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PROPOSED RULES

ADOPTED RULES

Editor's Note: The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are as follows:

April	19, 1996	- Issue 16: Through	March	31, 1996	
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October	18, 1996	- Issue 42: Through	September	30, 1996	
January	17, 1997	- Issue 3: Through	December	31, 1996	(Annual)

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Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Mdy *(the day before).*

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November 1996 – 710 – GA-445

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Fairs Operating Under the Agricultural Fair Act

2) Code Citation: 8 Ill. Adm. Code 260

3)

Section Numbers:	Proposed Action:
260.5	Amended
260.10	Amended
260.15	Amended
260.30	Amended
260.35	Amended
260.40	Amended
260.45	Amended
260.50	Amended
260.55	Amended
260.60	Amended
260.65	Amended
260.70	Amended
260.75	Repealed
260.80	Amended
260.85	New Section
260.95	Amended
260.100	Amended
260.110	Amended
260.117	Amended
206.207	New Section
260.210	Amended
260.215	Repealed
260.220	Amended
260.305	Amended
260.310	Amended
260.415	Amended
260.515	Amended
260.525	Amended
260.540	New Section

4) Statutory Authority: Agricultural Fair Act [30 ILCS 120]

5) A Complete Description of the Subjects and Issues Involved: Proposed amendments include: Exhibitors' social security numbers are required for receipt of premiums. Premium checks can be mailed when they have been properly signed for. Fairs are allowed to set monetary amount spent on trophies. Fair associations have more flexibility in setting entry fees. Geographical groupings for fairs other than county and world are allowed.

If recommended by the county fair's veterinarian and requested by fair management, early dismissal (prior to three day requirement) of livestock may be granted by the Bureau of County Fairs and Horse Racing (Bureau) for the following reasons: disease outbreak, severe hot weather, or other

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existing conditions which may result in the deaths of livestock. The Bureau may also grant early dismissal of livestock and other exhibits upon recommendation of fair management in the case where facilities have been lost due to fire, wind or heavy rain damage to tents and barns, or loss of electrical power, or if facilities cannot accommodate livestock due to space limitations.

Categories are changed in several departments--classification of exhibit--including the addition of Goats and Llama Department and Miscellaneous Department, adding Ratites to Poultry and Rabbits and Western Horse Events to Light Horse and Equine Races.

Fairs are given more flexibility in numbering types of exhibits within each department to allow for future expansion of classes or breeds. Fairs are allowed to follow United States Trotting Association or National Jockey Club requirements for entry into horse races. Fairs are allowed to interpret more broadly what qualifies as Light Horse and Western Horse categories. Fairs are allowed to use current classification as defined by breed organizations when determining classes for livestock shows. Registration papers are required for all purebred livestock. Age requirement is defined for eligibility for junior shows as the age requirement for competition set by the 4-H program administered by the Cooperative Extension Service in Illinois. Educational exhibits are added as a class in junior shows.

Fairs are allowed to supply information required for State reports by computer printout or other electronic data transfer system if approved by the Bureau. Language defining use of pro rata monies to match language in Act is changed. Fairs are required to submit a Declaration of Intent for use of rehabilitation monies to provide quicker, more efficient turn around of these monies as they become available. The initial purchase or upgrade of computer, printer and related items if done on or after April 17, 1996 is added to the eligible list for rehabilitation fund reimbursement. The reimbursement rate is changed for rehabilitation projects to match current language in the Act. Itemized bills, receipts and/or copies of cancelled checks for rehabilitation projects are required to be submitted by June 15 in the fiscal year for which the projects are to be reimbursed. The Major Building Projects Section is being repealed. A current copy of lease of ground is required as part of the Declaration of Intent filed by Fairs Operating Under the Fair and Exposition Fund.

A Section is added which explains administrative hearings, contested cases, petitions and administrative procedures.

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

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

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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 does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period for receiving comments from the public will begin on the day the notice of rulemaking appears in the *Illinois Register*. Written comments should be sent to the attention of:

Debbie Wakefield
Department of Agriculture
State Fairgrounds
P.O. Box 19281
Springfield, IL 62794-9281
217/785-5713 or FAX: 217/785-4505

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Illinois county fair associations and agricultural societies.

B) Reporting, bookkeeping or other procedures required for compliance: In Section 260.207, a Declaration of Intent must be submitted to the Department in order to be eligible for reimbursement for rehabilitation projects.

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 1996

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

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TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER j: FAIRS

PART 260
FAIRS OPERATING UNDER THE AGRICULTURAL FAIR ACT

SUBPART A: FAIRS OPERATING UNDER THE AGRICULTURAL PREMIUM FUND

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260.75 Western Horse Shows (Repealed)
260.80 Livestock Classification
260.85 Registration Papers ~~(Repealed)~~
260.90 Inspections and Inspectors Reports (Repealed)
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260.100 A State Aid Report
260.105 Growth Incentive Program
260.110 Pro Rata (Grant) Payments and Justification
260.115 Petitioning for Base Adjustments (Repealed)
260.117 Administrative Rules (Formal Administrative Hearings, Contested Cases, Petitions, and Administrative Procedures)

SUBPART B: FAIRS PARTICIPATING IN THE REHABILITATION FUND

Section
260.200 Appropriation
260.205 Ownership of Grounds
260.207 Rehabilitation Declaration of Intent
260.210 Rehabilitation Claims
260.215 Major Building Projects (Repealed)
260.220 A Rehabilitation Report

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SUBPART C: PROCEDURES FOR PARTICIPATION IN THE 4-H FUND

SUBPART D: PROCEDURES FOR PARTICIPATION IN THE VOCATIONAL AGRICULTURE FUND

SUBPART E: FAIRS OPERATING UNDER THE FAIR AND EXPOSITION FUND

AUTHORITY: Implementing and authorized by the Agricultural Fair Act [30 ILCS 120].

SOURCE: Rules and Regulations Governing Fairs Operating Under The Agricultural Fairs Act, filed December 6, 1977, effective January I, 1978; codified at 5 Ill. Reg. 10529; amended at 6 Ill. Reg. 4109, effective April 6, 1982; amended at 9 Ill. Reg. 3233, effective March I, 1985; amended at 10 Ill. Reg. 7654, effective April 28, 1986; amended at 11 Ill. Reg. 10175, effective May 15, 1987; amended at 20 Ill. Reg. _____, effective _____.

SUBPART A: FAIRS OPERATING UNDER THE

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AGRICULTURAL PREMIUM FUND

Section 260.5 Definitions

"Act" means the Agricultural Fair Act [30 ILCS 120] ~~[111.--Rev.--Stat. 1985, ch. 85, par. 651 et seq.]~~.

"Bureau" means the Bureau of County Fairs and Horse Racing, Department of Agriculture, ~~Administration Building,~~ State Fairgrounds, P.O. Box 19281, Springfield, Illinois 62794-9281 ~~62706~~. The telephone number for the Bureau is 217/782-7411.

"Class" is a group, set or kind of animal or exhibit which shares common attributes (e.g., Herefords, Belgians, Dorset, Hamburg, championship, milk and cream, Duroc, barrows, corn, apples, arrangement ~~arrangment~~, clothing, and ceramics).

"Department" means a general grouping of animal species or general categories of exhibits. Departments are listed in Section 260.55(a)(2).

"Premium number" means the number assigned to the class or the event.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 260.10 Appropriations

a) Eligibility of fair associations or agricultural societies to participate in appropriations from the Agricultural Premium Fund shall be as set forth in Sections 3, 5 and 7 of the Act. Any newly organized fair association or agricultural society must receive an appropriation for their first year's fair as set forth in Section 6 of the Act, and in subsequent years the Department of Agriculture shall include the appropriation for that fair as part of its ~~the Department's~~ annual budget.

b) Appropriations made to the Department of Agriculture for disbursement to fair associations or agricultural societies shall not be used to pay for personnel, premiums and expenses of acts which are primarily for the entertainment of persons (e.g., grandstand shows, variety acts, bands, clowns, queen contests, showmanship events, machinery shows, demolition derbies ~~derbys~~, parades, balloon races, auto races, motorcycle races, human races, baton twirling, boccie ball, and amateur contests), except for those exhibits and events relating to agriculture as identified in Section 9 of the Act. 4-H Club fairs and exhibitions receive an appropriation in accordance with Section 14 of the Act and, therefore, 4-H Club classes do not qualify for

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reimbursement of State Aid for premiums paid.

c) *Appropriations shall not be used for salaries of officers of the fair or for personnel hired or contracted for by the fair officers* (Sections 9 and 22 of the Agricultural Fair Act, 30 ILCS 120/9 and 22 ~~Ill. Rev. Stat. 1985, ch. 85, pars. 659 and 672~~).

d) Contributions, such as money, ribbons, trophies, rosettes, blankets, or wreaths, made by and/or expenses incurred by persons or organizations sponsoring events or classes, other than the fair association or agricultural society, are not eligible for State Aid.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section **260.15** Declaration of Intention

a) On or before December 31 of the year preceding the year in which a fair association or agricultural society will participate in the Agricultural Premium Fund appropriation, the fair association or agricultural society shall file a Declaration of Intention with the Bureau. The Bureau shall mail Declaration of Intention forms to each fair association or agricultural society that participated in the previous year's appropriation and to any newly organized fair that receives an appropriation in accordance with Section 6 of the Act. Failure to receive this form shall not relieve the fair association or agricultural society from filing the Declaration of Intention.

b) The following information shall be submitted on the Declaration of Intention:

1) Names and addresses of the fair's officers.
2) The location of the fair.
3) The dates of exhibition.
4) The approximate amount of premiums to be offered in each department and the maximum amount of premiums to be offered by the fair.
5) Estimated costs of trophies, ribbons and rosettes, including engraving, for those classes that are eligible for State Aid in accordance with Section 9 of the Act.
6) Name, address and telephone number of the person who is responsible for filing the State Aid report if this person is other than the secretary of the fair association or agricultural society.
7) Which Division (Division I or Division II) shall be used for the 100% reimbursement of the first $2,000. This reimbursement may be divided on a 50/50 basis or any combination thereof between the two divisions. If this information is omitted, the 100% reimbursement of the first $2,000 shall be taken in Division I.
8) Signatures of the officers (i.e., President, Secretary and Treasurer) of the fair association or agricultural society.

c) The Declaration of Intention shall be notarized by a notary public.

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d) The secretary or the designated contact person for the fair shall notify the Bureau in writing when changes occur in the fair's officers and/or the person designated as the contact person.

e) Once the Declaration of Intention is filed with the Bureau, the dates of exhibition may be changed only due to an emergency or because the wrong dates were submitted. Before the fair association or agricultural society may change the dates of exhibition or advertise such change, the fair association or agricultural society must notify the Bureau in writing and request the dates of the fair be changed, giving the new dates and the reason for such change. The Bureau shall approve the change in the dates when an emergency exists (e.g., the fair cannot get a carnival, events conflict with a neighboring fair or the State Fair, rehabilitation or repair projects are not completed, or severe weather caused destruction to the facilities) or if the change in the dates will avoid conflict with neighboring fairs or the State Fair.

f) Before any change is made in the amount of premiums offered in the fair's program from that amount as originally submitted on the Declaration of Intention, the fair association or agricultural society shall request approval of such change in writing from the Bureau. Within 10 days after ~~of~~ the receipt of the fair's request, the Bureau shall notify the fair secretary or designated contact contract person of the Bureau's decision on whether to permit a change in the amount of premiums offered. The Bureau shall approve changes in the amount of premiums offered when the number of participants in or lack of participation in classes indicates such change is needed or when costs, such as for trophies, ribbons, rosettes, or engraving, were omitted from the Declaration of Intention.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section **260.30** Premiums and Receipts for Premiums Paid

a) All premiums shall be paid by the fair association or agricultural society to the winners and persons who placed in each class prior to the filing of the State Aid report. A receipt(s) showing the amount of each premium paid and the exhibitor's social security number shall be signed by the exhibitor who won or placed in the class and was paid the premium(s). If the exhibitor is unable to personally pick up the premium money, the person picking up or mailing the check money shall sign the exhibitor's name ~~and address~~ and write "by" and his or her name and address. Falsifying a receipt by someone else signing the exhibitor's name, except as provided above, or obtaining signed receipts before premiums are paid shall result in denial of State Aid for the amount of that premium.

b) All receipts for premiums paid shall accompany the State Aid report in support of claims. If, in a few cases, the secretary or the person

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designated to file the State Aid report is unable to obtain a signed receipt, the cancelled check or a photostatic copy of the cancelled check shall be attached to the unsigned receipt. The cancelled check (or copy of the cancelled check) shall remain as a part of the State Aid report and shall not be returned to the fair association or agricultural society. The original of the receipt shall accompany the State Aid report, a copy of the receipt shall be given to the exhibitor, and a copy of the receipt shall be retained for two years by the fair association or agricultural society.

c) Each exhibitor's ~~page of the~~ receipt shall be totaled separately. The receipts shall be kept separated according to each department.

d) State Aid will be paid on a maximum of two premiums awarded to the same exhibitor under the same premium number. Where only one exhibit is entered in a class, the exhibit shall be declared first place and be paid the first place premium. Except for stake races in Division II, only one premium shall be eligible for reimbursement of State Aid in each sweepstake or champion class. State Aid shall be paid on a maximum of ~~ten (~~10~~)~~ placings under any one premium number. Premiums awarded under the Danish system (where premiums are based upon the number of entrants) or group system of placing are not eligible for State Aid. The premium amounts must be on a graduated scale.

e) The costs of ribbons, rosettes and trophies, including engraving, are eligible for State Aid when they are awarded in classes that are eligible for State Aid. An itemized invoice(s) showing only the items as before stated that are eligible for State Aid shall accompany the State Aid report. Invoices for trophies, ribbons, or rosettes must show the business from which they were purchased. Where the ribbon, rosette, trophy and/or the engraving on the trophy is paid by an organization or person sponsoring the event, these costs are not eligible for State Aid. ~~The maximum amount that is eligible for State Aid--reimbursement--for--each--trophy is $75.00, including the cost of engraving.--If the costs exceed the maximum amount, a deduction--shall be made from the claim for those costs that exceed the maximum amount.~~

~~f) Items--such--as--entry--tags,--tickets,--advertising,--and--advertising supplies are--not--eligible--for--State--Aid,--but--are--eligible--for reimbursement under Pro Rata (Section 260.110).~~

f)~~g)~~ In order to qualify for premiums, entries must show in their proper classes (i.e., according to age, sex, breed, or other qualifications as established for the exhibit or event by the fair association or agricultural society; five-gaited horses cannot show as three-gaited, and polled herefords cannot show in the horned hereford class). Combining of classes, such as the polled herefords with the horned herefords, will disqualify such combined classes for State Aid, except where the classes were advertised as combined classes in the premium book.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

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Section 260.35 Stall or Pen Fees

Stall or pen fees shall be set by the fair association or agricultural society. Stall or pen fees must be published in the premium book (see Section 260.55) and once they are published they cannot be changed. ~~The minimum number of days that is to be included in the stall or pen fee will be three (3) days.~~ The fair association or agricultural society may set stall or pen fees as one sum which will cover all the days of the fair. The ~~maximum~~ stall or pen fee that may be charged shall be set by the ~~by a~~ fair association or agricultural society ~~is $10 per day~~.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 260.40 Entry Fees

a) An entry fee shall not be more than 10% of the purse offered under one premium number, nor more than 75% of the smallest premium offered. Where either percentage is violated, the amount of the excess entry fee that was charged shall be deducted from the amount of premiums paid in that particular class when determining State Aid reimbursement. ~~Entry fees for overnight horse races shall not exceed 3% of the advertised purse.--The maximum entry fee that can be charged by a fair association or agricultural society shall not exceed $10 for agricultural exhibits or livestock shows, $25 for tractor pull classes and $25 for equine classes, including horse racing.~~

b) The amount of the entry fee charged must be printed in the premium book for each department and shall be shown separately from stall or pen fees that are charged by the fair association or agricultural society. The entry fee shall be for each class entered and not for each animal.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 260.45 County Fair Organization and Operation

a) A fair association or agricultural society may be open to the world or confined to the county or an adjacent county or counties contiguous thereto or other defined grouping of counties. ~~Open--and--confined classes--are--acceptable in the equine contests, tractor pull classes, the--colt--races,--and--individual--departments--which--merit--special dispensation (i.e., confined--classes--that--do--not--have--sufficient exhibitors--to--hold--the--classes shall be opened to the world).~~ The Department of Agriculture shall grant written permission upon receipt of written request for any exceptions to this rule, unless the premium books have been printed.

b) All events and exhibits in order to be eligible for State Aid must be

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held on the fairgrounds during the advertised dates of the fair.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section **260.50 Exhibits and Livestock; Presence on the Fairgrounds and Early Release Procedure**

a) Exhibits are required to be in place and livestock is required to be on the fairgrounds for a minimum of three days, except for 4-H Club shows, Junior Shows, and one-day shows, such as Western Horse show, Steer show or Barrow show. The number of days the exhibit or livestock must be on the fairgrounds shall be indicated in the Premium Book (see Section 260.55). If recommended by the county fair's veterinarian and requested by fair management, early dismissal of livestock may be granted by the Bureau for the following reasons: disease outbreak, severe hot weather, or other existing conditions which may result in the deaths of livestock. The Bureau may also grant early dismissal of livestock and other exhibits upon recommendation of fair management in the case where facilities have been lost due to fire, wind or heavy rain damage to tents and barns, or loss of electrical power, or if facilities cannot accommodate livestock due to space limitations ~~if the exhibit or livestock will not be required to be on the fairgrounds three days. Early dismissal of livestock or exhibits shall be granted by the Bureau upon request of the fair management when there is need for additional stalls to accommodate livestock arriving at the fairgrounds, disease outbreak has been reported, severe hot weather conditions are present which may result in deaths of livestock, facilities are lost (e.g., fire, wind or heavy rain damage to tents and barns, or loss of electrical power) or in order for the exhibitors to participate in other county or State fairs~~.

b) Junior shows shall comply with Section 260.95(c) ~~260.95(d)~~ regarding the presence of livestock and exhibits on the fairgrounds.

c) 4-H Club shows shall comply with Section 260.300 regarding the presence of livestock and exhibits on the fairgrounds.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section **260.55 Premium Book**

a) A premium book showing the classes of exhibits and the premiums offered for each class must be made available by the fair association or agricultural society to the public upon request and a copy sent to the Bureau at least 10 days prior to the opening day of the fair and another copy shall accompany the State Aid Report. The premium book shall contain the following information:

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1) The total amount of premiums that are offered in each department.
2) Each department shall be identified as follows:
   Department A - Beef Cattle
   Department B - Dairy Cattle
   Department C - Heavy Horse
   Department D - Equine Pulling Contest
   Department E - Jacks, Jennets and Mules
   Department F - Sheep ~~and Goats~~
   Department G - Swine
   Department H - Junior Department - Livestock
   Department I - Poultry, ~~and~~ Rabbits, and Ratites
   Department J - Agricultural Products
   Department K - Horticulture
   Department L - Floriculture
   Department M - Fine Arts and Textiles~~.~~ (Fine arts may be designated as M-1 and textiles as M-2)~~.~~
   Department N - Education and Natural History
   Department O - Dairy, Apiary and Culinary
   Department P - Junior Department (other than Livestock)
   Department Q - Tractor Pulls and~~,~~ Pick-up Truck Pulls~~, and Miscellaneous.~~
   Department R - Light Horse and Western Department - Equine Events and Races
      Class S - Harness Races
      Class T - Running Races
   Department U - Goats and Llamas
   Department V - Miscellaneous
   Department Z - Rodeos
3) The class number. The first class in the premium book shall be numbered 1 and the remaining classes numbered consecutively throughout the department ~~entire book~~. Numbers may be left blank to allow for future expansion of classes or breeds.
4) The entry requirements and the graduated premiums offered for each class.
5) The maximum number of days that the exhibits or livestock must remain on the fairgrounds.
6) The time and date for the release of livestock and exhibits.
7) Stall or pen rent charged.
8) Entry fee charged.

b) All ~~Flyers will not be considered a part of a premium book. Therefore, all~~ departments and classes must be published in the premium book to be eligible for State Aid.

c) Should it be necessary to make corrections in the premium book after it is printed, these corrections must be made available to the public and must be indicated on the copy which accompanies the State Aid report.

d) Department I shall include other birds that are raised in domestic production or for exhibition purposes, such as pigeons, pheasants,

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guineas, peafowl, ostrich, rheas, and emus.

e) Any classes~~, such as tractor pulls or other agricultural events,~~ that do not come under Departments A through Z as listed in Section 260.55(a)(2) shall be listed under Department V ~~0~~.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 260.60 Horse Racing -- Harness and Running

a) In order to qualify for State Aid, harness horse races shall be confined to standardbred horses; running horse races shall be confined to thoroughbred and quarter horses. Quarter horse races are reported under Department-Equine Races, Class T, on the State Aid report.

