C	Backfill Volumes
732.APPENDIX D	Sample Handling and Analysis
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732.ILLUSTRATION A	Equation For Groundwater Transport (Repealed)
732.ILLUSTRATION B	Equation For Soil-Groundwater Relationship (Repealed)
732.ILLUSTRATION C	Equation For Calculating Groundwater Objectives at the Source (Repealed)
732.ILLUSTRATION D	Equation For Calculating Soil Objectives at the Source (Repealed)
732.TABLE A	Groundwater and Soil Remediation Objectives (Repealed)
732.TABLE B	Soil Remediation remediation Methodology: Model Parameter Values (Repealed)
732.TABLE C	Soil Remediation remediation Methodology: Chemical Specific Parameters (Repealed)
732.TABLE D	Soil Remediation remediation Methodology: Objectives (Repealed)

AUTHORITY: Implementing Sections 22.12 and 57-57.17 and authorized by Section 57.14 of the Environmental Protection Act [415 ILCS 5/22.12, 57-57.17].

SOURCE: Adopted in R94-2 at 18 Ill. Reg. 15008, effective September 23, 1994; amended in R97-10 at 21 Ill. Reg. 3617, effective July 1, 1997; amended in R01-26 at 26 Ill. Reg. 7119, effective April 29, 2002; amended in R04-22/23 at 30 Ill. Reg. 4928, effective March 1, 2006; amended in R07-17 at 31 Ill. Reg. 16131, effective November 21, 2007.

SUBPART A: GENERAL

Section 732.103 Definitions

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Except as stated in this Section, or unless a different meaning of a word or term is clear from the context, the definitions of words or terms in this Part shall be the same as that applied to the same words or terms in the Environmental Protection Act [415 ILCS 5].

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

"Agency" means the Illinois Environmental Protection Agency.

"Alternative Technology" means a process or technique, other than conventional technology, used to perform a corrective action with respect to soils contaminated by releases of petroleum from an underground storage tank.

"Board" means the Illinois Pollution Control Board.

"Bodily Injury" means bodily injury, sickness, or disease sustained by a person, including death at any time, resulting from a release of petroleum from an underground storage tank [415 ILCS 5/57.2].

"Class I Groundwater" means groundwater that meets the Class I: potable resource groundwater criteria set forth in the Board regulations adopted pursuant to the Illinois Groundwater Protection Act [415 ILCS 5/57.2].

"Class III Groundwater" means groundwater that meets the Class III: special resource groundwater criteria set forth in the Board regulations adopted pursuant to the Illinois Groundwater Protection Act [415 ILCS 5/57.2].

"Community water supply" means a public water supply which serves or is intended to serve at least 15 service connections used by residents or regularly serves at least 25 residents [415 ILCS 5/3.145].

"Confirmed Exceedence" means laboratory verification of an exceedence of the applicable remediation objectives.

"Confirmation of a Release" means the confirmation of a release of petroleum in accordance with regulations promulgated by the Office of the State Fire Marshal at 41 Ill. Adm. Code 170.

"Confirmed Release" means a release of petroleum that has been confirmed in accordance with regulations promulgated by the Office of the State Fire Marshal

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at 41 Ill. Adm. Code 170.

"Conventional Technology" means a process or technique to perform a corrective action by removal, transportation and disposal of soils contaminated by a release of petroleum from an underground storage tank in accordance with applicable laws and regulations, but without processing to remove petroleum from the soils.

"Corrective action" means activities associated with compliance with the provisions of Sections 57.6 and 57.7 of the Act [415 ILCS 5/57.2].

"County Highway" means county highway as defined in the Illinois Highway Code [605 ILCS 5].

"District Road" means a district road as defined in the Illinois Highway Code [605 ILCS 5].

"Environmental Land Use Control" means Environmental Land Use Control as defined in 35 Ill. Adm. Code 742.200.

"Federal Landholding Entity" means that federal department, agency or instrumentality with the authority to occupy and control the day-to-day use, operation and management of Federally Owned Property.

"Federally Owned Property" means real property owned in fee simple by the United States on which an institutional control is or institutional controls are sought to be placed in accordance with this Part.

"Fill Material" means non-native or disturbed materials used to bed and backfill around an underground storage tank [415 ILCS 5/57.2].

"Financial Interest" means any ownership interest, legal or beneficial, or being in the relationship of director, officer, employee, or other active participant in the affairs of a party. Financial interest does not include ownership of publicly traded stock.

"Free Product" means a contaminant that is present as a non-aqueous phase liquid for chemicals whose melting point is less than 30°C (e.g., liquid not dissolved in water).

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"Full Accounting" means a compilation of documentation to establish, substantiate and justify the nature and extent of the corrective action costs incurred by an owner or operator.

"Fund" *means the Underground Storage Tank Fund* [415 ILCS 5/57.2].

"GIS" means Geographic Information System.

"GPS" means Global Positioning System.

"Groundwater" *means underground water which occurs within the saturated zone and geologic materials where the fluid pressure in the pore space is equal to or greater than atmospheric pressure* [415 ILCS 5/3.210].

"Half-day" means four hours, or a fraction thereof, of billable work time. Half-days must be based upon the total number of hours worked in one calendar day. The total number of half-days per calendar day may exceed two.

"Handling Charges" means administrative, insurance, and interest costs and a reasonable profit for procurement, oversight, and payment of subcontracts and field purchases.

"Heating Oil" *means petroleum that is No. 1, No. 2, No. 4-light, No. 4-heavy, No. 5-light, No. 5-heavy or No. 6 technical grades of fuel oil; and other residual fuel oils including navy special fuel oil and bunker C.* [415 ILCS 5/57.2]

"Highway Authority" means the Illinois Department of Transportation *with respect to a State highway; the Illinois State Toll Highway Authority with respect to a toll highway; the county board with respect to a county highway or a county unit district road if a discretionary function is involved and the county superintendent of highways if a ministerial function is involved; the highway commissioner with respect to a township or district road not in a county or unit road district; or the corporate authorities of a municipality with respect to a municipal street* [605 ILCS 5/2-213].

"Highway Authority Agreement" means an agreement with a highway authority that meets the requirements of 35 Ill. Adm. Code 742.1020.

"IEMA" means the Illinois Emergency Management Agency.

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"Indemnification" means indemnification of an owner or operator for the amount of judgment entered against the owner or operator in a court of law, for the amount of any final order or determination made against the owner or operator by any agency of State government or any subdivision thereof, or for the amount of any settlement entered into by the owner or operator, if the judgment, order, determination, or settlement arises out of bodily injury or property damage suffered as a result of a release of petroleum from an underground storage tank owned or operated by the owner or operator [415 ILCS 5/57.2].

"Indicator Contaminants" means the indicator contaminants set forth in Section 732.310 of this Part.

"Institutional Control" means a legal mechanism for imposing a restriction on land use as described in 35 Ill. Adm. Code 742, Subpart J.

"Land Use Control Memorandum of Agreement" means an agreement entered into between one or more agencies of the United States and the Illinois Environmental Protection Agency that limits or places requirements upon the use of Federally Owned Property for the purpose of protecting human health or the environment, or that is used to perfect a No Further Remediation Letter that contains land use restrictions.

"Licensed Professional Engineer" means a person, corporation or partnership licensed under the laws of the State of Illinois to practice professional engineering [415 ILCS 5/57.2].

"Licensed Professional Geologist" means a person licensed under the laws of the State of Illinois to practice as a professional geologist [415 ILCS 5/57.2].

"Man-made Pathway" means constructed routes that may allow for the transport of mobile petroleum free-liquid or petroleum-based vapors including, but not limited to, sewers, utility lines, utility vaults, building foundations, basements, crawl spaces, drainage ditches or previously excavated and filled areas.

"Monitoring Well" means a water well intended for the purpose of determining groundwater quality or quantity.

"Natural Pathway" means natural routes for the transport of mobile petroleum

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free-liquid or petroleum-based vapors including, but not limited to, soil, groundwater, sand seams and lenses, and gravel seams and lenses.

"Non-community Water Supply" means a public water supply that is not a community water supply [415 ILCS 5/3.145].

"Occurrence" means an accident, including continuous or repeated exposure to conditions, that results in a sudden or nonsudden release from an underground storage tank [415 ILCS 5/57.2].

"OSFM" means the Office of the State Fire Marshal.

"Operator" means any person in control of, or having responsibility for, the daily operation of the underground storage tank. (Derived from 42 USC 6991)

BOARD NOTE: A person who voluntarily undertakes action to remove an underground storage tank system from the ground shall not be deemed an "operator" merely by the undertaking of such action.

"Owner" means:

In the case of an underground storage tank in use on November 8, 1984, or brought into use after that date, any person who owns an underground storage tank used for the storage, use or dispensing of regulated substances;

In the case of any underground storage tank in use before November 8, 1984, but no longer in use on that date, any person who owned such underground storage tank immediately before the discontinuation of its use; (Derived from 42 USC 6991)

Any person who has submitted to the Agency a written election to proceed under the underground storage tank program and has acquired an ownership interest in a site on which one or more registered tanks have been removed, but on which corrective action has not yet resulted in the issuance of a "No Further Remediation Letter" by the Agency pursuant to the underground storage tank program [415 ILCS 5/57.2].

"Perfect" or "Perfected" means recorded or filed for record so as to place the public on notice, or as otherwise provided in Section 732.703(c) and (d) of this

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"Person" means, for the purposes of interpreting the definitions of the terms "owner" or "operator," an individual, trust, firm, joint stock company, joint venture, consortium, commercial entity, corporation (including a government corporation), partnership, association, state, municipality, commission, political subdivision of a state, or any interstate body and shall include the United States Government and each department, agency, and instrumentality of the United States. (Derived from 42 USC 6991)

"Petroleum" means petroleum, including crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure (60°F and 14.7 pounds per square inch absolute). (Derived from 42 USC 6991)

"Physical Soil Classification" *means verification of geological conditions consistent with regulations for identifying and protecting potable resource groundwater or verification that subsurface strata are as generally mapped in the publication Illinois Geological Survey Circular (1984) entitled "Potential For Contamination Of Shallow Aquifers In Illinois," by Berg, Richard C., et al. Such classification may include review of soil borings, well logs, physical soil analysis, regional geologic maps, or other scientific publication.* [415 ILCS 5/57.2]

"Potable" *means generally fit for human consumption in accordance with accepted water supply principles and practices* [415 ILCS 5/3.340].

"Practical quantitation limit" or "PQL" means the lowest concentration that can be reliably measured within specified limits of precision and accuracy for a specific laboratory analytical method during routine laboratory operating conditions in accordance with "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods," EPA Publication No. SW-846, incorporated by reference at Section 732.104 of this Part. For filtered water samples, PQL also means the Method Detection Limit or Estimated Detection Limit in accordance with the applicable method revision in: "Methods for the Determination of Metals in Environmental Samples," EPA Publication No. EPA/600/4-91/010; "Methods for the Determination of Metals in Environmental Samples, Supplement I," EPA Publication No. EPA/600/R-94/111; "Methods for the Determination of Organic Compounds in Drinking Water," EPA Publication No. EPA/600/4-88/039; "Methods for the Determination of Organic Compounds in Drinking Water, Supplement II," EPA Publication No. EPA/600/R-92/129; or "Methods for the

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Determination of Organic Compounds in Drinking Water, Supplement III," EPA Publication No. EPA/600/R-95/131, all of which are incorporated by reference at Section 732.104 of this Part.

"Property Damage" means physical injury to, destruction of, or contamination of tangible property owned by a person other than an owner or operator of the UST from which a release of petroleum has occurred and which tangible property is located off the site where the release occurred. Property damage includes all resulting loss of use of that property; or loss of use of tangible property that is not physically injured, destroyed or contaminated, but has been evacuated, withdrawn from use, or rendered inaccessible because of a release of petroleum from an underground storage tank [415 ILCS 5/57.2].

"Public Water Supply" means all mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use and which serve at least 15 service connections or which regularly serve at least 25 persons at least 60 days per year. A public water supply is either a "community water supply" or a "non-community water supply" [415 ILCS 5/3.365].

"Registration" means registration of an underground storage tank with the OSFM in accordance with Section 4 of the Gasoline Storage Act [430 ILCS 15/4].

"Regulated recharge area" means a compact geographic area, as determined by the Board, the geology of which renders a potable resource groundwater particularly susceptible to contamination [415 ILCS 5/3.390].

"Regulated Substance" means any substance defined in Section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 USC Sec. 9601(14)) (but not including any substance regulated as a hazardous waste under subtitle C of the Resource Conservation and Recovery Act (42 USC 6921 et seq.)), and petroleum. (Derived from 42 USC 6991)

"Release" means any spilling, leaking, emitting, discharging, escaping, leaching, or disposing of petroleum from an underground storage tank into groundwater, surface water or subsurface soils [415 ILCS 5/57.2].

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"Residential Tank" means an underground storage tank located on property used primarily for dwelling purposes.

"Residential Unit" means a structure used primarily for dwelling purposes including multi-unit dwellings such as apartment buildings, condominiums, cooperatives or dormitories.

"Right-of-way" means *the land, or interest therein, acquired for or devoted to a highway* [605 ILCS 5/2-217].

"Setback Zone" means *a geographic area, designated pursuant to the Act or regulations (see 35 Ill. Adm. Code, Subtitle F), containing a potable water supply well or a potential source or potential route, having a continuous boundary, and within which certain prohibitions or regulations are applicable in order to protect groundwater* [415 ILCS 5/3.450].

"Site" means *any single location, place, tract of land or parcel of property including contiguous property not separated by a public right-of-way* [415 ILCS 5/57.2].

"State Highway" means a State highway as defined in the Illinois Highway Code [605 ILCS 5].

"Stratigraphic Unit" means a site-specific geologic unit of native deposited material and/or bedrock of varying thickness (e.g., sand, gravel, silt, clay, bedrock, etc.). A change in stratigraphic unit is recognized by a clearly distinct contrast in geologic material or a change in physical features within a zone of gradation. For the purposes of this Part, a change in stratigraphic unit is identified by one or a combination of differences in physical features such as texture, cementation, fabric, composition, density, and/or permeability of the native material and/or bedrock.

"Street" means a street as defined in the Illinois Highway Code [605 ILCS 5].

"Surface Body of Water" or "Surface Water Body" means a natural or man-made body of water on the ground surface including, but not limited to, lakes, ponds, reservoirs, retention ponds, rivers, streams, creeks and drainage ditches. Surface body of water does not include puddles or other accumulations of precipitation,

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run-off or groundwater in UST excavations.

"Tank Field" means all underground storage tanks at a site that reside within a circle with a 100 foot radius.

"Toll Highway" means a toll highway as defined in the Toll Highway Act [605 ILCS 10].

"Township Road" means a township road as defined in the Illinois Highway Code [605 ILCS 5].

"Underground Storage Tank" or "UST" means any one or combination of tanks (including underground pipes connected thereto) which is used to contain an accumulation of regulated substances, and the volume of which (including the volume of underground pipes connected thereto) is 10 percent or more beneath the surface of the ground. Such term does not include any of the following or any pipes connected thereto:

Farm or residential tank of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes;

Septic tank;

Pipeline facility (including gathering lines) regulated under the Natural Gas Pipeline Safety Act of 1968 (49 USC App. 1671 et seq.), or the Hazardous Liquid Pipeline Safety Act of 1979 (49 USC App. 2001 et seq.), or which is an intrastate pipeline facility regulated under State laws as provided in either of these provisions of law, and that is determined by the Secretary of Energy to be connected to a pipeline or to be operated or intended to be capable of operating at pipeline pressure or as an integral part of a pipeline;

Surface impoundment, pit, pond, or lagoon;

Storm water or waste water collection system;

Flow-through process tank;

Liquid trap or associated gathering lines directly related to oil or gas

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production and gathering operations; or

Storage tank situated in an underground area (such as a basement, cellar, mineworking, drift, shaft, or tunnel) if the storage tank is situated on or above the surface of the floor. (Derived from 42 USC 6991)

The term "underground storage tank" shall also mean an underground storage tank used exclusively to store heating oil for consumptive use on the premises where stored and which serves other than a farm or residential unit [415 ILCS 5/57.2].

"UST System" or "Tank System" means an underground storage tank, connected underground piping, underground ancillary equipment, and containment system, if any.

"Wellhead Protection Area" means the wellhead protection area of a community water supply well as determined under the Agency's wellhead protection program pursuant to 42 USC 300h-7.

(Source: Amended at 31 Ill. Reg. 16131, effective November 21, 2007)

SUBPART G: NO FURTHER REMEDIATION LETTERS
AND RECORDING REQUIREMENTS

Section 732.702 Contents of a No Further Remediation Letter

A No Further Remediation Letter issued pursuant to this Part shall include all of the following:

- a) An acknowledgment that the requirements of the applicable report were satisfied;
- b) A description of the location of the affected property by adequate legal description or by reference to a plat showing its boundaries, or, for purposes of Section 732.703(d) of this Part, other means sufficient to identify site location with particularity;
- c) A statement that the remediation objectives were determined in accordance with 35 Ill. Adm. Code 742, and the identification of any land use limitation, as applicable, required by 35 Ill. Adm. Code 742 as a condition of the remediation objectives;

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- d) A statement that the Agency's issuance of the No Further Remediation Letter signifies that, except for off-site contamination related to the occurrence that has not been remediated due to denial of access to the off-site property:
- 1) *All corrective action requirements under Title XVI of the Act and this Part applicable to the occurrence have been complied with;*
 - 2) *All corrective action concerning the remediation of the occurrence has been completed; and*
 - 3) *No further corrective action concerning the occurrence is necessary for the protection of human health, safety and the environment [415 ILCS 5/57.10(c)(1)-(3)], or, if the No Further Remediation Letter is issued pursuant to Section 732.411(e) of this Part, that the owner or operator has demonstrated to the Agency's satisfaction an inability to obtain access to an off-site property despite best efforts and therefore is not required to perform corrective action on the off-site property in order to satisfy the corrective action requirements of this Part, but is not relieved of responsibility to clean up portions of the release that have migrated off-site;*
- e) The prohibition under Section 732.703(e) of this Part against the use of any site in a manner inconsistent with any applicable land use limitation, without additional appropriate remedial activities;
- f) A description of any approved preventive, engineering, and institutional controls identified in the plan or report and notification that failure to manage the controls in full compliance with the terms of the plan or report may result in avoidance of the No Further Remediation Letter;
- g) The recording obligations pursuant to Section 732.703 of this Part;
- h) The opportunity to request a change in the recorded land use pursuant to Section 732.703(e) of this Part;
- i) Notification that further information regarding the site can be obtained from the Agency through a request under the Freedom of Information Act [5 ILCS 140]; and

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- j) Any other provisions agreed to by the Agency and the owner or operator.

(Source: Amended at 31 Ill. Reg. 16131, effective November 21, 2007)

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- 1) Heading of the Part: Petroleum Underground Storage Tanks (Releases Reported on or After June 24, 2002)
- 2) Code Citation: 35 Ill. Adm. Code 734
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
734.115	Amend
734.710	Amend
- 4) Statutory Authority: Implementing Sections 22.12 and 57-57.17 and authorized by Section 57.14 of the Environmental Protection Act [415 ILCS 5/22.12, 57-57.17] as amended by Public Acts 94-274, and 94-276
- 5) Effective Date of Amendments: November 21, 2007
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) The adopted amendments, including any material incorporated by reference, are on file in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph, Suite 11-500 and are available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: May 4, 2007; 31 Ill. Reg. 6648
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: In response to comments filed by the Illinois Environmental Protection Agency, the Board made minor, technical changes to the rule text at second notice to clarify the impact of the statutory amendments on unremediated properties by moving the proposed language within the Section where the Board had proposed it for first notice.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR? No changes were made.
- 13) Will these amendments replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No

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- 15) Summary and Purpose of Amendments: A more complete description of these adopted amendments may be found in the Board's opinion and order of November 15, 2007, in Board docket R07-17. The amendments in this rulemaking docket adopt changes to Parts 101, 732, and 734 to incorporate recent statutory changes to the Environmental Protection Act (Act) (415 ILCS5 /1 et seq.).

The amendments to Part 734 are driven by changes to provisions of the underground storage tank (UST) program in the Act found in Public Act 94-274 and 94-276. Public Act 94-0274 (P.A. 94-0274), effective January 1, 2006, amended the Act's definitions with regard to certain activities taken by the Illinois Environmental Protection Agency (Agency) in its UST program by amending the definition of "owner". See 415 ILCS 5/57.2 (2004). The Board's adopted amendments incorporate the statutory changes to the definition of "owner" in Sections 732.103 and 734.115 of the UST regulations (35 Ill. Adm. Code 732.103, 734.115).

Public Act 94-0276 (P.A. 94-0276), effective January 1, 2006, amended the Act's provisions regarding no further remediation (NFR) letters. See 415 ILCS 5/57.10(c). Specifically, the P.A. of an NFR letter "does not apply to off-site contamination related to the occurrence that has not been remediated due to denial of access to the off-site property". P.A. 94-0276. The Board amended its regulations regarding NFR letters in Sections 732.702 and 734.710 (35 Ill. Adm. Code 732.702, 734.710) to reflect the statutory amendment enacted by P.A. 92-0276.

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

Tim Fox
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601

312/814-6085

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312/814-3620. Please refer to the Docket number R07-17 in your request. The Board order is also available from the Board's Web site (www.ipcb.state.il.us).

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

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NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER d: UNDERGROUND INJECTION CONTROL
AND UNDERGROUND STORAGE TANK PROGRAMS

PART 734
PETROLEUM UNDERGROUND STORAGE TANKS
(RELEASES REPORTED ON OR AFTER JUNE 24, 2002)

SUBPART A: GENERAL

Section	
734.100	Applicability
734.105	Election to Proceed under Part 734
734.110	Severability
734.115	Definitions
734.120	Incorporations by Reference
734.125	Agency Authority to Initiate Investigative, Preventive, or Corrective Action
734.130	Licensed Professional Engineer or Licensed Professional Geologist Supervision
734.135	Form and Delivery of Plans, Budgets, and Reports; Signatures and Certifications
734.140	Development of Remediation Objectives
734.145	Notification of Field Activities
734.150	LUST Advisory Committee

SUBPART B: EARLY ACTION

Section	
734.200	General
734.205	Agency Authority to Initiate
734.210	Early Action
734.215	Free Product Removal
734.220	Application for Payment of Early Action Costs

SUBPART C: SITE INVESTIGATION AND CORRECTIVE ACTION

Section	
734.300	General
734.305	Agency Authority to Initiate
734.310	Site Investigation – General
734.315	Stage 1 Site Investigation

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734.320	Stage 2 Site Investigation
734.325	Stage 3 Site Investigation
734.330	Site Investigation Completion Report
734.335	Corrective Action Plan
734.340	Alternative Technologies
734.345	Corrective Action Completion Report
734.350	Off-site Access
734.355	Status Report

SUBPART D: MISCELLANEOUS PROVISIONS

Section	
734.400	General
734.405	Indicator Contaminants
734.410	Remediation Objectives
734.415	Data Quality
734.420	Laboratory Certification
734.425	Soil Borings
734.430	Monitoring Well Construction and Sampling
734.435	Sealing of Soil Borings and Groundwater Monitoring Wells
734.440	Site Map Requirements
734.445	Water Supply Well Survey
734.450	Deferred Site Investigation or Corrective Action; Priority List for Payment

SUBPART E: REVIEW OF PLANS, BUDGETS, AND REPORTS

Section	
734.500	General
734.505	Review of Plans, Budgets, or Reports
734.510	Standards for Review of Plans, Budgets, or Reports

SUBPART F: PAYMENT FROM THE FUND

Section	
734.600	General
734.605	Applications for Payment
734.610	Review of Applications for Payment
734.615	Authorization for Payment; Priority List
734.620	Limitations on Total Payments

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734.625	Eligible Corrective Action Costs
734.630	Ineligible Corrective Action Costs
734.635	Payment for Handling Charges
734.640	Apportionment of Costs
734.645	Subrogation of Rights
734.650	Indemnification
734.655	Costs Covered by Insurance, Agreement, or Court Order
734.660	Determination and Collection of Excess Payments
734.665	Audits and Access to Records; Records Retention

SUBPART G: NO FURTHER REMEDIATION
LETTERS AND RECORDING REQUIREMENTS

Section

734.700	General
734.705	Issuance of a No Further Remediation Letter
734.710	Contents of a No Further Remediation Letter
734.715	Duty to Record a No Further Remediation Letter
734.720	Voidance of a No Further Remediation Letter

SUBPART H: MAXIMUM PAYMENT AMOUNTS

Section

734.800	Applicability
734.810	UST Removal or Abandonment Costs
734.815	Free Product or Groundwater Removal and Disposal
734.820	Drilling, Well Installation, and Well Abandonment
734.825	Soil Removal and Disposal
734.830	Drum Disposal
734.835	Sample Handling and Analysis
734.840	Concrete, Asphalt, and Paving; Destruction or Dismantling and Reassembly of Above Grade Structures
734.845	Professional Consulting Services
734.850	Payment on Time and Materials Basis
734.855	Bidding
734.860	Unusual or Extraordinary Circumstances
734.865	Handling Charges
734.870	Increase in Maximum Payment Amounts
734.875	Agency Review of Payment Amounts

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734.APPENDIX A	Indicator Contaminants
734.APPENDIX B	Additional Parameters
734.APPENDIX C	Backfill Volumes
734.APPENDIX D	Sample Handling and Analysis
734.APPENDIX E	Personnel Titles and Rates

AUTHORITY: Implementing Sections 22.12 and 57-57.17 and authorized by Sections 5, 22, 27, and 57.14A of the Environmental Protection Act [415 ILCS 5/5, 22, 22.12, 27, and 57-57.17]

SOURCE: Adopted in R04-22/23 at 30 Ill. Reg. 5090, effective March 1, 2006; amended in R07-17 at 31 Ill. Reg. 16150, effective November 21, 2007.

SUBPART A: GENERAL

Section 734.115 Definitions

Except as stated in this Section, or unless a different meaning of a word or term is clear from the context, the definitions of words or terms in this Part must be the same as those applied to the same words or terms in the Environmental Protection Act [415 ILCS 5].

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

"Agency" means the Illinois Environmental Protection Agency.

"Alternative Technology" means a process or technique, other than conventional technology, used to perform a corrective action with respect to soils contaminated by releases of petroleum from an underground storage tank.

"Board" means the Illinois Pollution Control Board.

"Bodily Injury" means *bodily injury, sickness, or disease sustained by a person, including death at any time, resulting from a release of petroleum from an underground storage tank* [415 ILCS 5/57.2].

"Community Water Supply" means *a public water supply which serves or is intended to serve at least 15 service connections used by residents or regularly serves at least 25 residents* [415 ILCS 5/3.145].

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"Confirmation of a release" means the confirmation of a release of petroleum in accordance with regulations promulgated by the Office of the State Fire Marshal at 41 Ill. Adm. Code 170.

"Confirmed Release" means a release of petroleum that has been confirmed in accordance with regulations promulgated by the Office of the State Fire Marshal at 41 Ill. Adm. Code 170.

"Conventional Technology" means a process or technique to perform a corrective action by removal, transportation, and disposal of soils contaminated by a release of petroleum from an underground storage tank in accordance with applicable laws and regulations, but without processing to remove petroleum from the soils.

"Corrective Action" *means activities associated with compliance with the provisions of Sections 57.6 and 57.7 of the Act [415 ILCS 5/57.2].*

"County highway" means county highway as defined in the Illinois Highway Code [605 ILCS 5].

"District road" means district road as defined in the Illinois Highway Code [605 ILCS 5].

"Environmental Land Use Control" means Environmental Land Use Control as defined in 35 Ill. Adm. Code 742.200.

"Federal Landholding Entity" means that federal department, agency, or instrumentality with the authority to occupy and control the day-to-day use, operation, and management of Federally Owned Property.

"Federally Owned Property" means real property owned in fee simple by the United States on which an institutional control is or institutional controls are sought to be placed in accordance with this Part.

"Fill Material" *means non-native or disturbed materials used to bed and backfill around an underground storage tank [415 ILCS 5/57.2].*

"Financial interest" means any ownership interest, legal or beneficial, or being in the relationship of director, officer, employee, or other active participant in the

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affairs of a party. Financial interest does not include ownership of publicly traded stock.

"Free Product" means a contaminant that is present as a non-aqueous phase liquid for chemicals whose melting point is less than 30° C (e.g., liquid not dissolved in water).

"Full Accounting" means a compilation of documentation to establish, substantiate, and justify the nature and extent of the corrective action costs incurred by an owner or operator.

"Fund" *means the Underground Storage Tank Fund* [415 ILCS 5/57.2].

"GIS" means Geographic Information System.

"GPS" means Global Positioning System.

"Groundwater" *means underground water which occurs within the saturated zone and geologic materials where the fluid pressure in the pore space is equal to or greater than atmospheric pressure* [415 ILCS 5/3.210].

"Half-day" means four hours, or a fraction thereof, of billable work time. Half-days must be based upon the total number of hours worked in one calendar day. The total number of half-days per calendar day may exceed two.

"Handling Charges" means administrative, insurance, and interest costs and a reasonable profit for procurement, oversight, and payment of subcontracts and field purchases.

"Heating oil" *means petroleum that is No. 1, No. 2, No. 4-light, No. 4-heavy, No. 5-light, No. 5-heavy or No. 6 technical grades of fuel oil; and other residual fuel oils including navy special fuel oil and bunker c* [415 ILCS 5/57.2].

"Highway authority" means the Illinois Department of Transportation *with respect to a State highway*; the Illinois State Toll Highway Authority with respect to a toll highway; *the county board with respect to a county highway or a county unit district road if a discretionary function is involved and the county superintendent of highways if a ministerial function is involved*; the highway commissioner with respect to a township or district road not in a county or unit

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road district; or the corporate authorities of a municipality with respect to a municipal street [605 ILCS 5/2-213].

"Highway Authority Agreement" means an agreement with a highway authority that meets the requirements of 35 Ill. Adm. Code 742.1020.

"IEMA" means the Illinois Emergency Management Agency.

"Indemnification" means indemnification of an owner or operator for the amount of judgment entered against the owner or operator in a court of law, for the amount of any final order or determination made against the owner or operator by any agency of State government or any subdivision thereof, or for the amount of any settlement entered into by the owner or operator, if the judgment, order, determination, or settlement arises out of bodily injury or property damage suffered as a result of a release of petroleum from an underground storage tank owned or operated by the owner or operator [415 ILCS 5/57.2].

"Indicator contaminants" means the indicator contaminants set forth in Section 734.405 of this Part.

"Institutional Control" means a legal mechanism for imposing a restriction on land use as described in 35 Ill. Adm. Code 742.Subpart J.

"Land Use Control Memorandum of Agreement" means an agreement entered into between one or more agencies of the United States and the Illinois Environmental Protection Agency that limits or places requirements upon the use of Federally Owned Property for the purpose of protecting human health or the environment, or that is used to perfect a No Further Remediation Letter that contains land use restrictions.

"Licensed Professional Engineer" means a person, corporation or partnership licensed under the laws of the State of Illinois to practice professional engineering [415 ILCS 5/57.2].

"Licensed Professional Geologist" means a person licensed under the laws of the State of Illinois to practice as a professional geologist [415 ILCS 5/57.2].

"Man-made Pathway" means a constructed route that may allow for the transport of mobile petroleum free-liquid or petroleum-based vapors including but not

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limited to sewers, utility lines, utility vaults, building foundations, basements, crawl spaces, drainage ditches, or previously excavated and filled areas.

"Monitoring Well" means a water well intended for the purpose of determining groundwater quality or quantity.

"Natural Pathway" means a natural route for the transport of mobile petroleum free-liquid or petroleum-based vapors including but not limited to soil, groundwater, sand seams and lenses, and gravel seams and lenses.

"Non-community water supply" means a public water supply that is not a community water supply [415 ILCS 5/3.145].

"Occurrence" means an accident, including continuous or repeated exposure to conditions, that results in a sudden or nonsudden release from an underground storage tank [415 ILCS 5/57.2].

"OSFM" means the Office of the State Fire Marshal.

"Operator" means any person in control of, or having responsibility for, the daily operation of the underground storage tank. (Derived from 42 USC 6991)

BOARD NOTE: A person who voluntarily undertakes action to remove an underground storage tank system from the ground must not be deemed an "operator" merely by the undertaking of such action.

"Owner" means:

In the case of an underground storage tank in use on November 8, 1984, or brought into use after that date, any person who owns an underground storage tank used for the storage, use, or dispensing of regulated substances;

In the case of any underground storage tank in use before November 8, 1984, but no longer in use on that date, any person who owned such underground storage tank immediately before the discontinuation of its use. (Derived from 42 USC 6991)

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Any person who has submitted to the Agency a written election to proceed under the underground storage tank program and has acquired an ownership interest in a site on which one or more registered tanks have been removed, but on which corrective action has not yet resulted in the issuance of a "No Further Remediation Letter" by the Agency pursuant to the underground storage tank program [415 ILCS 5/57.2].

"Perfect" or "Perfected" means recorded or filed for record so as to place the public on notice, or as otherwise provided in Sections 734.715(c) and (d) of this Part.

"Person" means, for the purposes of interpreting the definitions of the terms "owner" or "operator," an individual, trust, firm, joint stock company, joint venture, consortium, commercial entity, corporation (including a government corporation), partnership, association, State, municipality, commission, political subdivision of a State, or any interstate body and must include the United States Government and each department, agency, and instrumentality of the United States. (Derived from 42 USC 6991)

"Petroleum" means petroleum, including crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure (60°F and 14.7 pounds per square inch absolute). (Derived from 42 USC 6991)

"Potable" means generally fit for human consumption in accordance with accepted water supply principles and practices [415 ILCS 5/3.340].

"Practical quantitation limit" or ("PQL") means the lowest concentration that can be reliably measured within specified limits of precision and accuracy for a specific laboratory analytical method during routine laboratory operating conditions in accordance with "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods," EPA Publication No. SW-846, incorporated by reference at Section 734.120 of this Part. For filtered water samples, PQL also means the Method Detection Limit or Estimated Detection Limit in accordance with the applicable method revision in: "Methods for the Determination of Metals in Environmental Samples," EPA Publication No. EPA/600/4-91/010; "Methods for the Determination of Metals in Environmental Samples, Supplement I," EPA Publication No. EPA/600/R-94/111; "Methods for the Determination of Organic Compounds in Drinking Water," EPA Publication No. EPA/600/4-88/039; "Methods for the Determination of Organic Compounds in Drinking Water,

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Supplement II," EPA Publication No. EPA/600/R-92/129; or "Methods for the Determination of Organic Compounds in Drinking Water, Supplement III," EPA Publication No. EPA/600/R-95/131, all of which are incorporated by reference at Section 734.120 of this Part.

"Property Damage" means *physical injury to, destruction of, or contamination of tangible property* owned by a person other than an owner or operator of the UST from which a release of petroleum has occurred and which tangible property is located off the site where the release occurred. Property damage includes *all resulting loss of use of that property; or loss of use of tangible property that is not physically injured, destroyed or contaminated, but has been evacuated, withdrawn from use, or rendered inaccessible because of a release of petroleum from an underground storage tank* [415 ILCS 5/57.2].

"Public Water Supply" means *all mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use and which serve at least 15 service connections or which regularly serve at least 25 persons at least 60 days per year. A public water supply is either a "community water supply" or a "non-community water supply"* [415 ILCS 5/3.365].

"Registration" means registration of an underground storage tank with the OSFM in accordance with Section 4 of the Gasoline Storage Act [430 ILCS 15/4].

"Regulated Recharge Area" means *a compact geographic area, as determined by the Board, (35 Ill. Adm. Code Subtitle F), the geology of which renders a potable resource groundwater particularly susceptible to contamination* [415 ILCS 5/3.390].

"Regulated Substance" means any substance defined in Section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 USC 9601(14)) (but not including any substance regulated as a hazardous waste under subtitle C of the Resource Conservation and Recovery Act (42 USC 6921 et seq.)) and petroleum. (Derived from 42 USC 6991)

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"Release" means any spilling, leaking, emitting, discharging, escaping, leaching, or disposing of petroleum from an underground storage tank into groundwater, surface water or subsurface soils [415 ILCS 5/57.2].

"Residential Tank" means an underground storage tank located on property used primarily for dwelling purposes.

"Residential Unit" means a structure used primarily for dwelling purposes including multi-unit dwellings such as apartment buildings, condominiums, cooperatives, or dormitories.

"Right-of-way" means the land, or interest therein, acquired for or devoted to a highway [605 ILCS 5/2-217].

"Setback Zone" means a geographic area, designated pursuant to the Act [415 ILCS 5/14.1, 5/14.2, 5/14.3] or regulations [35 Ill. Adm. Code Subtitle F], containing a potable water supply well or a potential source or potential route, having a continuous boundary, and within which certain prohibitions or regulations are applicable in order to protect groundwater [415 ILCS 5/3.450].

"Site" means any single location, place, tract of land or parcel of property, including contiguous property not separated by a public right-of-way [415 ILCS 5/57.2].

"State highway" means a ~~State~~ highway as defined in the Illinois Highway Code [605 ILCS 5].

"Street" means a street as defined in the Illinois Highway Code [605 ILCS 5].

"Surface Body of Water" or "Surface Water Body" means a natural or man-made body of water on the ground surface including but not limited to lakes, ponds, reservoirs, retention ponds, rivers, streams, creeks, and drainage ditches. Surface body of water does not include puddles or other accumulations of precipitation, run-off, or groundwater in UST excavations.

"Toll highway" means a toll highway as defined in the Toll Highway Act, [605 ILCS 10].

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"Township road" means [a](#) township road as defined in the Illinois Highway Code [605 ILCS 5].

"Underground Storage Tank" or "UST" means any one or combination of tanks (including underground pipes connected thereto) which is used to contain an accumulation of regulated substances, and the volume of which (including the volume of underground pipes connected thereto) is 10 per centum or more beneath the surface of the ground. Such term does not include any of the following or any pipes connected thereto:

Farm or residential tank of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes;

Septic tank;

Pipeline facility (including gathering lines) regulated under the Natural Gas Pipeline Safety Act of 1968 (~~49~~ USC App. 1671 et seq.), or the Hazardous Liquid Pipeline Safety Act of 1979 (~~49~~ USC App. 2001 et seq.), or which is an intrastate pipeline facility regulated under State laws as provided in either of these provisions of law, and that is determined by the Secretary of Energy to be connected to a pipeline or to be operated or intended to be capable of operating at pipeline pressure or as an integral part of a pipeline;

Surface impoundment, pit, pond, or lagoon;

Storm water or waste water collection system;

Flow-through process tank;

Liquid trap or associated gathering lines directly related to oil or gas production and gathering operations; or

Storage tank situated in an underground area (such as a basement, cellar, mineworking, drift, shaft, or tunnel) if the storage tank is situated on or above the surface of the floor. (Derived from 42 USC § 6991)

The term "underground storage tank" shall also mean an underground storage tank used exclusively to store heating oil for consumptive use on the premises

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where stored and which serves other than a farm or residential unit [415 ILCS 5/57.2].

"UST system" or "tank system" means an underground storage tank, connected underground piping, underground ancillary equipment, and containment system, if any.

"Wellhead Protection Area" means the wellhead protection area of a community water supply well as determined under the Agency's wellhead protection program pursuant to 42 USC 300h-7.