~~b) Both harness and running race entries on overnight events (i.e., horse runs in one day's races and stays on the fairgrounds one night) must close by 10:00 A.M. the day before the race will be held.~~

b)~~c)~~ Entry fees shall be as set forth in Section 260.40. Stall fees shall conform with Section 260.35.

c)~~d)~~ Contributions, such as money, blankets, ribbons, wreaths, trophies, rosettes or engraving, made by other persons or organizations (e.g., colt associations, the promoter of the races, the State Fair, or Standardbred and Thoroughbred Breeding and Racing Programs) are not eligible for State Aid. The actual amount of monies expended for horse racing by a fair association or agricultural society is eligible for State Aid reimbursement. Horse racing entry fees may be included in the amount requested for State Aid reimbursement.

d)~~e)~~ The party paid the purse shall sign the receipt(s) showing each purse and total purse won. The receipt(s) shall be submitted with the State Aid report.

e~~f~~) A racing program marked to indicate the placings in each race shall accompany the State Aid report.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 260.65 Heavy Horses

In order for an event to qualify for State Aid, heavy purebred horses (draft horses) shall be registered with a national registry association, as evidenced by a certificate of registry. It shall be the responsibility of the county fair association or agricultural society to check registration certificates. Heavy horses shall be listed in Department C on the State Aid report (see Section 260.55(a)(2)).

(Source: Amended at 20 Ill. Reg. _____, effective _____)

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Section 260.70 Light Horses and Western Horses

a) ~~Light horses shall be confined to Five Gaited, Three Gaited, Roadsters, Pine Harness (five gaited horses), Hunters and Jumpers, Morgans, Heavy Harness, Shetland, Welch and Hackney Ponies, Ponies of America, and Tennessee Walking Horses (five gaited horses).~~ In order to qualify for State Aid, a purebred western or light horse ~~in the above listed classification~~ shall be registered with a national registry association, as evidenced by a certificate of registry. It shall be the responsibility of the county fair association or agricultural society to check registration certificates.

b) Light or western horses shall be listed in Department R on the State Aid report (see Section 260.55(a)(2)).

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 260.75 Western Horse Shows (Repealed)

~~a) Western or Stock Horses showing in the following classifications are eligible for State Aid: Working Class (Heavy and Light); Parade Classes, both single and pairs; Palamino Class; Equitation Class; Handy Horse (weaving in and out); Musical Chairs; Boot Scramble; Saddle Scramble; Flag Race; Barrel Race; Rescue Race; one (1) class of Calf Roping and Cutting Horse or any other classification printed in the Premium Book.~~

~~b) Variations of the classifications listed in Section 260.75(a) may be made in each classification in order to complete a program (e.g., singles, pairs, ladies' classes, men's classes and juniors).~~

~~c) Western shows are included in the Light Horse Department (R) on the State Aid report (see Section 260.55(a)(2)).~~

(Source: Repealed at 20 Ill. Reg. _____, effective _____)

Section 260.80 Livestock Classification

a) Unless herd, flock or group classes of livestock are defined by the fair association or agricultural society by other criteria and such criteria are published in the premium book, the fair association or agricultural society may follow the current classifications as defined by the national breed organizations. ~~the following standard classifications shall be used:~~

~~1) Cattle~~

~~A) Graded Herd: Bull over 2 years old, cow 3 years old and over; heifer 2 years old and under 3; heifer 1 year old and under 2; heifer calf under 1 year old.~~

~~B) Yearling Herd: Bull and 2 heifers, 1 year old and under 2.~~

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~~C) Calf Herd:--Bull and 2 heifers under 1 year old.~~
~~B) Get of Sire:--3 animals of any age or sex.~~
~~E) Product of Dam:--2 animals of any age or sex.~~
~~2)~~ Heavy Horses
~~A) Get of Sire:--2 animals of any age or sex.~~
~~B) Product of Dam:--2 animals of any age or sex.~~
~~C) Stallion and 2 mares, any age.~~
~~3)~~ Sheep
~~A) Flock:--Ram, any age, ewe 2 years or over;--ewe--1--year--and under 2, ewe under 1 year.~~
~~B) Pen:--3 lambs under 1 year.~~
~~C) Young Flock:--Yearling ram or ram lamb and 2 yearling ewes or 2 ewe lambs.~~
~~4)~~ Swine
~~A) Get of Sire:--3 animals of any age or sex, get of one sire.~~
~~B) Product of Dam:--4 head, either sex, under 1 year by one sow.~~
~~C) Young Herd:--Boar and 2 sows under 2 years.~~

b) Poultry classifications shall be limited to the popular farm varieties and ratites in the area where the county fair is held in order to be eligible for State Aid as determined by the county fair association or agricultural society. Poultry classifications shall be published in the premium book.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 260.85 Registration Papers ~~(Repealed)~~

Registration papers are required for all purebred livestock.

(Source: Old Section repealed at 9 Ill. Reg. 3233, effective March 1, 1985; new Section added at 20 Ill. Reg. _____, effective _____)

Section 260.95 Junior Shows

a) Junior Shows are eligible for State Aid only if they are open to boys and girls who meet the age requirement for competition set by the 4-H program administered by the Cooperative Extension Service in Illinois ~~are--at least eight (8) years old, or in third grade, prior to January 1 of the year in which they will show, and they--will--not--be--twenty (20)--years--of--age until after December 31 of the year in which they will show~~. The same classes which are eligible for State Aid in the open show are eligible for State Aid in the Junior Show. All animals (i.e., individual, herd or flock classes) shown in Junior Shows must be the property of the boys or girls showing them. If the same animals are shown in both the open classes and Junior Show, they shall be shown under the same exhibitor's name (for example, the father is

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not permitted to show an animal in the open class and the son or daughter show the same animal in the Junior Show).

b) ~~Group showings or placings in Junior Shows are not eligible for--State Aid.~~

b)c) A fair that is composed entirely of Junior Show classes and does not have open classes shall use the standard department classifications (e.g., Department A - Beef Cattle) as stated in Section 260.55(a)(2). However, fairs that have both Junior and open classes shall report livestock showing in the Junior Show in Department H and all other Junior Show classes, such as poultry, agricultural products, horticulture, floriculture, educational, fine arts and textiles, dairy products, apiary and culinary, shall be reported in Department P.

c)d) Where the county board elects to have strictly a Junior Show, livestock and exhibits must be on the fairgrounds on the opening day of the fair until the close of the fair, unless earlier release of the livestock is authorized by the Bureau. Where both a Junior Show and open show are held, livestock and exhibits entered in the Junior Show shall follow ~~must be on the fairgrounds the opening day of the Junior Show until the close of the--Junior--Show,--unless--early--release--is authorized--by--the--Bureau.---The--Bureau shall use~~ the standards set forth in Section 260.50(a) ~~when deciding whether to permit an--earlier release of livestock and exhibits~~.

d)e) Junior Show classes must be separate and distinct classes from the open show classes and the Junior Show dates shall appear on the Declaration of Intention.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 260.100 A State Aid Report

a) In accordance with Section 12 of the Act, the State Aid report shall be filed in person or postmarked before October 15 of each year.

b) The Bureau shall mail each fair association or agricultural society two ~~(2)~~ copies of the State Aid report form to be used in submitting the information required by Sections 10 and 12 of the Act. One copy of the report should be retained by the fair association or agricultural society for their records.

c) Receipts for trophies, ribbons, rosettes, engraving and premiums paid as outlined in Section 260.30 shall accompany the State Aid report.

d) The receipts for each department must be accompanied by an adding machine tabulation, tabulated in chronological order, showing the premiums paid and the total for each department. This information may be supplied by computer printout or other electronic data transfer systems if approved by the Bureau.

e) In order for the Bureau to prepare and publish a recapitulation report which can be used by a fair in evaluating its program and for planning next year's fair, as well as for the Department of Agriculture and the

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Illinois General Assembly to use to evaluate appropriation needs, the following information shall be submitted by the fair association or agricultural society on the State Aid report:

1) The year for which the report is being submitted.
2) The name of the fair association or agricultural society (exactly how the check should be made out).
3) The city or town where the fair was held.
4) County where the fair was held.
5) The names, titles (if applicable) and mailing address for all officers and directors of the fair association or agricultural society.
6) The date the fair was organized.
7) The date the fair association or agricultural society was incorporated, if applicable.
8) The number of acres in the fairgrounds and whether the fairgrounds are owned or leased. If the fairgrounds are leased, the number of years remaining under the terms of the lease and the expiration date of the lease.
9) The cash value of the grounds and improvements.
10) The dates the fair was held.
11) Verification statement that exhibitors have been paid in full.
12) Estimated attendance and gate admission fees charged.
13) Name of carnival.
14) The Grand Summary shall include a breakdown of the following information for each department listed in Section 260.55(a)(2):
    A) Number of animals or articles shown.
    B) Amount of premiums offered.
    C) Entry fees collected.
    D) Amount of premiums paid.
15) Totals for the information requested in Section 260.100(e)(14) for each division and the grand total.
16) A financial statement for the current year showing receipts, expenditures and the total operating profit or loss. The amount of money spent for real estate and capital or permanent improvements for the current year shall also be provided.

f) *No one department or class shall be paid premiums awarded in excess of 30% of the total premiums awarded by the fair* [30 ILCS 120/9] ~~(Quoted from Ill. Rev. Stat. 1983, ch. 85, par. 659)~~. The grand total of Column 4 (Amount of Premiums Paid Each Department) on the Grand Summary is the amount on which the 30% is figured. The grand total of Column 4 shall not exceed the grand total as shown on the Declaration of Intention. The Bureau shall deduct from the grand total that amount in excess of the amount shown as the grand total on the Declaration of Intention.

g) Income shown on the financial statement shall include gate admission, grandstand admission, auto parking, stall and pen fees, fees paid by concessionaires, commercial exhibits and the carnival, entry fees, estimated State Aid for the current year, estimated rehabilitation aid

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for the current year, aid from the county, if any, rental fees for the buildings and grounds for periods other than the fair, and any other income that was received by the fair but not included in the other categories mentioned. Borrowed money shall not be reported as income. Expenses of the fair shall include premiums paid, costs of grounds improvements, charges for music and attractions, judges' and assistants' fees, administrative and office payrolls, personnel expenses for gates, grandstand help, policy and parking vehicles, general and common labor payrolls, advertising expenses including the costs of the premium book, federal admission tax paid and other operating expenses, such as interest on indebtedness, that were not listed in the categories mentioned. The financial statement on file with the Department of Agriculture is subject to audit by auditors investigating Department of Agriculture accounts.

h) The State Aid report shall be notarized by a notary. The President and the Secretary of the fair association or agricultural society shall sign the report.

i) The State Aid report shall be personally delivered or mailed by first class, registered or express mail to the Bureau. The report should be wrapped securely and placed in the expanding folder which was sent to the fair association or agricultural society by the Bureau. A premium book shall accompany the State Aid report (see Section 260.55). This information may also be supplied by computer printout or other electronic data transfer systems if approved by the Bureau.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 260.110 Pro Rata (Grant) Payments and Justification

a) If after State Aid and/or Growth Incentive payments have been made there remain any funds in the appropriations, pro rata (grant) payments shall be made to all fairs that are participating in the State Aid program in accordance with Section 10(c) of the Act. This payment will be made after all eligible claims are paid from the Growth Incentive Program.

b) All fairs receiving pro rata (grant) payments are required to file with the Bureau a fiscal accounting of the expenditure of these grant monies. This accounting will be due at the same time each fair files its State Aid Report (Section 260.100(a)) of the year in which such monies were received.

c) Pro rata (grant) monies received by a fair association or agricultural society shall only be used for:
    1) Premiums and Awards (including that amount in excess of the grand total on the Declaration of Intention, if any, that was deducted as set forth in Section 260.100(f));
    2) Judges' Fees
    ~~3) Veterinarian Fees~~

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~~4)~~ ~~Interest-Payments~~
~~5)~~ ~~Utilities,-such-as-telephone,-electricity,-and-water~~
~~6)~~ ~~Tent-Rental~~
~~7)~~ ~~Liability-Insurance~~
3)~~8)~~ Other expenses incurred by the fair association or agricultural society which are directly related to the operation of the fair (e.g., manure and rubbish removal, rental of garbage containers, entry tags, advertising, supplies, tickets, and printing of premium books).

d) Pro rata (grant) monies shall not be used for rehabilitation purposes (see Subpart B of the rules of this Part).

e) Pro rata (grant) money shall not be used to reimburse expenses incurred by and/or contributions made by other persons or organizations in promoting the fair.

f) Section 22 of the Act prohibits pro rata (grant) money from being used to pay salaries.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section **260.117** **Administrative Rules (Formal Administrative Hearings, Contested Cases, Petitions, and Administrative Procedures)**

All decisions of the Department of Agriculture in implementing these rules are subject to the Illinois Administrative Procedure Act [5 ILCS 100] ~~(Ill.--Rev. Stat.--1991,--ch.--127,--par.--1001-1-et-seq.)~~ and the Department's rules of the Department of Agriculture pertaining to administrative hearings as promulgated thereunder (8 Ill. Adm. Code 1).

(Source: Amended at 20 Ill. Reg. _____, effective _____)

SUBPART B: FAIRS PARTICIPATING IN THE REHABILITATION FUND

Section 260.207 Rehabilitation Declaration of Intent

a) In order to be eligible for reimbursement for rehabilitation projects, each fair association or agricultural society must submit a Declaration of Intent for these funds to the Bureau.

b) The following information shall be submitted on the Declaration of Intent:
   1) Signatures of the officers (i.e., President, Secretary and Treasurer) of the fair association or agricultural society.
   2) Description of equipment purchases and repairs and maintenance with projected costs.
   3) Amount projected for casualty and liability insurance (this should not include personal liability insurance).
   4) Descriptions of construction or purchase of permanent facilities and systems stored on the fairgrounds, including the projected costs.
   5) Amount to be paid for labor on the grounds.
   6) Amount to be paid for interest on loans (operating loans are not eligible).
   7) Amounts to be spent and descriptions of building materials and supplies.

c) The Declaration of Intent shall be notarized by a notary public.

(Source: Added at 20 Ill. Reg. _____, effective _____)

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Section **260.210** Rehabilitation Claims

a) Rehabilitation claims may include the cost of both materials and labor expended for rehabilitation of the fairgrounds, its buildings, facilities and for construction projects. Maintenance and/or repair projects shall include improvements made for the purpose of restoring and/or maintaining the fairgrounds, buildings and facilities for long term uses.

b) The purchases of tractors, drags, water wagons and other equipment used to maintain or repair the track, show arenas, the grounds or buildings, and the initial purchase or upgrade of a computer, printer and related items if done on or after April 17, 1996, are eligible for rehabilitation reimbursement ~~in-an-amount-equal-to-50%--of--the--total--price--for--such--equipment~~. The Department of Agriculture shall reimburse fair associations for equipment that is necessary for the maintenance and repair of projects, except computer equipment, that have received rehabilitation reimbursement. Any repairs to this equipment shall also be reimbursed ~~50%-of--the--total--amount--of--the-repair--costs~~. The reimbursement rate for the total of all above expenses shall be 100% of the first $5,000 and 75% of the next $20,000. Equipment purchased with rehabilitation funds shall remain on the fairgrounds at all times. When a fair association or agricultural society disposes of such equipment, it shall notify the Bureau in writing. If during an inspection by a Department of Agriculture inspector, this equipment is not found on the fairgrounds and notice of disposal is not on file with the Bureau, the Bureau shall send written notice that repayment is due and the fair association or agricultural society shall repay to the State Treasury within 30 days from receipt of the notice that portion of rehabilitation funds spent on the purchase of said equipment that was not found on the fairgrounds, regardless of the fiscal year in which the equipment was purchased.

~~c)~~ ~~Rehabilitation--claims--for--maintenance,--repairs,--and--purchase--of equipment-shall-cover-expenditures-made-during-the-period--July--1--to June-15-of-the-fiscal-year-for-which-the-report-is-being-submitted.~~

c)~~d)~~ Premiums paid for general liability and casualty insurance are

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eligible for rehabilitation reimbursement. Premiums for personal liability insurance are not eligible for rehabilitation reimbursement.

d)~~e)~~ On rehabilitation projects, a fair association or agricultural society shall adhere to the provisions of the ~~The~~ Illinois ~~State~~ Purchasing Act [30 ILCS 505] ~~(Ill. Rev. Stat. 1983, ch. 127, par. 132.1 et seq.)~~.

e) Itemized bills, receipts and/or copies of cancelled checks for rehabilitation projects must be submitted by June 15 in the fiscal year for which the projects are to be reimbursed.

f) The amount carried over shall not exceed seven years as in accordance with Section 13 of the Act.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 260.215 Major Building Projects (Repealed)

~~a) For major building projects which qualify for rehabilitation reimbursement for a period longer than one year, the fair association or agricultural society shall submit with the rehabilitation report a copy of blueprints, contracts, job specifications and lending institution notes relating to the major building project. The Bureau shall approve major rehabilitation projects based upon the standards used for approving rehabilitation claims (Section 260.210) and as stated in Subpart B.~~

~~b) Major building projects in excess of $25,000 per year shall be reimbursed in accordance with the provisions of Section 13 of the Act.~~

~~c) Major building projects include construction of new buildings and facilities, new construction and rehabilitation of existing buildings and facilities, or entire rehabilitation of existing buildings, grounds, and facilities.~~

(Source: Repealed at 20 Ill. Reg. _____, effective _____)

Section 260.220 A Rehabilitation Report

a) A fair association or agricultural society shall file with the Bureau by June 15 of each year a rehabilitation report on forms furnished by the Bureau. If there is any question as to whether certain expenditures are eligible for reimbursement of rehabilitation monies in accordance with Section 13 of the Act, the fair association or agricultural society may contact the Bureau for approval of the claim prior to actually committing funds. A copy of the rehabilitation report should be retained by the fair association or agricultural society for its files.

b) The following information shall be submitted on the rehabilitation report:

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1) The year for which the report is submitted.
2) The name and address of the fair association or agricultural society.
3) The county where the fair was held.
4) The date the fair association or agricultural society was organized and the date of incorporation, if applicable.
5) The current value of real estate and improvements made to the fairgrounds.
6) The name, title and address of the officers and directors of the fair.
7) The number of acres in the fairgrounds and whether the fairgrounds are owned or leased by the fair association or agricultural society.
8) If the fairgrounds are leased, the number of years remaining under the terms of the lease and the date of expiration of the lease.
9) Each project shall be listed separately on the report along with the cost of the project.