(Source: Amended at 31 Ill. Reg. 16150, effective November 21, 2007)

SUBPART G: NO FURTHER REMEDIATION
LETTERS AND RECORDING REQUIREMENTS

Section 734.710 Contents of a No Further Remediation Letter

A No Further Remediation Letter issued pursuant to this Part must include all of the following:

- a) An acknowledgment that the requirements of the applicable report were satisfied;
- b) A description of the location of the affected property by adequate legal description or by reference to a plat showing its boundaries, or, for the purposes of Section 734.715(d) of this Part, other means sufficient to identify the site location with particularity;
- c) A statement that the remediation objectives were determined in accordance with 35 Ill. Adm. Code 742, and the identification of any land use limitation, as applicable, required by 35 Ill. Adm. Code 742 as a condition of the remediation objectives;
- d) A statement that the Agency's issuance of the No Further Remediation Letter signifies that, except for off-site contamination related to the occurrence that has not been remediated due to denial of access to the off-site property:
 - 1) *All statutory and regulatory corrective action requirements applicable to the occurrence have been complied with;*

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- 2) *All corrective action concerning the remediation of the occurrence has been completed; and*
- 3) *No further corrective action concerning the occurrence is necessary for the protection of human health, safety and the environment [415 ILCS 5/57.10(c)(1) (3)], or, if the No Further Remediation Letter is issued pursuant to Section 734.350(e) of this Part, that the owner or operator has demonstrated to the Agency's satisfaction an inability to obtain access to an off-site property despite best efforts and therefore is not required to perform corrective action on the off-site property in order to satisfy the corrective action requirements of this Part, but is not relieved of responsibility to clean up portions of the release that have migrated off-site;*
- e) The prohibition under Section 734.715(e) of this Part against the use of any site in a manner inconsistent with any applicable land use limitation, without additional appropriate remedial activities;
- f) A description of any approved preventive, engineering, and institutional controls identified in the plan or report and notification that failure to manage the controls in full compliance with the terms of the plan or report may result in voidance of the No Further Remediation Letter;
- g) The recording obligations pursuant to Section 734.715 of this Part;
- h) The opportunity to request a change in the recorded land use pursuant to Section 734.715(e) of this Part;
- i) Notification that further information regarding the site can be obtained from the Agency through a request under the Freedom of Information Act [5 ILCS 140]; and
- j) Any other provisions agreed to by the Agency and the owner or operator.

(Source: Amended at 31 Ill. Reg. 16150, effective November 21, 2007)

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- 1) Heading of the Part: Solid Waste Disposal: General Provisions
- 2) Code Citation: 35 Ill. Adm. Code 810
- 3) Section Number: 810.104 Adopted Action: Amendment
- 4) Statutory Authority: Implementing Sections 7.2, 21, 21.1, 22, 22.17, and 22.40 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 21, 21.1, 22, 22.17, 22.40, and 27]
- 5) Effective Date of Amendment: November 27, 2007
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) The adopted amendment, including any material incorporated by reference, is on file in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph, Suite 11-500 and is available for public inspection.
- 11) Notice of Proposal Published in Illinois Register: August 3, 2007; 31 Ill. Reg. 11107
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: No changes
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR? No changes
- 13) Will this rulemaking replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: For a more detailed description of this rulemaking see the Board's November 15, 2007 final opinion and order in docket R07-8. The adopted amendments in this rulemaking update the Board's solid waste disposal regulations in order to reflect practical experience gained through the implementation of those rules and the expanded technical and scientific knowledge achieved since the Board

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first adopted these standards in 1990. This rulemaking is based on a proposal that was filed with the Board on July 27, 2006, by the Illinois Chapter of the National Solid Wastes Management Association (NSWMA). Specifically, the amendments to Part 810 update materials incorporated by reference.

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

Tim Fox
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601

312/814-6085

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312/814-3620. Please refer to the Docket number R07-8 in your request. The Board order is also available from the Board's Web site (www.ipcb.state.il.us).

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

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

PART 810
SOLID WASTE DISPOSAL: GENERAL PROVISIONS

Section	
810.101	Scope and Applicability
810.102	Severability
810.103	Definitions
810.104	Incorporations by Reference
810.105	Electronic Reporting

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

SOURCE: Adopted in R88-7 at 14 Ill. Reg. 15838, effective September 18, 1990; amended in R93-10 at 18 Ill. Reg. 1268, effective January 13, 1994; amended in R90-26 at 18 Ill. Reg. 12457, effective August 1, 1994; amended in R95-9 at 19 Ill. Reg. 14427, effective September 29, 1995; amended in R96-1 at 20 Ill. Reg. 11985, effective August 15, 1996; amended in R97-20 at 21 Ill. Reg. 15825, effective November 25, 1997; amended in R04-5/R04-15 at 28 Ill. Reg. 9090, effective June 18, 2004; amended in R05-1 at 29 Ill. Reg. 5028, effective March 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 4130, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1425, effective December 20, 2006; amended in R07-8 at 31 Ill. Reg. 16166, effective November 27, 2007.

Section 810.104 Incorporations by Reference

a) The Board incorporates the following material by reference:

1) Code of Federal Regulations:

40 CFR 3.2, as added at 70 Fed. Reg. 59848 (Oct. 13, 2005) (How Does This Part Provide for Electronic Reporting?), referenced in Section 810.105.

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40 CFR 3.3, as added at 70 Fed. Reg. 59848 (Oct. 13, 2005) (What Definitions Are Applicable to This Part?), referenced in Section 810.105.

40 CFR 3.10, as added at 70 Fed. Reg. 59848 (Oct. 13, 2005) (What Are the Requirements for Electronic Reporting to EPA?), referenced in Section 810.105.

40 CFR 3.2000, as added at 70 Fed. Reg. 59848 (Oct. 13, 2005) (What Are the Requirements Authorized State, Tribe, and Local Programs' Reporting Systems Must Meet?), referenced in Section 810.105.

40 CFR 141.40 (2005) (Monitoring Requirements for Unregulated Contaminants).

~~Appendix II to 40 CFR 258 (2005), as corrected at 70 Fed. Reg. 44150 (August 1, 2005) (List of Hazardous and Organic Constituents).~~

~~[40 CFR 258.Appendix I \(2006\).](#)~~

~~[40 CFR 258.Appendix II \(2006\).](#)~~

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

Auditing Standards – Current Text, August 1, 1990 Edition.
- 3) ASTM. American Society for Testing and Materials, 1916 Race Street, Philadelphia PA 19103 215-299-5585:

Method D2234-76, "Test Method for Collection of Gross Samples of Coal," approved 1976.

Method D3987-85, "Standard Test Method for Shake Extraction of Solid Waste with Water," approved 1985.
- 4) GASB. Government Accounting Standards Board, 401 Merritt 7, P.O.

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Box 5116, Norwalk CT 06856-5116:

Statement 18.

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

Engineering Manual 1110-2-1906 Appendix VII, Falling-Head Permeability Cylinder (1986).

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

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846 (Third Edition, 1986; Revision 6, January 2005), as amended by Update I (July 1992), II (September 1994), IIA (August 1993), IIB (January 1995), III (December 1996), IIIA (April 1998), and IIIB (November 2004) (document number 955-001-00000-1).

- b) This incorporation includes no later amendments or editions.

(Source: Amended at 31 Ill. Reg. 16166, effective November 27, 2007)

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- 1) Heading of the Part: Standards for New Solid Waste Landfills
- 2) Code Citation: 35 Ill. Adm. Code 811
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
811.309	Amend ment
811.315	Amend ment
811.318	Amend ment
811.319	Amend ment
811.320	Amend ment
811.APPENDIX C	New Section
- 4) Statutory Authority: Implementing Sections 7.2, 21, 21.1, 22, 22.17, and 22.40 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 21, 21.1, 22, 22.17, 22.40, and 27]
- 5) Effective Date of Amendments: November 27, 2007
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) The adopted amendments, including any material incorporated by reference, are on file in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph, Suite 11-500 and are available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: August 3, 2007; 31 Ill. Reg. 11112
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: At second notice, the Board added November 27, 2009 as the effective date for the amendments in this rulemaking that addressed when initial adjustments can be made to the background concentrations of constituents. Additionally, the Board corrected typographical and spelling errors in the background text of the rule.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes

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- 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: A more complete description of these adopted amendments may be found in the Board's opinion and order of November 15, 2007, in Board docket R07-8. This rulemaking adopts amendments to Part 811 that are intended to update the Board's solid waste disposal regulations to reflect practical experience gained through the implementation of those rules and expanded technical and scientific knowledge achieved since the Board first adopted these standards in 1990. This rulemaking is based on a proposal that was filed with the Board on July 27, 2006, by the Illinois Chapter of the National Solid Wastes Management Association (NSWMA) with the concurrence of the Illinois Environmental Protection Agency (Agency).

The amendments adopted in this rulemaking include changes that pertain to issues including leachate monitoring, hydrogeologic site investigation, groundwater monitoring systems, and groundwater quality standards.

The amendments to the leachate monitoring include adding a list of 202 constituents to be monitored. The amendments also add a minimum number of leachate monitoring locations at landfill units. For the first two years of landfill operation, the amendments change the frequency of leachate monitoring frequency from quarterly to semi-annual monitoring. The adopted amendments also require sampling from each monitoring location at least once every two years.

At Section 811.315(e)(1)(G)(i), the Board replaced the reference in the rules to "public or food processing water supply standard at 35 Ill. Adm. Code 302" with a reference to the groundwater standards found at 35 Ill. Adm. Code 620. This amendment replaces the list of constituents under public or food processing water supply standards with a more comprehensive list of constituents under the Board's groundwater standards.

The amendments to the groundwater monitoring systems address the depth of monitoring wells. Specifically, the final amendments require an operator to measure the depth of groundwater monitoring wells that do not contain dedicated pumps on an annual basis. The amendments also require that, at groundwater monitoring wells containing dedicated pumps, the operator must measure the depth of the well every five years or when the pump is serviced.

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Additional amendments to monitoring requirements include adding a specific list of indicator constituents, adding a specific list of organic chemicals for which groundwater must be monitored, and increasing the frequency of the monitoring for the specified organic parameters.

The changes to the assessment monitoring provisions under Section 811.319(b) include specifying deadlines for submission and implementation of an assessment monitoring plan.

The amendments adopt a number of changes to the groundwater quality standard provisions under Section 811.320. These changes replace references to public water supply standards with references to groundwater standards, clarify the establishment of background concentrations, and update statistical analysis procedures.

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

Tim Fox
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601

312/814-6085

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312/814-3620. Please refer to the Docket number R07-8 in your request. The Board order is also available from the Board's Web site (www.ipcb.state.il.us).

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

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NOTICE OF ADOPTED AMENDMENTS

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

PART 811
STANDARDS FOR NEW SOLID WASTE LANDFILLS

SUBPART A: GENERAL STANDARDS FOR ALL LANDFILLS

Section

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

SUBPART B: INERT WASTE LANDFILLS

Section

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

SUBPART C: PUTRESCIBLE AND CHEMICAL WASTE LANDFILLS

Section

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

SUBPART D: MANAGEMENT OF SPECIAL WASTES AT LANDFILLS

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

SUBPART E: CONSTRUCTION QUALITY ASSURANCE PROGRAMS

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Section

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

SUBPART G: FINANCIAL ASSURANCE

Section

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

811.APPENDIX A Financial Assurance Forms

811.ILLUSTRATION A	Trust Agreement
811.ILLUSTRATION B	Certificate of Acknowledgment

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

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

SOURCE: Adopted in R88-7 at 14 Ill. Reg. 15861, effective September 18, 1990; amended in R92-19 at 17 Ill. Reg. 12413, effective July 19, 1993; amended in R93-10 at 18 Ill. Reg. 1308, effective January 13, 1994; expedited correction at 18 Ill. Reg. 7504, effective July 19, 1993; amended in R90-26 at 18 Ill. Reg. 12481, effective August 1, 1994; amended in R95-13 at 19 Ill. Reg. 12257, effective August 15, 1995; amended in R96-1 at 20 Ill. Reg. 12000, effective August 15, 1996; amended in R97-20 at 21 Ill. Reg. 15831, effective November 25, 1997; amended in R98-9 at 22 Ill. Reg. 11491, effective June 23, 1998; amended in R99-1 at 23 Ill. Reg. 2794, effective February 17, 1999; amended in R98-29 at 23 Ill. Reg. 6880, effective July 1, 1999; amended in R04-5/R04-15 at 28 Ill. Reg. 9107, effective June 18, 2004; amended in R05-1 at 29 Ill. Reg. 5044, effective March 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 4136, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1435, effective December 20, 2006; amended in R07-8 at 31 Ill. Reg. 16171, effective November 27, 2007.

SUBPART C: PUTRESCIBLE AND CHEMICAL WASTE LANDFILLS

Section 811.309 Leachate Treatment and Disposal Systems

- a) Leachate shall be allowed to flow freely from the drainage and collection system. The operator is responsible for the operation of a leachate management system designed to handle all leachate as it drains from the collection system. The leachate management system shall consist of any combination of storage,

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treatment, pretreatment, and disposal options designed and constructed in compliance with the requirements of this Section.

- b) The leachate management system shall consist of any combination of multiple treatment and storage structures, to allow the management and disposal of leachate during routine maintenance and repairs.
- c) Standards for Onsite Treatment and Pretreatment
 - 1) All onsite treatment or pretreatment systems shall be considered part of the facility.
 - 2) The onsite treatment or pretreatment system shall be designed in accordance with the expected characteristics of the leachate. The design may include modifications to the system necessary to accommodate changing leachate characteristics.
 - 3) The onsite treatment or pretreatment system shall be designed to function for the entire design period.
 - 4) All of the facility's unit operations, tanks, ponds, lagoons and basins shall be designed and constructed with liners or containment structures to control seepage to groundwater.
 - 5) All treated effluent discharged to waters of the State shall meet the requirements of 35 Ill. Adm. Code 309.
 - 6) The treatment system shall be operated by an operator certified under the requirements of 35 Ill. Adm. Code 312.
- d) Standards for Leachate Storage Systems
 - 1) Except as otherwise provided in subsection (d)(6) of this Section, the leachate storage facility must be able to store a minimum of at least five days' worth of accumulated leachate at the maximum generation rate used in designing the leachate drainage system in accordance with Section 811.307. The minimum storage capacity may be built up over time and in stages, so long as the capacity for five consecutive days of accumulated leachate is available at any time during the design period of the facility.

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- 2) All leachate storage tanks shall be equipped with secondary containment systems equivalent to the protection provided by a clay liner 0.61 meter (2 feet thick) having a permeability no greater than 10^{-7} centimeters per second.
 - 3) Leachate storage systems shall be fabricated from material compatible with the leachate expected to be generated and resistant to temperature extremes.
 - 4) The leachate storage system shall not cause or contribute to a malodor.
 - 5) The leachate drainage and collection system shall not be used for the purpose of storing leachate.
 - 6) A facility may have less than five days' worth of storage capacity for accumulated leachate as required by subsection (d)(1) of this Section, if the owner or operator of the facility demonstrates that multiple treatment, storage and disposal options in the facility's approved leachate management system developed in accordance with subsection (b) of this Section will achieve equivalent performance. Such options shall consist of not less than one day's worth of storage capacity for accumulated leachate plus at least two alternative means of managing accumulated leachate through treatment or disposal, or both treatment and disposal, each of which means is capable of treating or disposing of all leachate generated at the maximum generation rate on a daily basis.
- e) Standards for Discharge to an Offsite Treatment Works
- 1) Leachate may be discharged to an offsite treatment works that meets the following requirements:
 - A) All discharges of effluent from the treatment works shall meet the requirements of 35 Ill. Adm. Code 309.
 - B) The treatment systems shall be operated by an operator certified under the requirements of 35 Ill. Adm. Code 312.
 - C) No more than 50 percent of the average daily influent flow can be

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attributable to leachate from the solid waste disposal facility. Otherwise, the treatment works shall be considered a part of the solid waste disposal facility.

- 2) The operator is responsible for securing permission from the offsite treatment works for authority to discharge to the treatment works.
 - 3) All discharges to a treatment works shall meet the requirements of 35 Ill. Adm. Code 310.
 - 4) Pumps, meters, valves and monitoring stations that control and monitor the flow of leachate from the unit and which are under the control of the operator shall be considered part of the facility and shall be accessible to the operator at all times.
 - 5) Leachate shall be allowed to flow into the sewage system at all times; however, if access to the treatment works is restricted or anticipated to be restricted for longer than five days, then an alternative leachate management system shall be constructed in accordance with subsection (c).
 - 6) Where leachate is not directly discharged into a [sewagesewerage](#) system, the operator shall provide storage capacity sufficient to transfer all leachate to an offsite treatment works. The storage system shall meet the requirements of subsection (d).
- f) Standards for Leachate Recycling Systems
- 1) Leachate recycling systems may be utilized only at permitted waste disposal units that meet the following requirements:
 - A) The unit must have a liner designed, constructed and maintained to meet the minimum standards of Section 811.306.
 - B) The unit must have a leachate collection system in place and operating in accordance with Section 811.307.
 - C) A gas management system, equipped with a mechanical device such as a compressor to withdraw gas, must be implemented to

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control odors and prevent migration of methane in accordance with Section 811.311.

- D) The topography must be such that any accidental leachate runoff can be controlled by ditches, berms or other equivalent control means.
- 2) Leachate shall not be recycled during precipitation events or in volumes large enough to cause runoff or surface seeps.
 - 3) The amount of leachate added to the unit shall not exceed the ability of the waste and cover soils to transmit leachate flow downward. All other leachate shall be considered excess leachate, and a leachate management system capable of disposing of all excess leachate must be available.
 - 4) The leachate storage and distribution system shall be designed to avoid exposure of leachate to air unless aeration or functionally equivalent devices are utilized.
 - 5) The distribution system shall be designed to allow leachate to be evenly distributed beneath the surface over the recycle area.
 - 6) Daily and intermediate cover shall be permeable to the extent necessary to prevent the accumulation of water and formation of perched watertables and gas buildup; alternatively cover shall be removed prior to additional waste placement.
 - 7) Daily and intermediate cover shall slope away from the perimeter of the site to minimize surface discharges.
- g) Leachate Monitoring
- 1) Representative samples of leachate shall be collected from each established leachate monitoring location ~~and tested~~ in accordance with subsections (g)(5) and tested for the parameters referenced in subsections (g)(2)(G) and (g)(3)(D), ~~at a frequency of once per quarter until such time as samples have been obtained and tested for at least eight quarters. If for any reason insufficient leachate is obtained to yield a sample for testing during a given quarterly monitoring attempt, such~~

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~~attempt shall not count toward the eight quarters' leachate monitoring requirement. Thereafter, the frequency of testing shall be changed to semi-annual for any monitored constituent while the leachate management system is in operation. However, The~~ Agency may, by permit condition, require additional, or allow less, leachate sampling and testing as necessary to ensure compliance with this Section and Sections 811.312, 811.317, and 811.319.

- 2) Discharges of leachate from units that dispose of putrescible wastes shall be tested for the following constituents prior to treatment or pretreatment:
 - A) Five day biochemical oxygen demand (BOD₅);
 - B) Chemical oxygen demand;
 - C) Total Suspended Solids;
 - D) Total Iron;
 - E) pH;
 - F) Any other constituents listed in the operator's National Pollution Discharge Elimination System (NPDES) discharge permit, pursuant to 35 Ill. Adm. Code 304, or required by a publicly owned treatment works, pursuant to 35 Ill. Adm. Code 310; and
 - G) All the monitoring parameters listed in Section 811. Appendix C, unless an alternate monitoring list has been approved by the Agency of the indicator constituents chosen in accordance with Section 811.319(a)(2)(B) and used by the operator for groundwater monitoring.

- 3) Discharges of leachate from units which dispose only chemical wastes shall be monitored for constituents determined by the characteristics of the chemical waste to be disposed of in the unit. They shall include, as a minimum:
 - A) pH;

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- B) Total Dissolved Solids;
 - C) Any other constituents listed in the operator's NPDES discharge permit, pursuant to 35 Ill. Adm. Code 304, or required by a publicly owned treatment works, pursuant to 35 Ill. Adm. Code 310; and
 - D) ~~All the monitoring parameters listed in Section 811. Appendix C, unless an alternate monitoring list has been approved by the Agency of the indicator constituents chosen in accordance with Section 811.319(a)(2)(B) and used by the operator for groundwater monitoring.~~
- 4) A network of leachate monitoring locations shall be established, capable of characterizing the leachate produced by the unit. Unless an alternate network has been approved by the Agency, the network of leachate monitoring locations shall include:
- A) At least four leachate monitoring locations; and
 - B) At least one leachate monitoring location for every 25 acres within the unit's waste boundaries.
- 5) Leachate monitoring shall be performed at least once every six months and each established leachate monitoring location shall be monitored at least once every two years.
- h) Time of Operation of the Leachate Management System
- 1) The operator shall collect and dispose of leachate for a minimum of five years after closure and thereafter until treatment is no longer necessary.
 - 2) Treatment is no longer necessary if the leachate constituents do not exceed the wastewater effluent standards in 35 Ill. Adm. Code 304.124, 304.125, 304.126 and do not contain a BOD₅ concentration greater than 30 mg/L for six consecutive months.
 - 3) Leachate collection at a MSWLF unit shall be continued for a minimum period of 30 years after closure, except as otherwise provided by

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subsections (h)(4) and (h)(5), ~~below~~.

- 4) The Agency may reduce the leachate collection period at a MSWLF unit upon a demonstration by the owner or operator that the reduced period is sufficient to protect human health and environment.
- 5) The owner or operator of a MSWLF unit shall petition the Board for an adjusted standard in accordance with Section 811.303, if the owner or operator seeks a reduction of the postclosure care monitoring period for all of the following requirements:
 - i) Inspection and maintenance (Section 811.111);
 - ii) Leachate collection (Section 811.309);
 - iii) Gas monitoring (Section 811.130); and
 - iv) Groundwater monitoring (Section 811.319).

BOARD NOTE: Subsection (h) is derived from 40 CFR 258.61 (1992).

(Source: Amended at 31 Ill. Reg. 16171, effective November 27, 2007)

Section 811.315 Hydrogeologic Site Investigations

- a) Purpose
The operator shall conduct a hydrogeologic investigation to develop hydrogeologic information for the following uses:
 - 1) Provide information to perform a groundwater impact assessment; and
 - 2) Provide information to establish a groundwater monitoring system.
- b) General Requirements
 - 1) The investigation shall be conducted in a minimum of three phases prior to submission of any application to the Agency for a permit to develop and operate a landfill facility.

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- 2) The study area shall consist of the entire area occupied by the facility and any adjacent related areas, if necessary for the purposes of the hydrogeological investigation set forth in subsection (a).
 - 3) All borings shall be sampled continuously at all recognizable points of geologic variation, except that where continuous sampling is impossible or where non-continuous sampling can provide equivalent information, samples shall be obtained at intervals no greater than 1.52 meters (five feet) in homogeneous strata.
- c) Minimum Requirements for a Phase I Investigation
- 1) The operator shall conduct a Phase I Investigation to develop the following information:
 - A) Climatic aspects of the study area;
 - B) The regional and study area geologic setting, including a description of the geomorphology and stratigraphy of the area;
 - C) The regional groundwater regime including water table depths and aquifer characteristics; and
 - D) Information for the purpose of designing a Phase II Hydrogeologic Investigation.
 - 2) Specific Requirements
 - A) The regional hydrogeologic setting of the unit shall be established by using material available from all possible sources, including, but not limited to, the Illinois Scientific Surveys, the Agency, other State and Federal organizations, water well drilling logs, and previous investigations.
 - B) A minimum of one continuously sampled boring shall be drilled on the site, as close as feasible to the geographic center, to determine if the available regional hydrogeologic setting information is accurate and to characterize the site-specific hydrogeology to the extent specified by this phase of the investigation. The boring

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shall extend at least 15.2 meters (50 feet) below the bottom of the uppermost aquifer or through the full depth of the confining layer below the uppermost aquifer, or to bedrock, if the bedrock is below the upper most aquifer, whichever elevation is higher. The locations of any additional borings, required under this subsection, may be chosen by the investigator, but shall be sampled continuously.

- d) Minimum Requirements for a Phase II Investigation
 - 1) Information to be developed

Using the information developed in the Phase I survey, a Phase II study shall be conducted to collect the site-specific information listed below as needed to augment data collected during the Phase I investigation and to prepare for the Phase III investigation:

 - A) Structural characteristics and distribution of underlying strata including bedrock;
 - B) Chemical and physical properties including, but not limited to, lithology, mineralogy, and hydraulic characteristics of underlying strata including those below the uppermost aquifer;
 - C) Soil characteristics, including soil types, distribution, geochemical and geophysical characteristics;
 - D) The hydraulic conductivities of the uppermost aquifer and all strata above it;
 - E) The vertical extent of the uppermost aquifer;
 - F) The direction and rate of groundwater flow.
 - 2) Specific Requirements
 - A) One boring shall be located as close as feasible to the topographical high point, and another shall be located as close as feasible to the topographical low point of the study area.

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- B) At least one boring shall be at or near each corner of the site. Where the property is irregularly shaped the borings shall be located near the boundary in a pattern and spacing necessary to obtain data over the entire study area.
 - C) Additional borings may be located at intermediate points at locations and spacings necessary to establish the continuity of the stratigraphic units.
 - D) Piezometers and groundwater monitoring wells shall be established to determine the direction and flow characteristics of the groundwater in all strata and extending down to the bottom of the uppermost aquifer. Groundwater samples taken from such monitoring wells shall be used to develop preliminary information needed for establishing background concentrations in accordance with subsection (e)(1)(G).
 - E) Other methods may be utilized to confirm or accumulate additional information. Such methods may be used only as a supplement to, not in lieu of, site-specific boring information. Other methods include, but are not limited to, geophysical well logs, geophysical surveys, aerial photography, age dating, and test pits.
- e) Minimum Standards ~~for a~~[For A](#) Phase III Investigation
- 1) Using the information developed during the Phase I and Phase II Investigations, the operator shall conduct a Phase III Investigation. This investigation shall be conducted to collect or augment the site-specific information needed to carry out the following:
 - A) Verification and reconciliation of the information collected in the Phase I and II investigations;
 - B) Characterization of potential pathways for contaminant migration;
 - C) Correlation of stratigraphic units between borings;
 - D) Continuity of petrographic features including, but not limited to, sorting, grain size distribution, cementation and hydraulic

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conductivity;

- E) Identification of zones of potentially high hydraulic conductivity;
 - F) Identification of the confining layer, if present;
 - G) Concentrations of chemical constituents present in the groundwater below the unit, down to the bottom of the uppermost aquifer, using a broad range of chemical analysis and detection procedures such as, gas chromatographic and mass spectrometric scanning. However, additional measurements and procedures shall be carried out to establish background concentrations, in accordance with Section 811.320(d), for:
 - i) Any constituent for which there is a ~~public or food processing water supply~~ standard at 35 Ill. Adm. Code ~~620302~~ established by the Board and which is expected to appear in the leachate; and
 - ii) Any other constituent for which there is no Board-established standard, but which is expected to appear in the leachate at concentrations above PQL, as defined in Section 811.319(a)(4)(A) for that constituent;
 - H) Characterization of the seasonal and temporal, naturally and artificially induced, variations in groundwater quality and groundwater flow; and
 - I) Identification of unusual or unpredicted geologic features, including: fault zones, fracture traces, facies changes, solution channels, buried stream deposits, cross cutting structures and other geologic features that may affect the ability of the operator to monitor the groundwater or predict the impact of the disposal facility on groundwater.
- 2) In addition to the specific requirements applicable to ~~Phase~~ Phase I and II investigations, the operator shall collect information needed to meet the minimum standards of a ~~Phase~~ Phase III investigation by using methods that may include, but not limited to excavation of test pits, additional

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borings located at intermediate points between boreholes placed during ~~Phase~~Phase I and II investigations, placement of piezometers and monitoring wells, and institution of procedures for sampling and analysis.

- f) The operator may conduct the hydrogeologic investigation in any number of alternative ways provided that the necessary information is collected in a systematic sequence consisting of at least three phases that is equal to or superior to the investigation procedures of this Section.

(Source: Amended at 31 Ill. Reg. 16171, effective November 27, 2007)

Section 811.318 Design, Construction, and Operation of Groundwater Monitoring Systems

- a) All potential sources of discharges to groundwater within the facility, including, but not limited to, all waste disposal units and the leachate management system, shall be identified and studied through a network of monitoring wells operated during the active life of the unit and for the time after closure specified in accordance with Section 811.319. Monitoring wells designed and constructed as part of the monitoring network shall be maintained along with records that include, but are not limited to, exact well location, well size, type of well, the design and construction practice used in its installation and well and screen depths.
- b) Standards for the Location of Monitoring Points
- 1) A network of monitoring points shall be established at sufficient locations downgradient with respect to groundwater flow and not excluding the downward direction, to detect any discharge of contaminants from any part of a potential source of discharge.
 - 2) Monitoring wells shall be located in stratigraphic horizons that could serve as contaminant migration pathways.
 - 3) Monitoring wells shall be established as close to the potential source of discharge as possible without interfering with the waste disposal operations, and within half the distance from the edge of the potential source of discharge to the edge of the zone of attenuation downgradient, with respect to groundwater flow, from the source.

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- 4) The network of monitoring points of several potential sources of discharge within a single facility may be combined into a single monitoring network, provided that discharges from any part of all potential sources can be detected.
 - 5) A minimum of at least one monitoring well shall be established at the edge of the zone of attenuation and shall be located downgradient with respect to groundwater flow and not excluding the downward direction, from the unit. Such well or wells shall be used to monitor any statistically significant increase in the concentration of any constituent, in accordance with Section 811.320(e) and shall be used for determining compliance with an applicable groundwater quality standard of Section 811.320. An observed statistically significant increase above the applicable groundwater quality standards of Section 811.320 in a well located at or beyond the compliance boundary shall constitute a violation.
- c) **Maximum Allowable Predicted Concentrations**
The operator shall use the same calculation methods, data, and assumptions as used in the groundwater impact assessment to predict the concentration over time and space of all constituents chosen to be monitored in accordance with Section 811.319 at all monitoring points. The predicted values shall be used to establish the maximum allowable predicted concentrations (MAPC) at each monitoring point. The MAPCs calculated in this subsection shall be applicable within the zone of attenuation.
- d) **Standards for Monitoring Well Design and Construction**
- 1) All monitoring wells shall be cased in a manner that maintains the integrity of the bore hole. The casing material shall be inert so as not to affect the water sample. Casing requiring solvent-cement type couplings shall not be used.
 - 2) Wells shall be screened to allow sampling only at the desired interval. Annular space between the borehole wall and well screen section shall be packed with gravel sized to avoid clogging by the material in the zone being monitored. The slot size of the screen shall be designed to minimize clogging. Screens shall be fabricated from material expected to be inert with respect to the constituents of the groundwater to be sampled.

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- 3) Annular space above the well screen section shall be sealed with a relatively impermeable, expandable material such as a cement/bentonite grout, which does not react with or in any way affect the sample, in order to prevent contamination of samples and groundwater and avoid interconnections. The seal shall extend to the highest known seasonal groundwater level.
 - 4) The annular space shall be back-filled with expanding cement grout from an elevation below the frost line and mounded above the surface and sloped away from the casing so as to divert surface water away.
 - 5) The annular space between the upper and lower seals and in the unsaturated zone may be back-filled with uncontaminated cuttings.
 - 6) All wells shall be covered with vented caps and equipped with devices to protect against tampering and damage.
 - 7) All wells shall be developed to allow free entry of water, minimize turbidity of the sample, and minimize clogging.
 - 8) The transmissivity of the zone surrounding all well screens shall be established by field testing techniques.
 - 9) Other sampling methods and well construction techniques may be utilized if they provide equal or superior performance to the requirements of this subsection.
- e) Standards for Sample Collection and Analysis
- 1) The groundwater monitoring program shall include consistent sampling and analysis procedures to assure that monitoring results can be relied upon to provide data representative of groundwater quality in the zone being monitored.
 - 2) The operator shall utilize procedures and techniques to insure that collected samples are representative of the zone being monitored and that prevent cross contamination of samples from other monitoring wells or from other samples. At least 95 percent of a collected sample shall consist of groundwater from the zone being monitored.

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- 3) The operator shall establish a quality assurance program that provides quantitative detection limits and the degree of error for analysis of each chemical constituent.
- 4) The operator shall establish a sample preservation and shipment procedure that maintains the reliability of the sample collected for analysis.
- 5) The operator shall institute a chain of custody procedure to prevent tampering and contamination of the collected samples prior to completion of analysis.
- 6) At a minimum, the operator shall sample the following parameters at all wells at the time of sample collection and immediately before filtering and preserving samples for shipment:
 - A) The elevation of the water table;
 - ~~B) The depth of the well below ground;~~
 - ~~B~~C) pH;
 - ~~C~~D) The temperature of the sample; and
 - ~~D~~E) Specific Conductance.
- 7) The operator must measure the depth of the well below ground on an annual basis, at wells that do not contain dedicated pumps. The operator must measure the depth of the well below ground every 5 years, or whenever the pump is pulled, in wells with dedicated pumps.
- 87) In addition to the requirements of subsections (e)(1) through (e)(6), the following requirements shall apply to MSWLF units:
 - A) Each time groundwater is sampled, an owner or operator of a MSWLF unit shall:
 - i) Measure the groundwater elevations in each well immediately prior to purging; and

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- ii) Determine the rate and direction of ground-water flow.
- B) An owner or operator shall measure groundwater elevations in wells which monitor the same waste management area within a period of time short enough to avoid temporal variations in groundwater flow which could preclude accurate determination of groundwater flow rate and direction.

BOARD NOTE: Subsection (e)(7) is derived from 40 CFR 258.53(d) (1992).

(Source: Amended at 31 Ill. Reg. 16171, effective November 27, 2007)

Section 811.319 Groundwater Monitoring Programs

- a) Detection Monitoring Program

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

 - 1) Monitoring Schedule and Frequency
 - A) The monitoring period shall begin as soon as waste is placed into the unit of a new landfill or within one year of the effective date of this Part for an existing landfill. Monitoring shall continue for a minimum period of fifteen years after closure, or in the case of MSWLF units, a minimum period of 30 years after closure, except as otherwise provided by subsection (a)(1)(C) of this Section. The operator shall sample all monitoring points for all potential sources of contamination on a quarterly basis except as specified in subsection (a)(3), for a period of five years from the date of issuance of the initial permit for significant modification under 35 Ill. Adm. Code 814.104 or a permit for a new unit pursuant to 35 Ill. Adm. Code 813.104. After the initial five-year period, the sampling frequency for each monitoring point shall be reduced to a semi-annual basis, provided the operator has submitted the certification described in 35 Ill. Adm. Code 813.304(b). Alternatively, after the initial five-year period, the Agency shall

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allow sampling on a semi-annual basis where the operator demonstrates that monitoring effectiveness has not been compromised, that sufficient quarterly data has been collected to characterize groundwater, and that leachate from the monitored unit does not constitute a threat to groundwater. For the purposes of this Section, the source shall be considered a threat to groundwater if the results of the monitoring indicate either that the concentrations of any of the constituents monitored within the zone of attenuation is above the maximum allowable predicted concentration for that constituent or, for existing landfills, subject to 35 Ill. Adm. Code 814, Subpart D, that the concentration of any constituent has exceeded the applicable standard at the compliance boundary as defined in 35 Ill. Adm. Code 814.402(b)(3).

- B) Beginning fifteen years after closure of the unit, or five years after all other potential sources of discharge no longer constitute a threat to groundwater, as defined in subsection (a)(1)(A), the monitoring frequency may change on a well by well basis to an annual schedule if either of the following conditions exist. However, monitoring shall return to a quarterly schedule at any well where a statistically significant increase is determined to have occurred in accordance with Section 811.320(e), in the concentration of any constituent with respect to the previous sample.
- i) All constituents monitored within the zone of attenuation have returned to a concentration less than or equal to ten percent of the maximum allowable predicted concentration; or
 - ii) All constituents monitored within the zone of attenuation are less than or equal to their maximum allowable predicted concentration for eight consecutive quarters.
- C) Monitoring shall be continued for a minimum period of: 30 years after closure at MSWLF units, except as otherwise provided by subsections (a)(1)(D) and (a)(1)(E); five years after closure at landfills, other than MSWLF units, which are used exclusively for disposing waste generated at the site; or 15 years after closure at all other landfills regulated under this Part. Monitoring, beyond the

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minimum period, may be discontinued under the following conditions:

- i) No statistically significant increase is detected in the concentration of any constituent above that measured and recorded during the immediately preceding scheduled sampling for three consecutive years, after changing to an annual monitoring frequency; or
 - ii) Immediately after contaminated leachate is no longer generated by the unit.
- D) The Agency may reduce the groundwater monitoring period at a MSWLF unit upon a demonstration by the owner or operator that the reduced period is sufficient to protect human health and environment.
- E) An owner or operator of a MSWLF unit shall petition the Board for an adjusted standard in accordance with Section 811.303, if the owner or operator seeks a reduction of the postclosure care monitoring period for all of the following requirements:
- i) Inspection and maintenance (Section 811.111);
 - ii) Leachate collection (Section 811.309);
 - iii) Gas monitoring (Section 811.310); and
 - iv) Groundwater monitoring (Section 811.319).

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

- 2) Criteria for Choosing Constituents to be Monitored
- A) The operator shall monitor each well for constituents that will provide a means for detecting groundwater contamination. Constituents shall be chosen for monitoring if they meet the

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following requirements:

- i) The constituent appears in, or is expected to be in, the leachate; and
 - ii) Is contained within the following list of constituents:
 - [Ammonia – Nitrogen \(dissolved\)](#)
 - [Arsenic \(dissolved\)](#)
 - [Boron \(dissolved\)](#)
 - [Cadmium \(dissolved\)](#)
 - [Chloride \(dissolved\)](#)
 - [Chromium \(dissolved\)](#)
 - [Cyanide \(total\)](#)
 - [Lead \(dissolved\)](#)
 - [Magnesium \(dissolved\)](#)
 - [Mercury \(dissolved\)](#)
 - [Nitrate \(dissolved\)](#)
 - [Sulfate \(dissolved\)](#)
 - [Total Dissolved Solids \(TDS\)](#)
 - [Zinc \(dissolved\)](#)
 - iii) This is the [minimum list for MSWLFs](#).
 - iv) Any facility accepting more than 50% by volume non-municipal waste must determine additional indicator parameters based upon leachate characteristic and waste content.
- B) One or more indicator constituents, representative of the transport processes of constituents in the leachate, may be chosen for monitoring in place of the constituents it represents. The use of such indicator constituents must be included in an Agency approved permit.
- 3) **Organic Chemicals Monitoring**
The operator shall monitor each existing well that is being used as a part of the monitoring well network at the facility within one year of the effective date of this Part, and monitor each new well within the three

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months of its establishment. The monitoring required by this subsection (a)(3) shall be for a broad range of organic chemical contaminants in accordance with the procedures described below:

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

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

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Dichlorodifluoromethane
1,1-Dichloroethane
1,2-Dichloroethane
1,1-Dichloroethylene
cis-1,2-Dichloroethylene
trans-1,2-Dichloroethylene
1,2-Dichloropropane
1,3-Dichloropropane
2,2-Dichloropropane
1,1-Dichloropropene
1,3-Dichloropropene
cis-1,3-Dichloropropene
trans-1,3-Dichloropropene
Ethylbenzene
Hexachlorobutadiene
2-Hexanone; Methyl butyl ketone
Isopropylbenzene
p-Isopropyltoluene
Methyl bromide; Bromomethane
Methyl chloride; Chloromethane
Methylene bromide; Dibromomethane
Dichloromethane
Methyl ethyl ketone
Methyl iodide; Iodomethane
4-Methyl-2-pentanone
Naphthalene
Oil and Grease (hexane soluble)
n-Propylbenzene
Styrene
1,1,1,2-Tetrachloroethane
1,1,2,2-Tetrachloroethane

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Tetrachloroethylene

Tetrahydrofuran

Toluene

Total Phenolics

1,2,3-Trichlorobenzene

1,2,4-Trichlorobenzene

1,1,1-Trichloroethane

1,1,2-Trichloroethane

Trichloroethylene

Trichlorofluoromethane

1,2,3-Trichloropropane

1,2,4-Trimethylbenzene

1,3,5-Trimethylbenzene

Vinyl acetate

Vinyl chloride

Xylenes

- B) At least once every two years, the operator shall monitor each well in accordance with subsection (a)(3)(A).
- C) The operator of a MSWLF unit shall monitor each well in accordance with subsection (a)(3)(A) on a semi-annual basis.