~~c) If the rehabilitation report includes expenditures for major building projects, the total amount of the major building project, the number of years that expenditure will be eligible for rehabilitation reimbursement in accordance with Section 13 of the Act, the year the project began, and the number of years that have elapsed since it was approved shall be reported on the rehabilitation report.~~

c)~~d)~~ Itemized bills as evidence of expenditures shall accompany the rehabilitation report. Receipts and/or copies of cancelled checks ~~(or cancelled checks)~~ indicating that payments of bills have been made by the fair association or agricultural society issued by the persons who performed the services or from whom the equipment was purchased shall also accompany the rehabilitation report. The itemized bills and receipts of payments submitted with the rehabilitation report will not be returned as they are a permanent part of the rehabilitation report.

d)~~e)~~ The rehabilitation report shall be signed by the president and secretary of the fair association or agricultural society and shall be notarized. The rehabilitation report shall be personally delivered or mailed by first class, express or registered mail to the Bureau by June 15. This information may also be supplied by computer printout or other electronic data transfer systems if approved by the Bureau.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

SUBPART C: PROCEDURES FOR PARTICIPATION IN THE 4-H FUND

Section 260.305 A 4-H Claim Report

a) *The County Extension Advisor Adviser, Agriculture, shall certify to the State "4-H" Club officer under oath, on a blank form furnished by*

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the Department, the amount paid out in premiums~~, by department~~ at the show or shows for the current year, and the name of the officer or organization making the payments and the number of members enrolled for the current year. This certification shall be accompanied by itemized receipts as evidence of the certified amounts, and it must be filed with the Department before December 31 of each year ~~*amount of winnings of each participant*~~ [30 ILCS 120/14] ~~(Quoted from Ill. Rev. Stat. 1983, ch. 85, par. 664)~~. If the County Extension Advisor ~~Adviser~~, Agriculture, is unavailable, an authorized representative of the Cooperative Extension Service may sign the 4-H claim report. A copy of the premium book or premium list shall accompany the 4-H claim report.

b) This report must be filed with the Bureau before December 31~~st~~ of each year.

c) The 4-H claim report shall also include a fiscal accounting of the expenditure of pro rata money, if any, that was received by the 4-H Club during that calendar year. Justification of the expenditure of pro rata funds shall be based upon expenses incurred for the show that was held in the year in which the pro rata money was actually received by the 4-H Club.

d) Payment of eligible claims shall be mailed to the organization named on the 4-H claim report, in care of the person designated on the report as the Extension Adviser, Agriculture.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 260.310 Pro Rata Payment and Justification

a) If there remains any amount in the appropriation for 4-H Clubs ~~4-Clubs~~ after all eligible claims are paid, this amount will be prorated in accordance with Section 14 of the Act.

b) A fiscal accounting of pro rata monies received by the 4-H Club shall be made in accordance with Section 260.305. Pro rata payments may be used only for the following purposes:

1) Premiums paid in excess of the per member amount as established in the annual appropriation bill for the Department of Agriculture in the fiscal year for which the report is being submitted. Contributions made by other persons or organizations sponsoring events or classes are not eligible for pro rata reimbursement.

2) Ribbons, rosettes, trophies, engraving, and entry forms for 4-H classes.

3) Judges' fees in excess of the $400 allotted per county.

4) Printing of Premium Books.

5) Additional secretarial help needed to help with the show (salaries and expenses of county extension personnel do not qualify for pro rata reimbursement).

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6) Rental of facilities and rental and/or purchase of equipment for conducting 4-H shows or exhibitions, such as buildings, tents, and equipment needed for the show.

c) Any pro rata money not utilized by the 4-H Club or spent for purposes other than as set forth in Section 260.310(b) shall be reimbursed to the Department of Agriculture within 15 days from the time written notice is received from the Bureau indicating the amount of reimbursement due.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

SUBPART D: PROCEDURES FOR PARTICIPATION IN THE VOCATIONAL AGRICULTURE FUND

Section 260.415 Financial Statement

a) *Within 30 days after the close of the fair, a financial statement showing all premiums awarded to vocational agricultural students at that fair* shall be forwarded to the Bureau by the State Board of Education [30 ILCS 120/16] ~~(Ill. Rev. Stat. 1983, ch. 85, par. 666)~~.

b) The report shall be completed in triplicate on forms furnished by the Bureau. One copy of the report is for the vocational agricultural section fair manager and another copy is for the State Board of Education. The original of the report shall be sent to the Bureau. The report shall include the following information:

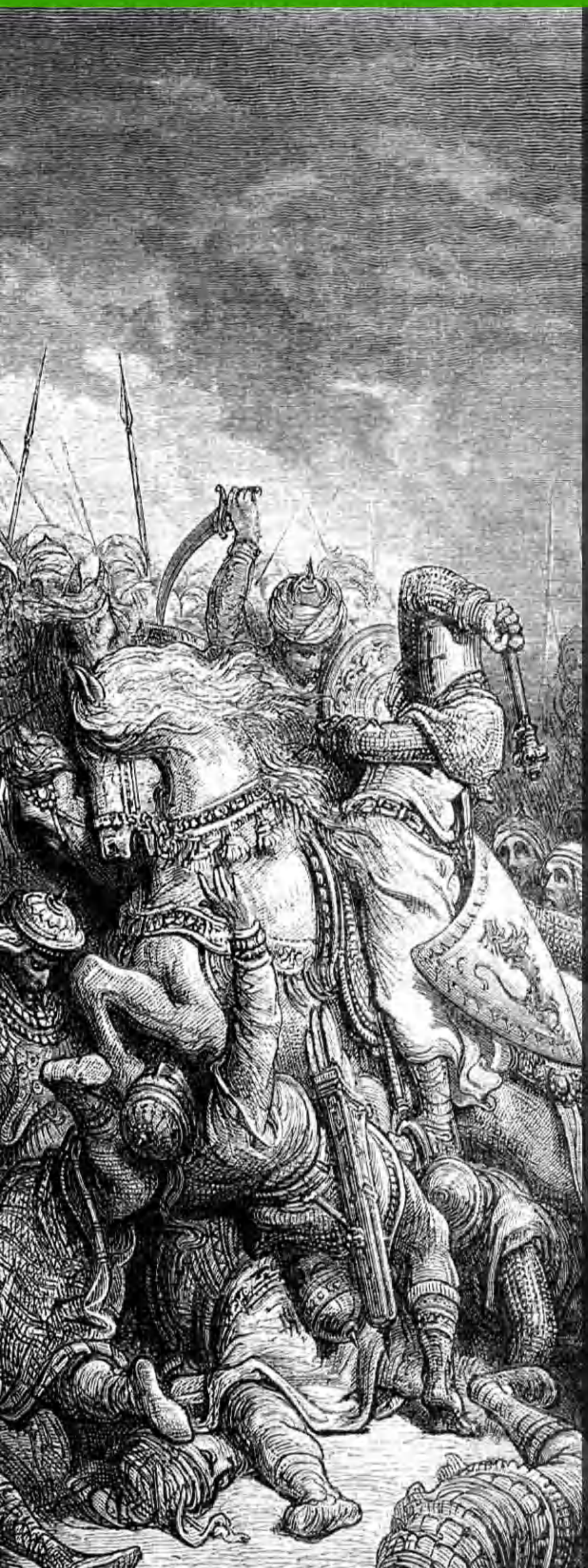
1) The section number of the fair.
2) The dates the fair was held.
3) The location of the fair.
4) The total awards that were distributed.
5) The name and address of the school.
6) The agricultural occupations teacher's name, title, and address should be listed under the name of the school.
7) Student's name and address (listed only once) with a listing of winnings for that student and a total of all amounts won. All the students who have won premiums from that school should be listed under the name of their agricultural occupations teacher.

c) As vouchers are prepared directly from this financial statement, a blank space should be left between each student's total winnings in order to set them apart.

d) The financial statement shall be signed by the vocational agricultural section fair manager and notarized by a notary public.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

SUBPART E: FAIRS OPERATING UNDER THE FAIR AND EXPOSITION FUND



DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Subacute Alcoholism and Substance Abuse Treatment Services

2) Code Citation: 77 Ill. Adm. Code 2090

3)

Section Numbers:	Proposed Action:
2090.10	Amend
2090.20	Amend
2090.30	Amend
2090.35	Amend
2090.40	Amend
2090.50	Amend
2090.60	Amend
2090.70	Amend
2090.80	Amend
2090.90	Repeal
2090.100	Repeal
2090.105	Renumber and amend
2090.110	Renumber and amend

4) Statutory Authority: The Alcoholism and Other Drug Dependency Act [20 ILCS 301].

5) Description of the Subjects and Issues Involved: These amendments incorporate emergency amendments currently in effect and also merge all enrollment, certification and recertification Sections into one Section. Changes have also been made to correct any inconsistencies contained in this Rule as a result of the recent adoption (October 3, 1996) of the Department's new substance abuse treatment and intervention licensing rule, Part 2060.

6) Will this proposed rule replace an emergency rule currently in effect? Yes - 77 Ill. Adm Code 2090-20 Ill. Reg. 12489 - 9/13/96.

7) Does this proposed rule making contain an automatic repeal date? No

8) Does this proposed rule contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of statewide policy objectives: It is not anticipated that these proposed rules will necessitate any local government to establish, expand or modify its activities in such a way as to cause additional expenditures from local revenues.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: Written comments shall be directed to the attention of:

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Norma Seibert, Administrator
Division of Licensing and Monitoring
Department of Alcoholism and Substance Abuse
222 South College, 2nd Floor
Springfield, IL 62704
217/782-0686
TDD: 217/524-5103
FAX: 217/785-0954

12) Initial regulatory flexibility analysis:

A) Types of small business, small municipalities and not-for-profit organizations affected: Businesses providing substance abuse treatment that are certified by the Department to bill for Medicaid reimbursement for such services.

B) Reporting, bookkeeping and other procedures required for compliance: Patient and client records, personnel files, procedure manuals, quality improvement plans and statistical reporting manually or electronically relative to services provided.

C) Types of professional skills necessary for compliance: Professional certification through the Illinois Alcoholism and Other Drug Abuse Professional Certification Association (IAODAPCA) or appropriate and relevant licensure through the Department of Professional Regulation.

13) Regulatory agenda on which this rule making was summarized: This rule was not included on either of the two most recent agendas because: We were uncertain of the adoption date of Part 2060 or if, or when, the current emergency amendments could be filed.

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

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER X: DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE
SUBCHAPTER g: MEDICAID PROGRAM STANDARDS

PART 2090
SUBACUTE ALCOHOLISM AND SUBSTANCE ABUSE TREATMENT SERVICES

Section
2090.10 Purpose
2090.20 Definitions
2090.30 Medicaid Certification/Enrollment/Recertification
2090.35 General Requirements
2090.40 Reimbursable Services
2090.50 Quality Improvement ~~Utilization-Review~~
2090.60 Client Records ~~Recordkeeping~~
2090.70 Rate Setting
2090.80 Rate Appeals
2090.90 Inspections ~~Application--and--Certification--Process--for--Medicaid Providers~~
2090.100 Sanctions for Non-Compliance/Audits ~~Recertification~~
2090.105 Inspections (Renumbered)
2090.110 Sanctions for Non-Compliance/Audits (Renumbered)

AUTHORITY: Implementing and authorized by Section 5-10 of the Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301/5-10].

SOURCE: Adopted at II Ill. Reg. 2236, effective January 14, 1987; emergency amendments at 12 Ill. Reg. 11273, effective June 30, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 20061, effective November 26, 1988; emergency amendments at 15 Ill. Reg. 10222, effective June 25, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 16662, effective November 1, 1991; amended at 16 Ill. Reg. 11807, effective July 14, 1992; amended at 18 Ill. Reg. 14223, effective September 2, 1994; amended at 19 Ill. Reg. 9411, effective July 1, 1995; amended at 19 Ill. Reg. 10454, effective July 1, 1995; emergency amendment at 20 Ill. Reg. 12489, effective August 30, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. _____, effective _____.

Section 2090.10 Purpose

a) The requirements set forth in this Part establish criteria for participation by subacute alcoholism and other drug abuse treatment programs in the Illinois Medical Assistance Program (89 Ill. Adm. Code 148.340).
b) The Department of Alcoholism and Substance Abuse (the Department), acting on behalf of the Department of Public Aid, shall certify the eligibility of applicants for participation who meet these requirements.

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c) These requirements are in addition to licensure standards established in 77 Ill. Adm. Code 250, (Hospital Licensing Requirements) and 77 Ill. Adm. Code 2060 ~~2058~~ (~~Licensure of~~ Alcoholism and Substance Abuse Treatment and~~,~~ Intervention Licenses ~~and Research Programs~~), and are for the purpose of assuring that Medicaid recipients shall receive quality services in accordance with 42 CFR 440 and 456.
d) These requirements shall be used by the Department for certification, recertification, and periodic inspection of providers participating in the Medical Assistance Program.
e) In addition to the duties of the Department above, the Department shall also allocate monies within its budget, which shall be for the purpose of reimbursement to certified providers for Medicaid eligible services, as described herein on behalf of the Illinois Department of Public Aid (IDPA). The Department shall, together with and by agreement with IDPA, provide for such reimbursement out of such funds.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 2090.20 Definitions

The following definitions shall apply to this Part:

"Adolescent": A person who is at least twelve years of age and under eighteen years of age ~~A client who has reached his/her twelfth birthday but has not yet reached his/her eighteenth birthday~~.

"Benefit Year": The State fiscal year.

"Client": Any person who is eligible to receive services under one of the following categories: Aged, Blind, and Disabled (AABD); Aid to Families with Dependent Children (AFDC); Medical Assistance, No Grant (MANG); Refugee Repatriate Program (RRP); Title XIX eligible Department of Children and Family Services (DCFS) wards; and persons under the age of eighteen who would qualify for AFDC but do not qualify as dependent children pursuant to 89 III. Adm. Code 140.7.

~~"Clinical Supervision": The review of client treatment and the use of other supervisory techniques for the purposes of assuring that a client's clinical needs are met.~~

"Department": The Illinois Department of Alcoholism and Substance Abuse.

"Drug-free treatment": Treatment service which does not include the use of methadone, Levo-alphacetylmethadol (LAAM) or other drugs used for substance abuse treatment.

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"Follow-up": A scheduled provider contact with a former client that occurs after the client has been discharged, has been previously specified in the client's treatment and continuing care discharge plan, and occurs for a period of time and at specified intervals. Follow-up is for the purpose of offering the discharged client continuing assistance as necessary to maintain and improve upon the clinical goals achieved during treatment.

~~"Individualized Treatment Plan": A written plan which identifies the care and treatment to be provided to the client based upon documented assessment of his/her problems and needs as well as strengths and resources.~~

"Physician": A person who is licensed to practice medicine in all its branches under the Medical Practice Act of 1987 [225 ILCS 60].

"Professional Staff": Any person who provides clinical services as defined in 77 Ill. Adm. Code 2060 and who meets the requirements for professional staff as specified in 77 Ill. Adm. Code 2060.309. Professional staff may also be a person determined to be appropriate to deliver the clinical services provided, in accordance with 77 Ill. Adm. Code 250, Subpart W.

"Provider": Any public or private agency, organization, or institution, or unit of State or local government or other legal entity licensed to deliver alcoholism or other drug abuse services according to the requirements specified in 77 Ill. Adm. Code 2060 ~~2050~~ and enrolled to provide treatment services under the Illinois Medical Assistance Program.

"Psychiatrist": A person licensed to practice medicine in all its branches under the Medical Practice Act of 1987 [225 ILCS 60] and who meets the requirements of Section 1-121 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/1-121].

~~"Qualified Alcoholism and Other Drug Treatment Professional": A person who has a minimum of 2000 hours of paid formal work experience in the field of alcoholism/substance and/or other drug abuse treatment under clinical supervision including at least 1500 documented hours of direct client service and at least 40 hours of formal training in the field of alcoholism/substance and/or other drug abuse treatment. The supervised and documented direct client service hours shall include the following alcoholism/substance and/or other drug abuse client services and treatment activities: screening, assessment and evaluation, treatment planning, intervention, referral activities, client education, case management and consultation, clinical recordkeeping, and recovery support. Direct treatment activities shall include clinically supervised experience working with~~

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~~individuals, groups, and families. A qualified alcoholism and other drug treatment professional may also be a physician licensed to practice medicine in all its branches pursuant to the Medical Practice Act of 1987, a person registered as a psychologist pursuant to the Clinical Psychology Practice Act [225 ILCS 15], a person licensed as a social worker or licensed clinical social worker pursuant to the Clinical Social Work and Social Work Practice Act [225 ILCS 20], a person holding a masters or higher level degree in counseling, or a person certified by the Illinois Alcoholism and Other Drug Abuse Professional Certification Association (IAODAPCA) as a "counselor," "reciprocal," "supervisor" or "master" in accordance with Certified Alcohol and Other Drug Abuse Counselor Classifications Eligibility Standards for Certification, January 7, 1992 (available from the IAODAPCA at 1305 Wabash Avenue, Suite B, Springfield, Illinois 62704). In the case of a licensee under the Hospital Licensing Requirements (77 Ill. Adm. Code 250), a qualified treatment professional may also be a person determined to be appropriate to deliver the clinical services provided, in accordance with 77 Ill. Adm. Code 250, Subpart W.~~

~~"Qualified Alcoholism and Other Drug Treatment Supervisor": A person who, in addition to meeting the requirements for a qualified alcoholism and other drug treatment professional, has at least an additional 4,000 hours of paid work experience in the field of alcoholism/substance and/or other drug abuse treatment and has at least 10 hours of formal training in the philosophy and techniques of supervision.~~

~~"Recommended by a Physician": The physician formulation of, approval of, or involvement in each client's individualized treatment plan within 14 (calendar) days from the date of initial services. The physician shall establish or approve a diagnosis of alcoholism and/or other drug abuse for the services in order to be reimbursed as a Medicaid service under this Section. Evidence of the physician's supervision must be documented by the physician's handwritten signature and dated approval of the treatment plan, or a signed notation indicating concurrence with the plan of treatment in the client's record. The program shall not use a signature stamp.~~

"Subacute": The level of care necessary to effectively treat an alcohol and/or other drug abuser's dependency on a chemical without the more intensive measures designed to treat primary medical conditions in an acute care setting (e.g., inpatient hospitalization). Subacute care may be delivered in a facility licensed under the rules for ~~licensure of~~ Alcoholism and Substance Abuse Treatment and Intervention Licenses ~~and Research Programs~~ (77 Ill. Adm. Code 2060 ~~2050~~) or in a hospital, either of which is certified according to Section 2090.30 ~~2090.90~~ for purposes of Medicaid reimbursed alcoholism

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and/or other drug abuse services.