BOARD NOTE: Subsection (a)(3)(C) is derived from 40 CFR 258.54(b) (1992).

- 4) Confirmation of Monitored Increase
 - A) The confirmation procedures of this subsection shall be used only if the concentrations of the constituents monitored can be measured at or above the practical quantitation limit (PQL). The PQL is defined as the lowest concentration that can be reliably measured within specified limits of precision and accuracy, under routine laboratory operating conditions. The operator shall institute the confirmation procedures of subsection (a)(4)(B) after

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notifying the Agency in writing, within ten days, of observed increases:

- i) The concentration of any inorganic constituent monitored in accordance with subsections (a)(1) and (a)(2) shows a progressive increase over eight consecutive monitoring events;
- ii) The concentration of any constituent exceeds the maximum allowable predicted concentration at an established monitoring point within the zone of attenuation;
- iii) The concentration of any constituent monitored in accordance with subsection (a)(3) exceeds the preceding measured concentration at any established monitoring point; and
- iv) The concentration of any constituent monitored at or beyond the zone of attenuation exceeds the applicable groundwater quality standards of Section 811.320.

B) The confirmation procedures shall include the following:

- i) The operator shall verify any observed increase by taking additional samples within 90 days after the initial sampling event and ensure that the samples and sampling protocol used will detect any statistically significant increase in the concentration of the suspect constituent in accordance with Section 811.320(e), so as to confirm the observed increase. The operator shall notify the Agency of any confirmed increase before the end of the next business day following the confirmation.
- ii) The operator shall determine the source of any confirmed increase, which may include, but shall not be limited to, natural phenomena, sampling or analysis errors, or an offsite source.
- iii) The operator shall notify the Agency in writing of any

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

- iv) If an alternative source demonstration described in subsections (a)(4)(B)(ii) and (iii) of this Section cannot be made, assessment monitoring is required in accordance with subsection (b) of this Section.
 - v) If an alternative source demonstration, submitted to the Agency as an application, is denied pursuant to 35 Ill. Adm. Code 813.105, the operator must commence sampling for the constituents listed in subsection (b)(5) of this Section, and submit an assessment monitoring plan as a significant permit modification, both within 30 days after the dated notification of Agency denial. The operator must sample the well or wells that exhibited the confirmed increase.
- b) **Assessment Monitoring**
The operator shall begin an assessment monitoring program in order to confirm that the solid waste disposal facility is the source of the contamination and to provide information needed to carry out a groundwater impact assessment in accordance with subsection (c). The assessment monitoring program shall be conducted in accordance with the following requirements:
- 1) The assessment monitoring shall be conducted in accordance with this subsection to collect information to assess the nature and extent of groundwater contamination. The owner or operator of a MSWLF unit shall comply with the additional requirements prescribed in subsection (b)(5). The assessment monitoring shall consist of monitoring of additional constituents that might indicate the source and extent of contamination. In addition, assessment monitoring may include any other investigative techniques that will assist in determining the source, nature

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and extent of the contamination, which may consist of, but need not be limited to:

- A) More frequent sampling of the wells in which the observation occurred;
 - B) More frequent sampling of any surrounding wells; and
 - C) The placement of additional monitoring wells to determine the source and extent of the contamination.
- 2) Except as provided for in subsections (a)(4)(B)(iii) and (v) of this Section, the operator of the facility for which assessment monitoring is required shall file the plans for an assessment monitoring program with the Agency. If the facility is permitted by the Agency, then the plans shall be filed for review as a significant permit modification pursuant to 35 Ill. Adm. Code 813.Subpart B within 180 days after the original sampling event. The assessment monitoring program shall be implemented within 180 days after the original sampling event in accordance with subsection (a)(4) or, in the case of permitted facilities, within 45 days after Agency approval.
- 3) If the analysis of the assessment monitoring data shows that the concentration of one or more constituents, monitored at or beyond the zone of attenuation is above the applicable groundwater quality standards of Section 811.320 and is attributable to the solid waste disposal facility, then the operator shall determine the nature and extent of the groundwater contamination including an assessment of the potential impact on the groundwater should waste continue to be accepted at the facility and shall implement the remedial action in accordance with subsection (d).
- 4) If the analysis of the assessment monitoring data shows that the concentration of one or more constituents is attributable to the solid waste disposal facility and exceeds the maximum allowable predicted concentration within the zone of attenuation, then the operator shall conduct a groundwater impact assessment in accordance with the requirements of subsection (c).
- 5) In addition to the requirements of subsection (b)(1), to collect information

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to assess the nature and extent of groundwater contamination, the following requirements are applicable to MSWLF units:

- A) The monitoring of additional constituents pursuant to subsection (b)(1) must include, at a minimum (except as otherwise provided in subsection (b)(5)(E) of this Section), the constituents listed in 40 CFR 258.Appendix II, incorporated by reference at 35 Ill. Adm. Code 810.104 and constituents from 35 Ill. Adm. Code 620.410.

BOARD NOTE: Subsection (b)(5)(A) is derived from 40 CFR 258.55(b) (1992).

- B) Within 14 days after obtaining the results of sampling required under subsection (b)(5)(A), the owner or operator shall:
- i) Place a notice in the operating record identifying the constituents that have been detected; and
 - ii) Notify the Agency that such a notice has been placed in the operating record.

BOARD NOTE: Subsection (b)(5)(B) is derived from 40 CFR 258.55(d)(1) (1992).

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

BOARD NOTE: Subsection (b)(5)(C) is derived from 40 CFR 258.55(d)(3) (1992).

- D) Within 90 days after the initial monitoring in accordance with subsection (b)(5)(A), the owner or operator must monitor for the detected constituents listed in 40 CFR 258.Appendix II and 35 Ill. Adm. Code 620.410 on a semiannual basis during the assessment monitoring. [The operator must monitor all the constituents listed in 40 CFR 258.Appendix II and 35 Ill. Adm. Code 620.410 on an annual basis during](#) assessment monitoring.

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BOARD NOTE: Subsection (b)(5)(D) is derived from 40 CFR 258.55(d)(2) (1992).

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

BOARD NOTE: Subsection (b)(5)(E) is derived from 40 CFR 258.55(b) (1992).

- F) Within 14 days after finding an exceedance above the applicable groundwater quality standards in accordance with subsection (b)(3), the owner or operator shall:
- i) Place a notice in the operating record that identifies the constituents monitored under subsection (b)(1)(D) that have exceeded the groundwater quality standard;
 - ii) Notify the Agency and the appropriate officials of the local municipality or county within whose boundaries the site is located that such a notice has been placed in the operating record; and
 - iii) Notify all persons who own land or reside on land that directly overlies any part of the plume of contamination if contaminants have migrated off-site.

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

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

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BOARD NOTE: Subsection (b)(5)(G) is derived from 40 CFR 258.55(e) (1992).

- c) Assessment of Potential Groundwater Impact. An operator required to conduct a groundwater impact assessment in accordance with subsection (b)(4) shall assess the potential impacts outside the zone of attenuation that may result from confirmed increases above the maximum allowable predicted concentration within the zone of attenuation, attributable to the facility, in order to determine if there is need for remedial action. In addition to the requirements of Section 811.317, the following shall apply:
- 1) The operator shall utilize any new information developed since the initial assessment and information from the detection and assessment monitoring programs and such information may be used for the recalibration of the GCT model; and
 - 2) The operator shall submit the groundwater impact assessment and any proposed remedial action plans determined necessary pursuant to subsection (d) to the Agency within 180 days after the start of the assessment monitoring program.
- d) Remedial Action. The owner or operator of a MSWLF unit shall conduct corrective action in accordance with Sections 811.324, 811.325, and 811.326. The owner or operator of a landfill facility, other than a MSWLF unit, shall conduct remedial action in accordance with this subsection.
- 1) The operator shall submit plans for the remedial action to the Agency. Such plans and all supporting information including data collected during the assessment monitoring shall be submitted within 90 days after determination of either of the following:
 - A) The groundwater impact assessment, performed in accordance with subsection (c), indicates that remedial action is needed; or
 - B) Any confirmed increase above the applicable groundwater quality standards of Section 811.320 is determined to be attributable to the solid waste disposal facility in accordance with subsection (b).

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- 2) If the facility has been issued a permit by the Agency, then the operator shall submit this information as an application for significant modification to the permit;
- 3) The operator shall implement the plan for remedial action program within 90 days after the following:
 - A) Completion of the groundwater impact assessment that requires remedial action;
 - B) Establishing that a violation of an applicable groundwater quality standard of Section 811.320 is attributable to the solid waste disposal facility in accordance with subsection (b)(3); or
 - C) Agency approval of the remedial action plan, where the facility has been permitted by the Agency.
- 4) The remedial action program shall consist of one or a combination of one of more of the following solutions:
 - A) Retrofit additional groundwater protective measures within the unit;
 - B) Construct an additional hydraulic barrier, such as a cutoff wall or slurry wall system
 - C) Pump and treat the contaminated groundwater; or
 - D) Any other equivalent technique which will prevent further contamination of groundwater.
- 5) Termination of the Remedial Action Program
 - A) The remedial action program shall continue in accordance with the plan until monitoring shows that the concentrations of all monitored constituents are below the maximum allowable predicted concentration within the zone of attenuation, below the applicable groundwater quality standards of Section 811.320 at or beyond the zone of attenuation, over a period of four consecutive

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quarters no longer exist.

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

(Source: Amended at 31 Ill. Reg. 16171, effective November 27, 2007)

Section 811.320 Groundwater Quality Standards

- a) Applicable Groundwater Quality Standards
- 1) Groundwater quality shall be maintained at each constituent's background concentration, at or beyond the zone of attenuation. The applicable groundwater quality standard established for any constituent shall be:
 - A) The background concentration; or
 - B) The Board established standard adjusted by the Board in accordance with the justification procedure of subsection (b).
 - 2) Any statistically significant increase above an applicable groundwater quality standard established pursuant to subsection (a)(1) that is attributable to the facility and which occurs at or beyond the zone of attenuation within 100 years after closure of the last unit accepting waste within such a facility shall constitute a violation.
 - 3) For the purposes of this Part:
 - A) "Background concentration" means that concentration of a constituent that is established as the background in accordance with subsection (d); and
 - B) "Board established standard" is the concentration of a constituent adopted by the Board as a ~~standard for public and food processing water supplies under 35 Ill. Adm. Code 302 or as a~~ groundwater quality standard adopted by the Board pursuant to Section 14.4 of the Act or Section 8 of the Illinois Groundwater Protection Act;

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~~whichever is lower.~~

b) Justification for Adjusted Groundwater Quality Standards

1) An operator may petition the Board for an adjusted groundwater quality standard in accordance with the procedures specified in Section 28.1 of the Act and 35 Ill. Adm. Code ~~104.400, Subpart D~~~~106.410 through 106.416.~~

2) For groundwater which contains naturally occurring constituents which meet the applicable requirements of 35 Ill. Adm. Code ~~620.410, 620.420, 620.430, or 620.440~~~~302.301, 302.304, and 302.305~~, the Board will specify adjusted groundwater quality standards no greater than those of 35 Ill. Adm. Code ~~620.410, 620.420, 620.430, or 620.440, respectively,~~~~302.301, 302.304, and 302.305~~, upon a demonstration by the operator that:

A) The change in standards will not interfere with, or become injurious to, any present or potential beneficial uses for such water;

B) The change in standards is necessary for economic or social development, by providing information including, but not limited to, the impacts of the standards on the regional economy, social disbenefits such as loss of jobs or closing of landfills, and economic analysis contrasting the health and environmental benefits with costs likely to be incurred in meeting the standards; and

C) All technically feasible and economically reasonable methods are being used to prevent the degradation of the groundwater quality.

3) Notwithstanding subsection (b)(2), in no case shall the Board specify adjusted groundwater quality standards for a MSWLF unit greater than the following ~~levels set forth below:~~

<u>Chemical</u>	<u>Concentration (mg/l)</u>
Arsenic	0.05
Barium	1.0
Benzene	0.005
Cadmium	0.01

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Carbon tetrachloride	0.005
Chromium (hexavalent)	0.05
2,4-Dichlorophenoxy acetic acid	0.1
1,4-Dichlorobenzene	0.075
1,2-Dichloroethane	0.005
1,1-Dichloroethylene	0.007
Endrin	0.0002
Fluoride	4
Lindane	0.004
Lead	0.05
Mercury	0.002
Methoxychlor	0.1
Nitrate	10
Selenium	0.01
Silver	0.05
Toxaphene	0.005
1,1,1-Trichloromethane	0.2
Trichloroethylene	0.005
2,4,5-Trichlorophenoxy acetic acid	0.01
Vinyl Chloride	0.002

- 4) For groundwater which contains naturally occurring constituents which do not meet the standards of 35 Ill. Adm. Code [620.410, 620.420, 620.430, or 620.440](#)~~302.301, 302.304, and 302.305~~, the Board will specify adjusted groundwater quality standards, upon a demonstration by the operator that:
- A) The groundwater does not presently serve as a source of drinking water;
 - B) The change in standards will not interfere with, or become injurious to, any present or potential beneficial uses for such waters;
 - C) The change in standards is necessary for economic or social development, by providing information including, but not limited to, the impacts of the standards on the regional economy, social disbenefits such as loss of jobs or closing of landfills, and economic analysis contrasting the health and environmental benefits with costs likely to be incurred in meeting the standards;

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and

- D) The groundwater cannot presently, and will not in the future, serve as a source of drinking water because:
- i) It is impossible to remove water in usable quantities;
 - ii) The groundwater is situated at a depth or location such that recovery of water for drinking purposes is not technologically feasible or economically reasonable;
 - iii) The groundwater is so contaminated that it would be economically or technologically impractical to render that water fit for human consumption;
 - iv) The total dissolved solids content of the groundwater is more than 3,000 mg/l and that water will not be used to serve a public water supply system; or
 - v) The total dissolved solids content of the groundwater exceeds 10,000 mg/l.
- c) Determination of the Zone of Attenuation
- 1) The zone of attenuation, within which concentrations of constituents in leachate discharged from the unit may exceed the applicable groundwater quality standard of this Section, is a volume bounded by a vertical plane at the property boundary or 100 feet from the edge of the unit, whichever is less, extending from the ground surface to the bottom of the uppermost aquifer and excluding the volume occupied by the waste.
 - 2) Zones of attenuation shall not extend to the annual high water mark of navigable surface waters.
 - 3) Overlapping zones of attenuation from units within a single facility may be combined into a single zone for the purposes of establishing a monitoring network.
- d) Establishment of Background Concentrations

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- 1) The initial monitoring to determine background concentrations shall commence during the hydrogeological assessment required by Section 811.315. The background concentrations for those parameters identified in Sections 811.315(e)(1)(G) and 811.319(a)(2) and (a)(3) shall be established based on consecutive quarterly sampling of wells for a minimum of one year, monitored in accordance with the requirements of subsections (d)(2), (d)(3) and (d)(4). Non-consecutive data may be considered by the Agency, if only one data point from a quarterly event is missing, and it can be demonstrated that the remaining data set is representative of consecutive data in terms of any seasonal or temporal variation, which may be adjusted during the operation of a facility. Statistical tests and procedures shall be employed, in accordance with subsection (e), depending on the number, type and frequency of samples collected from the wells, to establish the background concentrations.
- 2) Adjustments to the background concentrations shall be made only if changes in the concentrations of constituents observed in background upgradient wells over time are determined, in accordance with subsection (e), to be statistically significant, and due to natural temporal or spatial variability or due to an off-site source not associated with the landfill or the landfill activities. Such adjustments may be conducted no more frequently than once every two years during the operation of a facility and modified subject to approval by the Agency. Non-consecutive data may be used for an adjustment upon Agency approval. Adjustments to the background concentration shall not be initiated prior to November 27, 2009 unless required by the Agency.
- 3) Background concentrations determined in accordance with this subsection shall be used for the purposes of establishing groundwater quality standards, in accordance with subsection (a). The operator shall prepare a list of the background concentrations established in accordance with this subsection. The operator shall maintain such a list at the facility, shall submit a copy of the list to the Agency for establishing standards in accordance with subsection (a), and shall provide updates to the list within ten days of any change to the list.
- 42) A network of monitoring wells shall be established upgradient from the unit, with respect to groundwater flow, in accordance with the following

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standards, in order to determine the background concentrations of constituents in the groundwater:

- A) The wells shall be located at such a distance that discharges of contaminants from the unit will not be detectable;
 - B) The wells shall be sampled at the same frequency as other monitoring points to provide continuous background concentration data, throughout the monitoring period; and
 - C) The wells shall be located at several depths to provide data on the spatial variability.
- 53) A determination of background concentrations may include the sampling of wells that are not hydraulically upgradient of the waste unit where:
- A) Hydrogeologic conditions do not allow the owner or operator to determine what wells are hydraulically upgradient of the waste; and
 - B) Sampling at other wells will provide an indication of background concentrations that is representative of that which would have been provided by upgradient wells.
- 64) If background concentrations cannot be determined on site, then alternative background concentrations may be determined from actual monitoring data from the aquifer of concern, which includes, but is not limited to, data from another landfill site that overlies the same aquifer.
- e) Statistical Analysis of Groundwater Monitoring Data
- 1) Statistical tests shall be used to analyze groundwater monitoring data. One or more of the normal theory statistical tests ~~listed in subsection (e)(4)~~ shall be chosen first for analyzing the data set or transformations of the data set. Where such normal theory tests are inappropriate, tests listed in subsection (e) ~~(4)(5) or a test in accordance with subsection (e)(6)~~ shall be used. ~~The Any statistical test chosen from subsections (e)(4) or (e)(5), the~~ level of significance (Type I error level) shall be no less than 0.01, for individual well comparisons, and no less than 0.05, for multiple well

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comparisons. The statistical analysis shall include, but not be limited to, the accounting of data below the detection limit of the analytical method used, the establishment of background concentrations and the determination of whether statistically significant changes have occurred in:

- A) The concentration of any chemical constituent with respect to the background concentration or maximum allowable predicted concentration; and
 - B) The established background concentration of any chemical constituents over time.
- 2) The statistical test or tests used shall be based upon the sampling and collection protocol of Sections 811.318 and 811.319.
- 3) Monitored data that are below the level of detection shall be reported as not detected (ND). The level of detection for each constituent shall be the practical quantitation limit (PQL), and shall be the lowest minimum concentration that is protective of human health and the environment, and can be achieved within specified limits of precision and accuracy during routine laboratory operating conditions. In no case shall the PQL be established above the level that the Board has established for a groundwater quality standard under the Illinois Groundwater Protection Act [415 ILCS 55]. The following procedures shall be used to analyze such data, unless an alternative procedure in accordance with subsection (e)(~~4~~6), is shown to be applicable:
- A) Where the percentage of nondetects in the data base used is less than 15 percent, the operator shall replace NDs with the PQLMDL divided by two, then proceed with the use of one or more of the Normal Theory statistical tests ~~listed in subsection (e)(4)~~;
 - B) Where the percentage of nondetects in the data base ~~or data transformations~~ used is between 15 and 50 percent, and the data are normally distributed, the operator shall use Cohen's or Aitchison's adjustment to the sample mean and standard deviation, followed by an applicable statistical procedure one or more of the tests listed in subsection (e)(4)(C). ~~However, where data are not~~

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~~normally distributed, the operator shall use an applicable nonparametric test from subsection (e)(5);~~

C) Where the percentage of nondetects in the database used is above 50 percent, then the owner or operator shall use an alternative procedure in accordance with the test of proportions listed in subsection (e)(4).

4) ~~Normal theory statistical tests: A) Student t test including, but not limited to, Cochran's Approximation to the Behren Fisher (CABF) t test and Averaged Replicate (AR) t test. B) Parametric analysis of variance (ANOVA) followed by one or more of the multiple comparison procedures including, but not limited to, Fisher's Least Significant Difference (LSD), Student Mewman-Kuel procedure, Duncan's New Multiple Range Test and Tukey's W procedure. C) Control Charts, Prediction Intervals and Tolerance Intervals, for which the Type I error levels shall be specified by the Agency in accordance with the requirements of 35 Ill. Adm. Code 724.197(i). 5) Nonparametric statistical tests shall include: Mann-Whitney U test, Kruskal-Wallis test, a nonparametric analysis of variance (ANOVA) for multiple comparisons or the Wilcoxon Rank Sum test. 6) or any~~ Any other statistical test ~~based on the distribution of the sampling data may be used~~, if it is demonstrated to meet the requirements of 35 Ill. Adm. Code 724.197(i).

BOARD NOTE: Subsection (b)(3) is derived from 40 CFR 258.40 Table 1. (1992).

(Source: Amended at 31 Ill. Reg. 16171, effective November 27, 2007)

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Section 811.APPENDIX C List of Leachate Monitoring Parameters

pH

Elevation Leachate Surface

Bottom of Well Elevation

Leachate Level from Measuring Point

Arsenic (total)

Barium (total)

Cadmium (total) mg/l

Iron (total)

Ammonia Nitrogen – N

Bacteria (Fecal Coliform)

Biochemical Oxygen Demand (BOD5)

1,1,1,2-Tetrachloroethane

1,1,1-Trichloroethane

1,1,2,2-Tetrachloroethane

1,1,2-Trichloroethane

1,1-Dichloroethane

1,1-Dichloroethylene

1,1-Dichloropropene

1,2,3-Trichlorobenzene

1,2,3-Trichloropropane

1,2,4-Trichlorobenzene

1,2,4-Trimethylbenzene

1,2-Dibromo-3-Chloropropane

1,2-Dichloroethane

1,2-Dichloropropane

1,3,5-Trimethylbenzene

1,3-Dichloropropane

1,3-Dichloropropene

1,4-Dichloro-2-Butene

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[1-Propanol](#)

[2,2-Dichloropropane](#)

[2,4,5-tp \(Silvex\)](#)

[2,4,6-Trichlorophenol](#)

[2,4-Dichlorophenol](#)

[2,4-Dichlorophenoxyacetic Acid \(2,4-D\)](#)

[2,4-Dimethylphenol](#)

[2,4-Dinitrotoluene](#)

[2,4-Dinitrophenol](#)

[2,6-Dinitrotoluene](#)

[2-Chloroethyl Vinyl Ether](#)

[2-Chloronaphthalene](#)

[2-Chlorophenol](#)

[2-Hexanone](#)

[2-Propanol \(Isopropyl Alcohol\)](#)

[3,3-Dichlorobenzidine](#)

[4,4-DDD](#)

[4,4-DDE](#)

[4,4-DDT](#)

[4,6-Dinitro-o-Cresol](#)

[4-Bromophenyl Phenyl Ether](#)

[4-Chlorophenyl Phenyl Ether](#)

[4-Methyl-2-Pentanone](#)

[4-Nitrophenol](#)

[Acenaphthene](#)

[Acetone](#)

[Alachlor](#)

[Aldicarb](#)

[Aldrin](#)

[Alpha – BHC](#)

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[Aluminum](#)

[Anthracene](#)

[Antimony](#)

[Atrazine](#)

[Benzene](#)

[Benzo \(a\) Anthracene](#)

[Benzo \(a\) Pyrene](#)

[Benzo \(b\) Fluoranthene](#)

[Benzo \(ghi\) Perylene](#)

[Benzo \(k\) Fluoranthene](#)

[Beryllium \(total\)](#)

[Beta – BHC](#)

[Bicarbonate](#)

[Bis \(2-Chloro-1-Methylethyl\) Ether](#)

[Bis \(2-Chloroethoxy\) Methane](#)

[Bis \(2-Chloroethyl\) Ether](#)

[Bis \(2-Ethylhexyl\) Ether](#)

[Bis \(2-Ethylhexyl\) Phthalate](#)

[Bis\(Chloromethyl\) Ether](#)

[Boron](#)

[Bromobenzene](#)

[Bromochloromethane](#)

[Bromodichloromethane](#)

[Bromoform](#)

[Bromomethane](#)

[Butanol](#)

[Butyl Benzyl Phthalate](#)

[Calcium mg/l](#)

[Carbofuran](#)

[Carbon Disulfide](#)

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[Carbon Tetrachloride](#)
[Chemical Oxygen Demand \(COD\)](#)
[Chlordane](#)
[Chloride mg/l](#)
[Chlorobenzene](#)
[Chloroethane](#)
[Chloroform](#)
[Chloromethane](#)
[Chromium \(hexavalent\)](#)
[Chromium \(total\)](#)
[Chrysene](#)
[Cis-1,2-Dichloroethylene](#)
[Cobalt \(total\)](#)
[Copper \(total\)](#)
[Cyanide](#)
[DDT](#)
[Delta – BHC](#)
[Di-N-Butyl Phthalate](#)
[Di-N-Octyl Phthalate](#)
[Dibenzo \(a,h\) Anthracene](#)
[Dibromochloromethane](#)
[Dibromomethane](#)
[Dichlorodifluoromethane](#)
[Dieldrin](#)
[Diethyl Phthalate](#)
[Dimethyl Phthalate](#)
[Endosulfan I](#)
[Endosulfan II](#)
[Endosulfan Sulfate](#)
[Endrin](#)

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[Endrin Aldehyde](#)

[Ethyl Acetate](#)

[Ethylbenzene](#)

[Ethylene Dibromide \(EDB\)](#)

[Fluoranthene](#)

[Fluorene](#)

[Fluoride](#)

[Heptachlor Epoxide](#)

[Heptachlor](#)

[Hexachlorobenzene](#)

[Hexachlorobutadiene](#)

[Hexachlorocyclopentadiene](#)

[Hexachloroethane](#)

[Ideno \(1,2,3-cd\) Pyrene](#)

[Iodomethane](#)

[Isopropylbenzene](#)

[Lead \(total\)](#)

[Lindane](#)

[Magnesium \(total\)](#)

[Manganese \(total\)](#)

[Mercury \(total\)](#)

[Methoxychlor](#)

[Methyl Chloride](#)

[Methyl Ethyl Ketone](#)

[Methylene Bromide](#)

[Methylene Chloride](#)

[Naphthalene](#)

[Nickel \(total\)](#)

[Nitrate-Nitrogen](#)

[Nitrobenzine](#)

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[Oil. Hexane Soluble \(or Equivalent\)](#)

[Parathion](#)

[Pentachlorophenol](#)

[Phenanthrene](#)

[Phenols](#)

[Phosphorous](#)

[Polychlorinated Biphenyls](#)

[Potassium](#)

[Pyrene](#)

[Selenium](#)

[Silver \(total\)](#)

[Specific Conductance](#)

[Sodium](#)

[Styrene](#)

[Sulfate](#)

[Temperature of Leachate Sample \(°F\)](#)

[tert-Butylbenzene](#)

[Tetrachlorodibenzo-p-Dioxins](#)

[Tetrachloroethylene](#)

[Tetrahydrofuran](#)

[Thallium](#)

[Tin](#)

[Toluene](#)

[Total Organic Carbon \(TOC\)](#)

[Total Dissolved Solids \(TDS\) mg/l](#)

[Total Suspended Solids \(TSS\) mg/l](#)

[Toxaphene](#)

[trans-1,2-Dichloroethylene](#)

[trans-1,3-Dichlorpropene](#)

[Trichloroethylene](#)

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[Trichlorofluoromethane](#)

[Vinyl Acetate](#)

[Vinyl Chloride](#)

[Xylene](#)

[Zinc \(total\)](#)

[m-Dichlorobenzene](#)

[m-Xylene](#)

[n-Butylbenzene](#)

[n-Nitrosodimethylamine](#)

[n-Nitrosodiphenylamine](#)

[n-Nitrosodipropylamine](#)

[n-Propylbenzene](#)

[o-Chlorotoluene](#)

[o-Dichlorobenzene](#)

[o-Nitrophenol](#)

[o-Xylene](#)

[p-Chlorotoluene](#)

[p-Cresol](#)

[p-Dichlorobenzene](#)

[p-Isopropyltoluene](#)

[p-Nitrophenol](#)

[p-Xylene](#)

[sec-Butylbenzene](#)

Note: All parameters shall be determined from unfiltered samples.

(Source: Added at 31 Ill. Reg. 16171, effective November 27, 2007)

PROPERTY TAX APPEAL BOARD

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- 1) Heading of the Part: Practice and Procedure for Appeals Before the Property Tax Appeal Board
- 2) Code Citation: 86 Ill. Adm. Code 1910
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1910.5	Amended
1910.30	Amended
1910.50	Amended
1910.60	Amended
1910.69	Amended
1910.90	Amended
- 4) Statutory Authority: 35 ILCS 200/Art.7 and 16-180 through 16-195
- 5) Effective Date of Rulemaking: November 26, 2007
- 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 the Illinois Register: July 13, 2007; 31 Ill. Reg. 9759
- 10) Has JCAR issued a Statement of Objection to these amendments: No
- 11) Differences between proposal and final version: Changes made between the proposals and the final version of the rules included editing and formatting changes recommended by the Joint Committee on Administrative Rules (JCAR). The agency also made other substantive changes to the definitions and determinations of appealed assessments pursuant to comments made during the First Notice period.
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No

PROPERTY TAX APPEAL BOARD

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- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking, which amends six existing sections, is designed to streamline and expedite the appeal process through procedural changes.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Steven M. Waggoner – Chief Hearing Officer
Property Tax Appeal Board
Rm. 402, Stratton Office Building
401 S. Spring St.
Springfield, Illinois 62706

217/785-4459
Steve.Waggoner@illinois.gov

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

PROPERTY TAX APPEAL BOARD

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TITLE 86: REVENUE

CHAPTER II: PROPERTY TAX APPEAL BOARD

PART 1910

PRACTICE AND PROCEDURE FOR APPEALS
BEFORE THE PROPERTY TAX APPEAL BOARD

Section	
1910.5	Construction and Definitions
1910.10	Statement of Policy
1910.11	Rules of Order
1910.20	Board Information - Correspondence
1910.25	Computing Time Limits
1910.30	Petitions – Application
1910.31	Amendments
1910.40	Board of Review Response to Petition Application
1910.50	Determination of Appealed Assessment
1910.55	Stipulations
1910.60	Interested Parties – Intervention
1910.63	Burdens of Proof
1910.64	Motion Practice – Service of Papers
1910.65	Documentary Evidence
1910.66	Rebuttal Evidence
1910.67	Hearings
1910.68	Subpoenas
1910.69	Sanctions
1910.70	Representation at Hearings
1910.71	Ex Parte Communications
1910.72	Informal Settlement Conference
1910.73	Pre-hearing Conference – Formal Settlement Conference
1910.74	Administrative Review
1910.75	Access to Board Records – Freedom of Information Procedures
1910.76	Board Publications - Distribution
1910.77	Withdrawals and Substitutions of Attorneys
1910.78	Consolidation of Appeals
1910.79	Policy on Discovery
1910.80	Forms
1910.88	Use of Facsimile Machines
1910.90	Procedural Hearing Rules

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1910.91	Business Records
1910.92	Rules of Pleading, Practice and Evidence
1910.93	Request for Witnesses
1910.94	Inspection of Subject Property - Effect of Denial by Taxpayer or Property Owner
1910.95	Service of Documents in Certain Cases
1910.96	Evidence Depositions
1910.98	Transcription of Hearings – Official Record
1910.99	Adoption of Evidence
1910.100	Severability

AUTHORITY: Implementing and authorized by Article 7 and Sections 16-180 through 16-195 of the Property Tax Code [35 ILCS 200/Art. 7 and 16-180 through 16-195].

SOURCE: Adopted at 4 Ill. Reg. 23, p. 106, effective May 27, 1980; codified at 8 Ill. Reg. 19475; amended at 13 Ill. Reg. 16454, effective January 1, 1990; amended at 21 Ill. Reg. 3706, effective March 6, 1997; amended at 21 Ill. Reg. 11949, effective August 13, 1997; amended at 21 Ill. Reg. 14551, effective October 27, 1997; amended at 22 Ill. Reg. 957, effective December 19, 1997; amended at 22 Ill. Reg. 16533, effective September 2, 1998; amended at 24 Ill. Reg. 1233, effective January 5, 2000; amended at 29 Ill. Reg. 13574, effective August 19, 2005; amended at 29 Ill. Reg. 21046, effective December 16, 2005; amended at 30 Ill. Reg. 1419, effective January 20, 2006; amended at 30 Ill. Reg. 2640, effective February 15, 2006; amended at 30 Ill. Reg. 7965, effective April 14, 2006; amended at 30 Ill. Reg. 10103, effective May 16, 2006; expedited correction at 30 Ill. Reg. 14633, effective May 16, 2006; amended at 30 Ill. Reg. 12280, effective June 30, 2006; amended at 30 Ill. Reg. 14148, effective August 11, 2006; amended at 30 Ill. Reg. 16311, effective September 29, 2006; amended at 31 Ill. Reg. 16222, effective November 26, 2007.

Section 1910.5 Construction and Definitions

- a) Standards. This Part is to be construed in accordance with the appropriate provisions of the Statute on Statutes [5 ILCS 70].
- b) Definitions. The following words and phrases, whenever used in this Part, include in their meaning the definitions set below:
 - 1) Board - Property Tax Appeal Board.
 - 2) The Code – Property Tax Code [35 ILCS 200].

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- 3) Real Property – *The land itself, with all things contained therein, and also all buildings, structures and improvements, and other permanent fixtures thereon, including all oil, gas, coal and other minerals in the land and the right to remove such oil, gas, and other minerals, excluding coal, from the land, and all rights and privileges belonging or pertaining thereto, except where otherwise specified by the Code. Included therein is any vehicle or similar portable structure used or so constructed as to permit its use as a dwelling place, if the structure is resting in whole on a permanent foundation. (Section 1-130 of the Code)*
- 4) Farm – *When used in connection with valuing land and buildings for an agricultural use, any property used solely for the growing and harvesting of crops; for the feeding, breeding and management of livestock; for dairying or for any other agricultural or horticultural use or combination thereof; including, but not limited to, hay, grain, fruit, truck or vegetable crops, floriculture, mushroom growing, plant or tree nurseries, orchards, forestry, sod farming and greenhouses; the keeping, raising and feeding of livestock or poultry, including dairying, poultry, swine, sheep, beef cattle, ponies or horses, fur farming, bees, fish and wildlife farming. The dwellings and parcels of real property on which farm dwellings are immediately situated shall be assessed as a part of the farm. Improvements, other than farm dwellings, shall be assessed as a part of the farm and in addition to the farm dwellings when such buildings contribute in whole or in part to the operation of the farm. For purposes of this Part, "farm" does not include property which is primarily used for residential purposes even though some farm products may be grown or farm animals bred or fed on the property incidental to its primary use. The ongoing removal of oil, gas, coal or any other mineral from property used for farming shall not cause that property to not be considered as used solely for farming. (Section 1-60 of the Code)*
- 5) Fair Cash Value – *The amount for which a property can be sold in the due course of business and trade, not under duress, between a willing buyer and a willing seller. (Section 1-50 of the Code)*
- 6) *PIN; Property Index Number; Permanent Index Number; Parcel Index Numbering – A number used to identify a parcel of property for assessment and taxation purposes. The index number shall constitute a sufficient description of the property to which it has been assigned,*

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wherever a description is required by the Code. (Section 1-120 of the Code)

- 7) *Taxing District* – Any unit of local government, school district or community college district with the power to levy taxes. (Section 1-150 of the Code)
- 8) Party, Interested Party – Either the contesting party (appellant), the board of review (appellee), or the intervenors.
- 9) Attorney – Any individual admitted to the practice of law in this State as set forth in the Attorney Act [705 ILCS 205].
- 10) Brief – A document ~~that~~^{which} contains a summary of the facts, the pertinent laws, and an argument on how ~~the~~^{such} laws apply to the facts supporting a particular position.
- 11) Quadrennial Assessment – *The general assessment of real property required by law to be made once every four years.* (Sections 1-65, 9-215, 9-220 and 9-225 of the Code)
- 12) *Triennial Assessment* – *In counties of 3,000,000 or more inhabitants, the general assessment of real property required by law to be made once every three years.* (Section 9-220 of the Code)
- 13) Notice of Decision or Order - A written notice of decision or order of the Property Tax Appeal Board in any appeal may be disseminated to all parties and all other authorities affected thereby by placing same in the U.S. mail with postage fully prepaid or made available by electronic means.
- 14) Certification of Decision or Order - Certification shall be deemed to be the later of:
 - A) the date the decision or order is placed in the U.S. mail with postage fully prepaid to the parties of record; or
 - B) the date the decision or order is transferred or made available by electronic means to the proper authorities.

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- c) All references in ~~this Part~~ these rules to property record card shall be deemed to include, as a substitute, a property characteristic printout detailing the property's physical characteristics.
- d) Interpretation. The definitions listed ~~in this Section~~ above are intended only as an aid to interpretation of this Part.

(Source: Amended at 31 Ill. Reg. 16222, effective November 26, 2007)

Section 1910.30 Petitions – Application

- a) In counties with less than 3,000,000 inhabitants, petitions for appeal shall be filed within 30 days after the postmark date or personal service date of the written notice of the decision of the board of review. In counties with 3,000,000 or more inhabitants, petitions for appeal shall be filed within 30 days after the postmark date or personal service date of the written notice of the decision of the board of review or within 30 days after the date that the board of review transmits to the county assessor pursuant to Section 16-125 its final action on the township in which the property is located, whichever is later.
- b) Petitions for appeal shall be filed within 30 days after the postmark date or personal service date of written notice of the application of final adopted township equalization factors by the board of review.
- c) The petition for appeal shall be on the prescribed form and a separate petition must be filed for each separately assessed parcel except for condominium buildings or unless a written request is made to the Board for the filing of a single petition for multiple parcels. The request, together with the petition, shall be filed within 30 days after the postmark date or personal service of written notice of the decision of the board of review. Each petition shall identify and describe the particular property including the PIN or plate number, if any, assigned to the subject parcel by the county. In appeals where multiple parcels are consolidated into a single petition, the assessed values and the relief requested for each individual parcel must be separately listed.
- d) Appeals ~~Each copy of petitions~~ filed with the Property Tax Appeal Board shall bear an original signature of the contesting party or the contesting party's attorney on at least one petition, and shall be filed with the Clerk of the Property Tax

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Appeal Board.