"Treatment Plan": An individually written plan for a client which identifies the treatment goals and objectives based upon a clinical assessment of the client's individual problems, needs, strengths and weaknesses.

~~"Treatment Protocol": Written policies and procedures which describe the client services delivered by the program. These policies and procedures must be approved and signed by a physician.~~

"Under the direction of a physician": Treatment services provided under the direct supervision of a physician who is on staff and continuously directs the provision of care.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 2090.30 Medicaid Certification/Enrollment/Recertification

a) Providers may be certified and recertified by the Department as set forth herein and may enroll for participation in the Illinois Medical Assistance Program as provided in 89 Ill. Adm. Code 148.340(d). Application for Medicaid certification and enrollment for alcoholism and other drug abuse treatment service providers may be made by providers who are:
   1) Currently licensed by the Department under the provisions of 77 Ill. Adm. Code 2060 for alcoholism and other drug abuse treatment services described in 77 Ill. Adm. Code 2060.
   2) Currently licensed by the Illinois Department of Public Health as a hospital pursuant to 77 Ill. Adm. Code 250 for the treatment services described in 77 Ill. Adm. Code 250.

b) Medicaid Certification
   1) Applications for certification may be obtained in person or by writing to:

      Illinois Department of Alcoholism and Substance Abuse
      160 N. LaSalle, Suite N700
      Chicago, Illinois 60601
      Attention: Division of Licensing and Monitoring
      (312) 814-4718
      (312) 419-8432 TDD

      or

      Illinois Department of Alcoholism and Substance Abuse
      222 S. College, 2nd Floor
      Springfield, Illinois 62704

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      Attention: Division of Licensing and Monitoring
      (217) 782-0685
      (217) 524-5103 TDD

   2) Applicants for new certification will be accepted from programs or parent organizations of such programs which have been licensed as specified in this Section for at least two years. Applicants shall demonstrate two years of experience in providing quality substance abuse services of the kind for which certification is being requested and for the type of population which will be served.
   3) Applicants shall submit documentation of the following:
      A) evidence of the need within the community for the type of services to be provided by the program for which certification is sought;
      B) description of the organization that will be operating the program;
      C) fiscal solvency of the organization;
      D) description of the physical facilities to be utilized by the program;
      E) description of the program and the clientele it serves;
      F) projection of the total number of Medicaid clients to be served each month, the average length of stay anticipated, and the estimated average per person cost of treatment;
      G) schedule of the specific dates, times and places services will be provided;
      H) number and type of people served during the previous two years in the program for which certification is sought and a description of the people served (demographics, gender, drug of choice, Medicaid eligibility, income level, etc.);
      I) name, address and professional qualifications of the program's Medical Director;
      J) name and qualifications of each individual who will be staffing the program and a description of that individual's responsibilities with respect to the program;
      K) copies of written referral agreements with other social service systems and primary medical care service systems within the applicant's area;
      L) copies of linkage agreements with other substance abuse treatment programs within the applicant's area implemented to assure availability of all levels of care as required in 77 Ill. Adm. Code 2060;
      M) documentation of the program's quality assurance system and utilization review policy as applied to the program's clinical standards which have been used for the previous two years, with a copy of the two most recent utilization review reports; and
      N) measurable outcome evaluation process used for the past two

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years and statistics on the program's client outcomes.

4) Applicants who receive funding from the Department shall submit evidence that they are in compliance with 77 Ill. Adm. Code 2030, Subparts D and G and Sections 2030.710 and 2030.740. Applicants who do not receive funding from the Department shall submit copies of the two previous years' annual audits according to the standards established in 77 Ill. Adm. Code 2030.620 and two copies of the statistical and financial data submitted in a format required by the Department.

5) Applications which are missing significant components or which have inadequate information shall be returned to the applicant with a statement specifying the missing or inadequate information. Completed applications may be resubmitted. Applications which are missing less significant components may be held by the Department and the applicant notified in writing of the missing information. The applicant may submit only the missing components. The Department shall hold such incomplete applications no more than 30 calendar days.

6) Certification is site-specific and services are to be provided on-site, unless they are provided in accordance with the off-site service provisions as set forth in 77 Ill. Adm. Code 2060.203.

7) Sites providing 24 hours of services to clients and having more than 16 beds shall not be certified for Medicaid enrollment for other than residential rehabilitation services.

8) In order to receive certification for a site having 16 beds or less, a program must meet the following criteria:

   A) be a free-standing program of 16 or fewer beds; or

   B) be within a larger facility, as a distinct unit of 16 beds or less, which:

      i) is licensed;

      ii) is physically separate from other certified and licensed programs (for example, separated by floors, wings, or other building sections);

      iii) provides a level of care significantly different in clinical content from other certified and licensed programs (for example, adult versus adolescent care, women versus men, hearing impaired versus non-impaired);

      iv) has a separate cost center (budgeting, accounting, etc.);

      v) has separate staffing; and

      vi) has separate operating policies and procedures.

9) Prior to certification, the Department shall conduct an on-site inspection.

10) Based upon the on-site inspection and a review of the application for certification, the Department will certify the program if the Department determines that:

   A) the applicant has proven that an unmet need for the services

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exists in the community the program will serve;

   B) the organization operating the program is fiscally sound and responsible;

   C) the program management is experienced in business and in the delivery of substance abuse services;

   D) the program has sufficient written agreements with social, medical and other substance abuse service providers within its area to assure proper linkage of services to an individual;

   E) the program has experience with the Medicaid eligible population it intends to serve;

   F) the program has adequate physical facilities and adequate numbers of professional staff to provide the services;

   G) the program conducts utilization review and has a quality improvement plan; and

   H) the program has a measurable outcome evaluation process in place that provides measurable indicators of improvement by program participants.

11) The Department shall notify the applicant in writing of its determination regarding certification.

   A) Approval of Certification/Medicaid Enrollment
   If the Department certifies the program, it shall include the Department of Public Aid's (IDPA) Medicaid enrollment forms with the letter of certification. The applicant shall submit the completed enrollment forms along with a copy of the letter of certification to IDPA. However, providers who have applied for hospital licensure for the first time and hold a provisional hospital license for treatment services are not eligible to apply for Medicaid enrollment for those treatment services.

   B) Denial of Certification
   If the Department is not able to certify the program based on the criteria outlined in this Section, the Department shall notify the applicant in writing, describing those deficiencies that will result in a denial of the certification. The applicant has 60 days after receipt of the notice to correct the deficiencies and supply the new information to the Department. If the new information indicates that the program meets the criteria of this Part, the Department shall certify the applicant. If the program continues to fail to meet the requirements of this Part, the Department shall deny the application for certification. If certification is denied, the applicant may appeal the Department's decision and request a hearing pursuant to 77 Ill. Adm. Code 2000 (Rules of Practice and Procedure in Administrative Hearings).

12) Certification shall be effective on the date of approval by the Department and shall remain in effect until the expiration of the

provider's license as required in this Section. Certification is also subject to any sanctions levied under Section 2090.100 of this Part. After the effective date of certification, the provider may deliver services to Medicaid recipients that will be reimbursable after the applicant completes the IDPA Medicaid enrollment procedure.

13) When and if a certified provider is no longer licensed as set forth in this Section (whether voluntarily or involuntarily) the certification shall be null and void. Upon proof by the Department's licensing division that the license is no longer in effect, the Department shall notify the provider by certified mail that certification is null and void.

14) Recertification

A) To be eligible for recertification, providers shall be in compliance with all Sections of 77 Ill. Adm. Code 2060 referenced in this Part.

B) To be eligible for recertification, providers who receive funding from the Department shall be in compliance with 77 Ill. Adm. Code 2030, Subparts D and G and Sections 2030.710 and 2030.740. Providers who do not receive funding from the Department shall submit one copy of all annual audits during the previous certification period, according to the standards established in 77 Ill. Adm. Code 2030.620 (Audit Requirements), and two copies of statistical and financial data submitted on forms required by the Department.

C) Providers shall apply for recertification at least 90 days prior to the expiration of the provider license.

D) Providers shall submit a recertification application provided by the Department. In addition, the provider shall submit copies of all utilization review (UR) reports and results of the program's measured outcome evaluations since the date of last inspection.

E) The Department shall review all documents and the results of the last licensure inspection and shall recertify the program if it complies with the requirements of the Alcoholism and Other Drug Abuse and Dependency Act and this Part.

15) Denial of Recertification

If the Department is not able to recertify the program based on its review and inspection, the Department shall notify the applicant in writing, describing those deficiencies that will result in a denial of the recertification. The applicant has 30 days after receipt of the notice to correct the deficiencies and supply the new information to the Department. If the new information indicates that the program meets the criteria of this Part, the Department shall recertify the program. If the program continues to fail to meet the requirements of this Part, the Department shall deny the application for recertification and

shall notify the applicant in writing, giving the reasons for the denial. The provider may appeal the Department's decision and request a hearing pursuant to 77 Ill. Adm. Code 2000 (Rules of Practice and Procedure in Administrative Hearings). Certification shall remain in effect pending the Department's final decision on recertification unless the provider is sanctioned pursuant to Section 2090.100 of this Part. When the denial of recertification is final, the provider shall arrange for transfer of all Medicaid clients of the program as appropriate.

~~a) Application for Medicaid enrollment for alcoholism and other drug abuse treatment service providers may be made by providers who are:~~

~~1) Currently licensed by the Department under the provisions of 77 Ill. Adm. Code 2050 for alcoholism and other drug abuse treatment services described in 77 Ill. Adm. Code 2050.~~

~~2) Currently licensed by the Illinois Department of Public Health as a hospital pursuant to 77 Ill. Adm. Code 250 for the treatment services described in 77 Ill. Adm. Code 250.~~

~~b) Providers who have applied for hospital licensure for the first time and hold a provisional license for treatment services are not eligible to apply for Medicaid enrollment for those treatment services.~~

~~c) Providers shall be certified by the Department as set forth herein and enroll for participation in the Illinois Medical Assistance Program as provided in 89 Ill. Adm. Code 140.340(d).~~

~~d) Certification is site specific and services are to be provided on site, unless there is documentation of need for off site service as set forth in Section 2090.40(a)(1) and (5). Sites providing 24 hours of services to clients and having more than 16 beds shall not be certified for Medicaid enrollment for other than residential rehabilitation services.~~

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 2090.35 General Requirements

a) To be reimbursable, treatment services shall be provided in compliance with all provisions specified in 77 Ill. Adm. Code 2060. Specifically, physical and professional staff involvement in treatment services shall be in compliance with 77 Ill. Adm. Code 2060.417, 2060.419, 2060.421, 2060.423 and 2060.425. ~~A physician must review and approve the eligible client's diagnosis and treatment plan within fourteen days after initial service. Medical involvement and treatment plan development and review shall be consistent with 77 Ill. Adm. Code 2050.321 (Medical Responsibility), 2050.333 (Treatment Plans) and 2050.336 (Progress Notes). A Qualified Treatment Professional shall develop and review treatment plans according to the following review times:~~

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~~1)~~ ~~upon admission, transfer, and discharge;~~
~~2)~~ ~~upon a change in the level of client functioning such as, but not limited to, when treatment plan objectives are met or new problems or needs are identified;~~
~~3)~~ ~~at times specified for review in the individualized treatment plan;~~
~~4)~~ ~~at the end of the estimated length of treatment and thereafter on the revised estimate of additional length of treatment; or~~
~~5)~~ every ~~ninety days, whichever comes first.~~

b) The provider shall submit Medicaid claims on a timely basis. Claims shall be submitted as soon after the service date as is reasonable unless there is good cause for later submission. In any event, if a clean claim for a service provided within a State fiscal year ~~Fiscal Year~~ is not submitted to the State on a timely enough basis to be paid within the State Fiscal Year lapse period, the provider must pursue reimbursement through the Court of Claims. Claims submitted later than 12 months from the date of service shall not be reimbursed by the State. The provider shall only bill for services which are reimbursable.

c) Information Collection ~~Through~~ DARTS.
1) The provider shall report, on a monthly basis, demographic and service system data using the Department's ~~DASA's~~ Automated Reporting and Tracking System (DARTS). The data collected shall be for the purpose of assessing individual client performance and for planning for future service development. Information to be reported by the provider, for each individual served by a program certified under Section 2090.90 of this Part, shall include but is not limited to the following:
A) Name, date of birth, gender, race and national origin, family size, income level, marital status, residential address, employment, education and referral source.
B) Special population designation, such as Medicaid eligible clients, women with dependent children, intravenous drug users (IVDUs), DCFS clients, DMHDD clients, and criminal justice clients.
C) Drug/alcohol problem areas treated, characterized by drugs of use, frequency of use, and medical diagnosis.
D) Closing date information, such as the reason for discharging the client from the program.
2) The Department shall supply providers with DARTS software.
3) Disclosure of information contained within DARTS is governed by the specific provisions of federal regulations under Confidentiality of Alcohol and Drug Abuse Patient Records (42 CFR 2 (1987)).

d) The reimbursement limits herein shall not be applied in situations where to do so would deny an eligible individual under age 21 from receiving "early and periodic screening, diagnostic and treatment services" (ESPSDT) as defined in 42 USC 1396d(r). Services as set forth in this Part shall be reimbursable to an eligible individual under age 21 for as long as the services are clinically necessary pursuant to review which is consistent with subsection (a) of this Section.

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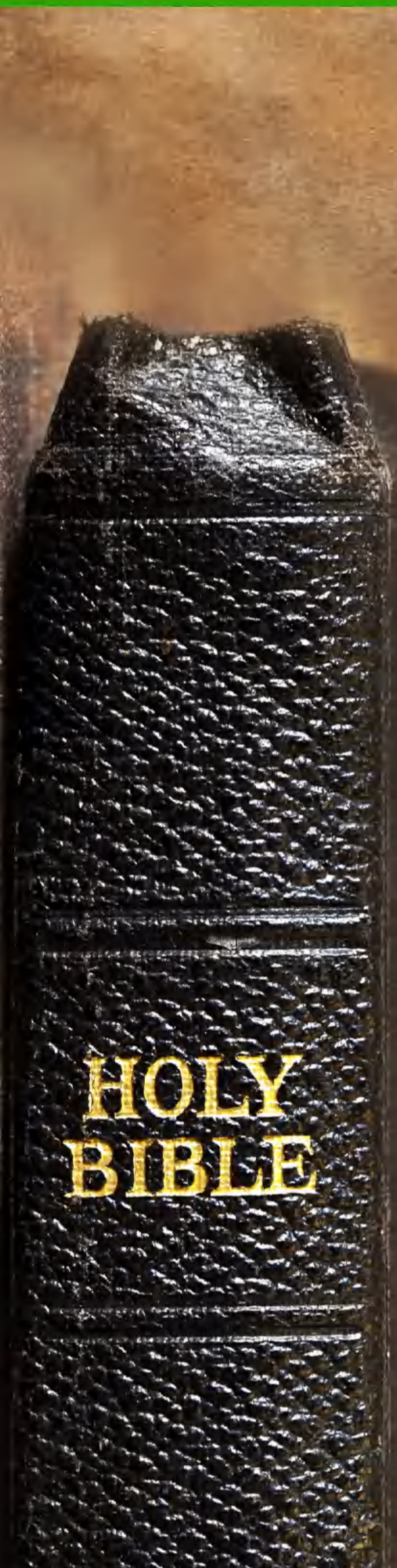
e) The reimbursement limits herein shall not be applied where to do so would deny services to a pregnant woman that have been determined to be clinically necessary pursuant to review which is consistent with subsection (a). This exemption from the limits exists during the pregnancy and through the end of the month in which the 60-day period following termination of the pregnancy ends (post partum period), or until the services are no longer clinically necessary, whichever comes first. This exemption shall not apply to a woman who enters treatment services after delivery.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 2090.40 Reimbursable Services

a) Level I: (formerly Outpatient Services)
1) Definition
The provision of treatment services as defined in 77 Ill. Adm. Code 2060.401(b). ~~face to face diagnostic and individual, group, or family drug free treatment services to a client who, in the clinical judgment of a qualified alcoholism and other drug treatment professional, is experiencing a problem with alcohol or other drugs (e.g., family, social, financial, employment, educational, and/or legal). Services are delivered in a Medicaid enrolled non residential subacute setting. However, outpatient services may be provided at a client's place of residence or other off site location when required because of illness, disability, infirmity or problems of accessing care at a certified program site, as documented in the client's individualized treatment plan. This service is designed to reduce or eliminate a client's intake of alcohol and/or other drugs.~~
~~2)~~ Scope
~~Outpatient treatment services must be delivered in accordance with a client's individualized treatment plan recommended by a physician. Services shall include but are not limited to, assessment, diagnosis and subsequent individual, group, or family counseling, case coordination, aftercare, and follow up.~~
~~3)~~ Admission Criteria
~~In the clinical judgement of a qualified treatment professional, clients admitted to an outpatient treatment program must be experiencing problems related to their addictive or abusive use of alcohol and other drugs. Clients admitted must not be actively experiencing psychotic manifestations or other severe mental or~~



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The provision of treatment services as defined in 77 Ill. Adm. Code 2060.401(d). ~~diagnostic-services--and--individual--or--group~~ Such treatment shall be drug-free ~~treatment--services~~ for adolescents on a scheduled-only residential basis in a Medicaid enrolled hospital subacute setting, or to adolescents in a psychiatric facility or an inpatient program in a psychiatric facility, either of which is accredited by the Joint Commission on Accreditation of Health Care Organizations (JCAHO), One Renaissance Boulevard, Oakbrook Terrace, Illinois~~,~~ 60181. This service is designed to reduce or eliminate an adolescent's intake of alcohol and/or other drugs.

~~2)~~ Scope

Adolescent residential rehabilitation must be delivered in accordance with an adolescent's individualized treatment plan recommended by a physician if in a hospital setting, and under the direction of a physician if in a psychiatric facility. ~~Services---must--include--but--are--not--limited--to--assessment,--evaluation,--diagnosis,--and--subsequent--individual,--group,--or--family-counseling,-education,-case--coordination,--aftercare--and--follow-up.--Adolescent-residential-rehabilitation-is-a-structured--residential--treatment--program--offered--seven-days-per-week-and--includes-a-minimum-of-25-hours-of-treatment-per-client-per-week.~~

~~3)~~ Admission-Criteria

~~In-the-clinical-judgement-of-a-qualified-treatment--professional,--adolescents--admitted--to--a-residential-rehabilitation-treatment--program-must-be-experiencing-problems-related-to-their--addictive--or--abusive--use--of--alcohol--and/or-other-drugs-which-require-a--level--of--care--exceeding--that--available--in--outpatient---and--intensive--outpatient-treatment.--Adolescents-experiencing-active--psychotic-manifestations--or--other--severe--mental--or--physical--illness--which--requires--immediate--acute-medical-or-psychiatric--care,--should--not--be---admitted---to---adolescent---residential--rehabilitation.----In--addition,--the--adolescent--shall--not--be--intoxicated,-incapacitated-or-in-withdrawal-due-to-the-effects-of--alcohol-or-other-drugs.~~

~~4)~~ Staffing-Qualification

~~At-least--one--qualified--alcoholism--and--other--drug--treatment--professional-must-deliver-at-least-50%-of-direct-client-treatment--services--during-each-treatment-session.--Additional-services-may--be-delivered-by-specialty-staff,-such-as-vocational-counselors-or--activity-therapists.~~

~~2)~~5) Reimbursement

Adolescent residential rehabilitation treatment services delivered ~~provided~~ to clients are medicaid reimbursable via the prospective rates in effect as of the date of service (89 Ill. Adm. Code 148.370). Medicaid claims are submitted to the Department and shall meet the requirements of IDPA rules for alcoholism and substance abuse treatment programs (89 Ill. Adm.