- e) ~~Two copies~~ ~~A copy~~ of the written notice of the decision of the board of review ~~must~~ shall be filed with the petition, if one has been issued.
- f) Petitions for appeal shall be filed in triplicate and all copies of the same shall be properly signed as stated in subsection (d) of this Section. In every case in which a change in assessed valuation of less than \$100,000 is sought, all written and documentary evidence must be submitted in duplicate with the petition. In every case where a change in assessed valuation of \$100,000 or more is sought, all written and documentary evidence must be submitted in triplicate with the petition. A photograph of the subject property should be submitted with the petition if it aids the contesting party in explaining the appeal.
- g) If the contesting party is unable to submit written or documentary evidence with the petition, the contesting party must submit a letter requesting an extension of time with the petition. Upon receipt of this request, the Board shall grant a 30 day extension of time. The Board shall grant additional or longer extensions for good cause shown. Good cause may include but is not limited to the inability to submit evidence for a cause beyond the control of the contesting party, such as the pendency of court action affecting the assessment of the property or the death or serious illness of a valuation witness. Without a written request for an extension, no evidence will be accepted after the petition is filed. Evidence sent by mail shall be considered as filed on the date postmarked.
- h) Every petition for appeal shall state the facts upon which the contesting party bases an objection to the decision of the board of review, together with a statement of the contentions of law the contesting party desires to raise. Each petition must also set forth the assessment for the subject property the contesting party considers to be correct. If contentions of law are raised, the contesting party shall submit a brief in support of his position with the petition. Extensions of time shall be granted in accordance with subsection (g) of this Section. Failure to do so shall result in dismissal of the appeal.
- i) Every petition for appeal shall give the post office address where mail addressed to the contesting party may be received by the contesting party or his or her attorney, together with the contesting party's telephone number. Notice to the contesting party's attorney shall be deemed notice to the contesting party. The Property Tax Appeal Board must be notified in writing by any party of a change

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of address within 60 days after the change.

- j) The petition shall in all cases state the assessed value of the land, and the assessed value of the improvements (structures), and the total assessed value as placed on the property by the local assessor and by the board of review. The petition must also state the assessed valuation which the contesting party claims to be correct.
- k) All information required to fully complete the petition shall be furnished by the contesting party at the time the petition is filed. Incomplete petitions and/or a letter shall be returned with an explanation of the reasons for the rejection. The contesting party must resubmit the corrected petition within 30 days after the date of the return of the petition. If the returned petition is not resubmitted within the 30 day period, the appeal will be dismissed from consideration by the Board. Petitions that are not signed, petitions that do not state the assessed valuation assigned by the local assessor and the board of review, petitions that do not state the assessed valuation considered correct by the contesting party, and petitions not containing all information as required in this Section, shall be treated as incomplete petitions. Written or documentary evidence will be accepted after receipt of a completed petition only when a letter requesting an extension of time was received and granted.
- l) Upon receipt of a completed petition, including the written and documentary evidence from the contesting party, the Clerk of the Property Tax Appeal Board shall send a copy of the petition, including all documentary evidence, to the board of review and shall only forward a copy of the petition to the State's Attorney of the county in which the property is located. The Clerk shall cause the petition to become a part of such appeal proceedings and record.
- m) If the petition for appeal is filed by an interested taxing body, rather than by the taxpayer whose assessment is in question, the taxing body must furnish the name and address of the owner of the property in question. A copy of the completed petition shall then be sent to the owner of the property. Any petition filed without the name and address of the owner of the property in question shall be treated as an incomplete petition in accordance with subsection (k) of this Section.

(Source: Amended at 31 Ill. Reg. 16222, effective November 26, 2007)

Section 1910.50 Determination of Appealed Assessment

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- a) All proceedings before the Property Tax Appeal Board shall be considered de novo meaning the Board will consider only the evidence, exhibits and briefs submitted to it, and will not give any weight or consideration to any prior actions by a local board of review or to any submissions not timely filed or not specifically made a part of the record. *The Board shall not be limited to the evidence presented to the board of review of the county. A party participating in the hearing before the Property Tax Appeal Board is entitled to introduce evidence that is otherwise proper and admissible without regard to whether that evidence has previously been introduced at a hearing before the board of review of the county. Each appeal shall be limited to the grounds listed in the petition filed with the Board.* (Section 16-180 of the Code)
- b) The Property Tax Appeal Board may accept into the record all evidence, exhibits and briefs submitted by all interested parties and render a decision without holding a hearing. On its own motion, the Board may order a hearing to be held at a time and place designated by the Board. *A hearing shall be granted if any party to the appeal submits a request in writing.* (Section 16-170 of the Code)
- c) The decisions of the Property Tax Appeal Board will be based on equity and the weight of the evidence.
- 1) In all counties other than Cook, a three-year county wide assessment level to be based on relevant sales during the previous three years as certified by the Department of Revenue will be considered where sufficient probative evidence is presented indicating the estimate of full market value of the subject property on the relevant real property assessment date of January 1.
 - 2) In Cook County, for residential property of six units or less currently designated as Class 2 real estate according to the Cook County Real Property Assessment Classification Ordinance, as amended, where sufficient probative evidence indicating the estimate of full market value of the subject property on the relevant assessment date is presented, the Board may consider evidence of the appropriate level of assessment for property in that class. Such evidence may include:
 - A) the Department of Revenue's annual sales ratio studies for Class 2 property for the previous three years; and

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- B) competent assessment level evidence, if any, submitted by the parties pursuant to this Part.
- 3) In Cook County, for all other classes of property, where sufficient probative evidence indicating the estimate of full market value of the subject property on the relevant assessment date is presented, the Board will consider the level of assessment applicable to the subject property under the Cook County Real Property Assessment Classification Ordinance, as amended.
- d) Whether or not a hearing is held in the appeal proceeding, the proceeding before the Property Tax Appeal Board shall be terminated when the Board renders a decision. The Board may revise and/or correct a decision upon its own initiative at any time prior to the expiration of the administrative review filing period as provided in Section 16-195 of the Property Tax Code if a mistake in the calculation of an assessment or other clerical error is discovered. In such event, the Board shall issue an amended decision. The decision or order of the Property Tax Appeal Board in any such appeal shall, within 10 days after it is made and entered, be certified to every party to the proceeding and to the proper authorities, including the board of review whose decision was appealed, the County Clerk who extends taxes upon the assessment in question, and the County Collector (Treasurer) who collects property taxes upon such assessment.
- e) A majority of the Members of the Board is required to make a decision of the Board.
- f) *If a petition is filed by a taxpayer with the Property Tax Appeal Board, the taxpayer is precluded from filing objections based upon valuation in the Circuit Court as may otherwise be permitted by Sections 21-175 and 23-5 of the Property Tax Code. (Section 16-160 of the Code)*
- g) *If a taxpayer files objections based upon valuation in the Circuit Court as permitted by Sections 21-175 and 23-5 of the Property Tax Code, the taxpayer is precluded from filing a petition contesting the assessment of the subject property with the Property Tax Appeal Board. (Section 16-160 of the Code)*
- h) *If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel after the deadline for filing complaints with the board of review or after adjournment of the session of the board of review at which assessments*

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for the subsequent year are being considered, the taxpayer may, within 30 days after the date of the written notice of the Property Tax Appeal Board decision, appeal the assessment for such subsequent year directly to the Property Tax Appeal Board. (Section 16-185 of the Code)

- i) *If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel on which a residence occupied by the owner is situated, such reduced assessment, subject to equalization, shall remain in effect for the remainder of the general assessment period as provided in Sections 9-215 through 9-225 of the Code, unless that parcel is subsequently sold in an arm's length transaction establishing a fair cash value for the parcel that is different from the fair cash value on which the Board's assessment is based, or unless the decision of the Property Tax Appeal Board is reversed or modified upon review. (Section 16-185 of the Code)*
- j) The contesting party may, at any time before the hearing begins, move to withdraw or voluntarily dismiss the appeal, by written request filed with the Board and all other parties to the appeal. Motions to withdraw or voluntarily dismiss an appeal are favored by the Board and will be denied only in the most extreme or compelling circumstances.~~However, where a party to the appeal has filed substantive evidence or is in the process of preparing substantive evidence in response to the contesting party's petition, a dismissal will only be granted if no written objection is made by that party. A party that has not filed substantive evidence in response to the contesting party's petition shall not be permitted to object to the dismissal of the appeal.~~

(Source: Amended at 31 Ill. Reg. 16222, effective November 26, 2007)

Section 1910.60 Interested Parties – Intervention

- a) Taxpayer/Owner of Property: Any taxpayer or owner of property dissatisfied with a decision of the board of review as such decision pertains to the assessment of his or her property may ~~become a party to the appeal~~ that decision by filing a petition with the Property Tax Appeal Board within 30 days after the postmark date or personal service date of written notice of the decision of the board of review or the postmark date or personal service date of the written notice of the application of final, adopted township equalization factors by the board of review. If the taxpayer or owner of property files a petition within 30 days after the postmark date or personal service date of the written notice of the application of

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final, adopted township equalization factors, the relief the Property Tax Appeal Board may grant is limited to the amount of the increase caused by the application of the township equalization factor.

- b) Taxing Body Acting as Appellant: Any taxing body that has a revenue interest in a decision of the board of review may ~~file become a party to~~ an appeal by filing its petition within 30 days after the postmark date of the written notice to the taxpayer of a decision by the board of review. Any taxing district so filing must conform its petition and documentation to the provisions of Section 1910.30.
- c) Taxpayer/Owner Acting as Intervenor: Upon notice to the owner that a taxing body has filed an appeal affecting his property, the owner or taxpayer may become an intervening party by filing in triplicate with the Clerk of the Property Tax Appeal Board a Request to Intervene within ~~60~~30 days after the postmark date of the notice to the owner or taxpayer that the taxing body has filed an appeal.
- d) Intervenors:
- 1) Any taxing body that has a revenue interest in an appeal before the Property Tax Appeal Board may become an intervening party by filing in triplicate with the Clerk of the Property Tax Appeal Board a Request to Intervene. The Request to Intervene must be filed within the later to occur of:
 - A) 60 days after the postmark date of the notice of the Board to the State's Attorney of the filing of an appeal; or
 - B) within ~~60~~30 days after the postmark of the board of review service as required in Section 16-180 of the Property Tax Code.
 - 2) The Request to Intervene must be accompanied by a copy of the resolution of the governing board of the taxing body authorizing its legal representative to file a Request to Intervene on its behalf.
- e) Intervenors - Written and Documentary Evidence: Requests to Intervene shall be filed in triplicate and all copies of the same shall be signed. All additional written and documentary evidence must be submitted with the Request to Intervene in triplicate. Any Request to Intervene ~~that~~which is received without a properly

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adopted copy of the resolution of the governing board of the taxing body authorizing its legal representative to file the Request to Intervene on its behalf shall be treated as incomplete and shall be returned. The filing of an incomplete Request to Intervene shall not extend the 60 day deadline without a written request explaining good cause for failure to timely submit a properly completed Request to Intervene and resolution. However, the intervening party may refile within 30 days after the date of the return of the Request to Intervene.

- f) Extensions for Filing Additional Evidence: If the intervening party is unable to submit the additional written or documentary evidence with the Request to Intervene, it must submit a letter requesting an extension of time to file additional written or documentary evidence with the Request to Intervene. Upon receipt of such a request, the Board shall grant a 30 day extension of time for the filing of written or documentary evidence. This shall not include an extension of time to file a Request to Intervene or resolution. The Board shall grant additional or longer extensions for the filing of written or documentary evidence for good cause shown. Good cause may include but is not limited to the inability to submit evidence for a cause beyond the control of the intervening party, such as the pendency of court action affecting the assessment of the property or the death or serious illness of a valuation witness. Without a written request for an extension, no evidence will be accepted after the Request to Intervene is filed.
- g) Records: The Clerk of the Property Tax Appeal Board shall cause ~~asuch~~ Request to Intervene and all accompanying documentation to become a part of the appeal proceeding and record, and shall send a copy of the same to the contesting party and the board of review. Upon receipt of a timely Request to Intervene, the Clerk of the Property Tax Appeal Board shall cause a copy of the appeal record to be forwarded to the intervening party.

(Source: Amended at 31 Ill. Reg. 16222, effective November 26, 2007)

Section 1910.69 Sanctions

- a) Failure of any party to comply fully with all rules and/or specific requests of the Property Tax Appeal Board as provided in Sections 1910.30, 1910.40, 1910.60, 1910.65, 1910.67, ~~and~~ 1910.68 and 1910.73 of this Part shall result in the default of that party.
- b) When a hearing as provided in Section 1910.67 of this Part, or a pre-hearing

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conference as provided in Section 1910.73 of this Part, is ordered by the Property Tax Appeal Board, all parties shall appear for the hearing or pre-hearing on the appeal on the date and at the time set by the Property Tax Appeal Board. Failure to appear on the date and at the time set by the Property Tax Appeal Board shall be sufficient cause to default that party.

- c) When a party, his attorney, or his witness engages in threatening, disruptive, vulgar, abusive or obscene conduct or language which delays or protracts a proceeding, the Board, by any Member, or Hearing Officer, shall exclude the offending person from the proceeding. Any party engaging in such conduct or language shall be defaulted.
- d) Failure of the contesting party to furnish a court reporter as required in Section 1910.~~98(a)67(n)~~ of this Part shall be sufficient cause to dismiss the appeal. Failure of the contesting party to furnish a court reporter's transcript as required in Section 1910.98(b) of this Part within 60 days after the date of the hearing shall result in the dismissal of the appeal.
- e) Failure of the contesting party to pursue disposition of an appeal in a reasonable time will render the appeal subject to dismissal. In making this determination, the Board shall consider factors including, but not limited to, the history of the appeal, the length of time that has elapsed since the last action taken in the appeal, past attempts to schedule the appeal for hearing, and the contesting party's compliance with any Board or Hearing Officer requests or orders.

(Source: Amended at 31 Ill. Reg. 16222, effective November 26, 2007)

Section 1910.90 Procedural Hearing Rules

- a) The provisions of this Section are promulgated pursuant to Section 16-180 of the Code and shall apply to all appeals before the Property Tax Appeal Board. Nothing contained in this Section shall in any way negate, limit, modify or otherwise affect any of the powers, duties or authority of the Board under the Code.
- b) Appeals filed with the Property Tax Appeal Board shall be set for hearing pursuant to Section 1910.67 of this Part. All hearings once commenced shall continue on successive work days until completed unless any Member or designated Hearing Officer orders a continuance of the hearing pursuant to

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subsection (d) of this Section. Hearings shall be open to the public in accordance with Section 1910.67(f) of this Part.

- c) The sequence to be followed for all hearings before the Property Tax Appeal Board shall be as follows:
- 1) Preliminary matters – motions or objections, or attempts to narrow issues or limit evidence shall be heard first;
 - 2) Opening statements – the contesting party shall proceed first, followed by the board of review and intervenors, if any; opening statements may be waived or may be reserved and presented prior to the commencement of a party's case in chief;
 - 3) Case in chief – the evidence and witnesses presented to prove the position of the contesting party shall be heard first, followed by those of the board of review and intervenors, if any; as witnesses complete their testimony, they are subject to cross-examination by the Hearing Officer and the other parties to the appeal; witnesses may be questioned under redirect examination where necessary;
 - 4) Rebuttal – the evidence and witnesses presented to rebut the evidence offered in opposition to the contesting party's position shall be heard after the completion of the cases in chief of all parties, followed by the rebuttal evidence and witnesses of the board of review and intervenors, if any;
 - 5) Closing statements – the closing argument of the contesting party shall be heard first, followed by the closing arguments of the board of review and intervenors, if any; the contesting party shall be permitted a brief rebuttal at the end of the closing arguments of the other parties.
- d) Continuances of appeals set for hearing shall be granted pursuant to Section 1910.67(i) of this Part; a hearing ~~that~~^{which} has commenced may be continued by order of the Hearing Officer to permit further testimony or argument only if the time allotted for the hearing has expired.
- e) All witnesses appearing before the Property Tax Appeal Board shall testify under oath or affirmation.

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- f) Any party may object to the admissibility of evidence or testimony, and those such objections must clearly state the specific ground or rule of law which is the basis for the objection.
- 1) When an objection is made to the admissibility of evidence prior to the hearing of the appeal, the objection must be made in writing. A copy of the objection shall be transmitted to all other parties to the appeal, and the Property Tax Appeal Board shall solicit responses ~~thereto~~ from all other parties. The Board shall issue its ruling on the such objection in writing prior to the hearing of the appeal.
 - 2) When an objection is made to the admissibility of evidence or testimony during the hearing, the Hearing Officer may either sustain or overrule the objection if it is based on the provisions of this Part, or may reserve the ruling and permit the testimony and/or evidence into the record subject to the ruling of the Property Tax Appeal Board on the objection in its decision for the appeal.
 - 3) Any party offering evidence that which is ruled inadmissible shall be permitted to make an offer of proof upon motion made at the hearing.
- g) The Property Tax Appeal Board or its designated Hearing Officer may exclude inadmissible evidence upon its own motion.
- h) Writings, documents and all copies of writings and documents thereof submitted to the Property Tax Appeal Board shall be legible, and exhibits shall be plainly marked and identified. All exhibits and documentation discussed during the hearing shall be marked for identification by the Hearing Officer.
- i) The Property Tax Appeal Board may take official notice of decisions it has rendered, matters within its specialized knowledge and expertise, and all matters of which the Circuit Courts of this State may take judicial notice.
- j) Any party or his or her witness may be called by any other party as an adverse witness and examined as if under cross-examination in the same manner and under the same circumstances as provided in Section 2-1102 of the Code of Civil Procedure [735 ILCS 5/2-1102]. Upon a showing that a witness was called in good faith and that the party calling the witness him is surprised by the witness' his testimony, examination of the witness may proceed as if under cross-examination,

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and the testimony of the witness may be impeached by prior statements or otherwise.

- k) The Hearing Officer presiding over or scheduled to preside over a Property Tax Appeal Board hearing may be disqualified from the hearing as follows:
- 1) Any interested party may move for the disqualification of a Hearing Officer based on bias or a conflict of interest. The motion must be in writing and must state specific facts establishing that bias or a conflict of interest exists. Adverse rulings in pending or prior appeals shall not be sufficient to establish bias or a conflict of interest.
 - 2) A motion for disqualification shall be made promptly after the moving party learns the identity of the Hearing Officer or after learning facts that establish grounds for disqualification. The motion shall be presented to the Chairman of the Board or the Executive Director. If bias or a conflict of interest is found to exist, another Hearing Officer shall be appointed as soon as possible.
 - 3) The Hearing Officer may at any time voluntarily disqualify himself or herself.
- l) Decisions of the Property Tax Appeal Board shall dispose of contested matters upon the merits and shall set forth the Board's findings of fact and conclusions of law. ~~Decisions and~~ shall be served by United States mail on the appellant, board of review and intervenor, if any. Decisions may also be delivered or made available to the proper authorities affected by the decision, including the State's Attorney, Chief County Assessment Officer, County Clerk and County Collector by United States mail or electronic means, if available, persons and parties affected thereby as provided in Section 16-185 of the Code. Decisions of the Board shall be based on the evidence contained in the administrative record.

(Source: Amended at 31 Ill. Reg. 16222, effective November 26, 2007)

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- 1) Heading of the Part: Income Tax
- 2) Code Citation: 86 Ill. Adm. Code 100
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
100.2185	Amendment
100.2470	Amendment
100.7110	Amendment
- 4) Statutory Authority: 35 ILCS 5/213 and 5/1401; 35 ILCS 5/203(a)(2)(N), 203(b)(2)(J), 203(c)(2)(K), 203(d)(2)(G) and 1401; 35 ILCS 5/702 and 5/1401
- 5) Effective Date of Amendments: November 26, 2007
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments 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 Proposals Published in the Illinois Register:

31 Ill. Reg. 12296; August 24, 2007
31 Ill. Reg. 12449; August 31, 2007
31 Ill. Reg. 12670; September 7, 2007
- 10) Has JCAR issued a Statement of Objection to any of these amendments? No
- 11) Differences between proposal and final version:

In Section 100.2470(a), deleted ", below".
In Section 100.2470(d) and (i), deleted "above".
In Section 100.2470(f)(13), before the second "Illinois" added "Local Government Article and the Financially Distressed City Program in the".
In Section 100.2470(g)(7), after the closing bracket, added "(see subsection (f)(7))".

This is a consolidated rulemaking with 3 sections being amended.

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- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will these amendments replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
100.2110	Amendment	31 Ill. Reg. 13086; September 14, 2007
100.2160	Amendment	31 Ill. Reg. 13331; September 21, 2007
100.5070	New Section	31 Ill. Reg. 13697; October 5, 2007
100.5080	New Section	31 Ill. Reg. 13697; October 5, 2007
100.2197	Amendment	31 Ill. Reg. 14217; October 12, 2007
100.2406	New Section	31 Ill. Reg. 15240; November 16, 2007
100.2450	New Section	31 Ill. Reg. 15744; November 26, 2007

- 15) Summary and Purpose of Amendments: 100.2185 - This rulemaking updates the film production services credit regulation to implement the provisions of Public Act 94-0171 and to take into account changes in the regulations adopted by the Department of Commerce and Economic Opportunity in 14 Ill. Adm. Code 528 regarding administration of the credit.

100.2470 - This rulemaking amends Section 100.2470 to reflect new federal legislation exempting from state taxation bonds issued by some U.S. possessions and to reflect the restructuring of the Illinois agencies authorized to issue bonds exempted from Illinois income tax.

100.7110 - This rulemaking updates the provisions for Form IL-W-4, Employee's Illinois Withholding Allowance Certificate, to allow electronic versions of the form meeting standards set by the IRS for the federal Form W-4 and to reflect revisions to the IRS' procedures for review of suspect filings.

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

Paul Caselton
Deputy General Counsel - Income Tax
Legal Services Office
Illinois Department of Revenue
101 West Jefferson

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Springfield, Illinois 62794

217/782-7055

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

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TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 100
INCOME TAX

SUBPART A: TAX IMPOSED

Section

- 100.2000 Introduction
100.2050 Net Income (IITA Section 202)

SUBPART B: CREDITS

Section

- 100.2100 Replacement Tax Investment Credit Prior to January 1, 1994 (IITA 201(e))
100.2101 Replacement Tax Investment Credit (IITA 201(e))
100.2110 Investment Credit; Enterprise Zone (IITA 201(f))
100.2120 Jobs Tax Credit; Enterprise Zone and Foreign Trade Zone or Sub-Zone (IITA 201(g))
100.2130 Investment Credit; High Impact Business (IITA 201(h))
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- 100.2490 Foreign Trade Zone/High Impact Business Dividend Subtraction (IITA Sections 203(a)(2)(K), 203(b)(2)(L), 203(c)(2)(O), 203(d)(2)(M))

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100.4500 Carryovers of Tax Attributes (IITA Section 405)

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100.9505	Access to Books and Records - 60-Day Letters (IITA Section 913) (Repealed)
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100.9800	Letter Ruling Procedures
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100.APPENDIX A Business Income Of Persons Other Than Residents

100.TABLE A	Example of Unitary Business Apportionment
100.TABLE B	Example of Unitary Business Apportionment for Groups Which Include Members Using Three-Factor and Single-Factor Formulas

AUTHORITY: Implementing the Illinois Income Tax Act [35 ILCS 5] and authorized by Section 1401 of the Illinois Income Tax Act [35 ILCS 5/1401].

SOURCE: Filed July 14, 1971, effective July 24, 1971; amended at 2 Ill. Reg. 49, p. 84, effective November 29, 1978; amended at 5 Ill. Reg. 813, effective January 7, 1981; amended at

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5 Ill. Reg. 4617, effective April 14, 1981; amended at 5 Ill. Reg. 4624, effective April 14, 1981; amended at 5 Ill. Reg. 5537, effective May 7, 1981; amended at 5 Ill. Reg. 5705, effective May 20, 1981; amended at 5 Ill. Reg. 5883, effective May 20, 1981; amended at 5 Ill. Reg. 6843, effective June 16, 1981; amended at 5 Ill. Reg. 13244, effective November 13, 1981; amended at 5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 9701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 28, 1982; amended at 8 Ill. Reg. 6184, effective April 24, 1984; codified at 8 Ill. Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended at 9 Ill. Reg. 685, effective December 31, 1985; amended at 10 Ill. Reg. 7913, effective April 28, 1986; amended at 10 Ill. Reg. 19512, effective November 3, 1986; amended at 10 Ill. Reg. 21941, effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1986; amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill. Reg. 12410, effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective October 16, 1987; amended at 12 Ill. Reg. 4865, effective February 25, 1988; amended at 12 Ill. Reg. 6748, effective March 25, 1988; amended at 12 Ill. Reg. 11766, effective July 1, 1988; amended at 12 Ill. Reg. 14307, effective August 29, 1988; amended at 13 Ill. Reg. 8917, effective May 30, 1989; amended at 13 Ill. Reg. 10952, effective June 26, 1989; amended at 14 Ill. Reg. 4558, effective March 8, 1990; amended at 14 Ill. Reg. 6810, effective April 19, 1990; amended at 14 Ill. Reg. 10082, effective June 7, 1990; amended at 14 Ill. Reg. 16012, effective September 17, 1990; emergency amendment at 17 Ill. Reg. 473, effective December 22, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 8869, effective June 2, 1993; amended at 17 Ill. Reg. 13776, effective August 9, 1993; recodified at 17 Ill. Reg. 14189; amended at 17 Ill. Reg. 19632, effective November 1, 1993; amended at 17 Ill. Reg. 19966, effective November 9, 1993; amended at 18 Ill. Reg. 1510, effective January 13, 1994; amended at 18 Ill. Reg. 2494, effective January 28, 1994; amended at 18 Ill. Reg. 7768, effective May 4, 1994; amended at 19 Ill. Reg. 1839, effective February 6, 1995; amended at 19 Ill. Reg. 5824, effective March 31, 1995; emergency amendment at 20 Ill. Reg. 1616, effective January 9, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 6981, effective May 7, 1996; amended at 20 Ill. Reg. 10706, effective July 29, 1996; amended at 20 Ill. Reg. 13365, effective September 27, 1996; amended at 20 Ill. Reg. 14617, effective October 29, 1996; amended at 21 Ill. Reg. 958, effective January 6, 1997; emergency amendment at 21 Ill. Reg. 2969, effective February 24, 1997, for a maximum of 150 days; emergency expired July 24, 1997; amended at 22 Ill. Reg. 2234, effective January 9, 1998; amended at 22 Ill. Reg. 19033, effective October 1, 1998; amended at 22 Ill. Reg. 21623, effective December 15, 1998; amended at 23 Ill. Reg. 3808, effective March 11, 1999; amended at 24 Ill. Reg. 10593, effective July 7, 2000; amended at 24 Ill. Reg. 12068, effective July 26, 2000; emergency amendment at 24 Ill. Reg. 17585, effective November 17, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18731, effective December 11, 2000; amended at 25 Ill. Reg. 4640, effective March 15, 2001; amended at 25 Ill. Reg. 4929, effective March 23, 2001; amended at 25 Ill. Reg. 5374, effective April 2, 2001; amended at 25 Ill. Reg. 6687,

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effective May 9, 2001; amended at 25 Ill. Reg. 7250, effective May 25, 2001; amended at 25 Ill. Reg. 8333, effective June 22, 2001; amended at 26 Ill. Reg. 192, effective December 20, 2001; amended at 26 Ill. Reg. 1274, effective January 15, 2002; amended at 26 Ill. Reg. 9854, effective June 20, 2002; amended at 26 Ill. Reg. 13237, effective August 23, 2002; amended at 26 Ill. Reg. 15304, effective October 9, 2002; amended at 26 Ill. Reg. 17250, effective November 18, 2002; amended at 27 Ill. Reg. 13536, effective July 28, 2003; amended at 27 Ill. Reg. 18225, effective November 17, 2003; emergency amendment at 27 Ill. Reg. 18464, effective November 20, 2003, for a maximum of 150 days; emergency expired April 17, 2004; amended at 28 Ill. Reg. 1378, effective January 12, 2004; amended at 28 Ill. Reg. 5694, effective March 17, 2004; amended at 28 Ill. Reg. 7125, effective April 29, 2004; amended at 28 Ill. Reg. 8881, effective June 11, 2004; emergency amendment at 28 Ill. Reg. 14271, effective October 18, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 14868, effective October 26, 2004; emergency amendment at 28 Ill. Reg. 15858, effective November 29, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 2420, effective January 28, 2005; amended at 29 Ill. Reg. 6986, effective April 26, 2005; amended at 29 Ill. Reg. 13211, effective August 15, 2005; amended at 29 Ill. Reg. 20516, effective December 2, 2005; amended at 30 Ill. Reg. 6389, effective March 30, 2006; amended at 30 Ill. Reg. 10473, effective May 23, 2006; amended by 30 Ill. Reg. 13890, effective August 1, 2006; amended at 30 Ill. Reg. 18739, effective November 20, 2006; amended at 31 Ill. Reg. 16240, effective November 26, 2007.

SUBPART B: CREDITS

Section 100.2185 Film Production Services Credit (IITA 213)

- a) For taxable years beginning on or after January 1, 2004, a ~~person taxpayer~~ awarded a credit under the Film Production Services Tax Act [35 ILCS 15] *is entitled to a credit against the taxes imposed under subsections (a) and (b) of IITA Section 201 in an amount determined by the Department of Commerce and Economic Opportunity (IITA Section 213). The amount of the credit shall be the amount shown on the ~~Final Film~~-Tax Credit Certificate issued by the Department of Commerce and Economic Opportunity under 14 Ill. Adm. Code ~~528.70 or the Certificate of Transfer issued by the Department of Commerce and Economic Opportunity under 14 Ill. Adm. Code 528.85~~528.80.*
- b) Year in which Credit is Taken. The credit allowed under this Section shall be taken in the taxable year ~~that in which~~ includes the date of the ~~Final Film~~-Tax Credit Certificate ~~is~~ issued by the Department of Commerce and Economic Opportunity under 14 Ill. Adm. Code ~~528.70~~528.80.

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- c) In the case of a credit earned by a partnership or Subchapter S corporation, the credit passes through to the owners as provided in the partnership agreement under IRC Section 704(a) or in proportion to their ownership of the stock of the Subchapter S corporation under IRC Section 1366(a). The credit earned by a partnership or Subchapter S corporation will be treated as earned by its owners as of the last day of the taxable year of the partnership or Subchapter S corporation in which the ~~Final Film~~ Tax Credit Certificate is issued by the Department of Commerce and Economic Opportunity under 14 Ill. Adm. Code ~~528.70528.80~~ and shall be allowed to each owner in the taxable year of the owner in which the taxable year of the partnership or Subchapter S corporation ends.
- d) For tax years ending prior to July 11, 2005 (the effective date of Public Act 94-0171), ~~the~~ credit may not be carried forward or back. For tax years ending on or after July 11, 2005, if the amount of the credit exceeds the tax liability for the year, the excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit year. The credit shall be applied to the earliest year for which there is a tax liability. If there are credits from more than one tax year that are available to offset a liability, the earlier credit shall be applied first. In no event shall a credit under this Section reduce the taxpayer's liability to less than zero. (IITA Section 213)
- e) Transfer of Credit. A transfer of this credit may be made by the person earning the credit within one year after the credit is awarded in accordance with rules adopted by the Department of Commerce and Economic Opportunity. (IITA Section 213, as amended by Public Act 94-0171)
- 1) Transfers shall be made pursuant to 14 Ill. Adm. Code 528.85.
 - 2) A credit may be transferred to a partnership or Subchapter S corporation, in which case the partners or shareholders of the transferee shall be entitled to the transferred credit in the amounts determined under subsection (c) of this Section.
 - 3) A credit may be transferred after the end of the taxable year of the transferee in which the credit is to be taken under subsection (b) of this Section. If the transferee has already filed its return for that taxable year, it will need to file a corrected or amended return, for that taxable year, claiming the credit.

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- f) Documentation of the Credit. A ~~person taxpayer~~ claiming the credit allowed under this Section shall attach to its Illinois income tax return a copy of the ~~Final Film~~ Tax Credit Certificate or the Certificate of Transfer issued by the Department of Commerce and Economic Opportunity and, in the case of a partner in a partnership or a shareholder of a Subchapter S corporation that earned the credit, a Schedule K-1-P or other written statement from the partnership or Subchapter S corporation stating the portion of the total credit shown on the ~~Final Film~~ Tax Credit Certificate or Certificate of Transfer that is allowed to that partner or shareholder and the taxable year of the partnership or Subchapter S corporation in which the ~~Final Film~~ Tax Credit Certificate was issued.

(Source: Amended at 31 Ill. Reg. 16240, effective November 26, 2007)

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

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

- a) In calculating base income, taxpayers are entitled to subtract *an amount equal to all amounts included in such total which are exempt from taxation by this State either by reason of its statutes or Constitution or by reason of the Constitution, treaties or statutes of the United States; provided that, in the case of any statute of this State that exempts income derived from bonds or other obligations from the tax imposed under this Act, the amount exempted shall be the interest net of bond premium amortization* (IITA 203(a)(2)(N)). There are also provisions of Illinois law that exempt the income of certain obligations of state and local governments from Illinois income taxation (see subsection (f), ~~below~~).
- b) Interest on obligations of the United States. A federal statute exempts stocks and obligations of the United States Government, as well as the interest on the obligation(s), from state income taxation (see 31 USCA 3124(a)).
- 1) "Obligations of the United States" are those obligations issued "to secure credit to carry on the necessary functions of government." *Smith v. Davis* (1944) 323 U.S. 111, 119, 89 L. Ed. 107, 113, 65 S. Ct. 157, 161. The exemption is aimed at protecting the "Borrowing" and "Supremacy" clauses of the Constitution. *Society for Savings v. Bowers* (1955) 349

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U.S. 143, 144, 99 L. Ed. 2d 950, 955, 75 S. Ct. 607, 608. *Hibernia v. City and County of San Francisco* (1906) 200 U.S. 310, 313, 50 L. Ed. 495, 496, 26 S. Ct. 265, 266.

- A) Tax-exempt credit instruments possess the following characteristics:
- i) they are written documents,
 - ii) they bear interest,
 - iii) they are binding promises by the United States to pay specified sums at specified dates, and
 - iv) they have congressional authorization which also pledges the faith and credit of the United States in support of the promise to pay. *Smith v. Davis*, supra.
- B) A governmental obligation that is secondary, indirect, or contingent, such as a guaranty of a nongovernmental obligor's primary obligation to pay the principal amount of and interest on a note, is not an obligation of the type exempted under 31 USC Section 3124(a). *Rockford Life Ins. Co. v. Department of Revenue*, 107 S. Ct. 2312 (1987).
- 2) Based on the above, the following types of income are exempt under 31 USCA Section 3124(a):
- A) Interest on U.S. Treasury bonds, notes, bills, certificates, and savings bonds.
 - B) Income from GSA Public Building Trust Participation Certificates: First Series, Series A through E; Second Series, Series F; Third Series, Series G; Fourth Series H and I.
- c) Income exempted by reason of other federal statutes. Federal statutes provide exemption from state income taxation with respect to various specifically named types of income. Following is a list (intended to be exhaustive) of exempt income and the specific statutes to which each item relates:

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- 1) Banks for Cooperatives - Income from notes, debentures, and other obligations issued by Banks for Cooperatives (12 USCA 2134).
- 2) Commodity Credit Corporation - Interest derived from bonds, notes, debentures, and other similar obligations issued by Commodity Credit Corporation (15 USCA 713a-5).
- 3) Farm Credit System Financial Assistance Corporation (Financial Assistance Corporation) - Income from notes, bonds, debentures, and other obligations issued by the Financial Assistance Corporation (12 USCA 2278b-10(b)).
- 4) Federal Deposit Insurance Corporation - Interest derived from notes, debentures, bonds, or other such obligations issued by Federal Deposit Insurance Corporation (12 USCA 1825).
- 5) Federal Farm Credit Banks - Income from consolidated system-wide notes, bonds, debentures, and other obligations issued jointly and severally under 12 USCA 2153 by Banks of the Federal Farm Credit System (12 USCA 2023; 12 USCA 207; 12 USCA 2098; and 12 USCA 2134).
- 6) Federal Home Loan Banks - Interest derived from notes, debentures, bonds, and other such obligations issued by Federal Home Loan Banks and from consolidated Federal Home Loan bonds and debentures (12 USCA 1433).
- 7) Federal Intermediate Credit Banks - Income from notes, debentures, bonds, and other obligations issued by Federal Intermediate Credit Banks (12 USCA 2079).
- 8) Federal Land Banks and Federal Land Bank Association - Income from notes, debentures, bonds, and other obligations issued by Federal Land Banks and Federal Land Bank Associations (12 USCA 2055).
- 9) Federal Savings and Loan Insurance Corporation - Interest derived from notes, bonds, debentures, and other such obligations issued by Federal Savings and Loan Insurance Corporation (12 USCA 1725(e)).

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- 10) Financing Corporation (FICO) - Income from obligations issued by the Financing Corporation (12 USCA 1441(e)(8)).
- 11) General Insurance Fund
 - A) Interest derived from debentures issued by General Insurance Fund under the War Housing Insurance Law (12 USCA 1739(d)); or
 - B) Interest derived from debentures issued by General Insurance Fund to acquire rental housing projects (12 USCA 1747g(g)); or
 - C) Interest derived from Armed Services Housing Mortgage Insurance Debentures issued by the General Insurance Fund (12 USCA Section 1748b(f)).
- 12) Guam - Interest derived from bonds issued by the government of Guam (48 USCA 1423a). This income is not presently included in federal taxable income. Under Illinois law, it must be added back to federal taxable income and then claimed as a subtraction on an Illinois income tax return.
- 13) Mutual Mortgage Insurance Fund - Income from such debentures as are issued in exchange for property covered by mortgages insured after February 3, 1988 (12 USCA 1710(d)). This income is not presently included in federal taxable income. Under Illinois law, it must be added back to federal taxable income and then claimed as a subtraction on an Illinois income tax return.
- 14) National Credit Union Administration Central Liquidity Facility - Income from the notes, bonds, debentures, and other obligations issued on behalf of the Central Liquidity Facility (12 USCA 1795K(b)).
- 15) Production Credit Association - Income from notes, debentures, and other obligations issued by Production Credit Association (12 USCA 2098).
- 16) Puerto Rico - Interest derived from bonds issued by the Government of Puerto Rico (48 USCA 745). This income is not presently included in federal taxable income. Under Illinois law, it must be added back to federal taxable income and then claimed as a subtraction on an Illinois

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income tax return.

- 17) Railroad Retirement Act - Annuity and supplemental annuity payments as qualified under the Railroad Retirement Act of 1974 (45 USCA 231m). Please be sure to use the line specified on your Illinois return for this item.
 - 18) Railroad Unemployment Insurance Act - Unemployment benefits paid pursuant to the Railroad Unemployment Insurance Act (45 USCA 352(e)).
 - 19) Resolution Funding Corporation - Interest from obligations issued by the Resolution Funding Corporation (12 USCA 1441b(f)(7)(A)).
 - 20) Special Food Service Program - Assistance to children under the Special Food Service Program (42 USCA 1760(e)).
 - 21) Student Loan Marketing Association - Interest derived from obligations issued by the Student Loan Marketing Association (20 USCA 1087-2(h)(221)).
 - 22) Tennessee Valley Authority - Interest derived from bonds issued by the Tennessee Valley Authority (16 USCA 831n-4(d)).
 - 23) United States Postal Service - Interest derived from obligations issued by the United States Postal Service (39 USCA 2005(d)(4)).
 - 24) Virgin Islands - Interest derived from bonds issued by the Government of the Virgin Islands (48 USCA 1574(b)(ii)(A)). This income is not presently included in income taxable federally. Under Illinois law, it must be added back to federal taxable income and then claimed as a subtraction on an Illinois income tax return.
 - 25) [American Samoa - Interest on bonds issued by the Government of American Samoa \(48 USCA 1670\(b\)\).](#)
 - 26) [Northern Mariana Islands - Interest on bonds issued by the Government of the Northern Mariana Islands \(48 USCA 1801 note\).](#)
- d) Distributions from money market trusts (mutual funds). Taxpayers may subtract income received from any of the obligations listed in subsections (b) and (c)

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above, even if the obligations are owned indirectly through owning shares in a mutual fund.

- 1) If the fund invests exclusively in these state tax exempt obligations, the entire amount of the distribution (income) from the fund may be subtracted.
 - 2) If the fund invests in both exempt and non-exempt obligations, the amount represented by the percentage of the distribution that the mutual fund identifies as exempt may be subtracted.
 - 3) If the mutual fund does not identify an exempt amount or percentage, taxpayers may figure the subtraction by multiplying the distribution by the following fraction: as the numerator, the amount invested by the fund in state-exempt U.S. obligations; as the denominator, the fund's total investment. Use the year-end amounts to figure the fraction if the percentage ratio has remained constant throughout the year. If the percentage ratio has not remained constant, take the average of the ratios from the fund's quarterly financial reports.
- e) Getting a refund of tax you already paid. If you paid Illinois income tax on these state tax exempt distributions, you may file an amended return (IL-1040-X) to claim a refund for any year still within the statute of limitations.
- f) Interest on obligations of state and local governments. Income from state and local obligations is not exempt from Illinois income tax except where authorizing legislation adopted after August 1, 1969, specifically provides for an exemption. To date, authorizing legislation provides exemption for the income from the securities listed below. Taxpayers must show income from these exempt bonds as an addition and then as a subtraction on the Illinois income tax return. Income from these bonds is not exempt if the bonds are owned indirectly through owning shares in a mutual fund.
- 1) Notes and bonds issued by the Illinois Housing Development Authority (except housing-related commercial facilities notes and bonds) [20 ILCS 3805/31].
 - 2) Bonds authorized pursuant to the Export Development Act of 1983 (former Ill. Rev. Stat. 1991, ch. 127, par. 2513, repealed by P.A. 87-860,

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effective July 1, 1992).

- 3) Bonds issued by the Illinois Development Finance Authority pursuant to Sections 7.50 - 7.61 (venture fund and infrastructure bonds) [20 ILCS 3505/7.61, repealed by P.A. 93-205, effective January 1, 2004, which provides in 20 ILCS 3501/845-60 that bonds issued under this provision continue to be exempt from taxation].
- 4) Bonds and notes issued by the Quad Cities Regional Economic Development Authority, if the Authority so determines [70 ILCS 510/11, 510/13, 515/11, and 515/12].
- 5) College Savings Bonds issued under the General Obligation Bond Act in accordance with the Baccalaureate Savings Act [110 ILCS 920/7].
- 6) Bonds issued by the Illinois Sports Facilities Authority (~~White Sox Bonds~~)[70 ILCS 3205/15].
- 7) Bonds issued on or after September 2, 1988, pursuant to the Higher Education Student Assistance Act [110 ILCS 947/145] (transferred from 105 ILCS 5/30-15.18 by P.A. 87-997).
- 8) Bonds issued by the Illinois Development Finance Authority or the Illinois Finance Authority under the Asbestos Abatement Finance Act [20 ILCS 3510/8].
- 9) Bonds and notes issued under the Rural Bond Bank Act [30 ILCS 360/3-12, repealed by P.A. 93-205, effective January 1, 2004, which provides in 20 ILCS 3501/845-60 that bonds issued under this provision continue to be exempt from taxation].
- 10) ~~Income earned on investments made pursuant to the Home Ownership Made Easy Program [310 ILCS 55/5.1].11)~~ Bonds issued pursuant to Sections 7.80 - 7.87 of the Illinois Development Finance Authority Act [20 ILCS 3505/7-86, repealed by P.A. 93-205, effective January 1, 2004, which provides in 20 ILCS 3501/845-60 that bonds issued under this provision continue to be exempt from taxation].~~12) Up to \$2,000 of income derived by individuals from investments made in accordance with College Savings Programs established under former Section 30.15.8a [105~~

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~~ILCS 5/30-15.8a].~~

1143) Bonds issued by the Quad Cities Interstate Metropolitan Authority under the Quad Cities Interstate Metropolitan Authority Act [45 ILCS 35/110].

1244) Bonds issued by the Southwestern Illinois Development Authority pursuant to the Southwestern Illinois Development Authority Act [70 ILCS 520/7.5].

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

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

- 1) Income earned by certain trust accounts established under the Illinois Pre-Need Cemetery Sales Act [815 ILCS 390/16]. Section 16(f) of the Illinois Pre-Need Cemetery Sales Act provides that: *because it is not known at the time of deposit or at the time that income is earned on the trust account to whom the principal and the accumulated earnings will be distributed, for purposes of determining the Illinois Income Tax due on these trust funds, the principal and any accrued earnings or losses relating to each individual account shall be held in suspense until the final determination is made as to whom the account shall be paid.*
- 2) Income in the form of education loan repayments made for primary care physicians who agree to practice in designated shortage areas for a specified period of time under the terms of the Family Practice Residency Act [110 ILCS 935/4.10].
- 3) Income earned by nuclear decommissioning trusts established pursuant to Section 8-508.1 of the Public Utilities Act [220 ILCS 5/8-508.1]. The terms "*Decommissioning trust*" or "*trust*" means a fiduciary account in a bank or other financial institution established to hold the decommissioning funds provided pursuant to Section 8-508.1(b)(2) of the Public Utilities Act for the eventual purpose of paying decommissioning costs, which shall be separate from all other accounts and assets of the public utility establishing the trust. [220 ILCS 5/8-508.1(a)(3)]

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- 4) Income from the Illinois prepaid tuition program, other than disbursements to beneficiaries which are not used in accordance with the applicable prepaid tuition contract under the Illinois Prepaid Tuition Act [110 ILCS 979]. The Illinois prepaid tuition program was created in 1997 for the express purpose of allowing savings for higher education to earn tax-exempt returns under Section 529 of the Internal Revenue Code. If a prepaid tuition contract qualifies under Section 529, earnings on contributions made to the Illinois Prepaid Tuition Trust Fund under the contract are exempt from federal income taxation (and therefore Illinois income taxation) until distributed. The legislative intent in creating the Illinois prepaid tuition program does not guarantee that every prepaid tuition contract will qualify under Section 529 and there is no guarantee that Section 529 will continue in effect. However, Section 55 of the Illinois Prepaid Tuition Act [110 ILCS 979/55] provides that *assets of the Illinois Prepaid Tuition Trust Fund and its income and operation shall be exempt from all taxation by the State* and that disbursements to a beneficiary *shall be similarly exempt from all taxation by the State of Illinois and any of its subdivisions, so long as they are used for educational purposes in accordance with the provisions of an Illinois prepaid tuition contract*. Under this provision, any undistributed earnings of the Illinois Prepaid Tuition Trust which are included in a taxpayer's federal taxable income or adjusted gross income because a prepaid tuition contract does not qualify under Section 529 may be subtracted in computing the taxpayer's base income, and all disbursements included in a beneficiary's adjusted gross income may be subtracted to the extent used in accordance with the Illinois prepaid tuition contract under which the disbursements are made, regardless of whether the prepaid tuition contract qualifies under Section 529.
- 5) Income from the College Savings Pool, other than disbursements to beneficiaries that are not used to pay qualified expenses under the State Treasurer Act [15 ILCS 505/16.5]. Under the State Treasurer Act, distributions from the College Savings Pool must generally be used for *qualified expenses*, which are defined to mean *tuition, fees, and the costs of books, supplies, and equipment required for enrollment or attendance at an eligible educational institution and certain room and board expenses*. Distributions made for qualified expenses must be made *directly to the eligible educational institution, directly to a vendor, or in the form of a check payable to both the beneficiary and the institution or*

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vendor. The College Savings Pool was created in Public Act 91-607 for the express purpose of allowing savings for higher education to earn tax-exempt returns under Section 529 of the Internal Revenue Code. If an investment in the College Savings Pool qualifies under Section 529, earnings on that investment are exempt from federal income taxation (and therefore Illinois income taxation) until distributed. The legislative intent in creating the College Savings Pool does not guarantee that investments will qualify under Section 529 and there is no guarantee that Section 529 will continue in effect. However, the State Treasurer Act [15 ILCS 505/16.5], as amended in Public Act 91-829, provides that *assets of the College Savings Pool and its income and operation shall be exempt from all taxation by the State* and that disbursements to a beneficiary *shall be similarly exempt from all taxation by the State of Illinois and any of its subdivisions, so long as they are used for qualified expenses.* Under this provision, any undistributed earnings of the College Savings Pool that are included in a taxpayer's federal taxable income or adjusted gross income because a College Savings Pool investment does not qualify under Section 529 may be subtracted in computing the taxpayer's base income, and all disbursements included in a beneficiary's adjusted gross income may be subtracted to the extent used to pay qualified expenses, regardless of whether the College Savings Pool investment qualifies under Section 529.

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

7) [Up to \\$2,000 of income derived by individuals from investments made in accordance with College Savings Programs established under former Section 30-15.8\(a\) \[105 ILCS 5/30-15.8\(a\)\] \(see subsection \(f\)\(7\)\).](#)

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

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

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bonds issued under authority of 12 USCA 1719(d) and guaranteed by GNMA under 12 USCA 1721(g).

- 2) Accumulated interest on Internal Revenue Service tax refunds. Illinois Department of Revenue Letter Ruling No. 86-0640, dated July 11, 1986, citing *Glidden Co. v. Glander*, 151 Ohio St. 344, 86 N.E. 2d 1, 9 A.L.R. 2d 515 (1949).
- 3) Income from U.S. securities acquired by a taxpayer under a repurchase agreement ("repo") with a bank or similar financial organization. The Department takes the position that, for income tax purposes, such agreements are generally to be treated as loans. That is, the taxpayer "loans" money to the bank and receives interest in return. The securities subject to repurchase by the bank serve as collateral for the loan. The bank remains legally entitled to receive the interest payments from the issuing authority and remains the actual owner of the securities. Therefore, any tax benefit attributable to the "exempt" income paid by the issuing authority accrues to the bank and not to the investor.
- 4) Section 514(a) of the Employee Retirement Income Security Act of 1974 (ERISA, 29 USC 1144(a)) does not preempt the taxation of unrelated business income of an Employee Benefit Plan governed by ERISA. *Buono v. NYSA-ILA Medical and Clinical Services Fund*, 520 U.S. 806, 808 (1997). Taxpayers that relied upon the Department's letter rulings IT 90-0073, IT 93-0017 and IT 93-0187, prior to July 1, 2002, shall not incur liability for taxes or penalties pursuant to Section 4(c) of the Taxpayers' Bill of Rights Act [20 ILCS 2520].
 - i) Method for computing the subtraction of exempt income. The Department emphasizes that before a taxpayer may subtract an item of exempt income, the taxpayer must be sure that he or she has included the item in Illinois income. Some tax-exempt items are "automatically" included in base income because they are included in federal adjusted gross income, which is a part of base income. Interest on U.S. Treasury notes is in this category. Other exempt items must be included as an addition on the Illinois tax return in figuring base income. In other words, the taxpayer must list certain tax-exempt items as additions and then as subtractions in figuring base income. Interest on the state and local government bonds described in subsection (f) is in this category.

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(Source: Amended at 31 Ill. Reg. 16240, effective November 26, 2007)

SUBPART R: AMOUNT EXEMPT FROM WITHHOLDING

Section 100.7110 Withholding Exemption Certificate (IITA Section 702)

- a) In general. On or before the date on which an individual commences employment with an employer, the individual shall furnish the employer with a signed Illinois withholding exemption certificate relating to the number of withholding exemptions ~~which he~~ or she claims, which in no event shall exceed the number to which he or she is entitled. If an individual has claimed total exemption from federal income tax withholding for the current taxable year under 26 CFR 31.3402(n)-1, i.e., if the individual has furnished his or her employer with a federal exemption certificate stating that he or she incurred no federal income tax liability for the his preceding taxable year, and the individual anticipates that he or she will not incur a federal income tax liability for the his current taxable year, then the individual may, solely on that basis, claim total exemption from Illinois income tax withholding for the current taxable year on a signed Illinois withholding exemption certificate. If an employee attempts to claim total exemption from withholding on the his Illinois certificate but does not simultaneously file or have on file with his or her employer a federal certificate claiming total exemption from federal withholding, or if the employee subsequently files a federal certificate that does not claim total exemption, then the employer shall disregard the Illinois certificate as invalid and shall withhold Illinois income tax at the full rate from the employee's total compensation until a valid certificate is furnished by the employee. The employer is required to request a withholding exemption certificate from each employee, but if the employee fails to furnish the such certificate, the such employee shall be considered as claiming no withholding exemptions. If the employee is a resident of a state with which Illinois has entered into a reciprocal agreement, he or she may file an IL-W-5, Employee's Statement of Non-Residence in Illinois, to claim an exemption from Illinois withholding. See 86 Ill. Adm. Code 100.7120.
- b) Form and content. Form IL-W-4, Employee's Illinois Withholding Exemption Certificate, is the form prescribed for the certificate required to be filed under this ~~Section~~ section. A withholding exemption certificate on Form IL-W-4 shall be prepared in accordance with the instructions applicable ~~to that form~~ thereto, and shall set forth fully and clearly the data required in the form ~~therein called for~~. An alteration of or unauthorized addition to a withholding exemption certificate shall

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cause ~~thesuch~~ certificate to be invalid. An alteration of a withholding exemption certificate is any deletion of the language by which the employee certifies or affirms the correctness of the completed certificate, or any material defacing ~~theof such~~ certificate. An unauthorized addition to a withholding exemption certificate is any writing on ~~thesuch~~ certificate other than the entries requested (e.g., name, address, and number of exemptions claimed). Form IL-W-4 will be supplied to employers upon request to the Department. In lieu of the prescribed form of certificate, employers may prepare and use a written form the provisions of which are identical to those of the prescribed form. Alternatively, an employer may use any software application that will allow employees to prepare the IL-W-4 electronically, provided that any such electronic system meets the requirements of 26 CFR 31.3402(f)(5)-1(c) and requires the production and retention of the same information required on the written Form IL-W-4.

- c) Change in status ~~thatwhich~~ affects the current calendar year.
- 1) Decrease in the number of exemptions.
 - A) Employee notification. If, on any day during the calendar year, the number of withholding exemptions to which an employee is entitled is less than the number of withholding exemptions claimed ~~by him~~ on a withholding certificate then in effect, the employee must, within 10 days after the change occurs, furnish the employer with a new Illinois withholding exemption certificate relating to the number of withholding exemptions ~~which~~ the employee then claims, which must in no event exceed the number to which ~~the employee~~ he is entitled on ~~thesuch~~ day the form is submitted.
 - B) Internal Revenue Service notification. If an employer receives a notice from the Internal Revenue Service relative to a particular employee's withholding exemption certificate ~~that, which notice~~ necessitates the employer disregarding an employee's claim to total exemption or to the full amount of exemptions shown on the Form W-4 treating such certificate as defective under 26 CFR 31.3402(f)(2)-1(g) or 31.3402(f)(2)-1T(g)(5), then the employer shall withhold Illinois income tax from the employee as follows:
 - i) if the employee's Form IL-W-4 claims total exemption from Illinois withholding, on the basis of the maximum

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- number of exemptions specified by the Internal Revenue Service in the notice⁵; or
- ii) if the employee's Form IL-W-4 claims a certain number of exemptions, on the basis of the number of exemptions ~~thus~~ claimed by the employee or on the basis of the maximum number of exemptions specified by the Internal Revenue Service in the notice, whichever is less.
- 2) Increase in the number of exemptions. If, on any day during the calendar year, the number of withholding exemptions to which an employee is entitled is more than the number of withholding exemptions claimed ~~by him~~ on the withholding exemption certificate then in effect, the employee may furnish the employer with a new Illinois withholding exemption certificate on which the employee must in no event claim more than the number of withholding exemptions to which he or she is entitled on ~~that~~such day.
- 3) Change in circumstances relative to a total exemption from Illinois income tax withholding.
- A) Change entitling the employee to a total exemption. If, on any day during the calendar year, the employee ~~under 26 CFR 31.3402(f)(2)-1(b)(3)~~ furnishes his or her employer with a new federal withholding exemption certificate for ~~the his~~ current taxable year claiming total exemption from federal income tax withholding under 26 CFR 31.3402(n)-1, then the employee may also furnish ~~the his~~ employer with a new Illinois withholding exemption certificate claiming total exemption from Illinois income tax withholding for ~~the his~~ current taxable year.
- B) Change depriving the employee of a total exemption. If, on any day during the calendar year, the employee, ~~under 26 CFR 31.3402(f)(2)-1(b)(4)~~ furnishes his or her employer with a new federal withholding exemption certificate withdrawing his or her claim of total exemption for federal income tax withholding for ~~the his~~ current taxable year under 26 CFR 31.3402(n)-1, then the employee must simultaneously furnish ~~the his~~ employer with a new Illinois withholding exemption certificate specifying the number of

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withholding exemptions ~~which~~ he or she claims.

- d) Change in status ~~that~~~~which~~ affects next calendar year.
- 1) Increase or decrease in the number of exemptions. If, on any day during the calendar year, the number of withholding exemptions to which the employee will be, or may reasonably be expected to be, entitled to for ~~the~~~~his~~ taxable year ~~that~~~~which~~ begins in, or with, the next calendar year is different from the number to which the employee is entitled on ~~that~~~~sueh~~ day, the following ~~rules~~ shall apply:
 - A) If ~~the~~~~sueh~~ number is less than the number of withholding exemptions claimed by the employee on an Illinois withholding exemption certificate in effect on ~~that~~~~sueh~~ day, the employee must, on or before December 1 of the year in which the change occurs, unless ~~the~~~~sueh~~ change occurs in December, furnish his or her employer with a new withholding exemption certificate reflecting the decrease. If the change occurs in December, the new certificate must be furnished within 10 days after the change occurs.
 - B) If ~~the~~~~sueh~~ number is greater than the number of withholding exemptions claimed by the employee on an Illinois withholding exemption certificate in effect on ~~that~~~~sueh~~ day, the employee may, on or before December 1 of the year in which the change occurs, unless ~~the~~~~sueh~~ change occurs in December, furnish his or her employer with a new withholding exemption certificate reflecting the increase. If the change occurs in December, the certificate may be furnished on or after the date on which the change occurs.
 - 2) Change in circumstances relative to the total exemption. If an employee, having in effect a federal withholding exemption certificate claiming total exemption from federal income withholding, furnishes his or her employer with a new federal withholding exemption certificate ~~under 26 CFR 31.3402(f)(2)1(b)(4)~~ stating a specific number of withholding exemptions for ~~the~~~~his~~ taxable year beginning with or including the following January 1, then the employee must also have on file with ~~the~~~~his~~ employer, not later than the date on which the new federal withholding exemption certificate was submitted, an Illinois withholding exemption certificate stating a

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specific number of Illinois withholding exemptions not to exceed the total number to which ~~the employee~~ is entitled under IITA Section 702 and ~~Section 100.7100 of this Part~~~~86 Ill. Adm. Code 100.7100.~~

- e) Annual determination. On or before December 1 of each year, those employees whose Illinois withholding exemption will change in the succeeding year should file a new Illinois withholding exemption certificate (IL-W-4) reflecting the change.
- f) Effective date of exemption certificate. An Illinois withholding exemption certificate furnished an employer, ~~when~~~~where~~ no previous certificate is in effect for ~~the an~~ employee, shall take effect as of the beginning of the first payroll period ending, or the first payment of compensation without regard to a payroll period, on or after the date on which ~~the such~~ certificate is so furnished. In any case ~~in which~~~~where~~ an Illinois withholding exemption certificate is in effect for an employee, the furnishing of a new withholding exemption certificate shall take effect with respect to the first payment of compensation made on or after the first status determination date (January 1, May 1, July 1 and October 1 of each year) ~~that which~~ occurs at least 30 days after the date on which the new certificate is furnished. However, at the election of the employer, except for Illinois withholding exemption certificates provided under subsection (d) ~~of this Section of 86 Ill. Adm. Code 100.7110,~~ ~~the such~~ certificate may be effective with respect to any earlier payment of compensation made after ~~the such~~ certificate is furnished.
- g) Period during which withholding exemption certificate remains in effect.
 - 1) Certificates claiming total exemption. An Illinois withholding exemption certificate ~~that which~~ claims total exemption from Illinois income tax withholding remains in effect for the same period as the federal withholding exemption certificate on which it is based. This period is defined in 26 CFR 31.3402(f)(4)-1(c).
 - 2) Certificates claiming a specific number of withholding exemptions. An Illinois withholding exemption certificate ~~that which~~ claims a specific number of withholding exemptions and ~~that which~~ is in effect pursuant to ~~this Section~~~~these regulations~~ shall continue in effect until another withholding exemption certificate takes effect.

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- h) Employer referral of certain Illinois withholding exemption certificates to the Department.
- 1) When required.
- A) Any Illinois withholding exemption certificate meeting all of the following criteria must be referred by the employer to whom it is submitted to the Department of Revenue not later than the day on which the next quarterly return of withholding is due. The criteria for referral are:
- i) that the certificate claims more withholding exemptions than the simultaneously effective federal withholding certificate;
 - ii) that the certificate claims in excess of ~~fourteen~~(14) exemptions; and
 - iii) that the employer has no obligation to submit a simultaneously effective federal certificate to the Internal Revenue Service under 26 CFR 31.3402(f)(2)-1(g).
- B) In addition to the foregoing, an Illinois withholding certificate must be referred by the employer to the Department of Revenue as directed in a written notice to the employer from the Department or as directed in published guidance. A notice to the employer may relate either to one or more named employees; to one or more reasonably segregable units of the employer; or to withholding exemptions under certain specified criteria. Employers may also be required to submit copies of withholding exemption certificates under certain specified criteria when directed to do so by the Department in published guidance. "Published guidance," in this case, includes but is not limited to Department of Revenue bulletins, circulars, publications and form instructions.
- C) Referral under this subsection (h) shall be accomplished by mailing or delivering a ~~photostatic~~ copy of the ~~certificate~~certificate(s) to be referred to:

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Illinois Department of Revenue
Taxpayer Correspondence Section
Post Office Box 4565
Springfield, Illinois 62708

Alternatively, upon notice from the Department, the employer must make withholding exemption certificates received from one or more named employees, from one or more reasonably segregable units of the employer, or from employees who have furnished withholding exemption certificates under certain specified criteria available for inspection by a Department employee (e.g., a compliance check).

- 2) Results of referral.
 - A) The withholding exemption certificate remains effective even though it has been referred to the Department under this subsection (h), unless and until the Department notifies the employer in writing:
 - i) that the certificate claims exemptions in excess of the number to which the employee is entitled, in which case the notice shall specify either the number of exemptions to which the employee is entitled if that number can be determined or, if that number cannot be determined, that the employee is not entitled to any exemptions; or
 - ii) that the Department has attempted to verify the certificate by correspondence with the employee but has been unsuccessful, in which case the employer shall withhold Illinois income tax from the employee as though no certificate were on file, i.e., as though the employee claimed no exemptions.
 - B) As part of this notice, the Department may advise the employer of the reasons why it has determined that the certificate should not be effective.
- 3) Employer's action in response to the Department's notice rendering a

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certificate ineffective. The employer shall promptly furnish the employee who files the certificate, if still in his or her employ, with a copy of the written notice received from the Department under subsection (h) paragraph (2) above relative to the certificate. The employer shall withhold amounts from the employee on the basis of the maximum number of exemptions specified in the notice. If the employee files a new certificate after the employer has received the notice relative to an earlier referred certificate, the employer shall withhold on the basis of that new certificate only if it does not claim a number of exemptions in excess of the maximum number specified in the notice. The employer shall disregard any new certificate from the employee that does claim exemptions in excess of the maximum number specified in the notice. The ~~the~~ employer shall not submit such a new certificate to the Department under this subsection (h) and the employer shall continue to withhold amounts from the employee on the basis of the maximum number of exemptions specified in the notice. However, the employee may detail, in a written statement attached to the such new certificate, any circumstances of the employee that which have changed since the date of the Department's notice and that which justify or support the number of exemptions claimed by the employee on the new certificate. The employee may then submit that new certificate and written statement either to the Department at the address indicated in subsection (h) paragraph (1)(C), or to the employer who must then promptly submit a copy of the new certificate and the attached written statement to the Department at the address indicated in subsection (h) paragraph (1)(C). Even though the employer he has submitted the new certificate it to the Department, the employer shall continue to disregard the new certificate and shall continue to withhold amounts from the employee on the basis of the maximum number of exemptions specified in the notice unless and until the Department, by a second written notice, advises the employer to withhold on the basis of the new certificate.

(Source: Amended at 31 Ill. Reg. 16240, effective November 26, 2007)

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- 1) Heading of the Part: The Illinois Library System Act
- 2) Code Citation: 23 Ill. Adm. Code 3030
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
3030.10	Amend
3030.50	Amend
3030.65	Amend
3030.90	Amend
3030.105	Repeal
3030.106	Repeal
- 4) Statutory Authority: Implementing and authorized by the Illinois Library System Act [75 ILCS 10]
- 5) Effective Date: November 20, 2007
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file and available at the Illinois State Library, Gwendolyn Brooks Building, 300 South Second Street, Springfield IL 62701-1796.
- 9) Notice of Proposal Published in the Illinois Register: August 31, 2007; 31 Ill. Reg. 12463
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Difference between proposal and final version: None
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter from JCAR? No agreements were necessary.
- 13) Will these amendments replace any emergency amendments currently in effect? No
- 14) Are there any other amendments pending on this Part? No

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- 15) A Complete Description of the Subjects and Issues Involved: The Sections regarding Illinois State Library grant programs currently existing in this Part, The Illinois Library System Act (23 Ill. Adm. Code 3030), are being placed in a new Part, Illinois State Library Grant Programs (23 Ill. Adm. Code 3035). The programs being removed from this Part involve regional library systems grants, library technology grants, special library services to the blind and physically handicapped, public library per capita and equalization grants, school district library grants, Educate & Automate automation/technology grants, and library grants for veterans' homes. In Section 3030.105(g), the Major Urban Library Program and in Section 3030.105(h), the Research and Reference Center program are not being moved to the 23 Ill. Adm. Code 3035 because those programs are no longer operational. Technical corrections are being made to Sections 3030.10 and 3030.50.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Joseph Natale
Rules Coordinator
Illinois State Library
Gwendolyn Brooks Building
Springfield, IL 62701-1796

217/558-4185
jnatale@ilsos.net

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

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TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE B: CULTURAL RESOURCES
CHAPTER I: SECRETARY OF STATEPART 3030
THE ILLINOIS LIBRARY SYSTEM ACT

Section	
3030.10	Definitions
3030.15	Forms
3030.20	Administration of the Act: Hearings
3030.25	Establishment of Systems
3030.30	Geographic Boundaries
3030.35	Membership in a Library System
3030.40	Contracting Libraries
3030.45	Accessing Resources and Services (Repealed)
3030.50	Service Standards
3030.55	Service to State Institutions (Repealed)
3030.60	Services to the Physically Disabled (Repealed)
3030.65	Plan of Service for a Cooperative or Multitype Library System
3030.70	Plan of Service for a Public Library System (Repealed)
3030.75	Conversion of a Cooperative Public Library System or a Public Library System to a Multitype Library System
3030.80	Liquidation
3030.85	Merger
3030.90	Finances and Records
3030.95	Governing Board
3030.100	Rules
3030.105	State Grants (Repealed)
3030.106	Educate & Automate Automation/Technology Grants (Repealed)
3030.110	Revocation of Approval
3030.115	Suspension of a Library from Membership
3030.120	Adjustment of the Geographic Boundaries of Library Systems
3030.121	Administrative Review of State Librarian's Decision in Contested Cases
3030.122	Notice of Hearing
3030.123	Conduct of Hearing
3030.124	Motions
3030.125	Order of the Hearing
3030.126	Authority of Administrative Law Judge

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3030.127	Record of the Hearing
3030.128	Rules of Evidence; Official Notice
3030.129	Decisions and Orders
3030.130	Annual System Reports
3030.135	Withdrawal of Membership

AUTHORITY: Implementing and authorized by the Illinois Library System Act [75 ILCS 10].

SOURCE: Rules and Regulations for Library Systems and State Aid, November 8, 1965; rules repealed, new rules adopted and codified at 8 Ill. Reg. 16914, effective September 4, 1984; amended at 13 Ill. Reg. 1244, effective January 15, 1989; amended at 14 Ill. Reg. 20066, effective December 1, 1990; amended at 16 Ill. Reg. 10329, effective June 12, 1992; emergency amendment at 17 Ill. Reg. 9725, effective June 11, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 12449, effective July 15, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 21187, effective November 23, 1993; amended at 17 Ill. Reg. 22048, effective December 14, 1993; amended at 18 Ill. Reg. 7452, effective May 3, 1994; expedited correction at 18 Ill. Reg. 13154, effective May 3, 1994; amended at 20 Ill. Reg. 3909, effective February 16, 1996; emergency amendment at 21 Ill. Reg. 4853, effective March 26, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 11774, effective August 11, 1997; amended at 26 Ill. Reg. 5969, effective July 1, 2002; amended at 28 Ill. Reg. 7666, effective June 1, 2004; amended at 31 Ill. Reg. 16273, effective November 20, 2007.

Section 3030.10 Definitions

"Academic Library": The library or libraries of an institution of education beyond the secondary level.

"The Act": The Illinois Library System Act. ~~(Ill. Rev. Stat. 1991, ch. 81, pars. 111 et seq.)~~ [75 ILCS 10].

"Constituent": An individual who is legally eligible to borrow materials from a specific library by virtue of his or her relationship to the library or its parent institution.

"Contracting Library": A library or libraries with which a library system board contracts to provide system members with services.

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"Developmental ~~Member Library~~~~member library~~": A library ~~that~~~~which~~ meets the definition of "Library" in this ~~Section~~~~Part~~ and the requirements of developmental membership cited in Section 3030.35(a) of this Part.

"Encumbrance": An obligation arising from the issuance of purchase orders and/or contracts chargeable to system budget allocations.

"Full Member Library": A library ~~that~~~~which~~ meets the criteria for library system membership as defined by the library system board, subject to approval by the State Librarian.

"Governing Authority": The body or individual ~~that~~~~which~~ has the legal authority to enter into legal contracts on behalf of the institution desiring to become a member or affiliate of a library system.

"Library": Unless otherwise defined as a public library by statute, an entity ~~that~~~~which~~ serves the basic information and library needs of its constituents through a bibliographically organized collection of library materials and has at least one employee who works at least ~~15~~~~fifteen~~ hours per week as the librarian. The collection must have permanent financial support, be accessible centrally, and occupy identifiable quarters in one principal location. These requirements can be met through contractual services provided by another library.

"Library Interests": The characteristics of member libraries of systems, and the communities and constituents they serve, ~~that~~~~which~~ affect representation on system boards. ~~Library~~~~Such~~ interests include, but are not limited to, types of libraries, and size and geographic distribution of communities served.

"Long Range Plan": The component of the system plan of service, ~~that~~~~which~~ details the program for system headquarter's operations and for the development of the library system over a three to five year period of time, ~~and~~ ~~which~~ states the assessed needs of libraries the system will meet, and ~~which~~ sets forth the programs, goals, objectives, and strategies designed to meet those needs.

"Management ~~Letter~~~~letter~~": A letter from an auditor accompanying a financial audit ~~that~~~~which~~ discusses the library's accounting practices, internal controls and operating procedures.

"Non-resident": A person who resides outside the taxing area of a public library.

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"Plan of Service": The system plan of service describes *the specific purposes for which the system is formed, and the means by which such purposes are to be accomplished* (Section 4 of the Act). The system plan shows how the library system will achieve the objectives and standards of the Illinois Library System Act and this Part.

"Public Library": A tax-supported public library established by or as a governmental unit ~~that~~^{which} either is authorized to levy a tax for library purposes, or ~~which~~ supports the library at least in part from local tax revenues other than federal revenue sharing. Such a library is established by a city, village, incorporated town, township, county or library district under the Illinois Local Library Act (~~Ill. Rev. Stat. 1991, ch. 81, pars. 1-0.1 et seq.~~) [75 ILCS 5], the Village Library Act (~~Ill. Rev. Stat. 1991, ch. 81, pars. 16 b.9 et seq.~~) [75 ILCS 40], Division 5-38 of the Counties Code, (Public County Library Service) (~~Ill. Rev. Stat. 1991, ch. 34, pars. 5-38001 et seq.~~) [55 ILCS 5/Div. 5-38], the Village Library Conversion Act (~~Ill. Rev. Stat. 1991, ch. 81, par. 27.31h et seq.~~) [75 ILCS 45], the Library Property Sale Act (~~Ill. Rev. Stat. 1991, ch. 81, pars. 27.99 et seq.~~) [75 ILCS 55], and the Public Library District Act of 1991 [75 ILCS 16]. This definition excludes free public libraries established by villages but not supported at least in part from local tax revenues, and incorporated free public libraries not established by a governmental unit.

"Reciprocal Access": The means by which the library resources of all member libraries of a full member library system are made available to all constituents within the system area. These means may include some necessary and reasonable restrictions, approved by a library system board, as, for example, by information passports, interlibrary loans, photocopy service, reference service, use on site and courtesy cards.

"Reciprocal Borrowing": The right of a person holding a valid library registration card from a full member public library or a library system, to borrow on site from all the other public libraries ~~that~~^{which} are full members of the library system without using interlibrary loan mechanisms.

"School Library": The library or libraries of an elementary and/or secondary school district, or private elementary and/or secondary schools under a single governing authority.

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"Should": Recommended, not mandatory action.

"Special Library": The library of, or under, the governing authority of any body or institution not defined elsewhere in this Part.

"State Institutions": Penal institutions, reformatories, residential training schools, orphanages, hospitals, residential schools for the physically handicapped operated or substantially supported by the State of Illinois.

"State Librarian": The Secretary of State of Illinois.

"System Administrative Headquarters": The ~~system administrative headquarters refers to the~~ facility ~~that~~which is identified by the system as its administrative headquarters.

"System Service Area": The ~~system service area refers to the~~ land area within the geographic boundaries of a library system.

(Source: Amended at 31 Ill. Reg. 16273, effective November 20, 2007)

Section 3030.50 Service Standards

Each System shall implement the following service standards:

- a) Implementation of Standards for System Agencies
 - 1) FY92-93 - System agencies are expected to meet standards designated by the State Librarian in 1991 by June 30, 1993. System agencies must continue to meet these standards in subsequent years. If they cannot meet these designated standards they must have submitted a plan, accepted by the State Librarian, ~~that~~which explains how the standards will be met.
 - 2) FY93 - System agencies must submit to the State Librarian a report outlining implementation plans for the remaining standards by June 30, 1993.
 - 3) FY95 - System agencies must annually report progress toward meeting the agreed upon standards to the State Librarian.

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- 4) FY96 - System agencies are expected to have met all the standards by June 30, 1996, or the system agency must have submitted a plan, accepted by the State Librarian, that explains how the remaining standards will be met.
- b) Addressing Standards
- 1) Existing system agency staff as of July 1, 1991 are grandfathered in for purposes of experience and educational background requirements. The staffing levels outlined in the standards do not demand that every staffing requirement be addressed by employing a full-time person. As an example, the same staff member may be responsible for bibliographic access in subsection (f)(2)(A) and reciprocal access in subsection (k)(2)(~~A~~) of this Section.
 - 2) The Illinois State Library will work closely with the library systems in addressing the staffing needs and recognize that plans may need to be developed in FY96 to outline how any remaining staffing standards will be addressed.
- c) Implementation for Member Libraries
- 1) System member libraries should provide, as determined by the library systems of which they are a member, the library services that either meet or make progress toward meeting the membership responsibilities defined in [this Part](#) ~~these standards~~.
 - 2) Each library system shall submit to the State Librarian by July 1, 1992 a plan for implementation of these responsibilities by member libraries. This plan will designate priorities among listed responsibilities. The plan shall provide that individual libraries that cannot meet the system priorities within the timeframe set by the system can adopt a plan, accepted by the library system, to meet the responsibilities within a longer timeframe.
- d) General Administrative Standards
- 1) Library System Board of Directors
 - A) The system board of directors shall represent the system members

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as a whole and not individual libraries or type of library.

- B) The system board shall annually review the proportion of the library interests represented on the library board.
- C) The system board and staff shall conduct an orientation program for new system board members.
- D) The system board members shall participate in continuing education events such as system and regional workshops and [Statestate](#) and national conferences.
- E) The system board shall meet a minimum of nine times per year, consistent with the Open Meetings Act [\[5 ILCS 120\]\(Ill. Rev. Stat. 1991, ch. 102, par. 41 et seq.\)](#).
- F) Board meetings and committee meetings shall be publicized to members so that members and systems staff shall have opportunity to attend. Written records shall be maintained of board meetings.
- G) The board shall adopt rules and policies in accordance with this Part and shall codify and disseminate them.
- H) The board shall annually review the by-laws, rules and policies and revise them as needed.
- I) The board shall annually review the membership eligibility criteria to ensure that they are equitable, nondiscriminatory and within the control of the library.
- J) The board shall be an advocate for libraries, uphold intellectual freedom and promote legislation of benefit to libraries.

2) Staff and Resources

- A) The system board shall employ an executive director, reporting to and accountable to the system board, who shall have a master's degree from an American Library Association-accredited library education program and who has a minimum of five years

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postgraduate employment that includes a minimum of two that were in library administrative experience.

- B) The executive director shall hire enough technical and professional personnel as are required to operate the system and provide required training when appropriate.
 - C) The system agency shall have a compensation plan for the staff.
 - D) The system agency shall provide facilities and equipment appropriate for the program and supporting services.
 - E) The staff of the system agency shall be evaluated annually in writing.
- 3) Communications
- A) The executive director shall provide the system board of directors with information needed for policy decisions.
 - B) The system agency staff shall ensure publication of information that affects all types of libraries.
- 4) Planning and Evaluation
- A) The system agency shall ensure that all system members have opportunities for input into or comment on planning and evaluation activities, such as system plans of service, plans of cooperation, long-range plans, and program designs, including budgetary information, before such plans are finally adopted.
 - B) The system agency shall utilize these standards to evaluate core system services and administrative services.
 - C) The system agency shall keep statistics measuring its services.
 - D) The system agency should annually review the progress being made toward providing library service to all the residents of its geographic area.

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- 5) Interagency Relations
 - A) The system agency shall maintain communications with other system agencies and the Illinois State Library, sharing information on matters relating to system operations.
 - B) The system agency shall cooperate with other library and non-library agencies on matters of mutual interest and benefit, especially in areas ~~in which~~where contracts or programs of service are effective means of using limited financial resources. An example of a cooperative activity for consideration is contracting for services when contracting offers a more cost-effective means of providing a service to members and such service is of higher quality than can be offered by the individual system agency.
- 6) Management
 - A) The system agency shall foster awareness of current library developments and management trends. Newsletters, conducting or sponsoring of programs or workshops are examples.
 - B) The system agency shall regularly explore the most cost-effective approaches to services and administration. It shall adopt management procedures ~~that~~which ensure that it gets the best results for reasonable costs.
 - C) The system agency shall ensure that non-member libraries are aware of the advantages of system membership and encourage them to become members.
 - D) System financial resources shall be most concerned with benefit to members and shall not be used to reimburse libraries for services provided as a membership obligation to their primary clientele.
- 7) Member Library Responsibilities
 - A) Member libraries should participate in the system representation plan and provide the name of a representative for selection of the

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system board when expected to do so according to the plan.