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Code 148.340 through 148.370). Reimbursement shall occur on a per diem basis. Services in an adolescent residential rehabilitation program with over 16 beds shall not be reimbursed under the provisions for Level I (outpatient) or Level II (intensive outpatient) services. ~~No-more-than-40-days-shall-be--reimbursed-in-each--benefit--year--for--an--eligible--client--for--adolescent--residential--rehabilitation--alone--or-in-combination--with-day-treatment.~~

~~d)~~ ~~Day-Treatment-Services~~

3)~~1)~~ Definition-Day Treatment

The provision of treatment services as defined in 77 Ill. Adm. Code 2060.401(d). Drug-free ~~diagnostic-services-and-individual--or--group--drug-free~~ treatment services on a scheduled-only residential basis by a program licensed pursuant to 77 Ill. Adm. Code 2060 ~~2050.372-376~~ and certified hereunder as having 16 beds or ~~less~~ fewer as specified in Section 2090.30 of this Part and excluding room and board, meals, night supervision of dormitory areas and other domiciliary support services. Treatment services may be provided to adults and adolescents. ~~To-be-certified-as--having-16-beds--or--less,--a--program--must--meet--the--following--criteria:~~

~~A)~~ ~~be-a-free-standing-program-of-16-or-few-beds,-or~~

~~B)~~ ~~be--within--a-larger-facility,-as-a-distinct-unit-of-16-beds--or-less-which:~~

~~i)~~ ~~is-separately-certified-and-licensed;~~

~~ii)~~ ~~is--physically--separate--from--other--certified---and--licensed--programs--(for-example,-separated-by-floors,--wings,-or-other-building-sections);~~

~~iii)~~ ~~provides-a-level-of-care--significantly--different--in--clinical--content--from--other--certified-and-licensed--programs-(for-example,-adult-versus--adolescent--care,--women----versus----men,----hearing---impaired---versus--non-impaired);~~

~~iv)~~ ~~has-a-separate--cost--center--(budgeting,--accounting,--etc.);~~

~~v)~~ ~~has-separate-staffing,-and~~

~~vi)~~ ~~has-separate-operating-policies-and-procedures.~~

~~2)~~ Scope

~~The--scope--of--services--is--the-same-as-set-forth-in-subsection--(c)(2)-excluding-room-and--board,--meals,--night--supervision--of--dormitory-areas-and-other-domiciliary-support-services.~~

~~3)~~ Admission-Criteria

~~Admission--criteria--shall--be--the--same--as--those-set-forth-in--subsection-(b)(3)-above.~~

~~4)~~ Reimbursement

Day treatment services shall be reimbursed at an all-inclusive per diem rate as set forth in Section 2090.70(c)(4), available upon certification of the facility ~~and-approval-of--the--Illinois~~

~~Public Aid State Plan provisions for day treatment by the Federal Health Care Financing Authority (HCFA). No more than 30 days shall be reimbursed for an eligible adult client and no more than 40 days shall be reimbursed for an eligible adolescent client per consecutive 365 days starting with the first day of a billable service for day treatment alone or in combination with adolescent residential rehabilitation.~~

d)~~e)~~ Ancillary Psychiatric Diagnostic Services

1) Ancillary psychiatric diagnostic services are limited psychiatric evaluations to determine whether the client's primary condition is attributable to the effects of alcohol or drugs or to a diagnosed psychiatric or psychological disorder. Such an evaluation shall determine the client's primary condition and recommend appropriate treatment services.

2) Reimbursable psychiatric evaluations are limited to a psychiatric evaluation/examination of a client and the exchange of information with the primary physician and other informants such as nurses, counseling staff, or family members and the preparation of a report including psychiatric history, mental status, and diagnosis. This service shall be performed by a psychiatrist.

3) Reimbursable psychiatric evaluations may be delivered to clients admitted to Levels I, II and III care ~~outpatient, intensive outpatient,~~ (adolescent residential rehabilitation, ~~intensive~~ or day treatment) where the need for such services is documented in the client's individualized treatment plan. Documentation of all such services shall be maintained in the client record.

4) Ancillary diagnostic services delivered to clients are Medicaid-reimbursable on a per-encounter basis at the practitioner's usual and customary charge, not to exceed the prevailing rate as established by IDPA pursuant to 89 Ill. Adm. Code 140.400.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 2090.50 Quality Improvement ~~Utilization Review~~

Each provider shall have and adhere to a quality improvement plan developed in compliance with the provisions in 77 Ill. Adm. Code 2060.315.

~~a) Each provider shall have written utilization review (UR) policies and procedures for the ongoing study of client care and treatment patterns. Providers licensed by the Department shall have procedures in compliance with the "quality assurance system" set forth in 77 Ill. Adm. Code 2058.309, incorporated herein by reference. Providers licensed by the Illinois Department of Public Health shall comply with standards for quality assessment and for utilization review as set forth by the Joint Commission on Accreditation of Health Care Organizations in its "Accreditation Manual for Hospitals," 1992. Such policies and procedures are for the purpose of determining the clinical appropriateness of client admission, lengths of stay, supportive services, and shall lead to reports every six months containing specific plans for corrective action and follow through as required.~~

~~b) UR policies shall specifically establish criteria and norms for the clinical appropriateness of admission and re admission, length of stay, and discharge and aftercare planning. For individuals not admitted for treatment, policies shall establish criteria for referral to other appropriate services. Procedures shall set forth the process by which the provider assesses whether provider practice conforms to the established criteria and norms, identifies problems, and plans and follows through with corrective action.~~

~~c) Readmission criteria shall be established and a process developed which shall include a review of all admission activities and a specific examination of prior treatment experiences. Providers shall document the precipitating problem(s) and the need for readmission, and shall specify appropriate services for each readmitted client.~~

~~d) Discharge Criteria~~

~~1) Discharge criteria shall be developed for the purpose of Medicaid billing which clearly state the conditions under which treatment is terminated, e.g. upon completion of the recipient's treatment plan or a client leaving against staff advice.~~

~~2) Discharge and aftercare planning is to be initiated as soon as the initial treatment plan is developed.~~

~~e) The UR process shall select a systematic sample which includes at least fifteen percent of all Medicaid recipients admitted and/or discharged since the last review. The review shall include the adequacy and completeness of client records, the course of treatment in comparison with established norms and criteria, particularly for appropriateness of admission, length of stay, discharge planning, diagnosis, and compliance with Section 2090.40 (a)(2), (b)(2), (c)(2) and or (d)(2) as appropriate based upon the services delivered.~~

~~f) Records shall be maintained of corrective actions taken by the executive director and/or the governing board pursuant to the 6 month reports. UR policies, procedures, and reports shall be reviewed and evaluated annually and revised as necessary.~~

~~g) Records of individual case reviews, 6 month reports and records of corrective action shall be made available for inspection by the Department.~~

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 2090.60 Client Records Recordkeeping

Each provider shall maintain client records in compliance with the provisions

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in 77 Ill. Adm. Code 2060.325.

~~a) Each provider shall maintain client records which include:~~

~~1) An individual treatment plan including treatment goals, or, in the case of detoxification, screening and assessment results, which include documented problem assessment and a diagnosis of alcoholism or alcohol abuse and/other drug abuse.~~

~~2) Staff signed and dated progress notes which describe the services provided and movement toward established goals.~~

~~3) Documentation which includes the date and time, duration, and staff member involved for each service.~~

~~4) Medical assessment and documentation as required by 77 Ill. Adm. Code 2058.321(a) and 2058.321(c), documentation of current medication usage, and documentation of all ancillary medical services.~~

~~5) Discharge and aftercare plans.~~

~~b) All records of services delivered to Medicaid recipients shall remain on the provider's premises and shall be retained for at least five years.~~

~~c) All records shall be made available for inspection by the Department.~~

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 2090.70 Rate Setting

a) The amount approved for payment for alcoholism and other drug abuse treatment is based on the category and amount of services required by and actually delivered to a client. The amount is determined in accordance with prospective rates developed by the Department and adopted by the Department of Public Aid. The adopted rate shall not exceed the charges to the general public.

b) Rates are cost-based and are established annually for each service. Costs will be determined based upon the information submitted by the provider in accordance with 2090.90(e).

c) Rates are generated through the application of formal methodologies specific to each reimbursable service as specified in Section 2090.40 of this Part category.

~~1) Outpatient services shall be reimbursed at an all inclusive per client hour rate payable to the nearest quarter hour. Such services are defined as face to face counseling with a diagnosed client.~~

~~2) Intensive outpatient services shall be reimbursed at an all inclusive rate for a minimum of three hours per 24 hour period.~~

~~3) Adolescent residential rehabilitation services shall be reimbursed at an all inclusive per diem rate.~~

~~4) Day treatment services shall be reimbursed at an all inclusive per diem rate exclusive of costs attributable to domiciliary~~

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~~services as specified in Section 2090.40(d)(2).~~

~~5) Ancillary psychiatric diagnostic services shall be reimbursed on a per encounter basis to psychiatrists at the practitioner's usual and customary charge, not to exceed the prevailing rate as prevailing rate as established by IDPA (89 Ill. Adm. Code 140.400).~~

d)~~6)~~ The provider shall not be reimbursed for more than one Medicaid covered subacute alcoholism or other drug abuse service per client per day except for ancillary services which may be reimbursed in addition to one of the other Medicaid covered services.

e)~~7)~~ Level I (outpatient) ~~Outpatient~~ and Level II (intensive outpatient) services, which may be delivered in a group setting, shall be reimbursed only for up to 12 clients supported by Department DASA funding (Medicaid or other).

f)~~d)~~ Hospitals

The Department shall establish rates with hospitals delivering subacute services who are certified pursuant to this Part. Rates shall be based on upon the reimbursable services definitions found in Section 2090.40~~(a), (b), (c), (d) and (e)~~ of this Part, and shall be subject to the provisions of ~~subsections (a), (b) and (c) of~~ this Section.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 2090.80 Rate Appeals

a) Providers may appeal their rates in writing within 30 calendar days of the postmark date of the rate notice.

b) Appeals shall be submitted to the Department ~~Department's Office of Purchased Care Development at the address contained in Section 2090.70 (b)~~.

c) The Department shall determine whether a reason for the appeal exists pursuant to subsection ~~Section 2090.80~~ (d) of this Section and that the written appeal contains all elements required in subsection ~~Section 2090.80~~ (e) of this Section. Further clarification of the information submitted may be requested of the provider. The Department shall forward a recommendation to IDPA within 60 calendar days of receipt of the appeal. IDPA shall make the final administrative decision based upon the appeal's conformity with this Part.

d) Rate appeals may be considered for the following reasons:

1) Mechanical or clerical errors committed by the provider in reporting historical expenses used in the calculation of allowable costs.

2) Mechanical or clerical errors committed by the Department in auditing historical expenses as reported and/or in calculating reimbursement rates.

3) The Department and the provider have entered into a written agreement to amend, alter, or modify substantive programmatic or management procedures attendant to the delivery of services, which have a substantial impact upon the costs of service delivery.
4) The alcoholism or other drug abuse licensing authority has amended the licensed capacity of a facility or treatment service.
5) The alcoholism or other drug abuse licensing authority requires substantial treatment service changes as a result of mandated licensure requirements.
6) The alcoholism or other drug abuse licensing authority requires substantial changes in physical plant as a result of mandated licensure requirements. In such instances, the provider must submit a plan of corrections for capital improvements approved by the licensing authority, along with the required cost information.
7) State and/or federal ~~Federal~~ regulatory requirements have generated a substantial increase in allowable costs.

e) To be accepted for review, the written appeal shall include:
1) The current approved reimbursement rate, allowable costs, and the additional reimbursable costs sought through the appeal;
2) A clear, concise statement of the basis for the appeal;
3) A detailed statement of financial, statistical, and related information in support of the appeal, indicating the relationship between the additional reimbursable costs as submitted and the circumstances creating the need for increased reimbursement;
4) A citation to any mandated or contractual requirement pertinent to the appeal; and
5) A statement by the provider's chief executive officer or financial officer that the application of and information contained in the vendor's reports, schedules, budgets, books and records submitted are true and accurate.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 2090.90 Inspections ~~Application and Certification Process for Medicaid Providers~~

a) The Department shall conduct inspections of applicants for program certification or recertification and of certified programs to enforce compliance with this Part. Department inspections may be conducted as part of the certification/recertification application process, on a random basis to survey compliance with this Part, or in response to complaints, if the complaint sets forth charges that constitute grounds for sanction pursuant to Section 2090.100.
b) Upon presentation of Department credentials, inspectors of the Department shall be permitted access to inspect all physical

facilities and records of the program and to make inquiries of program staff and clients.

~~a) Applications may be obtained by submitting a request in writing to:~~
~~Illinois Department of Alcoholism and Substance Abuse~~
~~James R. Thompson Center~~
~~Quality Assurance Certification Unit~~
~~100 West Randolph Street~~
~~Suite 5 600~~
~~Chicago, IL 60601~~
~~b) The Department shall forward the application materials not later than 15 calendar days after receipt of the request.~~
~~c) Applicants for new certification will be accepted from programs which have been licensed as required by Section 2090.30(a) for at least two years (or whose parent organization has). Applicants shall demonstrate two years of experience in providing quality substance abuse services of the kind for which certification is being requested and for the type of population which will be served.~~
~~d) Applicants shall submit documentation of the following:~~
~~1) evidence of the need within the community for the type of services to be provided by the program for which certification is sought;~~
~~2) description of the organization that will be operating the program;~~
~~3) fiscal solvency of the organization;~~
~~4) description of the physical facilities to be utilized by the program;~~
~~5) description of the program and the clientele it serves;~~
~~6) projection of the total number of Medicaid clients to be served each month, the average length of stay anticipated, and the estimated average per person cost of treatment;~~
~~7) schedule of the specific dates, times and places services will be provided;~~
~~8) number and type of people served during the previous 2 years in the program for which certification is sought and a description of the people served (demographics, gender, drug of choice, Medicaid eligibility, income level, etc.);~~
~~9) name, address and professional qualifications of the program's Medical Director;~~
~~10) name and qualifications of each individual who will be staffing the program and a description of that individual's responsibilities with respect to the program;~~
~~11) copies of written referral agreements with other social service systems and primary medical care service systems within the applicant's area;~~
~~12) copies of referral agreements with other substance abuse treatment programs within the applicant's area implemented to assure availability of a full range of services as required in 77 Ill. Adm. Code 2050.354;~~

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~~3) quality assurance standards and utilization review processes consistent with Section 2090.50 (documentation of the program's quality assurance system and utilization review policy as applied to the program's clinical standards) which have been used for the previous 2 years, with a copy of the 2 most recent utilization review reports, and~~

~~4) measurable outcome evaluation process used for the past 2 years and statistics on the program's patient outcomes.~~

~~e) Applicants who receive funding from the Department shall submit evidence that they are in compliance with 77 Ill. Adm. Code 2030 Subparts B, G and Section 2030.710 and 2030.740. Applicants who do not receive funding from BASA shall submit copies of the two previous years' annual audits according to the standards established in 77 Ill. Adm. Code 2030. 620 and two copies of the statistical and financial data submitted in a format required by the Department.~~

~~f) Applications which are missing significant components or which have inadequate information shall be returned to the applicant with a statement specifying the missing or inadequate information. Completed applications may be resubmitted. Applications which are missing less significant components may be held by the Department and the applicant notified in writing of the missing information. The applicant may submit only the missing components. The Department shall hold such incomplete applications no more that 30 calendar days.~~

~~g) The Department shall conduct an on site inspection pursuant to Section 2090.105.~~

~~h) Based upon the inspection conducted under subsection (g) and on the information submitted by the applicant under subsection (d), the Department will certify the program if the Department determines that:~~

~~1) the applicant has proven that an unmet need for the services exists in the community the program will serve;~~

~~2) the organization operating the program is fiscally sound and responsible;~~

~~3) the program management is experienced in business and in the delivery of substance abuse services;~~

~~4) the program has sufficient written agreements with social, medical and other substance abuse service providers within its area to assure proper linkage of services to an individual;~~

~~5) the program has experience with the Medicaid eligible population it intends to serve;~~

~~6) the program has adequate physical facilities and adequate numbers of qualified alcoholism and other drug treatment professionals to provide the services;~~

~~7) the program includes utilization review policies and procedures (with adequate clinical standards) and quality assurance policies and procedures as required by 77 Ill. Adm. Code 2090.50 and 2058.309; and~~

~~8) the program has a measurable outcome evaluation process in place that provides measurable indicators of improvement by program participants.~~

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~~i) The Department shall notify the applicant in writing of its determination regarding certification.~~

~~1) If the Department certifies the program, it shall include the Department of Public Aid's (IDPA) Medicaid enrollment forms with the letter of certification. The applicant shall submit the completed enrollment forms along with a copy of the letter of certification to IDPA.~~

~~2) If the Department is not able to certify the program based on the criteria outlined in this Section, the Department shall notify the applicant in writing, describing those deficiencies that will result in a denial of the certification. The applicant has 60 days after receipt of the notice to correct the deficiencies and supply the new information to the Department. If the new information indicates that the program meets the criteria of this Part, the Department shall notify the applicant under subsection (h)(1) above. If the program continues to fail to meet the requirements of this Part, the Department shall deny the application for certification. If certification is denied, the applicant may appeal the Department's decision and request a hearing pursuant to 77 Ill. Adm. Code 2000 (Rules of Practice and Procedure in Administrative Hearings).~~

~~3) Certification shall be effective on the date of approval by the Department and shall remain in effect for a period of 3 years, if the provider continues to be licensed as required by Section 2090.30(a) and subject to any sanctions levied under Section 2090.110. The month and day of Department approval shall be known as the program certification's anniversary date. The program may be recertified for an additional 3 year period pursuant to Section 2090.100. After the effective date of certification, the provider may deliver services to Medicaid recipients that will be reimbursable after the applicant completes the IDPA Medicaid enrollment procedure.~~

~~j) The provider shall notify the Department in writing within 30 days of any changes in policies or procedures required by this Part or described in any materials submitted as part of an application for certification.~~

(Source: Old Section 2090.90 repealed and Section 2090.105 renumbered to Section 2090.90 and amended at 20 Ill. Reg. _____, effective _____)

Section 2090.100 Sanctions for Non-Compliance/Audits ~~Recertification~~

a) Failure to comply with the requirements of this Part shall result in the provider being issued a written warning or having its certification suspended or terminated for the Illinois Medical Assistance Program.