- B) Member libraries should fulfill their responsibilities under the system plan of service or make measurable acceptable progress toward fulfilling them.
 - C) Member libraries should assess possibilities for library service to the unserved.
 - D) Member libraries should participate in the system decision-making process through attending meetings, responding to surveys and serving on committees.
 - E) Member libraries should continue local support for their own library services and not reduce such support as a result of membership in the system.
- e) Automation/Technology
- 1) Automation Technology - Administration and Service
 - A) The system agency shall have an operational automation plan that complements a statewide automation plan. The operational plan, as a minimum, shall:
 - i) identify areas of responsibility of the system agency and member libraries;
 - ii) identify consultant services by type of assistance and individual consultants;
 - iii) address the goal of universal interface;
 - iv) outline criteria for testing and implementing new technologies;
 - v) include an automation technology disaster and security plan.

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- B) The system agency shall facilitate opportunities for members to participate in a shared automation system.
 - C) The system agency shall provide for demonstrations of appropriate technological advances for member libraries in convenient locations at least once per year.
- 2) Automation Technology - Staff and Resources
- A) The system agency shall provide for one or more consultants to advise member libraries on evaluating the use of automation/technology in improving library services and in addressing the system automation plan.
 - B) System automation consultants who specialize in automation/technology consulting shall meet the following minimum qualifications:
 - i) a ~~master's~~ masters degree in a pertinent subject area: for example, American Library Association-accredited Master of Library Science or Master of Science in computer science or information technology.
 - ii) at least three years of professional experience in an automation/technology field.
 - C) System consultants shall have at least 30 contact hours of continuing education each year, excluding attendance at general library conferences.
- 3) Automation Technology - Membership Responsibilities
- ~~A)~~ Member libraries should fulfill their responsibilities as identified in the system automation plan.
- f) Bibliographic Access
- 1) Bibliographic Access - Administration and Service
- A) The system agency, as a minimum, shall have an operational plan

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for maximizing bibliographic access to member libraries. The operation plan shall:

- i) state the system agency goals and objectives in its provisions for bibliographic access (including the priorities of the various subjects and of resources);
 - ii) indicate the means of achieving these goals and objectives, the priorities and a schedule for their achievement;
 - iii) assign responsibilities for the implementation, evaluation and annual review and revision of the plan;
 - iv) identify how automated online access to unique holdings can be provided, including a timetable for achieving access.
- B) The system agency shall have an operational cooperative collection management plan that complements the statewide plan. The operational plan shall:
- i) describe the means of continuously identifying desired bibliographic resources not currently available in the collection of system members;
 - ii) identify existing resources to be preserved/retained;
 - iii) set up a system-wide collection management framework.
- C) The system agency shall have ready electronic access to the automated library resources of the agency and member libraries.
- D) The system agency shall participate in the computerized linking of bibliographic databases.
- E) The system agency shall coordinate the development of protocols for use of the members' bibliographic databases.
- F) The system agency shall promote and encourage computerized public access to the system's bibliographic [databases](#)~~database(s)~~.

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- 2) Bibliographic Access - Staff and Resources
 - A) The system agency shall assign a professional staff member to be responsible for the system's bibliographic access activities under the plan.
 - B) The system agency shall provide a directory of the bibliographic databases accessible within the system.
 - C) The system agency will work with member libraries in promoting the cataloging of library materials in MARC (Machine readable cataloging) format when entered into bibliographic databases.
 - D) The system agency shall have online access to national and international bibliographic databases.
- 3) Bibliographic Access - Membership Responsibilities
 - A) Member libraries should have bibliographically organized collections of library materials, cataloged in accordance with national standards such as ~~machine readable cataloging (MARC)~~ format, if automated, in order to facilitate access by other members.
 - B) Member libraries' computerized bibliographic records should be input according to the standards specified in a statewide automation plan.
 - i) Bibliographic control for the Illinois library automation network must be based upon standardized cataloging rules.
 - ii) The following data fields should also be used when entering new holdings into local, library system and ~~Statestate~~ databases: International Standard Book Number/International Serial Number (ISBN/ISSN), Library of Congress Card Number (LCCN) and Online Computer Library Center (OCLC) Number, if available. The entry of these specific elements in the database records will

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facilitate resource sharing throughout the [Statestate](#).

- C) Member libraries should participate in the system bibliographic access and cooperative collection management plans.
- g) Consulting
- 1) Consulting - Administration and Service
 - A) The system agency shall have an operational plan that describes consulting services offered to member libraries. The operational plan, as a minimum, shall:
 - i) identify the consulting services provided;
 - ii) identify the [individuals individual\(s\)](#) of the system staff or as otherwise designated by the system as the provider of the consulting service in each of the core service and general consulting areas;
 - iii) describe the means that the system has chosen to deliver the service, including shared consulting services with other systems;
 - iv) state the level of consulting assistance that can be expected.
 - B) The system agency shall provide consulting service in each of the core service areas and the following general areas: ~~—~~Collection Management, Establishment, Expansion and Development of Library Service, Grants Development, Interlibrary Cooperation Activities, Legislation/Law, Library and Personnel Administration, Marketing of Library Service, and Planning and Budgeting, and in such areas as the respective system needs assessment may indicate.
 - C) System consultants shall acknowledge requests for consulting within two working days.
 - D) System consulting service shall satisfy at least 90 percent of consulting requests in the core and general consulting areas listed

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in subsection (g)(1)(B) ~~above~~ and in other areas as outlined in the system plan of consulting service.

- E) System consulting service shall satisfy the percentage indicated in ~~subsection (g)(1)(D) these standards~~ of requests for consulting within five working days or negotiate a different time limit with the ~~person~~ persons(s) making the request.

2) Consulting - Staff and Resources

- A) System consultants or other persons designated by the system to consult in the general consulting areas, as specified in subsection (g)(1)(B) of this Section, shall possess the following minimum qualifications:
- i) a fifth-year degree from an American Library Association-accredited library program; ~~or,~~ if the consultant is not a librarian, the degree or other formal educational qualification generally accepted by the practitioners of that profession or occupational specialty as the minimum acceptable for such practitioner;
 - ii) at least three years' relevant experience in the consultant's designated ~~area~~ area(s) of expertise;
 - iii) demonstrated experience in effective written and oral communication, as well as group process techniques.
- B) Each system having 100 or fewer members shall employ, contract for, or otherwise provide a minimum of three full-time equivalent (FTE) consultants, excluding the executive director. Each system having more than 100 members shall employ or contract for at least three FTE consultants, excluding the executive director, for the first 100 members and at least one additional consultant for each additional 50 members or any fraction of that number.
- C) Each full-time consultant shall spend at least 30 contact hours, and each part-time consultant shall spend at least the proportional amount of contact hours, in each calendar year attending

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workshops, seminars, classes, etc., to improve specific skills relevant to the consulting assignment.

- D) Each consultant on the system's staff shall spend at least five days annually at system expense in attendance at regional, state, national or international professional meetings relevant to the consultant's profession.

3) Consulting - Membership Responsibilities

- A) Personnel in member libraries should be willing to share expertise with other member libraries.
- B) Member libraries should be cognizant of the scope of the consulting services available through the system agency.
- C) Member libraries should provide input on consulting needs to be addressed so that they may be included in the system plan.

h) Continuing Education (CE)

1) Continuing Education - Administration and Service

- A) The system agency shall have a continuing education operational plan of service. The operational plan, as a minimum, shall:
- i) describe the levels of continuing education for staff of all types of libraries;
 - ii) include programs convenient in time and place for target audience;
 - iii) provide opportunities for cosponsorship of events;
 - iv) identify a mechanism for determining priorities for continuing education;
 - v) provide for a method for annual review of programming needs;

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- vi) provide a mechanism for keeping track of continuing education credit.
 - B) The system agency shall maintain a continuing education calendar.
 - C) The system agency shall annually assess continuing education needs of members and design continuing education events to meet those needs on a timely basis.
 - D) The system agency shall annually provide or cosponsor at least 50 contact hours of continuing education for staff and governing officials of member libraries.
 - E) The system agency shall annually provide or cosponsor at least one continuing education event of each of the following types:
 - i) An orientation program for staff, trustees, and governing officials of member libraries;
 - ii) A workshop for governing officials in addition to the orientation program as outlined in subsection (d)(1)(~~CD~~) of this Section;
 - iii) A program of new developments in areas such as technology, legislation, and new approaches to problem solving.
- 2) Continuing Education - Staff and Resources
- A) The system agency shall designate a continuing education coordinator to guide the planning and implementation of continuing education programs.
 - B) The system agency shall provide access to adequate facilities/meeting rooms and equipment for presenting continuing education programs.
- 3) Continuing Education - Membership Responsibilities

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- A) Member libraries should provide paid release time for their professional staff to attend at least 10 contact hours, and for support staff to attend at least five contact hours, of system-sponsored or system-endorsed continuing education events annually.
 - B) The staff of member libraries should be willing to serve as resource people for continuing education events.
 - C) Member libraries should send appropriate persons to the orientation programs cited in subsection (h)(1)(E) of this Section.
- i) Delivery
- 1) Delivery - Administration and Service
 - A) The system agency shall have an operational delivery plan for delivery service to member libraries. The operational plan, as a minimum, shall:
 - i) identify delivery methods available and when to use each;
 - ii) describe delivery schedules and subschedules;
 - iii) identify fixed points for picking up and receiving materials;
 - iv) describe the mechanism for determining van delivery and locations and deliveries. For example: poundage, items;
 - v) provide for a mechanism for annual review;
 - vi) describe how the system delivery service interfaces with other systems through the Illinois Library Delivery Service (ILDS).
 - B) The system agency shall establish uniform procedures to govern problems related to delivery service. The uniform procedures, for example, should include:

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- i) packaging standards and indemnification of suppliers for loss or damage in delivery;
 - ii) uniform format for schedules so that they can be shared between systems;
 - iii) statewide uniform statistical data-gathering methods;
 - iv) guarantees on payment for materials lost in transit.
- C) The system shall provide a vehicular delivery service to deliver materials to and from member libraries.
- D) Each member library shall receive direct delivery a minimum of two times per week when it needs and requests such delivery.
- E) Delivery points shall be determined on criteria including but not limited to volume of use, collection strengths and convenience of member libraries.
- F) The system agency shall ensure that each member library has an option for delivery up to five days per week to a drop-off point.
- G) The system agency shall have procedures for members that identify the means of delivery to be used in particular circumstances.
- 2) Delivery - Staff and Resources
- A) The system agency shall have staff to carry out the day-to-day operations of the delivery service.
 - B) The system agency shall ensure that its delivery service shall complete the delivery schedule a minimum of 98 percent of the time.
- 3) Delivery - Membership Responsibilities

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- A) Member libraries should have designated staff to oversee delivery at their libraries.
 - B) Member libraries should provide for delivery in accordance with the system delivery schedule.
 - C) Member libraries should have access to facilities for receiving electronic transmission of library materials 24 hours per day.
 - D) Member libraries should package materials for delivery in accordance with the system delivery plan.
 - E) Member libraries should utilize the system and statewide delivery services unless a more cost-effective method is available to them.
- j) Interlibrary Loan (ILL)
- 1) Interlibrary Loan - Administration and Service
 - A) The system agency shall have an operational plan for interlibrary loan, including interlibrary loan policy, a system ILL code, and ILL procedures, that encourage library to library interlibrary loan. The operational plan, as a minimum, shall:
 - i) describe procedures for monitoring compliance with the Illinois Library and Information Network (ILLINET) and system interlibrary codes;
 - ii) describe the complaint procedure;
 - iii) define responsibilities of the local library, along with procedures for submitting ILL requests to the system headquarters;
 - iv) specify intrastate, interstate and international ILL;
 - v) describe the system agency responsibilities for ILL;
 - vi) publish the list of authorized charges for those interlibrary

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loan transactions ~~allowed, when allowable~~ according to the Illinois Interlibrary Loan Code;

- vii) provide for a method for regular monitoring and evaluation of interlibrary loan service, including the collection and publication of ILL statistics.
 - B) The system agency shall work with member libraries to improve local interlibrary loan service.
 - C) The system agency shall accept requests for ILL as specified in the ILL codes and system procedures.
 - D) The system agency staff shall initiate processing of ILL requests within one working day ~~after~~ receipt.
 - E) The system agency staff shall verify, locate, request, refer or cancel ILL requests received at system headquarters within three system working days.
 - F) The system agency shall ensure that sources are immediately available to verify at least 85 percent of the ILL requests received from member libraries.
 - G) The system agency shall distribute interlibrary loan public relations materials to member libraries.
- 2) Interlibrary Loan - Staff and Resources
- A) The system agency shall provide identified staff assigned to the ILL service for a minimum of 40 hours per week.
 - B) The system agency shall offer ILL training programs for staff of member libraries at least semiannually.
 - C) The system agency shall hold an annual interlibrary loan performance assessment for ILL staff from the system and member libraries to identify and discuss areas needing improvement.

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- D) The system agency shall have a telefacsimile machine (or a later state-of-the-art equivalent) with an automatic answering device available for ILL purposes 24 hours per day.
 - E) The system agency staff shall have direct access to local, regional, national and international bibliographic databases.
- 3) Interlibrary Loan - Membership Responsibilities
- A) Member libraries should offer and promote interlibrary loan service to their primary clientele.
 - B) Member libraries are responsible for training staff to handle ILL transactions and statistics-gathering and statistics gathered in accordance with system policies and procedures.
 - C) Member libraries should send staff to system ILL training sessions and participate in the annual assessment of ILL services.
 - D) Member libraries should attempt to verify requests from bibliographic resources, and should verify at least 75 percent of the requests.
 - E) The member libraries should submit interlibrary loan requests directly to other libraries whenever possible.
- k) Reciprocal Access
- 1) Reciprocal Access - Administration and Service
- A) The system agency shall adopt a reciprocal access plan. The reciprocal access operational plan, as a minimum, shall include:
 - i) how member libraries in the system shall provide reciprocal access;
 - ii) who is eligible for reciprocal access;
 - iii) limitations individual member libraries may establish for

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reciprocal access;

- iv) the scope of reciprocal borrowing within the system, including how public libraries shall participate in the program and other libraries can participate in the program;
- v) the definition of a library card valid for purposes of reciprocal borrowing. As a minimum the card should include name, address, expiration date and name and address of issuing library;
- vi) the charge for a minimum nonresident fee in order for nonresidents to be eligible for reciprocal borrowing.

- B) The system agency shall be responsible for coordinating aspects of the reciprocal borrowing program.
- C) The system agency shall adopt protocols to govern problems arising from reciprocal borrowing.
- D) The system agency shall conduct an assessment of reciprocal access within the system every two years to determine the extent of reciprocal access and its impact on system-wide library service.

2) Reciprocal Access - Staff and Resources

A) The system agency shall designate a reciprocal access coordinator to monitor and guide the reciprocal access program.

3) Reciprocal Access - Member Library Responsibilities

- A) Member public libraries should provide reciprocal borrowing to persons holding a valid library card from a public library in Illinois.
- B) Libraries issuing a valid library card are responsible for materials lost by patrons when using reciprocal borrowing.
- C) Member public libraries should circulate materials to eligible reciprocal borrowers under the same conditions that they circulate

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those materials to their own patrons.

- D) All member libraries should provide for reciprocal access to other member libraries.
- l) Reference Service
 - 1) Reference - Administration and Service
 - A) The system agency shall have an operational plan for reference services. The reference operational plan, as a minimum, shall:
 - i) define responsibilities of the local library, along with procedures for submitting reference requests to system headquarters;
 - ii) describe complaint procedure;
 - iii) describe system agency responsibilities and identify individuals responsible for providing reference service;
 - iv) provide for a method of regular monitoring and evaluation of reference service at all levels within the system;
 - v) provide for the collection and publication of appropriate statistics.
 - B) The system agency shall have written policies and procedures for filling the reference queries of its member libraries.
 - C) The system agency shall assist member libraries in meeting their responsibilities under the reference plan through consultant services and a continuing education program.
 - D) The system agency shall ~~either~~ fill, respond to, return or refer 90 percent of information or subject requests within two working days, and all requests within five working days.
 - E) Library systems shall provide for reference service to their member

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libraries for the full range of hours that member library reference service is available.

- 2) Reference - Staff and Resources
 - A) The system agency shall designate a reference coordinator for the drafting and the implementation of the reference plan.
 - B) The system agency shall provide enough staff performing system reference work.
 - C) The person coordinating reference work shall meet the following minimum qualifications:
 - i) a fifth-year degree from an American Library Association-accredited library education program;
 - ii) two years of full-time professional experience working in libraries;
 - iii) at least one year of experience in reference work, with demonstrated competence in the provision of reference service. Other staff members providing high-level reference service should also meet these qualifications.
 - D) The system agency shall have access to or maintain reference resources that will enable the reference staff to answer at least 80 percent of the requests received.
 - E) The system agency shall provide members with lists of reference materials and sources of information, incorporating procedures for cooperative collection development when applicable.
- 3) Reference - Membership Responsibilities
 - A) Member libraries should meet minimum levels of reference service as defined in the system reference plan.
 - B) Member libraries should promote system-wide reference services

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by referring or offering to refer all unfilled requests to other libraries within the system.

- C) Each member library should ensure that the staff members working on reference requests are skilled in basic reference sources and interviewing techniques. Such staff should have a clear understanding of the system reference plan.
- m) Development ~~of~~ Additional System Services
- 1) The system agency shall develop service programs that are necessary to meet the objectives of the Illinois Library Systems Act (~~Ill. Rev. Stat. 1991, ch. 81, pars. 111 et seq.~~) and members' needs.
 - 2) Services provided by the system agency shall address the needs of member libraries.
 - 3) The services shall include both qualitative and quantitative measures and written descriptions of standards for them shall include the same sections as the core services: ~~—~~Definition, Administration and Service, Staff and Resources, and Membership Responsibilities.
 - 4) The system agency shall gather input from member libraries when developing service programs and the accompanying qualitative and quantitative measures.
 - 5) The system agency shall develop service programs that further the system's Plan of Service.
 - 6) The system agency shall have a process to evaluate the system's services.
 - 7) The system agency shall identify service programs provided by other system agencies that are the same or similar throughout the ~~State~~ and jointly develop these programs so as to avoid duplication and ensure a standard level of service.
 - 8) The system agency shall initiate a service when financial resources are available to provide a quality service.

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(Source: Amended at 31 Ill. Reg. 16273, effective November 20, 2007)

Section 3030.65 Plan of Service for a Cooperative or Multitype Library System

Each system shall adopt a plan of service ~~that~~^{which} covers the services provided by the system headquarters, contracting libraries (if such are designated), and the cooperative services of member libraries. The plans shall be reviewed, and revised if necessary, by the system board on an annual basis. The State Librarian shall review the system plans every year, as part of the application for system funds cited in ~~23 Ill. Adm. Code 3035.100~~^{Section 3030.105 of this Part}, and shall approve them if they insure that the systems will achieve or make substantial progress toward achieving the standards and objectives of Section 3 of the Act and will achieve the service standards of Section 3030.50 of this Part and are not in conflict with ~~State~~^{state} law and rules and regulations of the State Librarian. If the plan is in violation, the State Librarian shall take action in accordance with Section 3030.110 (Revocation of Approval) as provided in ~~this Part~~^{these regulations}. This plan will consist of:

- a) A Long Range Program for the maintenance and development of system headquarter's services and programs for member libraries, including those in ~~State~~^{state} institutions. The Long Range Program shall include goals and measurable objectives and a process for evaluating if the objectives have been met. ~~The~~^{Such} plan shall show evidence of being developed with input from the ~~board~~^{Board} and membership.
- b) A plan for the fiscal year, including specific plans for services ~~that~~^{which} address the system standards cited in Section 3030.50 of this Part. ~~The~~^{Such} plan shall show evidence of being developed with input from the ~~board~~^{Board} and membership. The plan shall include a list of all available services for which a fee is proposed, and shall include an explanation and justification for ~~the said~~ fee. No new fees or fee charges shall be implemented until after the operational plan is approved by the State Librarian.
- c) An up-to-date listing, with membership categories of all system members, including name of library, address, telephone numbers, and other information that may be requested by the State Librarian.
- d) A cover sheet, on a form provided by the State Librarian, certifying that the plan of service is up-to-date with signatures of the Board President and System Director.

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- e) Operational plans for system standards according to the implementation plan established by the State Librarian in Section 3030.50 of this Part.
- f) Other information that may be requested by the State Librarian on an annual basis.

(Source: Amended at 31 Ill. Reg. 16273, effective November 20, 2007)

Section 3030.90 Finances and Records

- a) The fiscal year for each system shall begin July 1 and end on June 30 of each year.
- b) The board of directors of each library system shall:
 - 1) Maintain all financial records at the system administrative headquarters.
 - 2) Cause an annual audit of the records of the system for the preceding fiscal year and those maintained by the Treasurer to be made by an independent certified public accountant and cause copies [of the audit thereof](#) to be filed with each participating library and with the State Librarian on or before September 30 following the end of the fiscal year. Audits shall be conducted in accordance with "Government Auditing Standards, 2003 Revisions", published by the Comptroller General of the United States, U.S. General Accounting Office, 441 G. Street, NW, Washington, DC 20548. The material incorporated by reference includes no later amendments or editions.
 - 3) Submit a management letter prepared by the system's auditor as part of the annual audit.
 - 4) Account for all funds of the system by expenditure, encumbrance, or reserves on or before June 30~~th~~ of each year.
 - 5) Submit, prior to July 1 of each year, an estimated budget for the ensuing fiscal year according to the requirements cited in [23 Ill. Adm. Code 3035.105](#) ~~Section 3030.105(a)(2) of this Part.~~
 - 6) Maintain an inventory of all library materials and equipment purchased

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with system funds. ~~The Such~~ inventory shall be attested ~~to~~ by the system auditor.

- 7) Maintain financial records and submit reports in compliance with the Uniform Accounting and Reporting Manual for the Illinois Library System Headquarters (~~available from the second edition, April 1996,~~ Office of the Secretary of State, Illinois State Library, Room 505, 300 S. Second Street, Springfield IL 62701-1796) or at the direction of the State Librarian. ~~The material incorporated by reference includes no later amendments or editions.~~

(Source: Amended at 31 Ill. Reg. 16273, effective November 20, 2007)

Section 3030.105 State Grants (Repealed)

- a) ~~Application for Annual Per Capita and Area Grants to the library systems shall be made to the State Librarian prior to July 1 of each year and shall consist of the following:~~
 - 1) ~~An annually updated plan of service. The plan of service shall clearly indicate how the proposed expenditure of state funds in the ensuing fiscal year will be utilized for the provision of member services within the goals for Illinois Library systems.~~
 - 2) ~~The estimated system budget for the ensuing fiscal year based on current year funding with a contingency plan for anticipated funding for the ensuing year.~~
- b) ~~Library technology grants~~
 - 1) ~~Application for library system grants for the provision of services to member libraries and for technology developments (Section 8(c) of the Act) shall be made according to criteria established by the State Librarian. Applicants shall use the forms prepared and made available by the Secretary of State for this purpose.~~
 - 2) ~~Applications shall be reviewed by the State Library staff and the decision of the State Librarian is final.~~

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- 3) ~~The number of grants to be awarded is at the discretion of the State Librarian within the confines of available funding.~~
- 4) ~~Applicants must meet requirements established by the State Library for telecommunications and network services to member libraries.~~
- e) ~~Application for Annual Grants for special library services to the blind and physically handicapped shall be made to the State Librarian prior to July 1 of each year and shall consist of a budget and a description of services to be offered. Any change in the use of funds from that stated in the approved application shall have prior approval of the State Librarian. Failure to spend funds in accordance with the application or approved amendment shall result in ineligibility for future grants for a period of one year.~~
- d) ~~To be eligible for a per capita grant, a public library shall show that it will *either meet or show progress toward meeting the Illinois Library Standards, as most recently adopted by the Illinois Library Association*, by raising or improving its performance levels in relation to the standards, when such levels are below the standards, according to objectives, time frames, and priorities which the library shall state in its application for a grant, and which it shall also state are consistent with the terms of the plan of service of the system of which it is a member. (Section 8.1(1) of the Act)~~
- e) ~~Application for *annual equalization grants and per capita grants to public libraries* shall be made each year. (Section 8 of the Illinois Library Act) The State Library shall verify the eligible service area population of a public library using the latest census of population of Illinois, or a municipality or parts thereof, prepared and submitted to the Index Division by the federal government and certified by the Secretary of State no later than July 15 of the fiscal year of the grant. The applicant library shall submit supporting documentation with the grant application whenever there are any changes to be reported in the population service area.~~
- f) ~~For a public library to qualify for a per capita grant, it must be a member of a library system and not under suspension. The application shall show that grant funds will be used to meet or make progress in meeting Illinois library standards cited in subsection (d) above. Any change in the use of funds from that stated in the approved application shall have prior approval of the State Librarian. Failure to spend funds in accord with Section 8.1 of the Act shall result in ineligibility for~~

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~~future grants for a period of one year.~~

- ~~g) Libraries that qualify for the ILLINOIS MAJOR URBAN LIBRARY PROGRAM shall submit an application to the State Librarian, subject to his final approval, for use of the funds. The application shall consist of the public library per capita grant application cited in Section 3030.105(e) of this Part.~~
- ~~h) Research and reference center funding shall be allocated by the State Librarian for the purposes of making available adequate library resources and services. Grants shall be awarded for statewide resource sharing projects and for improving services of large libraries with special collections which benefit citizens throughout the state. Grants will be awarded at the discretion of the State Librarian each fiscal year as funding allows.~~
- ~~i) The Research and Reference contracts will specify by inclusion:
 - ~~1) The terms for apportionment of the grant funding, and~~
 - ~~2) Services to be performed.~~~~
- ~~j) To qualify for an Annual Grant to the Illinois Regional Library for the Blind and Physically Handicapped, the applicant agent shall be jointly designated by the Illinois State Library and the Library of Congress National Library Service for the Blind and Physically Handicapped for such purpose. An annual contract with the State Library shall be executed which specifies the objectives and budget for the service.~~
- ~~k) School District Library Grant Program
 - ~~1) To be eligible for a School Library Grant, the applicant must be an Illinois public school district and a member in good standing of a regional multitype library system; or have made application for system membership 90 days prior to the grant application deadline and be approved for membership prior to the following January 15.~~
 - ~~2) Application for School Library Grants shall be made each year. Applications shall be reviewed by the State Library staff and are subject to final approval by the State Librarian.~~~~

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- 3) ~~The applicant shall show that grant funds will be used to support the services of the district's school library media program. The grant may not be used for the construction of a new library. Any change in the use of funds from that stated in the approved application shall have prior approval of the State Librarian. Failure to spend funds in accordance with Section 8.4 of the Act shall result in ineligibility for future grants for a period of one year.~~
- 4) ~~Library Grants for Veterans' Homes~~
 - 1) ~~Pursuant to Section 8.6 of the Illinois Library System Act [75 ILCS 10/8.6], there is established by this subsection (1) the application procedures for Veterans' Home library grants.~~
 - 2) ~~The application for annual grants to State-funded Veterans' Homes shall be made according to a deadline established by the State Librarian. The application shall be signed by the administrator and librarian or person responsible for library services at the Veterans' Home.~~
 - 3) ~~The applications will be evaluated by Illinois State Library staff, and final funding decisions will be made by the State Librarian.~~
 - 4) ~~Applications will be funded according to amount of funding available; demonstrated need; and number of residents being served. Criteria will also include whether the plan of operation contains information about the project goals and objectives, the methods used to achieve these goals and objectives, and the involvement of staff in providing library service.~~
 - 5) ~~In order for an application to be considered, the Veterans' Home must be providing library services to its residents at the time of application.~~
 - 6) ~~Any change in the use of funds from that stated in the approved application shall have prior approval of the State Librarian. Failure to spend funds as approved shall result in ineligibility for future grants for a period of one year.~~
 - 7) ~~The application shall consist of:~~
 - A) ~~A statement on the proposed use of the grant for which application~~

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~~is being made which shall show how grant funds will be used to expand library services to residents of the Veterans' Home. Grant funds are eligible to be used for library staff, materials, equipment, and library services.~~

- B) ~~A report on the use of the previous year's grant, if a grant was received, which shall show how the grant was used; and an evaluation detailing the impact of the program.~~
- C) ~~A certification stating that:~~
- ~~i) the grant funds will be kept in a separate account;~~
 - ~~ii) local funding for library service will not diminish as a result of the program;~~
 - ~~iii) the library will submit semi-annual financial and programmatic reports to the Illinois State Library on January 31 and July 31 of each year covering the use of the funds.~~

(Source: Repealed at 31 Ill. Reg. 16273, effective November 20, 2007)

Section 3030.106 Educate & Automate Automation/Technology Grants (Repealed)

- a) ~~Competitive grants~~
- ~~1) Application for purchases of equipment and services that support library development and technological advancement (Section 8.5 of the Act) in libraries shall be made according to an annual deadline and criteria established by the State Librarian. Applicants shall use the forms prepared and made available by the Secretary of State for this purpose. Applications not submitted on time or on the required forms shall not be considered by the State Library.~~
 - ~~2) Applications shall be reviewed by the State Library staff and the decision of the State Librarian is final. Criteria will include whether the project plan contains information about the project goals and objectives, the methods used to achieve these goals and objectives, the number of people~~

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- ~~to be served, and whether the proposed budget is reasonable in view of the proposed goals.~~
- ~~3) The number of grants to be awarded is at the discretion of the State Librarian.~~
 - ~~4) Applicants must meet requirements designated by the State Library for public access to electronic information and technology.~~
- b) ~~Direct expenditures by the State Librarian may be made to support library development and technological advancement in libraries (Section 8.5 of the Act).~~
- e) ~~Funding awarded under subsections (a) and (b) of this Section may be used for any or all of the following purposes:~~
- ~~1) Telecommunications costs for electronic networks for ILLINET libraries and library systems;~~
 - ~~2) Computer hardware and software for ILLINET libraries and library systems;~~
 - ~~3) Access to electronic information by the general public through ILLINET libraries;~~
 - ~~4) Converting special collections and rare materials in ILLINET libraries into digital format, making them accessible by computer to students, researchers and the general public.~~

(Source: Repealed at 31 Ill. Reg. 16273, effective November 20, 2007)

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- 1) Heading of the Part: Illinois State Library Grant Programs
- 2) Code Citation: 23 Ill. Adm. Code 3035
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
3035.10	New Section
3035.100	New Section
3035.105	New Section
3035.110	New Section
3035.115	New Section
3035.120	New Section
3035.125	New Section
3035.130	New Section
3035.135	New Section
3035.140	New Section
3035.200	New Section
3035.210	New Section
3035.220	New Section
3035.230	New Section
3035.240	New Section
3035.250	New Section
3035.260	New Section
3035.270	New Section
3035.280	New Section
3035.300	New Section
3035.310	New Section
3035.320	New Section
3035.330	New Section
3035.340	New Section
3035.350	New Section
3035.360	New Section
3035.370	New Section
3035.EXHIBIT A	New Section
- 4) Statutory Authority: Implementing and authorized by the Illinois Library System Act [75 ILCS 10, the State Library Act [15 ILCS 320] and the Illinois Literacy Act [15 ILCS 322], Sections 2 and 7(q) of the State Library Act [15 ILCS 320/2 and 7(q)] and the Library Services and Technology Act (20 USC 9121)

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- 5) Effective Date: November 20, 2007
- 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 and available at the Illinois State Library, Gwendolyn Brooks Building, 300 South Second Street, Springfield IL 62701-1796.
- 9) Notice of Proposal Published in the Illinois Register: August 31, 2007; 31 Ill. Reg. 12499
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version:

In the Table of Contents and Section 3035.105, changed "Library Technology Grant" to "Library System Technology Grant"

In the Authority note, after "20 USC 9121" added "-9163".

In Section 3035.10 , changed "3 060.10" to "3060.400".

In Section 3035.130, the change is as follows:

- 1) Application for purchases of equipment and services that support library development and technological advancement (Section 8.5 of the Act) in libraries shall be made prior to July 1. Applicants shall use the forms prepared and made available by the State Librarian for this purpose.

In the same Section, deleted "according to an annual deadline by the State Librarian" and added due dates for financial and narrative reports.

In Section 3035.240, added due dates for mid-term, quarterly and final reports.

In Section 3035.270, specified which editions of various tests will be used.

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

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- 13) Will this rulemaking replace any emergency amendments currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) A Complete Description of the Subjects and Issues Involved: The purpose of this rulemaking is to put all the Illinois State Library grant program rules into one Part. The Sections regarding Illinois State Library grant programs currently existing in The Illinois Library System Act (23 Ill. Adm. Code 3030) are being placed in this new Part as Subpart A: State Grants. The programs covered by this rulemaking involve regional library systems grants; library technology grants; special library services to the blind and physically handicapped; public library per capita and equalization grants; school district library grants; Educate & Automate automation/technology grants; and library grants for veterans' homes. Section 3035.135 requires that applicants submit proposals on time and on forms prescribed by the Illinois State Library, which retains the right to deny a grant application if program requirements are not met. The existing Part, The Literacy Grant Program (23 Ill. Adm. Code 3040) is incorporated in this Part as Subpart B, and the existing rules in The Illinois State Library Training Program Grants is incorporated as Subpart C. The Public Library Construction Grants (23 Ill. Adm. 3060) will be incorporated as Subpart D in early 2008.
- 16) Information and questions regarding these adopted rules shall be directed to:
Joseph Natale
Rules Coordinator
Illinois State Library
Gwendolyn Brooks Building
Springfield, IL 62701-1796

217-558-4185; jnatale@ilsos.net

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

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TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE B: CULTURAL RESOURCES
CHAPTER I: SECRETARY OF STATE

PART 3035
ILLINOIS STATE LIBRARY GRANT PROGRAMS

SUBPART A: STATE GRANTS

Section	
3035.10	Definitions
3035.100	System Area and Per Capita Grants
3035.105	Library System Technology Grants
3035.110	Special Library Services to the Blind and Physically Handicapped
3035.115	Public Library Per Capita and Equalization Grants
3035.120	School District Library Grant Program
3035.125	Library Grants for Veterans' Homes
3035.130	Educate & Automate Automation/Technology Grants
3035.135	Requirements, Denial and Revocation of Approval
3035.140	Grant and Expenditures

SUBPART B: LITERACY GRANT PROGRAM

Section	
3035.200	Purpose
3035.210	Definitions
3035.220	Application for Grant
3035.230	Review of Grant Applications
3035.240	Award of Grants, Accountability and Recordkeeping
3035.250	Cancellation of Grant
3035.260	Fiscal Procedures
3035.270	Other Requirements
3035.280	Penny Severns' Grant Program
3935.290	Invalidity

SUBPART C: TRAINING PROGRAM GRANTS

Section	
3035.300	Purpose

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- 3035.310 Definitions
- 3035.320 Number and Amount of Training Program Grants
- 3035.330 Illinois Library Schools and Attendance Requirements
- 3035.340 Eligibility Requirements
- 3035.350 Application Process
- 3035.360 Selection of Training Program Grantees
- 3035.370 Conditions of Training Program Grants

3040.EXHIBIT A Differences Among the Three Types of Literacy Grant Programs

AUTHORITY: Implementing and authorized by the Illinois Library System Act [75 ILCS 10], the State Library Act [15 ILCS 320], the Illinois Literacy Act [15 ILCS 322], and the federal Library Services and Technology Act (20 USC 9121-9163).

SOURCE: Adopted at 31 Ill. Reg. 16309, effective November 20, 2007.

SUBPART A: STATE GRANTS

Section 3035.10 Definitions

For the purpose of this Subpart, the definitions in 23 Ill. Adm. Code 3060.400 are applicable.

Section 3035.100 System Area and Per Capita Grants

Application for Annual Per Capita and Area Grants to the library systems shall be made to the State Librarian prior to July 1 of each year and shall consist of the following:

- a) An annually updated plan of service. The plan of service shall clearly indicate how the proposed expenditure of State funds in the ensuing fiscal year will be utilized for the provision of member services within the goals for Illinois Library systems.
- b) The estimated system budget for the ensuing fiscal year based on current year funding with a contingency plan for anticipated funding for the ensuing year.

Section 3035.105 Library System Technology Grants

- a) Application for library system grants for the provision of services to member libraries and for technology developments (see Section 8(c) of the Illinois Library

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System Act (Act)) shall be made according to criteria established by the State Librarian.

- b) The number of grants to be awarded is at the discretion of the State Librarian, within the confines of available funding.
- c) Applicants must meet requirements established by the State Library for telecommunications and network services to member libraries.

Section 3035.110 Special Library Services to the Blind and Physically Handicapped

- a) Application for Annual Grants for special library services to the blind and physically handicapped shall be made to the State Librarian prior to July 1 of each year and shall consist of a budget and a description of services to be offered.
- b) To qualify for an Annual Grant to the Illinois State Library for the Blind and Physically Handicapped, the applicant agent shall be jointly designated by the Illinois State Library and the Library of Congress National Library Service for the Blind and Physically Handicapped for such purpose. An annual contract with the State Library shall be executed that specifies the objectives and budget for the service.

Section 3035.115 Public Library Per Capita and Equalization Grants

- a) To be eligible for a per capita grant, a public library shall show that it will either meet or show progress toward meeting the Illinois Library Standards, "Serving Our Public: Standards for Illinois Public Libraries, 1997" (produced by the Illinois Library Association, 33 West Grand Avenue, Chicago IL 60610-4306). The material incorporated by reference includes no later amendments or editions. A grant applicant must raise or improve its performance levels in relation to the standards, when such levels are below the standards, according to objectives, time frames, and priorities the library shall state in its application for a grant, and that it shall also state are consistent with the terms of the plan of service of the system of which it is a member. (See Section 8.1(1) of the Act.) The applying library must be in good standing and meet the criteria of a "full member library" or a "developmental member library" as defined in 23 Ill. Adm. Code 3030.10.
- b) *Application for annual equalization grants and per capita grants to public libraries shall be made each year.* (Section 8 of the Act) Whenever an applicant

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library reports any changes in the population count for the eligible service area population, then the applicant library shall submit with the grant application the appropriate supporting legal documentation for the population count change. The Illinois State Library shall validate the eligible service area population of a public library using the latest census of population of Illinois, or a municipality or parts of a municipality, as prepared and submitted to the Secretary of State's Index Department by the federal government and certified by the Secretary of State in accord with the application deadline date established by the Illinois State Library.

- c) For a public library to qualify for a per capita grant, it must be a member of a library system and not under suspension. The application shall show that grant funds will be used to meet or make progress in meeting Illinois library standards cited in subsection (a).
- d) The grant may not be used for the construction of a new library or for capital improvements to the existing library.

Section 3035.120 School District Library Grant Program

- a) To be eligible for a School Library Grant, the applicant must be an Illinois public school district and a member in good standing of a regional multitype library system, or have made application for system membership 90 day prior to the grant application deadline and be approved for membership prior to the following January 15.
- b) To qualify for a grant under this Part, a school library must meet the criteria in Section 8.4 of the Act.
- c) Application for School Library Grants shall be made each year.
- d) The applicant shall show that grant funds will be used to support the services of the district's school library media program. The grant may not be used for the construction of a new library or for capital improvements to the existing library.