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b) The Department shall issue written notification to a certified provider who has failed to comply with any provision specified in this Part. The provider shall have a maximum of 60 calendar days from the date of the written notice to correct the cited deficiencies. However, such action shall not preclude the Department from initiating proceedings as specified in subsection (g) of this Section.

c) The Department may also conduct post-payment audits based on volume of billings, complaints, identified deficiencies or non-compliance with this Part, or pursuant to a random selection process as necessary to monitor for compliance with this Part.

d) The Department shall audit a statistically significant randomly selected sampling of client records at the audited program.

e) The Department shall follow the recoupment formula approved by the Department of Public Aid, should the audit result in recoupment.

f) Upon completion of the post-payment audit the Department shall submit written notification to the program regarding audit findings and amounts determined to be recoupable. The program shall respond to the notification within 15 days with supporting documentation regarding the recoupment amount. If such documentation proves that the recoupment amount is inaccurate, the amount shall be revised. The program may also request a 100% audit. The department may reduce future payments at a percentage per month or in a lump sum, or demand repayment in a lump sum. Recoupment shall be done under the "Rules of Practice for Medical Vendor Hearings", 89 Ill. Adm. Code 104: Subpart C.

g) The Department and the Department of Public Aid shall jointly initiate administrative proceedings pursuant to 89 Ill. Adm. Code 140.16 to suspend or terminate certification and eligibility to participate in the Illinois Medical Assistance Program where the provider has failed to comply with any provision specified in this Part.

h) The Department shall immediately refer evidence of billing discrepancies or suspected improprieties to the Department of Public Aid for further action or may initiate post-payment audits.

~~a) Any provider that wants to continue a program beyond the 3 year certification period shall apply for recertification at least 90 days prior to the anniversary date of the third year of certification.~~

~~1) An applicant for recertification shall submit, in a format specified by the Department, a statement that the program continues to meet all requirements of this Part and continues to be licensed as required by Section 2090.30(a). This statement shall be signed by the Authorized Program Representative of the provider. If any of the information submitted under Section 2090.90 has changed since the original certification, the applicant shall resubmit that information in a corrected form.~~

~~A) Copies of all utilization review (UR) reports since the date of last certification and of the current UR policies and procedures.~~

~~B) Results of the program's measured outcome evaluations since the date of last certification or recertification.~~

~~2) To be eligible for recertification, providers who receive funding from the Department shall be in compliance with 77 Ill. Adm. Code 2030 Subparts B, G, and Sections 2030.710 and 2030.740.~~

~~3) Providers who do not receive funding from the Department shall submit one copy of all annual audit(s) during the previous certification period, according to the standards established in 77 Ill. Adm. Code 2030.620 (Audit Requirements), and two copies of statistical and financial data submitted on forms required by the Department.~~

~~4) The Department shall review the program and conduct the inspection required in Section 2090.105, and shall recertify the program if it complies with the requirements of the Alcoholism and Other Drug Abuse and Dependency Act and this Part.~~

~~5) If the Department is not able to recertify the program based on its review and inspection, the Department shall notify the applicant in writing, describing those deficiencies that will result in a denial of the recertification. The applicant has 30 days after receipt of the notice to correct the deficiencies and supply the new information to the Department. If the new information indicates that the program meets the criteria of this Part, the Department shall recertify the program. If the program continues to fail to meet the requirements of this Part, the Department shall deny the application for recertification and shall notify the applicant in writing, giving the reasons for the denial. The provider may appeal the Department's decision and request a hearing pursuant to 77 Ill. Adm. Code 2000 (Rules of Practice and Procedure in Administrative Hearings). Certification shall remain in effect pending the Department's final decision on recertification. When the denial of recertification is final, the provider shall arrange for transfer of all Medicaid clients of the program as appropriate.~~

~~b) Inspections~~

~~1) The Department shall conduct inspections of providers certified under this Part to enforce compliance with provisions of this Part.~~

~~2) The Department inspectors shall be granted access to all facilities and service areas, client records, and all other records required under this Part.~~

(Source: Old Section 2090.100 repealed and Section 2090.110 renumbered to Section 2090.100 and amended at 20 Ill. Reg. _____, effective _____)

Section 2090.105 Inspections (Renumbered)

(Source: Section 2090.105 renumbered to Section 2090.90 at 20 Ill. Reg. _____, effective _____)

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Section 2090.110 Sanctions for Non-Compliance/Audits (Renumbered)

(Source: Section 2090.110 renumbered to Section 2090.100 at 20 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Administration of the Illinois Public Community College Act

2) Code Citation: 23 Ill. Adm. Code 1501

3)

Section Numbers:	Proposed Action:
1501.604	Amendment
1501.608	Amendment

4) Statutory Authority: 110 ILCS 805/3-20.3.01 (Alterations or repairs necessary for energy conservation, health or safety, environmental protection or handicapped accessibility purposes - Tax levy - Bonds - Minimum requirement regulations and specifications.)

5) A Complete Description of the Subjects and Issues Involved: Currently, protection, health, and safety funds can only be used for leased facilities when the lease period is for more than five years with a stated intent to acquire the leased property. This rule is particularly restrictive to districts that have assumed the obligation to make alterations or repairs to leased facilities, but do not have the intent to acquire them. This rule change will provide districts with leased facilities more latitude in funding alterations or repairs.

6) Will these proposed amendments replace emergency rules currently in effect? No

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

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

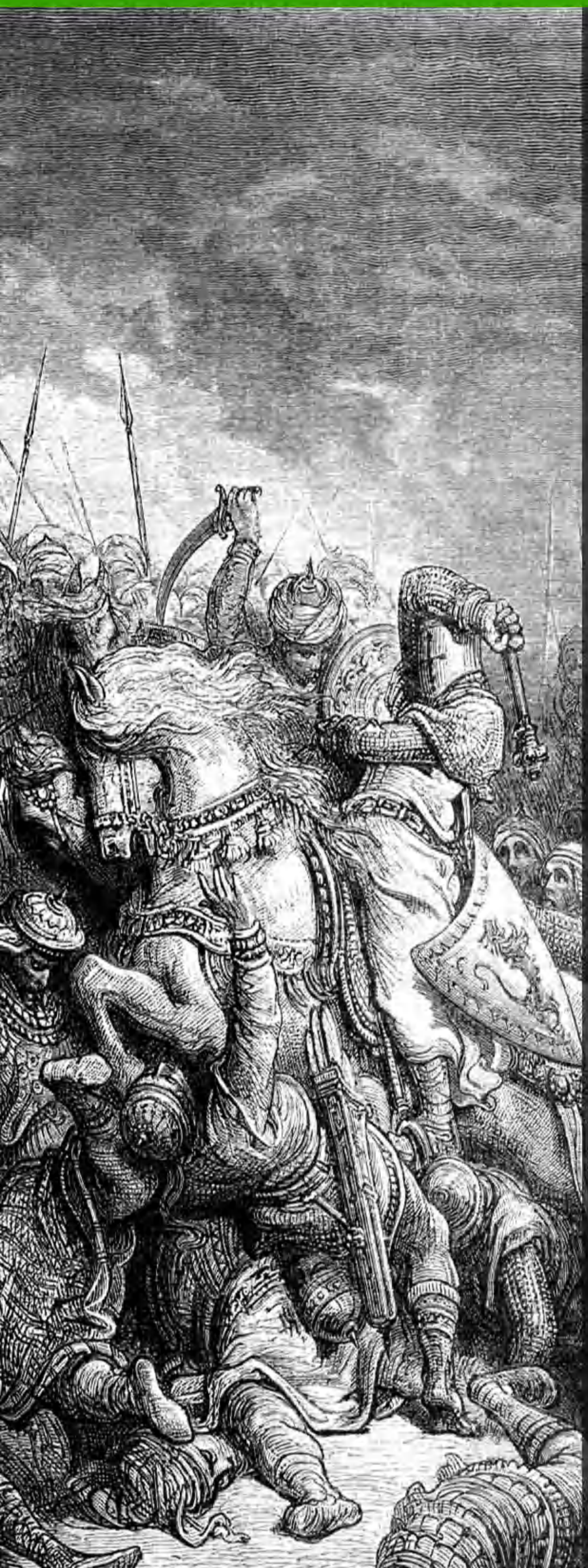
10) Statement of Statewide Policy Objectives (if applicable): Not Applicable.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Jill O'Shea
Director for Governmental Relations
Illinois Community College Board
509 South Sixth Street, Suite 400
Springfield, Illinois 62701-1874
Telephone: (217) 785-0213

All written comments received within 45 days of this issue of the *Illinois Register* will be considered.

12) Initial Regulatory Flexibility Analysis: The Illinois Community College



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SUBPART E: FINANCE

SUBPART F: CAPITAL PROJECTS

SUBPART G: STATE COMMUNITY COLLEGE

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SUBPART H: PERSONNEL

AUTHORITY: Implementing and authorized by Articles II and III and Section 6-5.3 of the Public Community College Act [110 ILCS 805/Arts. II and III and 6-5.3].

SOURCE: Adopted at 6 Ill. Reg. 14262, effective November 3, 1982; codified at 7 Ill. Reg. 2332; amended at 7 Ill. Reg. 16118, effective November 22, 1983; Sections 1501.103, 1501.107 and 1501.108 recodified to 2 Ill. Adm. Code 5175 at 8 Ill. Reg. 6032; amended at 8 Ill. Reg. 14262, effective July 25, 1984; amended at 8 Ill. Reg. 19383, effective September 28, 1984; emergency amendment at 8 Ill. Reg. 22603, effective November 7, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 24299, effective December 5, 1984, for a maximum of 150 days; amended at 9 Ill. Reg. 3691, effective March 13, 1985; amended at 9 Ill. Reg. 9470, effective June 11, 1985; amended at 9 Ill. Reg. 16813, effective October 21, 1985; amended at 10 Ill. Reg. 3612, effective January 31, 1986; amended at 10 Ill. Reg. 14658, effective August 22, 1986; amended at 11 Ill. Reg. 7606, effective April 8, 1987; amended at 11 Ill. Reg. 18150, effective October 27, 1987; amended at 12 Ill. Reg. 6660, effective March 25, 1988; amended at 12 Ill. Reg. 15973, effective September 23, 1988; amended at 12 Ill. Reg. 16699, effective September 23, 1988; amended at 12 Ill. Reg. 19691, effective November 15, 1988; amended at 13 Ill. Reg. 1182, effective January 13, 1989; amended at 13 Ill. Reg. 14904, effective September 12, 1989; emergency amendment at 14 Ill. Reg. 299, effective November 9, 1989, for a maximum of 150 days; emergency amendment expired on April 9, 1990; amended at 14 Ill. Reg. 4126, effective March 1, 1990; amended at 14 Ill. Reg. 10762, effective June 25, 1990; amended at 14 Ill. Reg. 11771, effective July 9, 1990; amended at 14 Ill. Reg. 13997, effective August 20, 1990; amended at 15 Ill. Reg. 10929, effective July 11, 1991; amended at 16 Ill. Reg. 12445, effective July 24, 1992; amended at 16 Ill. Reg. 17621, effective November 6, 1992; amended at 17 Ill. Reg. 1853, effective February 2, 1993; expedited correction at 18 Ill. Reg. 3027, effective August 20, 1990; amended at 18 Ill. Reg. 4635, effective March 9, 1994; amended at 18 Ill. Reg. 8906, effective June 1, 1994; amended at 19 Ill. Reg. 2299, effective February 14, 1995; amended at 19 Ill. Reg. 2816, effective February 21, 1995; amended at 19 Ill. Reg. 7515, effective May 26, 1995; amended at 20 Ill. Reg. _____, effective _____.

SUBPART F: CAPITAL PROJECTS

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Section 1501.604 Locally Funded Capital Projects

a) All locally funded capital projects shall meet the same codes or standards listed in Section 1501.603(f)(2).

b) Requests for ICCB approval of locally funded capital projects shall be submitted using forms prescribed by the ICCB. All locally funded capital projects shall receive prior ICCB approval except those meeting any one of the following criteria:
   1) A project which meets the definition of a maintenance project as specified in Section 1501.601.
   2) A project which does not create a change in room use.
   3) A project which is less than $25,000 regardless of the work being performed.

c) Requests for ICCB approval of locally funded capital projects shall be submitted to the ICCB according to the following criteria:
   1) All capital projects other than those excluded in Section 1501.604(b) require ICCB approval during the design phase of the project.
   2) Capital projects estimated to cost in excess of $2.5 million shall be reported to the ICCB following a project needs assessment.
   3) The final budget and scope of the project shall be reported to the ICCB after bids are received but before contracts are awarded. If the budget or scope exceeds that approved by the ICCB, the project shall be resubmitted for approval.

d) Application Criteria for New Construction Projects at the Primary Site. Applications for new construction projects submitted to the ICCB and shall have attached to them the following:
   1) A copy of the resolution or motion passed by the local board of trustees approving the budget and scope of the project.
   2) A statement identifying the source of local funds for the project.
   3) For primary sites, certification shall be provided that a suitable construction site is available. Suitability is determined through a site feasibility study. The feasibility study shall address, at a minimum, the following:
      A) The location of the site in relation to geography and population of the entire district and its relation to sites of the district's other colleges, community college facilities in other contiguous districts, and other higher education facilities in contiguous districts.
      B) The impact on the surrounding environment, including the effect of increased traffic flow.
      C) Accessibility to the site by existing and planned highways and/or streets.
      D) Cost of development of the site in relation to topography, soil condition, and utilities.
      E) Size of the proposed site in relation to projected student

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population (as determined by census data) and land cost.
      F) The number, location, and characteristics (types of terrain, geography, roadway access, and suitability of the site for building purposes) of alternative sites considered.
   4) Requests for primary site acquisition shall include three appraisals of the property.
   5) Evidence of need for the space requested shall be provided either on a general enrollment basis as specified in Section 1501.603(e)(4)(C) or a specific program need basis as specified in Section 1501.603(e)(4)(D).
   6) The project shall be within the mission of a community college as set forth in Section 1-2(e) of the Act.

e) Application Criteria for Projects Funded in Accordance with Section 3-37 of the Act. In addition to the above, applications for projects proposed for funding in accordance with Section 3-37 of the Act must include:
   1) A copy of the proposed lease agreement showing that income is sufficient to pay the costs of constructing or acquiring and operating and maintaining the facility for the life of the installment loan arrangement entered into by the college.
   2) A copy of the loan arrangement entered into by the college showing the installment costs to be incurred by the college.
   3) Any other agreement between the college and another group which commits funds toward the project by that group.

f) Application Criteria for Remodeling and Rehabilitation Projects. Projects to remodel and rehabilitate a facility shall require submittal of the following:
   1) A copy of the resolution or motion passed by the local board of trustees approving the budget and scope of the project.
   2) A statement identifying the source of local funds for the project.
   3) A summary detailing the effects of the remodeling on space usage (classrooms, laboratories, offices...).
   4) A justification statement regarding the need to remodel.

g) Application Criteria for Secondary Site Projects. Projects for the acquisition/construction of a new site and/or structure for purposes other than a primary site facility and projects for acquisition of sites and/or structures adjacent to the primary site shall require submittal of the following:
   1) A resolution by the local board of trustees stating that:
      A) Funds are available to procure the site.
      B) The programs offered have been approved by the ICCB and IBHE or approval of these stated programs by those boards is pending.
   2) Copies of at least two appraisals of the property.
   3) Verification that the condition of the facility is not a threat to public safety. This shall include tests of structural integrity, asbestos, toxic materials, underground storage tanks,

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and other hazardous conditions. (Findings regarding the existence of these hazards shall not preclude the procurement of the site/structure but the knowledge of the hazardous condition and any costs incurred in correcting the condition shall be incorporated into the total cost of procuring the facility.)

4) Identification of the location of the site and its relationship to the main campus, community college facilities in other contiguous districts, and other higher education facilities in contiguous districts.

5) Identification of all estimated costs associated with the purchase and any subsequent construction and/or rehabilitation of the site/structure.

h) Construction projects for use by the college which are financed in whole or in part by college foundations are to be submitted for ICCB approval as locally funded projects.

~~i) The college shall not utilize local funds for capital projects relating to facilities not owned by the college and which are leased for a period of five years or less. If capital projects relating to facilities leased in excess of five years are considered, application must be made in the same manner as for other locally funded projects.~~

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 1501.608 Approval of Projects in Section 3-20.3.01 of the Act

Projects proposed for construction under the provisions of Section 3-20.3.01 of the Act shall meet the criteria listed below.

a) Each proposed project shall meet the definition of "alter" or "repair" in Section 1501.601.

b) Each proposed project shall meet the definition of "facility" in Section 1501.601 and be owned by the district or leased ~~for more than five years with a stated intent to acquire and~~ where the district has assumed the obligation to make alterations or repairs.

c) Each proposed project shall not be considered a maintenance project.

d) Projects to repair facilities shall be for the purpose of correcting a hazard.

e) Each proposed project shall be one which is estimated by a licensed architect or engineer to cost $25,000 or more, and if financed through bonds in accordance with Section IIIA of the Act, is estimated by a licensed or registered architect or engineer to cost no more than $1,500,000. A project may have several component parts if these components clearly relate to the same objective.

f) Each proposed project shall have prior approval of the ICCB or its Executive Director.

g) Each proposed energy conservation project shall provide an estimated "pay back" of eight years or less as certified by a licensed architect or engineer.

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF PROPOSED AMENDMENTS

h) Each project shall meet the codes specified in Section 1501.603(f)(2).

i) An application for each proposed project shall be submitted to the ICCB for approval on forms prescribed by the ICCB and shall include all of the following:

1) A certified copy of a lawful order of any federal, state, county, or municipal agency having authority in statute or ordinance to regulate the protection, health, or safety of individuals as such relate to community college facilities; a licensed architect or engineer's certification that the present condition of the facility poses a threat to the structural integrity of the facility; or a copy of the resolution indicating that the local board of trustees has determined that the proposed project is necessary for energy conservation, health or safety, environmental protection, or handicapped accessibility purposes.

2) A copy of a statement that, in the judgment of the local board of trustees, there are not sufficient funds available in the Operations and Maintenance Fund of the district to fund the project.

3) A certified copy of a licensed architect or engineer's estimated budget of the cost and scope of the project.

4) A copy of the local board of trustees' action authorizing the project.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Prior Notification of Dividends on Common Stock and Other Distributions

2) Code Citation: 50 Ill. Adm. Code 855

3) Section Numbers: 855.ILLUSTRATION A — Proposed Action: Amended

4) Statutory Authority: Implementing Article VIII 1/2 and authorized by Sections 131.16, 131.20(a)(2), and 401 of the Illinois Insurance Code [215 ILCS 5/Art. VIII 1/2, 131.16, 131.20(a)(2), and 401].

5) A Complete Description of the Subjects and Issues Involved: This proposed amendment will require companies submitting a filing relating to issuance of an extraordinary dividend to provide the Department with a calculation of its risk based capital assuming the dividend will be approved and paid. This information will assist Departmental staff in determining whether approval of the extraordinary dividend is appropriate.

6) Will this proposed Amendment replace emergency rule currently in effect? No

7) Does this Amendment contain an automatic repeal date? No

8) Does this proposed Amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This proposed amendment will not establish, expand or modify a local government's activities in such a way as to necessitate additional expenditures from local revenues.