Section 3035.125 Library Grants for Veterans' Homes

- a) Pursuant to Section 8.6 of the Act, this Section establishes the application procedures for veterans' home library grants.

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- b) The application for annual grants to State-funded veterans' homes shall be made according to a deadline established by the State Librarian. The administrator and librarian or person responsible for library services at the veterans' home shall sign the application.
- c) Illinois State Library staff will evaluate the applications, and the State Librarian will make final funding decisions.
- d) Applications will be funded according to amount of funding available, demonstrated need and number of residents being served. Criteria will also include whether the plan of operation contains information about the project goals and objectives, the methods used to achieve these goals and objectives, and the involvement of staff in providing library service.
- e) In order for an application to be considered, the veterans' home must be providing library services to its residents at the time of application.
- f) The application shall consist of:
 - 1) A statement on the proposed use of the grant for which application is being made that shall show how grant funds will be used to expand library services to residents of the veterans' home. Grant funds are eligible to be used for library staff, materials, equipment and library services.
 - 2) A report on the use of the previous year's grant, if a grant was received, that shall show how the grant was used, and an evaluation detailing the impact of the program.
 - 3) A certification stating that:
 - A) the grant funds will be kept in a separate account;
 - B) local funding for library service will not diminish as a result of the program;
 - C) the library will submit semiannual financial and programmatic reports to the Illinois State Library, on January 31 and July 31 of each year, covering the use of the funds.

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- 4) Other requirements established by the Illinois State Library.

Section 3035.130 Educate & Automate Automation/Technology Grants

- a) Competitive grants
 - 1) Application for purchases of equipment and services that support library development and technological advancement (Section 8.5 of the Act) in libraries shall be made prior to July 1. Applicants shall use the forms prepared and made available by the State Librarian for this purpose.
 - 2) Criteria will include whether the project plan contains information about the project goals and objectives, the methods used to achieve these goals and objectives, the number of people to be served, and whether the proposed budget is reasonable in view of the proposed goals.
 - 3) The number of grants to be awarded is at the discretion of the State Librarian.
 - 4) Applicants must meet requirements designated by the State Library for public access to electronic information and technology.
- b) Direct expenditures by the State Librarian may be made to support library development and technological advancement in libraries (Section 8.5 of the Act).
- c) Funding awarded under subsections (a) and (b) of this Section may be used for any or all of the following purposes:
 - 1) Telecommunications costs for electronic networks for ILLINET libraries and library systems;
 - 2) Computer hardware and software for ILLINET libraries and library systems;
 - 3) Access to electronic information by the general public through ILLINET libraries;

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- 4) Converting special collections and rare materials in ILLINET libraries into digital format, making them accessible by computer to students, researchers and the general public.
- d) The following reports and records will be completed and transmitted to the Illinois State Library:
- 1) Quarterly financial reports due December 31, April 15 and July 15 showing expenditures made from grant funds by line item.
 - 2) Quarterly narrative reports due December 31, April 15 and July 15 stating the progress of the project; accomplishments to date; problems encountered; objectives met and unmet; changes implemented; and percentage of completion of the project to date.
 - 3) Final financial report and final narrative report due September 15 evaluating the degree to which the grantee achieved the goals and objectives of the project.
- e) Grants made under this Section are subject to the provisions of the Illinois Grant Funds Recovery Act [30 ILCS 705]. If a provision of this Subpart conflicts with a provision of the Illinois Grant Funds Recovery Act, then the provision of the Illinois Grant Funds Recovery Act controls.

Section 3035.135 Requirements, Denial and Revocation of Approval

- a) Grant applicants must demonstrate in their grant applications that they have satisfactorily met all requirements of this Part.
- b) The Illinois State Library may deny a grant application if the requirements in this Part are not met, or are inadequately met.
- c) Grant applicants shall use the forms prepared and made available by the State Librarian for this purpose.
- d) Grant applications not submitted on the required forms by the deadline date, or not completed, shall not be considered for funding by the Illinois State Library.

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- e) Any grant application not considered for funding by the Illinois State Library shall be copied and returned to the submitting organization, accompanied by a letter explaining the reason for denial.
- f) The Illinois State Library shall provide for hearings to reconsider decisions made in the administration of this Part, as provided for in 23 Ill. Adm. Code 3030.121.

Section 3035.140 Grants and Expenditures

- a) The Illinois State Library staff shall review grant applications and the decision of the State Librarian is final.
- b) The Illinois State Library will notify the grant applicant when the application is approved for contractual purposes.
- c) Any change in the use of funds from that stated in the approved grant application shall have prior approval of the State Librarian.
- d) Failure to spend funds in accordance with the application or approved amendment shall result in ineligibility for future grants for a period of one year.

SUBPART B: LITERACY GRANT PROGRAM

Section 3035.200 Purpose

- a) The Adult Literacy Grant Program is part of the Literacy Grant Program established by Section 7.2 of the State Library Act [15 ILCS 320/7.2] to develop, expand or support adult, family and workplace literacy programs in Illinois through local community programs administered by education agencies, libraries, public and private employers, volunteer or community-based organizations, or a coalition of any of these entities.
- b) The purposes of the 3 types of literacy programs are:
 - 1) Adult literacy program will provide instruction in literacy to persons 16 years or older who read or compute below a 9th grade level.
 - 2) Workplace literacy program will provide services at their place of business to assess the educational skill levels of, and to provide direct instructional

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services for, adults employed or available to be employed by an Illinois employer who read, write, comprehend or compute below a 9.0 grade level in English.

- 3) Family literacy program will provide direct instructional services to parents and children, and reciprocal parent-child learning activities for another family literacy program offered to adult caregivers and their children. Family literacy services may include services to the clients of residential domestic violence shelters.
- c) The features of each of the three types of literacy programs are delineated in Exhibit A of this Part.

Section 3035.210 Definitions

"Adult" means an individual in Illinois who has exceeded the maximum age for compulsory schooling (16) and is not currently enrolled in school (see 105 ILCS 5/Art. 26).

"Applicant" means the eligible education agency or public or private employer.

"Application" means the written request for a literacy grant submitted to the LAB pursuant to this Subpart. Applications shall be submitted by the legal entity responsible for the disbursement of public funds.

"Coalition" means a structured cooperative effort among a library system, libraries, education agencies, and community-based organizations, or any combination of these entities, at the local or regional level.

"Community" means any county or municipality in Illinois.

"Community-based Organization" means a private or public not-for-profit organization, including volunteer organizations, located in an Illinois community, which provides services to citizens within that community and the surrounding area.

"Educational Agencies" means those entities eligible to apply are public libraries that are members of an Illinois regional library system; community colleges, school districts and regional offices of education that are certified by the Illinois

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Board of Higher Education, the Illinois State Board of Education or the Illinois Community College Board and have provided instructional literacy services for at least 3 years; community based organizations, volunteer agencies or a coalition of those entities that have been granted 501(c)(3) status by the Internal Revenue Service and have provided literacy instructional services for at least 3 years; and public and private employers that have provided instructional literacy services for at least three years or are in cooperation with an educational agency that has provided instructional literacy services.

"Educational Skills Assessment" means testing methods that measure the educational skills possessed by adults, including reading, writing, comprehension and computation skills in English.

"Family Literacy" means reading, writing and computing instruction for parents and children together, including academic and parenting instruction for adults, developmentally appropriate activities for children, and structured reciprocal time for both to learn together.

"Fiscal Year" means the fiscal year of the State of Illinois.

"Instructional Materials" means written materials and computer software programs that are used in teaching adults basic reading, writing, comprehension, computation or English language skills.

"LAB" means the Literacy Advisory Board established by Section 7.2 of the State Library Act [15 ILCS 320/7.2].

"Library" means the main facility for a tax-supported public library within an Illinois library system.

"Literacy" means the ability of an individual to read, write, compute and comprehend above the 8.9 grade level as measured by an educational skills assessment.

"Literacy Program" means a structured project or program that provides direct instructional services in literacy to adult students.

"Math Student" means an adult whose math skills are below the 9.0 grade level and who is enrolled in the literacy program for math instruction.

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"Participating Agency" means those agencies who will receive part of the grant funds or who will actively participate in the literacy project as an essential component of that project, without whose participation the project would fail or be radically changed.

"Secretary of State" means the Illinois Secretary of State, who is the State Librarian.

"State Library" means the Illinois State Library, a department of the Illinois Secretary of State established pursuant to the State Library Act [15 ILCS 320].

"Workplace Literacy Program" means a structured program that provides direct instructional services in reading, writing, comprehension, computation or English language skills to adult employees or prospective employees at their place of employment.

Section 3035.220 Application for Grant

- a) ISL may make grant application forms available prior to the availability of funds.
- b) Applications shall be submitted to the Literacy Office, Illinois State Library, Gwendolyn Brooks Building, 300 S. Second, Springfield, Illinois 62701.
- c) Applications shall be reviewed by the LAB. Awards shall be made on or after July 1 of every year for the fiscal year then commencing.
- d) The maximum grant amount shall be determined by the State Librarian based on the amount of money appropriated by the General Assembly and the likely number of grant applications.
- e) The grant period shall be within the fiscal year.
- f) Applications shall include the following information:
 - 1) The name of the literacy program for the community.
 - 2) The name and address of the grant applicant.

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- 3) The name and telephone number of the grant project applicant's director or executive officer.
- 4) The name, address, telephone number, Federal Employer Identification Number (FEIN), and signature of the grant applicant's fiscal officer, who will receive any approved grant and be responsible for the grant funds.
- 5) The name, address and contact person for each business whose employees will participate in literacy services.
- 6) The name, address and contact person for domestic violence shelter facilities whose clients will participate in literacy services.
- 7) The name, address and contact person for the local public library.
- 8) The term of the literacy program.
- 9) The total amount of grant money requested for the literacy program.
- 10) A brief and explicit description of the literacy program purpose and goals.
- 11) A statement supported by statistics (e.g., dropout rates, census figures on the education level of the local population, or the number of persons receiving public assistance) and other evidence (statements from local officials, State legislature requests, or community college reports) detailing the need for the literacy program in the particular community or geographic region of the grant applicant.
- 12) A statement of the instructional, promotional and training methods to be used by the grant applicant to meet its stated goals and objectives.
- 13) A statement of the grant applicant's plans to coordinate its effort with other community groups providing similar or related services, and to cooperate with other community groups, including education groups, volunteer organizations, governmental bodies, private business and library organizations, and a listing of participating agencies.

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- 14) A statement detailing plans to evaluate project objectives and program accomplishments by the grant applicant, including statistical data and how it is gathered and by whom and when.
- 15) A list of all organizations that are participating agencies in the literacy program project proposed by the grant applicant, including signatures of organization representatives.
- 16) The budget for the literacy project, setting forth the personnel costs, fringe benefits (e.g., retirement benefits and health insurance), travel costs, equipment purchases, supplies, contractual services, instructional materials, and any other expense necessary to operate the literacy program proposed in the grant application.
- 17) A statement as to the time schedule for the completion of project objectives of the literacy program within the grant year.
- 18) For organizations that are not units of government, a statement of cash flow in accordance with Statement No. 95, FASB Statements of Financial Accounting Standards, Financial Accounting Standards Board, 401 Merritt 7, Norwalk, Connecticut 06856, November 1987, no subsequent dates or editions included.
- 19) If the applicant is a charitable organization, the proper certification of federal and State tax exempt status.

Section 3035.230 Review of Grant Applications

- a) The LAB shall review all grant applications for projects that are designed to deliver direct instructional service in literacy to adult students.
- b) The LAB will use the following selection criteria:
 - 1) Whether the need for literacy services for the target population is demonstrated and how proposed literacy services address the need.
 - 2) Whether the grant applicant has identified similar programs provided locally by other organizations and has described cooperation and coordination with such programs.

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- 3) Whether the plan of operation contains a specific statement of project goals and outcomes, the methods used to achieve these goals and outcomes, the number of students to be served, and the number of administrative and instructional personnel necessary to serve the targeted student population.
 - 4) Whether the proposed budget is reasonable in view of the proposed goals of the project, and the budget is adequate to support the project.
 - 5) Whether the proposed project contains evaluation methods and procedures that will produce quantifiable data regarding the results of the educational assessment, including pre- and post-testing of students to evaluate student progress, recordkeeping procedures for both students' instructional hours and volunteer tutors' hours of participation.
 - 6) Whether the persons managing the project have experience, training or education to provide adult literacy programming, including at least a bachelor's degree, and the administrative capacity to support the project.
 - 7) A report on the use of the previous year's grant, if a grant was received, detailing information on students served, progress of program towards its stated goals and an evaluation detailing the student outcomes achieved, the programmatic outcomes and the impact of the program.
- c) The criteria listed in subsection (b) of this Section will be evaluated by the LAB, using its best professional judgment.
- d) The LAB shall not select any grant application nor award any public funds to any grant applicant that:
- 1) Does not certify or state that it will comply with the Illinois Human Rights Act [775 ILCS 5].
 - 2) Uses as its staff or management personnel persons who have been convicted of any felonies involving moral turpitude, embezzlement, theft, sexual offense, fraud, and misrepresentation under laws of the United States, Illinois, or any other state, or have been convicted of bribery in

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violation of Section 50-5 of the Illinois Procurement Code [30 ILCS 500/50-5].

- 3) Has employees of the Office of the Secretary of State as its managers.
- 4) Has been disqualified and had its grant cancelled in previous years for false application statements, failure to adhere to the grant plan as approved by LAB, failure to complete reporting requirements satisfactorily, misappropriation of funds, or any violation of this Part as determined by the Secretary.
- e) The LAB shall not award more than one grant under this Subpart to any one applicant in the same fiscal year.
- f) Grant applications are subject to the conditions stipulated in Section 3035.135 of this Part.

Section 3035.240 Award of Grants, Accountability and Recordkeeping

- a) The LAB will make a recommendation to the Secretary of State as to which grant applications shall be approved, based upon the criteria in Section 3035.230.
- b) Grant awards will be made upon appropriation of funds.
- c) The Secretary of State shall make his or her final decision upon each recommendation as soon as possible within 60 days after the recommendation is presented to the Secretary.
- d) The final approved grant applications and the funding determination shall constitute the Adult Literacy Grant Program, which shall be a public record, as shall be the grant applications, whether approved or not, and shall be subject to disclosure pursuant to the Freedom of Information Act [5 ILCS 140] and the rules of the Secretary of State found at 2 Ill. Adm. Code 551.
- e) Approved grant applicants shall submit to the State Library, Office of the Secretary of State, such reports as deemed necessary by the Illinois State Library staff to assure project accountability. Reports to be submitted include:

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- 1) Mid-term reports due January 15 stating the progress of the project; accomplishments to date; problems encountered; objectives met and unmet; changes implemented; and percentage of completion of the project to date.
 - 2) Quarterly financial reports showing expenditures made from grant funds by line item due October 15, January 15 and April 15.
 - 3) Mid-term statistical reports due January 15.
 - 4) Final financial report and final statistical and narrative report due July 15 evaluating the degree to which the grantee achieved the goals and objectives of the project.
- f) The decision of the Secretary of State upon any grant application shall be a final decision for the purpose of the Administrative Review Law [735 ILCS 5/Art. III].

Section 3035.250 Cancellation of Grant

- a) A grant shall be cancelled if:
- 1) Required reports and data are not submitted as required by Section 3035.240(e). Grant programs shall receive one 30 day notice requesting compliance with this Section before the grant is cancelled.
 - 2) An interim financial report shows financial irregularities, such as misappropriation or embezzlement of funds by the grant program operator and/or its employees and staff.
 - 3) The grant program fails to adhere to the grant plan as approved by LAB.
 - 4) The grant program managers are convicted of any felony or misdemeanor.
 - 5) The grant program fails to operate properly and effectively.
 - 6) A monitor's evaluation shows program irregularities or non-compliance with this Part.

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- b) Upon cancellation, the Secretary shall send a notice by certified mail, return receipt requested, to the grant program, which shall return all unexpended public funds to the Secretary within 30 days after the date of the cancellation notice.
- c) Grants made under this Subpart are subject to the provisions of the Illinois Grant Funds Recovery Act [30 ILCS 705]. If a provision of this Subpart conflicts with a provision of the Illinois Grant Funds Recovery Act, then the provision of the Illinois Grant Fund Recovery Act controls.

Section 3035.260 Fiscal Procedures

- a) The literacy grant recipient may be asked by the State Library to present copies of past audits or require that an audit of grant funds be performed on individual programs.
- b) Audits may be requested for such reasons as poor recordkeeping, fiscal irregularities, or staff's request after viewing narrative reports or after viewing files at the program site.

Section 3035.270 Other Requirements

- a) Testing
 - 1) Plans for pre- and post-testing of students must be attached to the proposal application. The Slosson Oral Reading Test-Revised (SORT-R), 1994 edition (produced by Slosson Educational Publications, Inc., P.O. Box 280, East Aurora NY 14052-0280), or the Test of Adult Basic Education (TABE), 2002 edition (produced by CTB/McGraw-Hill, 20 Ryan Ranch Road, Monterey CA 93940) must be used in student testing for semiannual reports submitted to the State Library. The materials incorporated by reference include no later amendments or editions. Programs are encouraged to use additional tests for their own purposes.
 - 2) In the case of English as a Second Language (ESL) projects, professionally accepted tests must be used, such as the ESLOA Oral Assessment, 1978 edition (produced by Literacy Volunteers of America, Inc., 5795 Widewater Parkway, Syracuse NY 13214); the Comprehensive English Language Skills Assessment (CELSA), 1992 edition (produced by the Association of Classroom Teacher Testers, 1187 Coast Village Road,

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PMB 378, Montecito CA 93108-2794); the Basic English Skills Test (BEST), 2006 edition (produced by the Center for Applied Linguistics, 1118 22nd Street, NW, Washington DC 20037); the Foreign Service Institute Oral Proficiency Interview (FSI) (also known as ILR), 1983 edition (produced by the Foreign Service Institute Shultz Center, 4000 Arlington Boulevard, Arlington VA 22204-1500). The materials incorporated by reference include no later amendments or editions. All tests used must be described in the proposal. Results must accompany semiannual and final reports.

- 3) In the case of students who enroll for math assistance only, the TABE math test, 2007 edition (produced by CTB/McGraw-Hill, 20 Ryan Ranch Road, Monterey CA 93940), must be used in testing for semiannual reports submitted to the State Library, Office of the Secretary of State. The material incorporated by reference includes no later amendments or editions.
- b) No grant funds shall be used to purchase equipment.
- c) No literacy program shall transfer funds within the approved grant budget in excess of 10% of the budget line item from which the funds are transferred, without the prior written approval of the State Library. Approval will be granted by the State Library when justification is shown for why the transfer is necessary and how it will affect the goals and objectives of the project. Unapproved expenditures in excess of 10% of a budget line will not be paid for by the grant.
- d) Costs for purchase of consultant services will not be allowed in the proposal budget unless the specific expertise required is not available at the applicant's agency or the State Library. Justification must be provided if consultant services are purchased, and a complete description of the work to be performed must also be provided. The proposed consultant must be mutually acceptable to both the grantee and State Library, based on the consultant's prior experience and expertise in literacy programs.
- e) A literacy grant monitor shall make a minimum of one site visit during each biennium. Additional site visits shall be made at the discretion of the State Library Literacy Office (for such reasons as poor recordkeeping, fiscal irregularities, monitor's/staff's request after viewing narrative reports, requests by

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literacy program). Literacy monitors shall evaluate program effectiveness. It shall be the responsibility of the grant monitor to:

- 1) Review the grant budget and expenditures in the project to date.
- 2) Verify that the project plan is being implemented according to the proposal approved by the LAB.
- 3) Submit a written report on the progress of the project to the Literacy Office following each site visit.

Section 3035.280 Penny Severns' Grant Program

a) Competitive Grants

- 1) Application requirements, including criteria, for the Penny Severns' Grant Program shall be made available by the State Librarian no later than March 1 for the current year. Applications shall be submitted to the Illinois State Library on or before April 30. The State Librarian shall disqualify applications that are untimely filed or those that are not submitted on the prescribed forms.
- 2) Applications shall be reviewed by the State Librarian or designee. The decision of the State Librarian is final. Review criteria includes, but is not limited to:
 - A) How the applicant identifies and addresses the at-risk population to be served;
 - B) How the learning activities involve both parent and child in interactive learning experiences;
 - C) Number of people to be served;
 - D) Reasonableness of the budget in relation to the goals and objectives. Requested funds are sufficient but not excessive and are targeted to accomplish the specified goals and objectives;
 - E) How libraries are involved in learning activities.

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- 3) The number of grants to be awarded is at the discretion of the State Librarian.
 - 4) Applicants must meet requirements designated by the State Library for collaboration with other groups interested in promoting reading and literacy.
 - 5) At-risk families are defined as parents and their children whose minimal skills in reading, writing, computation, comprehension and communication preclude them from functioning effectively in their lives.
- b) Funding awarded under subsection (a) of this Section may be used for any one or all of the following purposes:
- 1) Development of collections of materials, including learning games, for use by parents working together with their children.
 - 2) Employment of staff to provide parent-child reading activities, computer technology activities, experiential enrichment excursions and participation in library reading programs.
 - 3) Provision of support services to assist in families' participation, which could include, but is not limited to, child care and transportation.
 - 4) Development of programs on library resources and services for at-risk families.

SUBPART C: TRAINING PROGRAM GRANTS

Section 3035.300 Purpose

- a) The Illinois State Library Training Program Grants, which assist Illinois residents to obtain a master's degree in library and information science, are established in this Subpart.
- b) The purposes of the Library Training Program Grants are to encourage college graduates with demonstrated scholarship, talent and potential to enter the library

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profession, to encourage these new librarians to work in Illinois libraries, and to improve and stimulate development of library service in Illinois.

- c) The State Library shall administer the State Library Training Program Grants.

Section 3035.310 Definitions

"Academic Year" shall mean the instruction period from the fall term of one calendar year through the spring term of the following calendar year, unless the grantee has requested to begin studies with summer enrollment.

"Applicant" shall mean a person who applies for the Illinois State Library Training Grant and who has not begun the program for a master's degree in library and information science.

"C Average" shall mean the median grade on a letter grading system at the Illinois graduate library schools, or a 2.0 grade on a 4.0 grade scale, or a 3.0 grade on a 5.0 grade scale.

"Director" shall mean the Director of the Illinois State Library.

"Grant" shall mean a Library Training Program Grant being awarded under this Subpart.

"Illinois Library and Information Network (ILLINET) Library" shall mean a library that is a member of an Illinois library system.

"Library" shall mean an entity that serves the basic information and library needs of its constituents through a bibliographically organized collection of library materials and has at least one employee who works at least 15 hours per week as a librarian. The collection must have permanent financial support, be accessible centrally and occupy identifiable quarters in one principal location.

"Library System" shall mean an organization of libraries established under the Illinois Library System Act [75 ILCS 10].

"MLS" shall mean a program for the master's degree in library and information science in which the applicant is enrolled and for which the training grant is awarded.

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"Resident of Illinois" shall mean a person who is domiciled in Illinois for one calendar year prior to application, or a person who is a domiciliary of Illinois and registered to vote in Illinois but is attending a school of higher education outside of Illinois.

"Secretary of State" or "Secretary" shall mean the Illinois Secretary of State, who is the State Librarian.

"State Library" shall mean the Illinois State Library, as established pursuant to the State Library Act [15 ILCS 320].

"Training Program" shall mean the Illinois State Library Training Program, as established by this Part.

Section 3035.320 Number and Amount of Training Program Grants

- a) The State Library shall award no more than 15 Library Training Program Grants each academic year, depending on the availability of funds. The final number of grants awarded shall be determined by the amount of grant money available and the number of qualified applicants.
- b) The maximum grant to be awarded shall be \$7,500 for the master of library and information science program in which the successful applicant is enrolled. A full-time training grant shall be paid in three installments of \$2,500, at the beginning of the three graduate semesters or as required by the graduate school's tuition payment schedule. A part-time training grant will be paid in six installments of \$1,250, at the beginning of the six graduate semesters or as required by the graduate school's tuition payment schedule.

Section 3035.330 Illinois Library Schools and Attendance Requirements

The grant shall be awarded only to individuals who will attend an American Library Association accredited graduate school.

Section 3035.340 Eligibility Requirements

- a) Each applicant must be a resident of Illinois and a citizen of the United States or its territories.

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- b) Each applicant must have received a bachelor's degree from an accredited college or university (with a transcript of all academic work submitted to the Illinois State Library).
- c) Each applicant must be accepted at a graduate library school accredited by the American Library Association.
- d) Each applicant must agree to sign an agreement with the State of Illinois, Illinois State Library, consenting to spend the equivalent of two years in full-time Illinois library service within the first three years following graduation from graduate library school. Service must be in ILLINET library, Illinois library system or at the Illinois State Library.
- e) Each applicant must not have commenced graduate study for the master's of library and information science.

Section 3035.350 Application Process

- a) All applications must be submitted to: Illinois State Library, Library Training Program Grants, Gwendolyn Brooks Building, 300 South Second Street, Springfield, Illinois 62701-1796 by May 1 of each year.
- b) All applications must be submitted on the written application form supplied by the State Library. The application form shall request personal identifying information concerning the applicant, the name and admittance date of the library school the applicant seeks to attend, the applicant's educational history and college transcripts, the collegiate extra academic activities of the applicant, any organizational affiliations of the applicant, the applicant's employment history, the names and addresses of three references, and an essay question to be answered by the applicant seeking to know why the applicant wants to be a librarian.

Section 3035.360 Selection of Training Program Grantees

- a) A grant will be awarded to up to 15 applicants per calendar year who:
 - 1) possess the best academic performance as indicated by:

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- A) grade point average, in comparison to the other applicants and to the applicant's peers in his or her undergraduate school;
 - B) the personal interview by the State Library staff and the Illinois State Library Training Grant Program Committee appointed by the Director of the Illinois State Library;
 - C) whether the answer to the essay question on the application form shows the applicant to be a person genuinely interested in becoming a librarian in Illinois (for example, by identifying their personal goals and by demonstrating their intellectual curiosity, initiative, leadership ability, flexibility, punctuality, dependability, creativity and resourcefulness);
- 2) participated in extracurricular activities in college that show the applicant to be a student with interests that can contribute to his or her success as a librarian;
 - 3) produce personal references that recommend the applicant for the grant;
 - 4) exhibit positive attitude and demeanor toward his or her work, indicating that the applicant will work well in the library community; and
 - 5) are likely to succeed academically in the master of library and information science program based upon past academic and extracurricular performance.
- b) Only applications postmarked by May 1 of each calendar year will be considered.
 - c) The successful grant applicants will be notified by August 1 of each calendar year.
 - d) The final decision regarding each applicant will be made by the Director of the State Library.
 - e) Grant applications are subject to the conditions stipulated in Section 3035.135 of this Part.

Section 3035.370 Conditions of Training Program Grants

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- a) The applicants must submit proof of acceptance but not be enrolled in the graduate library program at a school specified in Section 3035.330 by May 1 of each calendar year. No grant award may be utilized to defray or otherwise reimburse previous study and applicants may not be enrolled in the graduate program at the time of submission of the application.
- b) The grant recipient must notify the State Library in writing of his or her proposed date of graduation from the master of library and information science program at least four months before the date of graduation.
- c) The grant recipient must immediately notify in writing the State Library of other grants or loans being accepted by the applicant.
- d) The grant recipient must commence the master of library and information science program at the beginning of the next fall academic term (unless the grantee has requested to begin studies with summer enrollment), and must continue on a full or a part-time basis with no interruptions or leaves of absence, except upon the written approval of the Director of the State Library after consideration of the recipient's written request, based on unforeseen hardship, such as personal emergency, illness or disability.
- e) The recipient must forward an original or photocopy of the college's or university's official notification of grades of graduate library school courses for each semester of study to the Illinois State Library Training Program Grants Committee within 30 days following the semester's conclusion.
- f) A Library Training Program Grant is subject to cancellation if a C average for each semester of graduate library courses is not maintained.
- g) If, for any reason, the grant recipient is unable to complete the required course program and receive the master's degree in library and information science, the recipient must refund the total amount of money received. The grant must also be repaid if the recipient fails to fulfill the personal services agreement for two years of full-time work in a qualifying Illinois library. In the event of other extenuating circumstances (i.e., unplanned, unforeseen crisis, emergencies, or situations beyond the recipient's control), the responsibility of the recipient will be reviewed and determined by the Director of the Illinois State Library.

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- h) The recipient must satisfy the requirements of the personal services agreement with the Illinois State Library within the first three years following graduation from graduate library school. The recipient must submit to the Illinois State Library proof of employment by an ILLINET library, Illinois library system or the Illinois State Library and proof of continued employment in such a library until the two year work agreement has been fulfilled.
- i) The successful applicant must sign a written agreement evidencing all of these terms and conditions at the time of acceptance of the grant.
- j) The failure, either by neglect or willful misconduct, of the recipient to strictly adhere to this Section shall result in the forfeiture of the grant, and the grant shall be paid back to the State Library. If the two year work agreement is not fulfilled, the recipient shall repay the amount of the grant, or repay a pro-rated amount if only a fraction of the time is worked in a public library. The Director shall send a written payback order to the applicant. If the recipient wishes to contest the payback order, he or she shall be entitled to request a personal hearing before the Director. The request for a hearing must be made within 30 days after the date of the payback order. The hearing date, time and location will be stated in a letter to the recipient, which will be sent within 15 days after the receipt of the hearing request. The decision after the hearing by the Director is final.
 - 1) The grant shall be paid back at the rate of at least \$100 per month, commencing within 90 days after the grant recipient leaving the master's program without successful completion, or completion of the public library service agreement.
 - 2) No interest on the unpaid balance shall be charged.
 - 3) The State Library shall use the offset procedure with the Illinois Comptroller (74 Ill. Adm. Code 285) and the Illinois State Collection Act of 1986 [30 ILCS 210] to collect any unpaid monies due to the State Library by any grant recipient.

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Section 3035.EXHIBIT A Differences Among the Three Types of Literacy Grant Programs

	Adult Literacy	Family Literacy	Workplace Literacy
Purpose	Improve the adult's literacy skills	Improve the adult's literacy skills, Improve parenting skills	Improve the employee's literacy skills, Increase work skills
Audience	Adults	Adults and their children	Employees who are adults
Teaching Method	Volunteer tutoring	Classroom teaching	Classroom teaching
Program Components	One: Adult Basic Education or English as a Second Language	Five: Adult Basic Education or English as a Second Language, Child education, Library education, Parenting education, Parent/child interaction	One: Adult Basic Education or English as a Second Language
Agencies Involved	One: Adult education agency	Three: Adult education agency, Library, Child education agency	Two: Adult education agency, Public or private employers
Agencies Eligible To Apply	Adult education agency	Any of the three agencies involved	Public or private employers
Location of Service	Anywhere	Anywhere	At the workplace, during work time

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NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Literacy Grant Program
- 2) Code Citation: 23 Ill. Adm. Code 3040
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
3040.100	Repeal
3040.110	Repeal
3040.120	Repeal
3040.130	Repeal
3040.140	Repeal
3040.150	Repeal
3040.160	Repeal
3040.170	Repeal
3040.180	Repeal
3040.470	Repeal
3040.EXHIBIT A	Repeal
- 4) Statutory Authority: Implementing and authorized by the State Library Act [15 ILCS 320] and the Illinois Literacy Act [15 ILCS 322]
- 5) Effective Date: November 20, 2007
- 6) Does this repealer contain an automatic repeal date? No
- 7) Does this repealer contain incorporations by reference? Yes
- 8) A copy of the adopted repealer, including any material incorporated by reference, is on file and available at the Illinois State Library, Gwendolyn Brooks Building, 300 South Second Street, Springfield IL 62701-1796.
- 9) Notice of Proposal Published in the Illinois Register: August 31, 2007; 31 Ill. Reg. 12528
- 10) Has JCAR issued a Statement of Objection to this repealer? No
- 11) Difference between proposal and final version: None
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter from JCAR? No agreements were necessary.

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NOTICE OF ADOPTED REPEALER

- 13) Will this repealer replace any emergency amendments currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) A Complete Description of the Subjects and Issues Involved: This Part is being repealed and moved to Subpart B of a new rule, Illinois State Library Grant Programs (23 Ill. Adm. Code 3025. The purposed of the new rule is to consolidate all rules regarding grants issued by the Illinois State Library into a single rule.
- 16) Information and questions regarding this adopted repealer shall be directed to:

Joseph Natale
Rules Coordinator
Illinois State Library
Gwendolyn Brooks Building
Springfield, IL 62701-1796
natale@ilsos.net

217/558-4185

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Public Library Construction Grants
- 2) Code Citation: 23 Ill. Adm. Code 3060
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
3060.100	Amended
3060.200	Amended
3060.400	Amended
3060.500	Amended
3060.600	Amended
3060.800	Amended
3060.900	Amended
3060.1000	Amended
- 4) Statutory Authority: Implementing Section 3 of the Capital Development Bond Act of 1972 [30 ILCS 420/3] and authorized by Sections 3 and 8 of the Illinois Library System Act [75 ILCS 10/3 and 8]
- 5) Effective Date of Amendments: November 20, 2007
- 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 and available at the Illinois State Library, Gwendolyn Brooks Building, 300 South Second Street, Springfield IL 62701-1796.
- 9) Notice of Proposal Published in the Illinois Register: August 31, 2007; 31 Ill. Reg. 12546
- 10) Has JCAR issued a Statement of Objection to these amendments? 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 agreement letter from JCAR? No changes were necessary.
- 13) Will this rulemaking replace any emergency rulemakings currently in effect? No

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NOTICE OF ADOPTED AMENDMENTS

- 14) Are there any other amendments pending on this Part? No
- 15) A Complete Description of the Subjects and Issues Involved: The amendments clarify that the State share of construction projects is subject to the restrictions in Section 3060.600(c) of this Part. While a member of the Illinois State Library Advisory Committee does not need to be a member on the grant application review committee, Section 3060.200 maintains its stipulation that the Director of the State Library provides the advisory committee with status reports on the program. In Section 3060.300, the definition for "Local Matching Funds" is amended to allow for pending funds from a referendum as part of the local match. In Section 3060.600(b), the maximum grant for each library political unit is reduced from \$250,000 to \$125,000. Section 3060.600(g) is requiring the grantee to sign the contract with the Secretary of State within 90 days after the grant award notification. Section 3060.900(b)(2)(A) requires 100 percent of grant funds to be spent within 12 months after the grant award contract is signed. Also, grant funds may be forfeited if a final report is not submitted to the Illinois State Library within 24 months after the grant award contract is signed, unless the Director of the State Library approves an extension. Section 3060.900(b)(2)(E), allows for the advertisement for bids to be printed in a local newspaper and copy of the advertisement, with verification of the date of publication and name of the newspaper shall be submitted to the Illinois State Library within 10 days after publication. Section 3060.900(b) stipulates that no grant shall be awarded to any public library or regional library system unless the building and the property is owned fee simple by the municipality, library district or library system, as applicable. The State Librarian may grant an exception for any property or building that is owned in fee simple by a non-profit community organization incorporated in Illinois, has federal Internal Revenue Service 501(c)(3) status, and the charter of the organization specifies that the ownership of the property or building shall revert to public library upon the dissolution of the organization. No such exception shall be granted for a regional library system. Section 3060.900 (j) is being added stating construction grants are subject to the provisions and controls of the Illinois Grant Funds Recovery Act. Section 3060.1000 allows for study carrels and circulation desks for accessibility projects, but removes telephones.
- 16) Information and questions regarding these adopted amendments shall be directed to:
- Joseph Natale
Rules Coordinator
Illinois State Library
Gwendolyn Brooks Building
Springfield, IL 62701-1796

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217/558-4185; jnatale@ilsos.net

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

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NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE B: CULTURAL RESOURCES
CHAPTER I: SECRETARY OF STATEPART 3060
PUBLIC LIBRARY CONSTRUCTION GRANTS

SUBPART A: INTRODUCTION

Section	
3060.100	Program Purpose
3060.200	Duty to Administer
3060.400	Definitions

SUBPART B: GRANT APPLICATION

Section	
3060.500	Priorities in Library Grant Construction Proposals
3060.600	Grant Funding Limitations
3060.700	The Chicago Public Library Branches
3060.800	Grant Application Procedure
3060.900	Requirements and Conditions of Grant Funds
3060.1000	Remodeling for Accessibility
3060.1050	Shared Use Facilities
3060.1100	Disbursement of Grant Funds of \$50,000 or More (Repealed)
3060.1110	Disbursement of Grant Funds

SUBPART C: APPEAL PROCEDURE

Section	
3060.2000	Appeal Procedure

3060.APPENDIX A EDA Qualified Areas (Repealed)

AUTHORITY: Implementing Section 3 of the Capital Development Bond Act of 1972 [30 ILCS 420/3] and authorized by Sections 3 and 8 of the Illinois Library System Act [75 ILCS 10/3 and 8].

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SOURCE: Emergency rules adopted and codified at 7 Ill. Reg. 2017, effective January 28, 1983, for a maximum of 150 days; emergency expired June 27, 1983; adopted at 8 Ill. Reg. 2510, effective February 10, 1984; Part repealed, new Part adopted by emergency action at 9 Ill. Reg. 4560, effective March 20, 1985, for a maximum of 150 days; emergency expired August 17, 1985; Part repealed, new Part adopted at 9 Ill. Reg. 15004, effective September 25, 1985; emergency amendment at 9 Ill. Reg. 17885, effective November 4, 1985, for a maximum of 150 days; emergency expired April 3, 1986; amended at 10 Ill. Reg. 20002, effective November 19, 1986; amended at 12 Ill. Reg. 11264, effective July 1, 1988; emergency amendment at 17 Ill. Reg. 18687, effective October 12, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 4996, effective March 14, 1994; amended at 19 Ill. Reg. 12493, effective August 22, 1995; amended at 20 Ill. Reg. 13078, effective September 20, 1996; emergency amendment at 20 Ill. Reg. 15081, effective November 7, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 4981, effective April 3, 1997; amended at 23 Ill. Reg. 12717, effective October 4, 1999; amended at 25 Ill. Reg. 8352, effective July 1, 2001; amended at 26 Ill. Reg. 12014, effective August 1, 2002; amended at 27 Ill. Reg. 17089, effective November 1, 2003; amended at 28 Ill. Reg. 15607, effective December 1, 2004; amended at 29 Ill. Reg. 13885, effective September 1, 2005; emergency amendment at 30 Ill. Reg. 9917, effective May 15, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 10492, effective May 25, 2006; amended at 30 Ill. Reg. 16332, effective October 2, 2006; amended at 31 Ill. Reg. 16341, effective November 20, 2007.

SUBPART A: INTRODUCTION

Section 3060.100 Program Purpose

To establish a program of matching State grants to aid in paying for the construction costs of public libraries and facilities for library systems within Illinois. Local money, except as provided in subsection (c), will be matched by State grants based on the category of grant as follows:

- a) Remodeling for Accessibility. Special projects where 70%-100% of total project funds are to be used specifically for remodeling an existing building as outlined in Section 3060.1000. The State's share shall be 50% of the project's total cost, [subject to the restrictions in Section 3060.600\(c\) of this Part.](#)
- b) Projects involving new construction, additions to and/or remodeling of existing buildings, conversion of buildings not currently used for library services, energy conservation projects, security systems, technology wiring and renovation projects, including projects involving shared use of public facilities. The State's share shall be a maximum of 50% of the project's total cost, [subject to the](#)

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[restrictions in Section 3060.600\(c\) of this Part](#). For shared use public facilities, the costs allocated to the public library portion of the building are the only costs eligible for reimbursement under this grant program, as stipulated in Section 3060.1050 of this Part.