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

David Van Lieshout Assistant Chief Counsel Department of Insurance 320 West Washington Springfield, IL 62767 (217) 782-8216	(or)	Denise Hamilton Rules Unit Supervisor Department of Insurance 320 West Washington Springfield, IL 62767 (217) 785-8560

12) Initial Regulatory Flexibility Analysis: The Department has determined that this proposed amendment will not affect small businesses.

13) Regulatory Agenda on which this Amendment was summarized: July 1996

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER k: INSURANCE HOLDING COMPANY SYSTEMS

PART 855
PRIOR NOTIFICATION OF DIVIDENDS ON COMMON STOCK AND OTHER DISTRIBUTIONS

Section
855.10 Purpose
855.20 Definitions
855.30 Prior Notification of Dividends and Other Distributions
855.40 Penalties
ILLUSTRATION A Form D-2

AUTHORITY: Implementing Article VIII 1/2 and authorized by Sections 131.16, 131.20a(2), and 401 of the Illinois Insurance Code [215 ILCS 5/Art. VIII 1/2, 131.16, 131.20a(2), and 401].

SOURCE: Emergency rules adopted at 17 Ill. Reg. 21869, effective November 30, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 6168, effective April 6, 1994; amended at 20 Ill. Reg. _____, effective _____.

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

Section **855.ILLUSTRATION** A **Form D-2**

FORM D-2
GENERAL INSTRUCTIONS

Signature and Certification.

For purposes of filing the Form D-2, the signature and certification required by this Part shall be signed by an executive officer of the insurer.

PRIOR NOTICE OF DIVIDENDS ON COMMON
STOCK AND OTHER DISTRIBUTIONS

Filed with the Insurance Department of the State of Illinois

By

_____
Name of Domestic Company

On Behalf of Following Insurance Companies:

Name Address

_____
_____
_____
_____

Date: _____, 19

Name, Title, Address and Telephone Number of Individual to Whom Notices and Correspondence Concerning this Request Should be Addressed:

_____
_____
_____

Item 1. Type of Dividend or Distribution.

Identify the dividend or distribution as a dividend or other distribution subject to Section 131.16 of the Illinois Insurance Code [215 ILCS 5/131.16] or as an extraordinary dividend or other extraordinary distribution as defined in Section 131.20a(2) of the Illinois Insurance Code [215 ILCS 5/131.20(2)].

Item 2. The amount of the dividend or other distribution and the date established for payment. The proposed date must be consistent with requirements for receipt of notice by the Department, as specified in Section 855.30(a) of 50 Ill. Adm. Code 855.

DEPARTMENT OF INSURANCE

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Item 3. A statement as to whether the dividend or other distribution is to be in cash or other property, and, if in property, a description thereof, its cost, statutory carrying value, and the fair market value of such property together with an explanation of the basis for valuation.

Item 4. The amounts and payment dates of all dividends paid within the period of 12 consecutive months ending on the date fixed for payment of the proposed dividend for which notification is being given or approval is being sought.

Item 5. An illustration of the calculation of the extraordinary dividend limit set by Section 131.20a of the Illinois Insurance Code. Dividends that have been or will be paid in other than cash shall be valued for the purposes of the calculation at the greater of market or statutory carrying value of the asset.

Item 6. If the notice is filed for an extraordinary dividend pursuant to the Section 131.20a of the Illinois Insurance Code, the following items must also be included:

a) A balance sheet and statement of income for the period intervening from the last annual statement filed with the Director and the end of the month preceding the month in which the prior notification of the dividend is submitted. Indicate the amount of all unrealized capital gains included in unassigned funds.

b) A brief statement as to the effect of the proposed dividend upon the insurer's surplus and the reasonableness of surplus in relation to the insurer's outstanding liabilities and the adequacy of surplus relative to the insurer's financial position.

c) A calculation of the insurer's risk based capital levels as of the month preceding the month in which prior notification of the dividend is submitted, adjusted to show the effect of the proposed dividend or other distribution. The risk based capital calculation should otherwise be completed in accordance with the risk based capital instructions as defined by Section 35A-5 of the Illinois Insurance Code [215 ILCS 5/35A-5].

Pursuant to the requirements of Section 131.16 (or 131.16 and 131.20a, in the case of extraordinary dividends) of the Illinois Insurance Code, _____ has caused this notice to be duly signed on its behalf in the City of _____ and State of _____ on the _____ day of _____, 19____.

_____
Name of Requesting Insurer

By _____
(Name) (Title)

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

Attest:

_____
(Signature of Officer)

_____
(Title)

CERTIFICATION

The undersigned deposes and says that (s)he had duly executed the attached notice dated _____, 19____, for and on behalf of _____; that (s)he is the _____ of such
(Name of Insurer) (Title of Officer)
company and that (s)he is familiar with such instrument and the contents thereof, and that the facts therein set forth are true to the best of his/her knowledge, information and belief.

(Signature)_____

(Type or print name beneath)_____

(Source: Amended at 20 Ill. Reg. _____, effective _____)

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: The Administration and Operation of the Teachers' Retirement System

2) Code Citation: 80 Ill. Adm. Code 1650

3)

Section Numbers:	Proposed Action:
1650.210	Amendment
1650.240	Amendment
1650.310	Amendment
1650.340	Amendment
1650.341	New Section
1650.345	New Section
1650.350	Amendment
1650.355	New Section
1650.380	New Section
1650.390	New Section
1650.410	Amendment
1650.460	Amendment
1650.560	Amendment
1650.590	New Section

4) Statutory Authority: Implementing and authorized by Article 16 of the Illinois Pension Code [40 ILCS 5/Art. 16]; Freedom of Information Act [5 ILCS 140]; Internal Revenue Code [26 U.S.C. 1, et seq.]; Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].

5) A Complete Description of the Subjects and Issues Involved:

1650.210 Subsection (a) amended to clarify physician's certificate refers to certificate of death. Subsection (d) amended to remove repetitious language regarding what constitutes satisfactory evidence of an employment agreement. Subsection (i) amended to define when a member electing to receive annuity payments through direct deposit becomes an annuitant.

1650.240 Subsection (a) amended to delete "escheat of a warrant" as a basis for determining when a refund is deemed accepted and membership in the System terminates. TRS can retrieve the funds from an escheated warrant and reissue a new warrant. It was felt it was unfair to penalize a member by denying a member a refund under this circumstance.

1650.310 Subsection (c) added to define the effective date of membership for members who purchase military service not immediately following employment.

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

1650.340 Subsection (a) amended to clarify when a member meets the return-to-teaching requirement for leave of absence optional service credit. Subsections (c) and (d) dealing with involuntary layoffs deleted and restated in new rule (see 1650.341 below).

1650.341 New Section added to deal specifically with service credit for involuntary layoffs.

1650.345 New Section added to clarify service credit for periods away from teaching due to pregnancy, based on the recent addition of Section 16-127(b)(5)(iii) to Article 16 of the Pension Code.

1650.350 Subsection (a) amended to further define when excess sick leave is available for use and reportable to the System. Subsection (d) amended to further define the circumstances when personal days are reportable as sick days.

1650.355 New Section added to specify the required minimum payment for purchase of optional service.

1650.380 New Section added to specify actuarial assumptions as required by Section 401(a)(25) of the Internal Revenue Code.

1650.390 New Section added to deal with independent contractors exempt from System membership or post-retirement work limits governing annuitants.

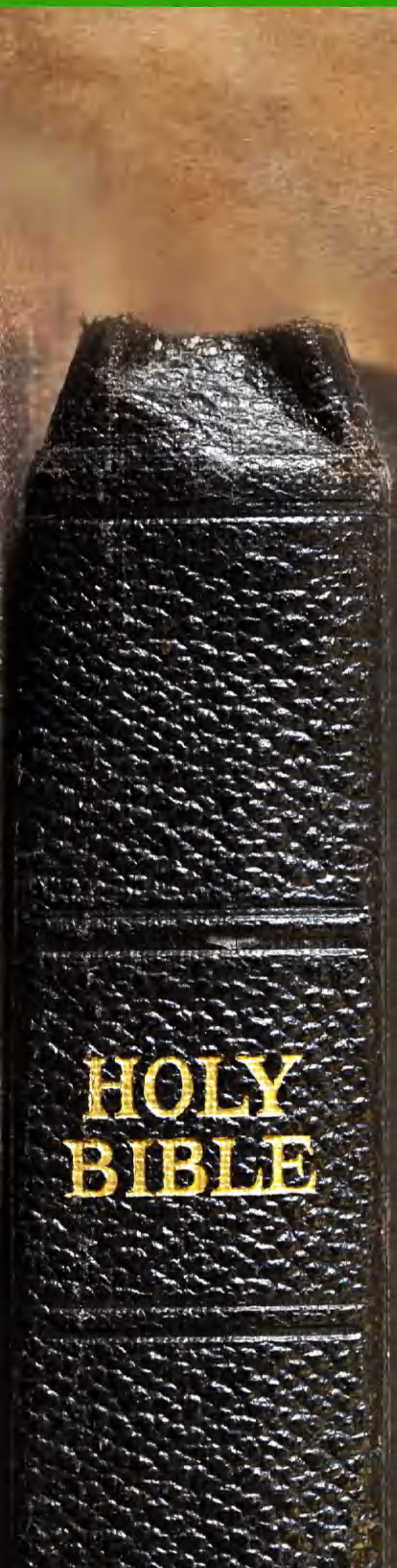
1650.410 Last sentence of subsection (b) deleted to reflect determination that the System is not statutorily authorized to pay interest on optional service unable to be used by the member at retirement.

1650.460 New subsection (c) added to specify the beginning and ending dates of a school year for average salary calculation purposes. Remaining subsections relettered accordingly.

1650.560 Amended to further clarify the documentation needed to process survivor claims.

1650.590 New Section added to deal with collecting debts owed the System by referral to the Office of the Comptroller for offset.

6) Will this proposed amendment replace an emergency amendment currently in effect? No



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TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

SUBPART E: CONTRIBUTION CREDITS AND PAYMENTS

SUBPART F: RULES GOVERNING ANNUITANTS AND BENEFICIARIES

SUBPART G: ATTORNEY GENERALS' OPINION

SUBPART H: ADMINISTRATIVE REVIEW

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

SUBPART I: AMENDMENTS TO BYLAWS AND RULES

SUBPART J: RULES OF ORDER

SUBPART K: FREEDOM OF INFORMATION ACT REQUESTS

SUBPART L: BOARD ELECTION PROCEDURES

AUTHORITY: Implementing and authorized by Article 16 of the Illinois Pension Code [40 ILCS 5/Art. 16]; Freedom of Information Act [5 ILCS 140]; Internal Revenue Code (26 U.S.C. 1, et seq.); Section 5-15 of the Illinois

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

Administrative Procedure Act [5 ILCS 100/5-15].

SOURCE: Filed June 20, 1958; emergency rules adopted at 2 Ill. Reg. 49, p. 249, effective November 29, 1978, for a maximum of 150 days; adopted at 3 Ill. Reg. 9, p. 1, effective March 3, 1979; codified at 8 Ill. Reg. 16350; amended at 9 Ill. Reg. 20885, effective December 17, 1985; amended at 12 Ill. Reg. 16896, effective October 3, 1988; amended at 14 Ill. Reg. 18305, effective October 29, 1990; amended at 15 Ill. Reg. 16731, effective November 5, 1991; amended at 17 Ill. Reg. 163I, effective January 22, 1993; amended at 18 Ill. Reg. 6349, effective April 15, 1994; emergency amendment at 18 Ill. Reg. 8949, effective May 24, 1994, for a maximum of 150 days; emergency modified at 18 Ill. Reg. 12880; amended at 18 Ill. Reg. 15154, effective September 27, 1994; amended at 20 Ill. Reg. 3118, effective February 5, 1996; amended at 20 Ill. Reg. _____, effective _____.

SUBPART C: FILING OF CLAIMS

Section 1650.210 Claim Applications

a) Any indlvldual claiming a retirement annuity, a disability retirement annuity, a survivor benefit, a disability benefit or an occupational disability benefit shall file an application therefor 1n the form prescribed by the System. This application, together with the membership record, and such other information as may have been compiled during the membership of the member or submitted by the applicant shall constitute the complete record forming the basis of the claim. An application for survivor benefits shall be accompanied by a certified oopy of the death certificate, other public record of death, or a physician's certificate of death.

b) When 90 or more days have elapsed subsequent to the commencement of a member's disability, oral or written notification of the disability shall be deemed sufficient to commence accrual of benefits. Provided, however, if the System fails to receive the documentation required by Section 16-149 or Section 16-149.1 of the Act within six months of the initial notification, no benefits shall accrue until all required documentation is received by the System.

c) Disability benefits become payable the later of:
   I) The 31st calendar day after commencement of absence due to disability;
   2) Upon exhaustion of the member's sick leave or (if sick is leave not paid by the employer) when the sick leave would have been exhausted had the member been paid; or
   3) The date the System receives notification of disability if more than 90 days have elapsed from the later of:
      A) ~~i~~ commencement of disability; or
      B) ~~ii~~ the last day for which salary (including sick leave pay) is payable, whether or not these days are actually paid.

d) When an individual claiming disability benefits is employed under an agreement for less than 12 full months, neither the 31-day waiting period nor the utilization of sick leave requirement, as contained in subsection (c) above, is satisfied during periods not covered by the agreement. For purposes of granting disability benefits it will be presumed that all employment agreements cover one full school term and are automatically renewable at the commencement of the next school term. Satisfactory evidence must be presented of an employment agreement covering a longer period than a full school term (e.g., 10, 11 or 12 months). ~~Satisfactory evidence will consist of a written statement from the employer.~~

e) Occupational disability benefits become payable the later of:
   1) The date after the last day for which salary is paid; or
   2) The date the System receives notification of disability if more than 90 days have elapsed from the later of:
      A) ~~i~~ the commencement of the disability; or
      B) ~~ii~~ the last day for which salary is paid.

f) Death after receipt by the System of an application for a retirement annuity and any outstanding payments is deemed to be a death out of service when calculating survivor benefits.

g) A member may request, in writing, a transfer from a disability benefit to an age retirement annuity or a disability retirement annuity prior to the expiration of the eligible period for disability benefits. The effective date of such annuities shall be the first of the month following receipt of the request. A member receiving a disability retirement annuity may, any time after becoming eligible for age retirement, request in writing a transfer to an age retirement annuity. The effective date of the age retirement annuity will be the first day of the month following receipt of the written request for such transfer.

h) Whenever a member because of employment becomes ineligible to receive a disability benefit, disability retirement annuity or occupational disability benefit but is subsequently disabled for the same cause within 90 days, benefits shall be reinstated at the previous rate upon written application. Benefits will commence the day following the last day the member is eligible to receive salary. If more than 90 days have elapsed, benefits shall be reinstated based on the greater of the member's most recent annual contract salary rate at the time the disability benefit becomes payable or the member's annual contract rate on the date the disability commenced.

i) A member becomes an annuitant of the System upon cashing the first retirement annuity payment or ten calendar days after ~~upon~~ the date the first retirement annuity payment is deposited in the designated member's bank account by electronic funds transfer.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 1650.240 Refunds; Impermissible Refunds; Canceled Service; Repayment

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

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a) Any member eligible to receive a refund of contributions pursuant to the provisions of Section 16-151 of the Act shall, if he or she so elects, make a written request therefor upon a form prescribed by the System. A refund is deemed accepted and membership in the System terminates upon the cashing of a refund warrant ~~or the escheat of a warrant~~.

b) To be credited toward the calculation of a retirement annuity, survivors benefit, or disability benefit, the service canceled by such refund must have been re-established in accordance with the provisions of the Act, by repayment of the refund in full, including statutory interest, prior to the member's retirement, death, or commencement of disability benefits.

c) Whenever the System determines that there has been a refund not in accordance with the provisions of the Act (an "impermissible refund"), whatever the reason, it shall record such refund as an optional service receivable, with interest at the statutory rate accruing on any unpaid balance from date of refund until date of repayment, and shall notify the member of the amount due.

d) A member who received an impermissible refund, who does not wish to re-establish the service canceled thereby, may retire without paying the amount due but is barred from making repayment and adding the service credit after retirement.

e) A member receiving a disability benefit under the provisions of Section 16-149 of the Act is not eligible to receive a refund of contributions until four months following the date for which disability benefits are last paid.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

SUBPART D: MEMBERSHIP AND SERVICE CREDITS

Section 1650.310 Effective Date of Membership

a) The effective date of membership in the System shall be the date of employment by an employer, as recorded by the employer.

b) In the absence of a record of the date of employment in the official proceedings of the qualifying employer, the date of membership shall be the first payroll day for which contributions were required.

c) For purposes of calculating the required contributions to purchase military service not immediately following employment under the provisions of 40 ILCS 5/16-128(a)(iii), the date of first membership shall be defined as July 1 of the first year of System contributing service.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

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Section 1650.340 Service Credit for Leaves ~~L~~eave of Absence ~~or Involuntary Layoffs~~

a) For purposes of granting service credit for an approved leave of absence, the statutory return-to-teaching requirement is met when the member returns to teaching service creditable under this System or the State Universities Retirement System for the period of the leave or one year, whichever is less ~~establishes credit with this System or the State Universities Retirement System for at least the lesser of the creditable period of the leave or one year~~.

b) For purposes of this Section, a leave of absence is creditable as an approved leave if: the member did not resign, the employer promised renewed employment at the end of the leave, and the employer through its board took official action to approve the request for leave, or the leave qualifies as a leave under the Family and Medical Leave Act, as certified by the employer.

~~c) For purposes of this Section, involuntary layoffs shall not include dismissals for cause or other performance related reasons. The statutory return to teaching requirement is met when the member establishes credit with this System or the State Universities Retirement System for at least the lesser of the creditable period of the layoff or one year.~~

~~d) For purposes of this Section, a layoff occurs when there is a termination of paid employment due to lack of work, lack of funds, abolition of a position, or a material change in duties or organization.~~

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 1650.341 Service Credit for Involuntary Layoffs

a) For purposes of this Section, involuntary layoffs shall not include dismissals for cause or other performance-related reasons. The statutory return-to-teaching requirement is met when the member establishes credit with this System or the State Universities Retirement System for at least the lesser of the creditable period of the layoff or one year.

b) For purposes of this Section, a layoff occurs when there is a termination of paid employment due to lack of work, lack of funds, abolition of a position, or a material change in duties or organization.

(Source: Added at 20 Ill. Reg. _____, effective _____)

Section 1650.345 Service Credit for Periods Away From Teaching Due to Pregnancy

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

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a) Service credit of up to three years shall be granted for periods beginning prior to July 1, 1983, during which a teacher ceased covered employment due to pregnancy.

b) For purposes of determining eligibility to receive optional service credit under the provisions of 40 ILCS 5/16-127(b)(5)(iii), the following definitions shall apply:

1) "Pregnancy" shall mean the period beginning at the moment of conception and continuing through termination of the pregnancy or delivery of the child.

2) "Due to pregnancy" shall mean due to the state of being pregnant and recovery therefrom due to the termination of a pregnancy or due to the delivery of a child.

3) "Covered employment" means employment in a position requiring membership contributions to the System as a condition of employment.