- c) Mini-grants. These projects include (but are not limited to) new carpeting, new furnishings, remodeling, energy conservation, security systems, ~~and~~ technology wiring and interior or exterior painting. Libraries receiving mini-grants must address legal requirements for making the building accessible to the handicapped. There is no local match required for mini-grants.

(Source: Amended at 31 Ill. Reg. 16341, effective November 20, 2007)

Section 3060.200 Duty to Administer

- a) It shall be the duty of the Illinois Secretary of State, in his or her capacity as the Illinois State Librarian, to administer the provisions of this Part and to award any such grants, where appropriate, on an annual basis from funds appropriated ~~by~~from the Illinois General Assembly.
- b) The State Librarian shall add to, delete from, or modify ~~this Part~~the rules in accordance with the provisions of the Illinois Library System Act [75 ILCS 10], as necessary for the administration of these construction grants.
- c) The ~~Director~~director of the Illinois State Library shall appoint a committee ~~subcommittee~~ that will review applications for grants. The committee shall make recommendations on the program to the ~~State Librarian~~Secretary of State. One committee member ~~should be a member of the Illinois State Library Advisory Committee and at least one~~ shall be an architect or an engineer licensed to practice in the State of Illinois. The Director of the Illinois State Library shall apprise ~~the Illinois State Library Advisory Committee~~ISLAC of the recommendations and program status.
- d) Committee members shall recuse themselves from making recommendations on any grant application in which they have a financial interest.

(Source: Amended at 31 Ill. Reg. 16341, effective November 20, 2007)

Section 3060.400 Definitions

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For the purposes of this Part:

"Act" means the Illinois Library System Act [75 ILCS 10].

"Application round" means the period in which applications for grants are available to prospective applicants and completed applications are reviewed and grants awarded as indicated in Section 3060.100 of this Part.

"Appropriation" means the amount of funds actually approved by the General Assembly for a particular fiscal year and allocated to fund the construction grant program under Section 8 of the Illinois Library System Act.

"Audit" means a report of financial compliance of a construction grant project by a certified public accountant.

"Construction" includes, but is not limited to:

The construction of new public library and library systems buildings.

The acquisition, expansion, remodeling and/or alteration of existing buildings.

The purchase of initial equipment for new buildings or existing buildings that which are being expanded, remodeled, or altered, under this grant.

Any combination of such activities (including architect's fees and the cost of the site if acquired in the last 2 years).

"Conversion" means converting a building currently not used as a library into a public library facility.

"Equipment" includes machinery, utilities and built-in equipment and any necessary enclosures or structures to house them, and all other items necessary for the functioning of a particular facility as a library or as a library system facility. By way of illustration, "equipment" includes, ~~for example,~~ fixtures, furnishings, shelving, and carpeting. "Equipment" does not include, for example, books, periodicals, films, or recordings.

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"Intersystem reciprocal borrowing" means reciprocal borrowing transactions involving a lending library and a patron registered as a borrower at a library in another system.

"Library" means a tax-supported public library within an Illinois Library System. "Library" also means a branch library of a main library facility.

"Library building consultant" refers to an individual, chosen by the applicant library, with a Master's degree in library science from a library school accredited by the American Library Association with prior experience in at least one library construction project. An architect licensed to practice in Illinois or a structural or other type of engineer, depending on the scope of work, licensed to practice in Illinois, with prior experience in at least one library construction project, may also be a library building consultant. The architect or engineer may be retained for other services by the applicant library.

"Library system" means an organization defined at Section 2 of the Library System Act.

"Local matching funds" means general funds, securities, general revenue bonds, tax levies, mortgages and locally generated monies. Local matching funds do not include any pledges as defined in this ~~Section; Part, and~~ any funds from the State of Illinois; or ~~from~~ the federal government; ~~or any funds~~ from collateralized pledges; or pending referendum to authorize funds for the construction project.

"Mini-grants" means projects to enable public libraries with limited funds, as defined in this Section, to remodel or refurbish the library.

"Pledge" means a non-collateralized offer or guarantee in writing of a specified dollar amount as part of the local matching funds for a construction project.

"Political unit" refers to the local governing authority.

"Public libraries with limited funds" refers to public libraries ~~that which~~ would have received an income of less than \$12 per capita in the preceding fiscal year by using a formula ~~in which~~ ~~whereby~~ the library's equalized assessed valuation is multiplied by .13% and divided by the population of the library's service area.

"Security system" means an electronic system designed to protect the library

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property, facility and contents and individuals on the premises.

"Shared use facility" means a building occupied by a public library and with a school or another entity that is open to the public and complements the concept of public library service.

"State fiscal year" means the period from July 1 through June 30.

"State Librarian" means the Illinois Secretary of State.

"Technology wiring" means the installation of wiring to allow for the transmission of electronic data.

(Source: Amended at 31 Ill. Reg. 16341, effective November 20, 2007)

SUBPART B: GRANT APPLICATION

Section 3060.500 Priorities in Library Grant Construction Proposals

- a) Library grant funds for library building construction in any one application round will be awarded according to the following priorities:
 - 1) Remodeling for accessibility, with conditions as stated in subsection (be) of this Section.
 - 2) A maximum of \$1 million and no less than 10% of available funding in a fiscal year will be allocated for mini-grants for public libraries.
 - 3) Projects involving new construction, additions to and/or remodeling of existing buildings, energy conservation projects, conversions, technology wiring and renovation projects, including projects involving shared use of public facilities.
- b) The cost of a parking lot can be included in the total project cost funded for remodeling for accessibility projects, but grant funds will not be allocated solely for a parking lot project, unless it is for accessibility for the disabled (ramps, curbs, doors, etc.).
- e) In the event that funds are not sufficient to meet the priorities of this Part, the

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~~State Librarian may determine the priorities upon the funding available. Due to insufficient funding for this program, for fiscal year 2007, grant priority shall be given to remodeling for accessibility and mini grants (as indicated in Section 3060.100(a) and (c) of this Part), except as otherwise provided by Section 3060.600(c) and (e).~~

(Source: Amended at 31 Ill. Reg. 16341, effective November 20, 2007)

Section 3060.600 Grant Funding Limitations

Fiscal limitations on library building construction grants under Section 8 of the Illinois Library System Act shall include the following:

- a) The public libraries in any one county shall not receive more than 50% of the funding in each application round unless there are insufficient applications from libraries in other counties to expend the entire appropriation. Grants to library systems shall not be included in calculating this 50% limitation.
- b) The maximum grant for each library political unit shall be ~~\$125,000~~\$250,000 per annual funding cycle, unless there are insufficient applications from other political units to expend the entire appropriation. This subsection (b) shall not be used to award grants in excess of the maximum grants per project specified in subsection ~~(c)~~.
- c) The minimum grant awarded for mini-grants shall be \$2,500. The minimum grant awarded for projects other than mini-grants and remodeling for accessibility shall be \$25,000. The maximum grant awarded for mini-grants shall not exceed \$25,000; the maximum grant awarded for remodeling for accessibility projects shall not exceed \$50,000; and the maximum grant awarded for other projects shall not exceed \$125,000.
- d) Library buildings that received any State or federal construction funding, whether under a library construction grant program or a specific appropriation, during the three prior ~~State~~state fiscal years, including the current State fiscal year, are not eligible for any ~~construction~~construct grant funding under this Part.
- e) For projects of a unique nature or resulting from a disaster, the Secretary of State, on the advice of the Illinois State Library, may raise the ceiling, award less than

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the minimum grant amount, make a special grant award and/or allow for consecutive years of funding.

- f) Competitive bids for construction projects shall not be let until after the grant contract with the Secretary of State has been signed.
- g) Grant contracts awarded under this Part must be signed within 90 days after the grant award notification~~no later than June 30 of the fiscal year in the year that the grant was issued.~~

(Source: Amended at 31 Ill. Reg. 16341, effective November 20, 2007)

Section 3060.800 Grant Application Procedure

The following application procedures shall apply:

- a) The Illinois State Library shall issue application forms for library construction grants under this program.
- b) Applying libraries and library systems shall submit the completed library construction grant application, together with the following documents or written assurances, to be eligible for library construction grants:
 - 1) Application phase:
 - A) To be eligible for a Live & Learn construction grant, a public library must comply with the assurances contained in this Section, as listed in the Construction Grant Application Form, as most recently adopted by the Subcommittee for Public Library Construction, a subcommittee of the Illinois State Library Advisory Committee.
 - B) A statement describing the necessity for the proposed project.
 - C) A statement of plans to meet existing library standards of service, "Serving Our Public: Standards for Illinois Public Libraries, 1997" (produced by the Illinois Library Association, 33 West Grand Avenue, Chicago IL 60610-4306). The material incorporated by reference includes no later amendments or editions. This

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subsection (b)(1)(C) shall not apply to library systems.

- D) A description of the project's potential contribution to the improvement of library services within the library's area of service and in any other portions of the State.
- E) A library building program. For projects with a total cost of over \$150,000, a library building consultant must work with the library in developing the building program. The library board shall select a building consultant in accordance with the Illinois Local Library Act [75 ILCS 5/4-7] and the Illinois Library District Act [75 ILCS 16/30-55.40].
- F) Preliminary construction plans with a site plan of the proposed building.
- G) An estimated cost per square foot (for all projects).
- H) A letter from the Illinois Historic Preservation Agency evidencing compliance with the Illinois State Agency Historic Resources Preservation Act [20 ILCS 3420].
- I) The following conditions apply in new construction, additions and projects involving evacuation of soil:
 - i) A letter from the Illinois State Water Survey of the Illinois Department of Natural Resources stating that the project site is not located in a Special Flood Hazard Area. If the project site is located in a Special Flood Hazard Area, the applicant shall submit an assurance letter from the Division of Water Resources of the Department of Natural Resources, stating that the project meets the requirements of Executive Order 79-4 regarding flood damages.
 - ii) A subsurface soil analysis by a soils engineer.
 - iii) A site assessment by a licensed environmental/hazardous materials consultant to determine the existence of asbestos and/or lead paint. This assurance does not apply to new

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buildings unless demolition of existing buildings (other than residences) is necessary.

- J) The real estate affected by the proposed construction is available to the library or library system, and the legal description of the affected real estate. A deed of ownership or proof of long-term (20 years minimum) occupancy, except for mini-grants. The building will remain in use as a public library or library system facility for not less than 20 years after its construction unless other use is approved by the director of the Illinois State Library.
- K) A letter from the Director of the Regional Library System that serves the applicant library acknowledging that the System is aware of the proposed project.
- L) A listing of all applicable authorities having jurisdiction over the applying facility.
- M) The library will submit with the grant application the Americans ~~With~~with Disabilities Act Self-Evaluation form prepared by the Illinois State Library, except for new construction projects.
- N) Other funds designated for construction that are immediately available to the library upon application. Funds may include a mortgage commitment letter from a financial institution licensed by a state or the federal government. Assurances from the applicant ~~pending referendum or~~ various fundraising activities will be undertaken in the future, ~~with~~where the amount to be raised ~~remaining in pledges remains~~ uncertain, shall not be counted as part of the local matching funds for the purposes of Section 3060.100.
- 2) Construction phase:
- A) The grantee library will expend ~~100%~~90% of Secretary of State library construction grant funds within 12 months after the execution of the grant agreement. ~~If The final 10% of grant funds will be reimbursed upon receipt and review by the Illinois State Library of the close-out report, including the final audit, if applicable. Upon failure of the grantee fails to submit a final~~

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~~close-out~~ report, or an audit, if applicable, within 24 months after the execution of the contract, the grant shall be forfeited unless an extension is granted by the ~~Director~~~~director~~ of the Illinois State Library.

- B) Construction work will be performed by the lump sum (fixed price) contract method.
- C) The library will publicly announce all requirements for architectural, engineering, and land surveying services and procure these services on the basis of demonstrated competence and qualifications and negotiate contracts at fair and reasonable prices, in accordance with the Illinois Local Library Act [75 ILCS 5/5-5] and the Illinois Library District Act [75 ILCS 16/40-45].
- D) Architectural, engineering and land surveying contracts will be made in accordance with the Local Government Professional Services Selection Act [50 ILCS 510].
- E) Adequate methods of obtaining competitive bidding will be employed prior to awarding the construction contract by public advertising in ~~the State designated newspaper and~~ newspaper of general circulation in the area, and that the award of the contract will be made to the responsible bidder submitting the lowest acceptable bid, in accordance with the Illinois Local Library Act [75 ILCS 5/5-5] and the Illinois Library District Act [75 ILCS 16/40-45]. A copy of the advertisement, with verification of the date of publication and name of the newspaper, shall be submitted to the Illinois State Library within 10 days after publication.
- F) All laborers and mechanics employed by the contractor or subcontractors on all construction projects shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Illinois Department of Labor in accordance with the Prevailing Wage Act [820 ILCS 130].
- G) A copy of the building permit shall be supplied to the Illinois State Library prior to the actual construction and the permit shall be posted in a prominent place on the construction site.

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- H) Any change in the Plans and Specifications requiring a work change order will be submitted to the Illinois State Library. All change orders shall be subject to the Illinois Public Works Contract Change Order Act [50 ILCS 525]. The Illinois State Library shall be notified of and approve any change orders of \$10,000 or more and the modification of any public areas of the grantee library from the proposed original plans of the approved grant application. The change order will be accompanied by a letter approved by the library board stating that there is no adverse impact on library services. Change orders do not affect the grant award amount.
- I) All contractors and subcontractors shall comply with the provisions of the Copeland Anti-Kick Back Act (40 USC 276c) supplemented in U.S. Department of Labor regulations (29 CFR 3 (1985)). The material incorporated by reference includes no later amendments or editions.
- J) Contractors and subcontractors shall comply with all applicable provisions of the Illinois Human Rights Act [775 ILCS 5] and all ~~federal~~Federal and State laws, rules, and regulations that prohibit discrimination because of race, color, religion, sex, marital status, national origin, ancestry, age, and physical or mental handicap.
- K) Construction contracts signed by both the library board (or library system board) and contractors will be prepared on standard American Institute of Architecture (AIA) forms that are submitted to the Illinois State Library prior to the start of construction; also, all subcontractors are to perform work in accordance with the conditions and standards contained in the contracts signed by the board and the Illinois State Library. The Illinois State Library shall have the right to disapprove any such contracts between the library board or library system board and contractors if:
- i) The bidding procedure outlined in subsection ~~(b)(2)(E)(e)(14)~~ was not followed.
 - ii) The conditions and standards specified in the contract between the Illinois State Library and the library board are

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not incorporated into the contracts between the library board or library system board and the contractors.

- L) A revised budget will be prepared after bids have been accepted and will be submitted to the Illinois State Library for approval prior to actual construction. ~~Approval~~ ~~Such approval~~ will be based on the reduction in the contingency line item from 5% in the original budget to 2% of total project cost in the revised budget. Grant monies awarded are based on the amount specified in the original budget; grant awards will not be increased because of subsequent increases in revised budgets. Decisions shall not affect the time frame imposed unless approved by the ~~Director~~ ~~director~~ of the Illinois State Library.
- M) A sign will be displayed on the construction site stating that State funds administered by the ~~Secretary of State and~~ State Librarian are being used for the construction; and a plaque will be placed in the completed building stating that State funds administered by the ~~Secretary of State and~~ State Librarian were used for the building's construction.
- N) Projects receiving over \$200,000 must use .5% of the grant award for the purchase and placement of suitable works of art. The purchase of the artwork will be done in conjunction with the Capital Development Board [20 ILCS 3105/14].
- O) Any agent authorized by the Illinois State Library, upon presentation of credentials and in accordance with the constitutional limitation on administrative searches, shall have full access to, and the right to examine, any records, books, papers, or documents of the grantee involving transactions related to the grant.
- P) Construction will commence within 140 days after the effective date of the grant contract, according to Section 3060.600(f) of this Part.
- Q) The following reports and records will be completed and transmitted to the Illinois State Library: quarterly narrative and

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financial reports; notification within 15 days after completion of the project; a close-out report that is a final financial and narrative report within 24 months after the execution of the contract, unless an extension is granted by the ~~Director~~director of the Illinois State Library; and other reports and documents, such as prevailing wage rates and receipts to verify vouchers, as reasonably may be required by the State Library. The final financial report shall be signed by the president of the library's board of directors.

- i) Financial reports shall show: the amount of authorized State and local funds; interest earned on grant funds; expenditures made from grant funds and from interest earned on grant funds; obligated funds, by amount of line item remaining compared to the original budget.
- ii) Narrative reports shall state: the progress of the project; accomplishments to date; problems encountered; objectives met and unmet; changes implemented; and the percentage of completion of the project to date.
- iii) The close-out report shall evaluate the degree to which the grantee achieved the goals and objectives of the project. The close-out report shall include a project audit report that shall be completed by an independent certified public accountant in accordance with the "Government Auditing Standards: 1994 Revision", published by the Comptroller General of the United States, U.S. General Accounting Office, 441 G. Street, NW, Washington, DC 20548. No later amendments to these standards are incorporated in this Section. The project audit report shall include financial statements and compliance statements (which indicate that grant monies have been obligated in compliance with applicable laws and regulations of the State of Illinois and this Part).
- iv) For a project that requires an architect or engineer, the architect or engineer shall certify to the Illinois State Library when the project reaches the 50% and 100% state of completion. The project architect or engineer shall certify

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~~to the Illinois State Library when the project reaches the 30%, 60%, 90% and 100% state of completion.~~

- R) When construction is complete, sufficient funds will be available for effective operation and maintenance of the facilities, in accordance with applicable ~~federal~~Federal, State and local requirements.
- S) The library will establish a separate account for construction grant funds with a federally or Illinois regulated financial institution that is insured by the Federal Deposit Insurance Corporation.
- T) Any interest earned on the grant funds will be expended, without limitation or exception, exclusively on the subject construction project.
- c) Some of the documentation and written assurances may be waived in the application for mini-grants described in Section 3060.100(c) of this Part, upon approval of the Illinois State Library construction consultant. Documentation and written assurances may be waived if they are not relevant to the specific mini-grant. As an example, a legal description of the affected real estate may not be required for a mini-grant project to install carpeting in the existing library building.
- d) Applications~~All applications~~ will be considered in accordance with Section 3060.200(c) of this Part.
- e) Grant applications are subject to the conditions stipulated in 23 Ill. Adm. Code 3035.135.

(Source: Amended at 31 Ill. Reg. 16341, effective November 20, 2007)

Section 3060.900 Requirements and Conditions of Grant Funds

- a) Building Construction Plans
- 1) Library buildings are to be planned for 20 year population projection (for new construction, conversions and additions to buildings).

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- 2) A library building consultant shall be retained by the grantee throughout the planning and construction if the total cost of the project exceeds \$150,000.
 - 3) The architects and/or engineers employed in the design and construction of the project must be registered to practice in the State of Illinois.
 - 4) The library must meet the eligibility criteria to qualify for per capita grants provided in [Section 8.1 of the Illinois Library System Act 75 ILCS 10/8-1](#), and submit an application for such grants. This subsection (a)(4) shall not apply to library systems.
 - 5) The library or library system facility shall provide access for the physically handicapped as required in the Illinois Accessibility Code (71 Ill. Adm. Code 400), published by the Illinois Capital Development Board, and shall display the symbol of accessibility.
- b) No grant shall be awarded to any public library or regional library system unless the building and the property is owned fee simple by the municipality, library district or library system, as applicable. The State Librarian may grant an exception for any property or building owned in fee simple by a non-profit community organization that is incorporated in Illinois, has federal Internal Revenue Service 501(c)(3) status and has a charter specifying that the ownership of the property or building shall revert to the public library upon the dissolution of the organization. No such exception shall be granted for a regional library system. The library or library system shall own the proposed building site in fee simple title, or show the legal right to use the premises for a minimum of 20 years, except for mini-grants as stipulated in Section 3060.800(b)(1)(J) of this Part.
- c) A letter of certification from the project architect or engineer, stating that the drawings represent the project as presented with the grant application, must be submitted to the Illinois State Library for approval prior to going out to bid.
- d) All contracts for library construction shall be awarded to the lowest qualified bidder on the basis of open competitive bidding; however, if one or more items of construction are covered by an established alternative procedure used by a unit of local ~~unit of~~ government, consistent with State and local laws and regulations, and approved by the Illinois State Library as designed to assure construction in an

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economical manner consistent with sound business practices, ~~thesuch~~ alternative procedure may be followed, as is consistent with State statutes and local ordinances.

- e) Contractors and subcontractors shall submit with each request for payment the weekly payroll forms required by the Davis-Bacon Act (40 USC 327).
- f) The library system of which the applicant is a member shall be notified of the proposed project; a copy of the completed application shall be sent to the library system director by the applicant prior to the time that the paperwork is submitted to the Illinois State Library. This subsection shall not apply ~~ifwhere~~ the library system is the applicant.
- g) The ~~library board~~~~Library Board~~ shall establish and maintain records and accounts as will permit accurate and expeditious audits at any time, before, during, and after completion of construction; the records shall be retained for not less than the time provided for by the Local Records Act [50 ILCS 205].
- h) The ~~library board~~~~Library Board~~ shall comply with all applicable provisions of the Illinois Procurement Code [30 ILCS 500].
- i) The library must permit intersystem reciprocal borrowing.
- j) [Grants made under this Section are subject to the provisions of the Illinois Grant Funds Recovery Act \[30 ILCS 705\]. If a provision of this Subpart conflicts with a provision of the Illinois Grant Funds Recovery Act, then the provision of the Illinois Grant Funds Recovery Act controls.](#)

(Source: Amended at 31 Ill. Reg. 16341, effective November 20, 2007)

Section 3060.1000 Remodeling for Accessibility

Applications for special grants for Remodeling for Accessibility projects shall include:

- a) A statement of need to meet the Illinois Accessibility Code.
- b) A supplemental detailed project budget showing costs for:
 - 1) Elevators or lifts

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- 2) Remodeling restrooms
- 3) Ramps
- 4) Entrances
- 5) Remodeling stairways
- 6) Telephones
- 7) Drinking fountains
- 8) Accessibility signs
- 9) Shifting of book stacks for 3 foot clear aisles
- 10) [Circulation desk and study carrels](#) ~~Total (1-9)~~
- 11) [Total \(1-10\)](#)

(Source: Amended at 31 Ill. Reg. 16341, effective November 20, 2007)

SECRETARY OF STATE

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: The Illinois State Library Training Program Grants
- 2) Code Citation: 23 Ill. Adm. Code 3070
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
3070.100	Repeal
3070.110	Repeal
3070.120	Repeal
3070.130	Repeal
3070.140	Repeal
3070.150	Repeal
3070.160	Repeal
3070.170	Repeal
- 4) Statutory Authority: Implementing and authorized by Sections 2 and 7(q) of the State Library Act [15 ILCS 320/2 and 7(q)] and the Library Services and Technology Act (20 USC 9101-9176)
- 5) Effective Date: November 20, 2007
- 6) Does this repealer contain an automatic repeal date? No
- 7) Does this adopted repealer contain incorporations by reference? Yes
- 8) A copy of the adopted repealer, including any material incorporated by reference, is on file and available at the Illinois State Library, Gwendolyn Brooks Building, 300 South Second Street, Springfield IL 62701-1796.
- 9) Notice of Proposal Published in the Illinois Register: August 31, 2007; 31 Ill. Reg. 12567
- 10) Has JCAR issued a Statement of Objection to this Repealer? No
- 11) Difference between proposal and final version: None
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter from JCAR? No agreements were necessary.
- 13) Will this repealer replace any emergency amendments currently in effect? No

SECRETARY OF STATE

NOTICE OF ADOPTED REPEALER

- 14) Are there any amendments pending on this Part? No
- 15) A Complete Description of the Subjects and Issues Involved: This Part is being repealed and moved to Subpart C of a new rule, Illinois State Library Grant Programs (23 Ill. Adm. Code 3025. The purposed of the new rule is to consolidate all rules regarding grants issued by the Illinois State Library into a single rule.
- 16) Information and questions regarding this Adopted Repealer shall be directed to:

Joseph Natale
Rules Coordinator
Illinois State Library
Gwendolyn Brooks Building
Springfield, IL 62701-1796
jnatale@ilsos.net

217/558-4185

JOINT COMMITTEE ON ADMINISTRATIVE RULES
DECEMBER AGENDA

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

JAMES R. THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
10:30 A.M.
DECEMBER 11, 2007

NOTICES: The scheduled date and time for the JCAR meeting are subject to change. Due to *Register* submittal deadlines, the Agenda below may be incomplete. Other items not contained in this published Agenda are likely to be considered by the Committee at the meeting and items from the list can be postponed to future meetings.

If members of the public wish to express their views with respect to a rulemaking, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

*Joint Committee on Administrative Rules
700 Stratton Office Building
Springfield, Illinois 62706
Email: jcar@ilga.gov
Phone: 217/785-2254*

RULEMAKINGS CURRENTLY BEFORE JCAR

PROPOSED RULEMAKINGS

Auditor General

1. Inspector General Complaint Policies and Procedures (2 Ill. Adm. Code 605)
 - First Notice Published: 31 Ill. Reg. 12668 – 9/7/07
 - Expiration of Second Notice: 12/14/07

Central Management Services

2. Pay Plan (80 Ill. Adm. Code 310)
 - First Notice Published: 31 Ill. Reg. 13050 – 9/14/07

JOINT COMMITTEE ON ADMINISTRATIVE RULES
DECEMBER AGENDA

-Expiration of Second Notice: 12/20/07

Elections

3. Miscellaneous (26 Ill. Adm. Code 207)
 - First Notice Published: 31 Ill. Reg. 12576 – 8/31/07
 - Expiration of Second Notice: 1/21/08

Employment Security

4. Determination of Unemployment Contributions (56 Ill. Adm. Code 2770)
 - First Notice Published: 31 Ill. Reg. 13555 – 10/5/07
 - Expiration of Second Notice: 1/3/08

Environmental Protection Agency

5. Review of Remediation Costs for River Edge Redevelopment Zone Site Remediation Tax Credit (35 Ill. Adm. Code 888)
 - First Notice Published: 31 Ill. Reg. 13053 – 9/14/07
 - Expiration of Second Notice: 12/20/07
6. Measurement Procedures for the Enforcement of 35 Ill. Adm. Code 900 and 901 (Repealer) (35 Ill. Adm. Code 951)
 - First Notice Published: 31 Ill. Reg. 12388 – 8/31/07
 - Expiration of Second Notice: 12/12/07
7. Measurement Procedures for the Enforcement of 35 Ill. Adm. Code 902 (Repealer) (35 Ill. Adm. Code 952)
 - First Notice Published: 31 Ill. Reg. 12411 – 8/31/07
 - Expiration of Second Notice: 12/12/07

Financial and Professional Regulation

8. Illinois Athletic Trainers Practice Act (68 Ill. Adm. Code 1160)
 - First Notice Published: 31 Ill. Reg. 11388 – 8/10/07
 - Expiration of Second Notice: 12/28/07

Healthcare and Family Services

9. Hospital Services (89 Ill. Adm. Code 148)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
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- First Notice Published: 31 Ill. Reg. 13591 – 10/5/07
- Expiration of Second Notice: 1/3/08

Human Services

10. Temporary Assistance for Needy Families (89 Ill. Adm. Code 112)
 - First Notice Published: 31 Ill. Reg. 10404 – 7/20/07
 - Expiration of Second Notice: 12/12/07
11. Early Intervention Program (89 Ill. Adm. Code 500)
 - First Notice Published: 31 Ill. Reg. 11408 – 8/10/07
 - Expiration of Second Notice: 12/30/07

Natural Resources

12. Public Use of State Parks and Other Properties of the Department of Natural Resources (17 Ill. Adm. Code 110)
 - First Notice Published: 31 Ill. Reg. 13439 – 9/28/07
 - Expiration of Second Notice: 1/2/08
13. Camping on Department of Natural Resources Properties (17 Ill. Adm. Code 130)
 - First Notice Published: 31 Ill. Reg. 13611 – 10/5/07
 - Expiration of Second Notice: 1/3/08

Revenue

14. Income Tax (86 Ill. Adm. Code 100)
 - First Notice Published: 31 Ill. Reg. 13086 – 9/14/07
 - Expiration of Second Notice: 12/13/07
15. Income Tax (86 Ill. Adm. Code 100)
 - First Notice Published: 31 Ill. Reg. 13331 – 9/21/07
 - Expiration of Second Notice: 12/20/07
16. Income Tax (86 Ill. Adm. Code 100)
 - First Notice Published: 31 Ill. Reg. 13697 – 10/5/07
 - Expiration of Second Notice: 1/9/08

Secretary of State

JOINT COMMITTEE ON ADMINISTRATIVE RULES
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17. Uniform Partnership Act (1997) (14 Ill. Adm. Code 166)
 - First Notice Published: 31 Ill. Reg. 12690 – 9/7/07
 - Expiration of Second Notice: 12/20/07
18. Uniform Limited Partnership Act (2001) (14 Ill. Adm. Code 171)
 - First Notice Published: 31 Ill. Reg. 12703 – 9/7/07
 - Expiration of Second Notice: 12/20/07
19. Issuance of Licenses (92 Ill. Adm. Code 1030)
 - First Notice Published: 31 Ill. Reg. 13725 – 10/5/07
 - Expiration of Second Notice: 1/3/08
20. Cancellation, Revocation or Suspension of Licenses or Permits (92 Ill. Adm. Code 1040)
 - First Notice Published: 31 Ill. Reg. 13762 – 10/5/07
 - Expiration of Second Notice: 1/3/08

State Fire Marshal

21. Fire Equipment Distributor and Employee Standards (Repealer) (41 Ill. Adm. Code 250)
 - First Notice Published: 31 Ill. Reg. 13272 – 9/21/07
 - Expiration of Second Notice: 12/29/07

Student Assistance Commission

22. Veterans' Home Nurse Loan Repayment Program (23 Ill. Adm. Code 2757)
 - First Notice Published: 31 Ill. Reg. 13446 – 9/28/07
 - Expiration of Second Notice: 1/2/08

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 November 20, 2007 through November 26, 2007 and have been scheduled for review by the Committee at its December 11, 2007 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
1/2/08	<u>Department of Natural Resources</u> , Public Use of State Parks and Other Properties of the Department of Natural Resources (17 Ill. Adm. Code 110)	9/28/07 31 Ill. Reg. 13439	12/11/07
1/3/08	<u>Department of Employment Security</u> , Determination of Unemployment Contributions (56 Ill. Adm. Code 2770)	10/5/07 31 Ill. Reg. 13555	12/11/07
1/3/08	<u>Department of Healthcare and Family Services</u> , Hospital Services (89 Ill. Adm. Code 148)	10/5/07 31 Ill. Reg. 13591	12/11/07
1/3/08	<u>Department of Natural Resources</u> , Camping on Department of Natural Resources Properties (17 Ill. Adm. Code 130)	10/5/07 31 Ill. Reg. 13611	12/11/07
1/3/08	<u>Secretary of State</u> , Issuance of Licenses (92 Ill. Adm. Code 1030)	10/5/07 31 Ill. Reg. 13725	12/11/07
1/3/08	<u>Secretary of State</u> , Cancellation, Revocation or Suspension of Licenses or Permits (92 Ill. Adm. Code 1040)	10/5/07 31 Ill. Reg. 13762	12/11/07

PROCLAMATIONS

2007-395**M. Sgt. Thomas Crowell**

- WHEREAS, on Thursday, November 1, Air Force Master Sergeant Thomas Crowell, from O'Fallon, Illinois, was killed at age 36 near Balad Air Base in Iraq; and
- WHEREAS, M. Sgt. Crowell joined the Air Force after graduating from Neosho High School in 1989 and had served in the military for nearly 18 years; and
- WHEREAS, at the time of his death, M. Sgt. Crowell was assigned as a special agent with the Air Force Office of Special Investigations, which conducts criminal investigations and counterintelligence activities; and
- WHEREAS, tragically, M. Sgt. Crowell was just six months shy of a planned retirement when he was killed by a roadside bomb along with two others: David A. Wieger, 28, of North Huntingdon, Pennsylvania and Nathan J. Schuldheiss, 27, of Newport, Rhode Island; and
- WHEREAS, M. Sgt. Crowell is survived by his wife Carol and their two children and will be buried at Arlington National Cemetery on Tuesday, November 13. A memorial service will also be held at Scott Air Force Base on Friday, November 16:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby order all State facilities to fly their flags at half-staff from sunrise on November 13, 2007 until sunset on November 16, 2007 in honor and remembrance of M. Sgt. Crowell, whose selfless service and sacrifice is an inspiration.

Issued by the Governor November 13, 2007

Filed by the Secretary of State November 21, 2007

2007-396**Sgt. Joseph M. Vanek**

- WHEREAS, on Monday, November 12, Army Sergeant Joseph M. Vanek from Elmhurst, Illinois was killed at age 22 during a gun battle in Baghdad; and
- WHEREAS, Sgt. Vanek enlisted in the Army after graduating high school in 2003 and was assigned to the 82nd Airborne Division; and
- WHEREAS, Sgt. Vanek was serving his third tour of duty in Iraq at the time of his death. He died from small-arms fire after his unit was attacked while on patrol; and

PROCLAMATIONS

WHEREAS, Sgt. Vanek was well-respected by his unit and received several decorations, including the Bronze Star and Purple Heart; and

WHEREAS, a funeral will be held on Tuesday, November 20 for Sgt. Vanek, who is survived by his mother and father, Jan and Frank Vanek:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby order all State facilities to fly their flags at half-staff from sunrise on November 18, 2007 until sunset on November 20, 2007 in honor and remembrance of Sgt. Vanek, whose selfless service and sacrifice is an inspiration.

Issued by the Governor November 15, 2007

Filed by the Secretary of State November 21, 2007

2007-397**Spc. Ashley Sietsema**

WHEREAS, on Monday, November 12, Illinois National Guardsman Specialist Ashley Sietsema from DeKalb died at age 20 in Kuwait; and

WHEREAS, Spc. Sietsema, formerly of River Grove, was an Army healthcare specialist and ambulance driver assigned to the 708th Medical Company in North Riverside; and

WHEREAS, at the time of her death, Spc. Sietsema was conducting a routine medical transfer of a patient from Camp Buehring to Camp Arifjan in Kuwait; and

WHEREAS, Spc. Sietsema, who is the 16th casualty of the Illinois National Guard since the conflicts in Iraq and Afghanistan began, was well-respected by those she served with; and

WHEREAS, a funeral will be held on Sunday, November 18 for Spc. Sietsema, who is survived by her husband Max, and mother and stepfather, Olivia and Segura:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby order all State facilities to fly their flags at half-staff from sunrise on November 17, 2007 until sunset on November 19, 2007 in honor and remembrance of Spc. Sietsema, whose selfless service and sacrifice is an inspiration.

Issued by the Governor November 16, 2007

Filed by the Secretary of State November 21, 2007

PROCLAMATIONS

2007-398**Student Conservation Association Day**

WHEREAS, this year marks the 50th Anniversary of the Student Conservation Association (SCA), which was founded in 1957 by Elizabeth C. Titus Putnam to provide opportunities for young people to learn about environmental conservation by volunteering in parks and on public lands; and

WHEREAS, since its inception, nearly 50,000 young people have volunteered to conserve our lands, provided conservation services that have directly benefited more than 20 million Americans, and completed conservation work in all 50 states; and

WHEREAS, the efforts of the SCA help protect and preserve vital habitats, threatened wildlife, and other at-risk resources in parks, forests, and urban green spaces around the country for future generations to enjoy; and

WHEREAS, the Student Conservation Association is the largest student conservation service in the United States and has earned numerous awards and recognitions for its achievements in conservation and youth development; and

WHEREAS, the SCA inspires lifelong stewardship of the environment and communities, as well as builds new generations of conservation leaders by engaging young people in hands-on service. Many SCA alumni go on to dedicate their careers to environmental stewardship as teachers, resource managers, and park rangers:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim December 15, 2007 as **STUDENT CONSERVATION ASSOCIATION DAY** in Illinois, in recognition of the SCA as they celebrate 50 years of commitment to education and environmental conservation, and I wish them continued success for years to come.

Issued by the Governor November 19, 2007

Filed by the Secretary of State November 21, 2007

2007-399**Provena Health Day**

WHEREAS, on December 1, Provena Health will celebrate its 10th Anniversary; and

WHEREAS, Provena is a Catholic health system that includes six hospitals, 16 long-term care and senior residential facilities, 28 clinics, five home health agencies and other

PROCLAMATIONS

health-related activities operating in Avilla, Indiana and locations throughout Illinois, including Aurora, Bourbonnais, Champaign-Urbana, Darien, Danville, Elgin, Freeport, Geneva, Gurnee, Joliet, Kankakee, Rockford, and St. Charles; and

WHEREAS, founded in 1997 based on the ideal of providing exceptional and compassionate healthcare services, Provena has made significant medical contributions to the community and touched countless lives; and

WHEREAS, today, Provena represents hope to all those they serve, and I commend them for their dedication and commitment to providing quality and accessible healthcare:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim December 1, 2007 as **PROVENA HEALTH DAY** in Illinois to commemorate Provena's 10th Anniversary, and I wish them continued success.

Issued by the Governor November 21, 2007

Filed by the Secretary of State November 21, 2007

2007-400**Day of Remembrance**

WHEREAS, violence is a serious epidemic that takes the lives of thousands every year, rips families apart, and casts a dark shadow over every community; and

WHEREAS, nearly a decade after the murder of her own 17-year-old daughter Ginneria in 1983, Betty Major-Rose began a hospital and community-based initiative in Chicago for violent crime survivors called the Family Trauma Advocacy Program (FTAP); and

WHEREAS, FTAP has been providing free and comprehensive support services to survivors since 1991. Their mission is to eliminate hopelessness and helplessness and to lead families toward a healthy recovery; and

WHEREAS, the holiday season can be an especially difficult time for those families who have suffered the death of a loved one due to violence, which is why FTAP has hosted a free Day of Remembrance holiday concert for them the past three years; and

WHEREAS, this year, FTAP is observing Friday, December 7 as a Day of Remembrance:

PROCLAMATIONS

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim December 7, 2007 as **DAY OF REMEMBRANCE** in Illinois in remembrance of survivors and families of violent crime victims so that they know their loved ones are not forgotten and they are not alone and do not need to suffer in silence or isolation.

Issued by the Governor November 21, 2007

Filed by the Secretary of State November 21, 2007

2007-401**Circle Family Healthcare Network Day**

WHEREAS, on December 7, Circle Family Healthcare Network (CFHCN) in Chicago will commemorate its 30th anniversary with a gala dinner to celebrate the history of their agency; and

WHEREAS, in addition to community development initiatives, Circle Family Healthcare Network has been providing an integrated array of healthcare and educational services since 1977. Their mission is to enhance the quality of life for the communities they serve; and

WHEREAS, over the years, CFHCN has made significant medical contributions to the community and touched countless lives, including those who are medically underserved, mentally vulnerable, and homeless; and

WHEREAS, CFHCN's 30th Anniversary Gala Dinner will recognize everyone who has supported their amazing work throughout the years, and proceeds from this event will help to establish a new pediatric dental program for low-income youth:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim December 7, 2007 as **CIRCLE FAMILY HEALTHCARE NETWORK DAY** in Illinois in recognition of CFHCN's 30 years of commitment and dedication to providing quality and accessible healthcare, and I wish them continued success.

Issued by the Governor November 21, 2007

Filed by the Secretary of State November 21, 2007

ILLINOIS ADMINISTRATIVE CODE

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