4) "Teaching service creditable under this System or the State Universities Retirement System" means employment in a position requiring membership contributions to the System or the State Universities Retirement System as a condition of employment.

c) The documents necessary to establish service credit under this Section shall include:

1) School employment records;

2) Medical records;

3) Birth or death certificates; and/or

4) Other documentation, such as corroborating affidavits, that are based upon actual knowledge and are sufficiently specific as to times, dates, places and surrounding circumstances so that the proof of service submitted to the System reliably documents the service to be established while eliminating the possibility of mistake or fraud.

d) For purposes of granting service credit for periods away from teaching due to pregnancy, the statutory return-to-teaching requirement is met when the member returns to teaching service creditable under this System or the State Universities Retirement System for the period the member was away from teaching due to pregnancy or one year, whichever is less.

(Source: Added at 20 Ill. Reg. _____, effective _____)

Section 1650.350 Service Credit for Unused Accumulated Sick Leave Upon Retirement

a) To be creditable for retirement purposes, sick leave days must actually be available for use by a member in the event of illness. Service credit is not available and shall not be computed for sick leave days added to the record of a member for the purpose of increasing a member's retirement service credit. To determine if any

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

sick leave days granted by an employer in excess of the member's normal annual sick leave allotment during a member's final years of employment are actually available for use and reportable to the System as service credit, the System shall apply the following formula:

1) from the date upon which the sick leave days were granted, the number of days remaining in the school term or the member's employment agreement, whichever is greater, until termination shall be determined;

2) from the resulting number of days the System shall subtract the number of sick leave days previously accrued by the member; and

3) the difference is the maximum number of sick leave days that may be reported in addition to those days previously accrued, provided that the employer will allow the member to use such days in the event of illness prior to termination.

b) Unused and uncompensated sick leave days are not eligible for service credit at retirement when the member receives direct compensation for such days. Direct compensation means payment of salary, wages, fringe benefits, contributions, bonuses and lump sum payments before or after retirement. Notwithstanding the foregoing provisions of this subsection (b), a member is not deemed compensated if his or her employer maintains or establishes a reward system (based upon daily attendance of employees) which pays additional benefits to a member (including but not limited to salary) and which does not reduce the accumulated sick leave days available for use and credited to the member by the employer. Effective July I, 1998 ~~1997~~, if a member receives payment of any kind for accumulated sick leave days before or after termination, no service credit shall be available for the days so compensated.

c) For purposes of calculating a retirement annuity, the System shall not grant service credit for any days withdrawn by the member from a sick leave bank in excess of the days deposited therein and unused by the member.

d) Accumulated personal leave days are governed by the same standards set forth in subsections ~~subsection~~ (a) and (b) above for sick leave days, but only if they were actually available for use by a member in the event of illness.

e) Accumulated, unused vacation days are not creditable with the System.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 1650.355 Purchase of Optional Service - Required Minimum Payment

The required minimum payment upon a member's outstanding optional service account balance shall be $50.00 or the balance due, whichever is less.

(Source: Added at 20 Ill. Reg. _____, effective _____)

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

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Section 1650.380 Definition of Actuarial Equivalent

"Actuarial equivalent" as defined in Section 16-122 of the Illinois Pension Code [40 ILCS 5/16-122] shall mean a benefit or sum of equal value to another benefit or sum when computed on the basis of:

a) the UP 1984 Mortality Table with the ages of primary annuitants set back six years and the ages of contingent annuitants set back six years; and

b) interest at 8% per annum, compounded annually.

(Source: Added at 20 Ill. Reg. _____, effective _____)

Section 1650.390 Independent Contractors

Any individual claiming to be an independent contractor exempt from System membership or the post-retirement work limits governing annuitants as set forth in 40 ILCS 5/16-118 must file Form SS-8 (Determination of Employee Work Status for Purposes of Federal Employment Taxes and Income Tax Withholding) with the Internal Revenue Service (IRS) seeking confirmation of independent contractor status. An IRS Form SS-8 independent contractor determination must be filed with the System before an individual can be considered to be exempt from System membership or Article 16 post-retirement work limits.

(Source: Added at 20 Ill. Reg. _____, effective _____)

SUBPART E: CONTRIBUTION CREDITS AND PAYMENTS

Section 1650.410 Refunds for Duplicate or Noncreditable Service

a) In the event contributions to the System are made in error for service covered by another public employee pension system in Illinois, a refund of such contributions shall be made.

b) If a member contributes to the System for optional teaching service, but is unable to claim all of this service at the date of retirement or death because the service is determined to be noncreditable (for example, when the member's service record at retirement or death causes the optional service to be excess service, based on the statutory limits on the allowed proportion of out-of-system to regular service), then a refund of contributions for such service shall be paid to the member or the member's beneficiaries. ~~Regular interest as defined in Section 16-112 of the Act shall be paid for the period from the date of payment of contributions for optional teaching service to the end of the month in which the refund is processed.~~

(Source: Amended at 20 Ill. Reg. _____, effective _____)

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

Section 1650.460 Calculation of Average Salary

a) The member's annual salary rate shall be used by the System when calculating average salary. If a member has a full year of service credit and the annual salary includes leave of absence earnings and substitute earnings or part-time noncontractual earnings, the annual salary rate for average salary purposes will never be less than the salary rate the leave of absence earnings is based upon. If a member receives less than one year of service credit in any school year, salary shall consist of creditable earnings.

b) The highest four consecutive school years of service within the last ten years of creditable service shall be deemed the four highest consecutive credit years posted to the member's account. Provided, however, if a member is credited with less than one school year, the System shall use partial consecutive years to establish four consecutive years of salary.

c) For average salary calculation purposes, a school year is the period July 1 to the following June 30.

d)~~c~~ When a member's employer consolidates or annexes with another employer, the consolidation or annexation shall not constitute a change of employer and the average salary shall be computed as though all salary were earned under the same employer.

e)~~d~~ Where there are creditable earnings for less than a full year of service credit, and those earnings are used in the calculation of the average salary, the annual salary rate for those earning is considered in the calculation of any member and employer contributions under Sections 16-133.2, 16-133.3, 16-133.4 and 16-133.5 of the Act.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

SUBPART F: RULES GOVERNING ANNUITANTS AND BENEFICIARIES

Section 1650.560 Benefits Payable on Death

Survivor benefits~~,--if--applicable,~~ shall be paid in accordance with the applicable provisions of Article 16 ~~law~~ in effect on the date of the member's or annuitant's death. If the member or annuitant has failed to name a beneficiary, ~~money is due, no beneficiary named, and no administration--of--the estate--is--desired--or--required,--then, upon satisfactory proof of death,~~ the System may make payment through a small estate affidavit provided the requirements of 755 ILCS 5/Art. 25 are met. ~~The--small--estate--affidavit--is acceptable--by--the System if the assets of the estate are less than $50,000 in value.~~ If the assets of the estate are ~~equal to--or~~ greater than the limit allowed for small estate affidavits ~~$50,000 in value~~, letters of administration or proof of heirship deemed reliable by the System shall ~~will~~ be required by the System in order to process any death benefits. ~~Whenever death benefits--are payable to persons not located, the System shall pay those moneys to the estate~~

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

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~~or other designated beneficiaries upon receipt of an indemnifying bond.~~

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 1650.590 Comptroller Offset

Prior to the referral of any debt owed the System to the Office of the Comptroller for collection through the Comptroller Offset System as authorized under Section 10.05 of the State Comptroller Act [15 ILCS 405/10.05] and Section 5 of the Illinois State Collection Act [30 ILCS 210/5], the System shall provide the debtor:

a) Written notice that the debt is being referred to the Comptroller for offset. The notice shall set forth the amount of and basis for the debt. The notice shall further advise the debtor of the debtor's right to a hearing to contest the debt by filing a written request with the System within 30 days after receipt of the notice by the debtor. Failure to request a hearing within the 30 days provided shall terminate any right to a hearing before the System;

b) A hearing with the System, if requested by the debtor, to allow the debtor an opportunity to establish the debt has been paid or is not owed. The hearing shall be held before a three-member panel consisting of the System's Controller, Deputy Director of Benefits and Manager of Accounting, or their designees; and

c) A written decision advising the debtor of the basis for the panel's decision.

(Source: Added at 20 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Aviation Safety

2) Code Citation: 92 Ill. Adm. Code 14

3) Section Numbers: 14.775 — Proposed Action: Amend

4) Statutory Authority: Implementing and authorized by Sections 28, 42(3), and 47 of the Illinois Aeronautics Act [620 ILCS 5/28, 42(3) and 47].

5) A Complete Description of the Subjects and Issues Involved: By this Notice of Proposed Amendments, the Department is amending Section 14.775, "Restrictions on Use." Currently this Section, which deals with restricted landing areas, does not allow restricted landing area (RLA) heliports to be used by helicopters carrying passengers for hire. Many hospitals in Illinois have RLA heliports as part of their emergency service facilities. The patients transported by helicopter to these RLA heliports pay for the privilege; therefore, it could be argued that they are passengers for hire.

It has never been the Department's intention to prohibit medical flights into hospital RLA heliports. Medical flights are the very reason these hospital RLA heliports were created. Rather than take a chance that a helicopter operator might refuse to land at a hospital RLA heliport because it may be a technical violation of this Part, the Department is proposing that Section 14.775 be amended to show that emergency medical flights are allowed at hospital RLA heliports.

The Department is also proposing to delete the language in Section 14.775 allowing passenger for hire operations when there is "a continuing bilateral contract or contracts." This language serves no purpose and could be construed to mean that a passenger for hire flight might be allowed if the pilot were to radio ahead and request that the RLA heliport operator agree to let him land.

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 amendment will allow hospital RLA heliports to be used as they were originally intended. The reason these landing facilities exist is to provide a way for patients to be transported by air to and from the subject hospitals. The Illinois

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Department of Transportation and its predecessor, the Illinois Department of Aeronautics, never considered that such medical flights would be considered carrying passengers for hire. Now that it appears some of these medical flights could be construed as carrying passengers for hire, the Department is amending this Part to accomplish the original and continuing intention. Local communities will benefit by having a means for their citizens to receive medical care quickly elsewhere and by being able to accept patients in their hospitals from other areas.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed rule. Written submissions shall be filed with:

Mr. James V. Bildilli, Chief
Bureau of Aviation Education and Safety, Division of Aeronautics
Illinois Department of Transportation
#1 Langhorne Bond Dr.
Springfield, IL 62707
(217) 785-8516

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
2300 South Dirksen Parkway, Room 300
Springfield, IL 62764
(217) 782-3215

Comments received within 45 days after publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Hospitals and helicopter operators will be able to continue to serve the medical needs of patients that need to be transferred by air.

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

C) Types of professional skills necessary for compliance: No new or additional skills are needed.

13) Regulatory Agenda on which this rulemaking was summarized: This rule was

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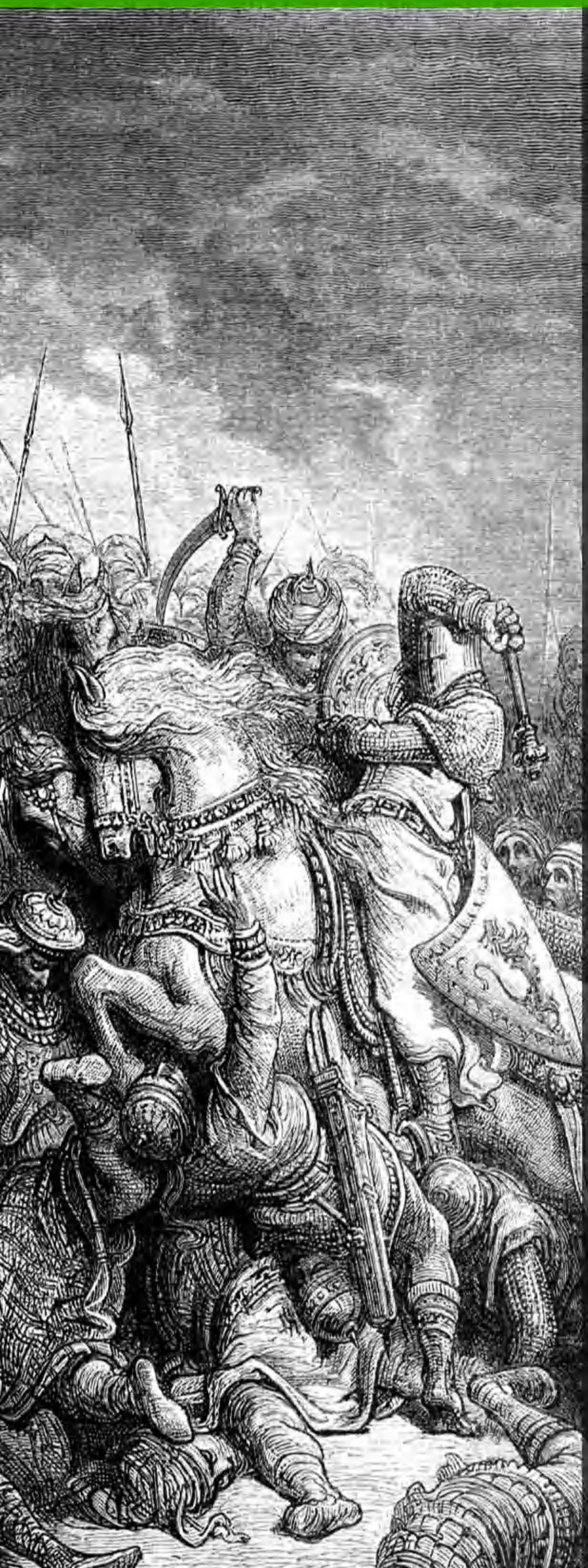
not included on either of the 2 most recent agendas because: An RLA operator brought this problem to the Department's attention subsequent to the publication of the Department's two most recent regulatory agendas.

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



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AUTHORITY: Implementing and authorized by Sections 28, 42(3), and 47 of the Illinois Aeronautics Act [620 ILCS 5/28, 42(3) and 47].

SOURCE: Filed December 28, 1977; codified at 8 Ill. Reg. 19592; amended at 9 Ill. Reg. 4141, effective March 13, 1985; amended at 9 Ill. Reg. 20914, effective December 12, 1985; amended at 18 Ill. Reg. 13461, effective August 19, 1994; amended at 20 Ill. Reg. _____, effective _____.

SUBPART G: RESTRICTED LANDING AREAS

Section 14.775 Restrictions on Use

a) Except as provided in Section 14.780, the following operations shall not be conducted on a restricted landing area: carrying of passengers for hire other than for emergency medical services purposes the ~~carrying of passengers for hire under a continuing bilateral contract or contracts~~; student instruction; rental of planes; air meets or exhibitions; sale of gasoline and oil; or advertising for any of the above.

b) The carrying of passengers for hire in a continuous flight from and to any one given location other than a certificated commercial airport is expressly prohibited unless in accordance with Section 14.780(b). Flight from Public Roads is also expressly prohibited.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Rate Setting

2) Code Citation: 89 Ill. Adm. Code 356

3)

Section Numbers:	Adopted Action:
356.1	Renumber
356.2	Renumber,Amend
356.3	Renumber,Amend
356.4	Renumber,Amend
356.5	Renumber,Amend
356.6	Renumber
356.7	Renumber,Amend

4) Statutory Authority: 20 ILCS 505/5a

5) Effective Date of Rulemaking: November 1, 1996

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

7) Does this rulemaking contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: November 1, 1996

9) Notice of Proposal Published in Illinois Register: July 12, 1996, 20 Ill. Reg. 8805

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version: JCAR recommended minor editing and style changes, which were incorporated into the final, adopted text of the rules.

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

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

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: The Department of Children and Family Services WiIl be providing the child care institution, group home, maternity center, and shelter providers which contract with the Department with a three per cent oost of living adjustment from the amount paid to the provider effective June 30, 996. This cost of living adjustment is effective for the period room July 1, 1996 through June 30, 1997 (State Fiscal Year 1997) and, from State Fiscal Year 1997, will replace the Department's established rate setting methodology for granting periodic rate adjustment for residential care providers. This three per oent cost

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of living rate adjustment does not preclude the possibility for rate adjustments based upon changes in program Services. The change in rate methodology was adopted via emergency rules effective July I, 1996. These adopted amendments continue the emergency rules in effect.

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

Name: Jacqueline Nottingham, Chief
Address: Office of Rules and Procedures
Department of Children and Family Services
406 E. Monroe Street, Station #65
Springfield, Illinois 62701-1498
Telephone: (217) 524-1983

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

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TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER c: FISCAL ADMINISTRATION

PART 356
RATE SETTING

Section
356.1 Purpose (Renumbered)
356.2 Definitions (Renumbered)
356.3 Types of Reimbursement Made by the Department (Renumbered)
356.4 Cost Information Requirements of Providers (Renumbered)
356.5 Determining Rate Reimbursement Levels (Renumbered)
356.6 Disallowable Costs and Reduced Reimbursement (Renumbered)
356.7 Notice and Appeal of Provider Rates (Renumbered)
356.10 ~~356.1~~ Purpose
356.20 ~~356.2~~ Definitions
356.30 ~~356.3~~ Types of Reimbursement Made by the Department
356.40 ~~356.4~~ Cost Information Requirements of Providers
356.50 ~~356.5~~ Determining Rate Reimbursement Levels
356.60 ~~356.6~~ Disallowable Costs and Reduced Reimbursement
356.70 ~~356.7~~ Notice and Appeal of Provider Rates

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

SOURCE: Adopted at 5 Ill. Reg. 324, effective December 29, 1981; amended at 6 Ill. Reg. 11851, effective September 30, 1982; amended at 10 Ill. Reg. 11432, effective July 1, 1986; amended at 11 Ill. Reg. 675, effective January 2, 1987; amended at 11 Ill. Reg. 7255, effective April 15, 1987; amended at 18 Ill. Reg. 11512, effective July 8, 1994; emergency amendment at 20 Ill. Reg. 9265, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. ~~14390~~ 14390, effective NOV 01 1996.

Section 356.1 Purpose (Renumbered)

(Source: Section 356.1 renumbered to Section 356.10 at 20 Ill. Reg. ~~14390~~ 14390, effective NOV 01 1996)

Section 356.2 Definitions (Renumbered)

(Source: Section 356.2 renumbered to Section 356.20 at 20 Ill. Reg. 14390, effective NOV 01 1996)

Section 356.3 Types of Reimbursement Made by the Department (Renumbered)

(Source: Section 356.3 renumbered to Section 356.30 at 20 Ill. Reg. ~~14390~~ 14390, effective NOV 01 1996)

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Section 356.4 Cost Information Requirements of Providers (Renumbered)

(Source: Section 356.4 renumbered to Section 356.40 at 20 Ill. Reg. ~~14390~~ 14390, effective NOV 01 1996)

Section 356.5 Determining Rate Reimbursement Levels (Renumbered)

(Source: Section 356.5 renumbered to Section 356.50 at 20 Ill. Reg. 14390, effective NOV 01 1996)

Section 356.6 Disallowable Costs and Reduced Reimbursement (Renumbered)

(Source: Section 356.6 renumbered to Section 356.60 at 20 Ill. Reg. 14390, effective NOV 01 1996)

Section 356.7 Notice and Appeal of Provider Rates (Renumbered)

(Source: Section 356.7 renumbered to Section 356.70 at 20 Ill. Reg. 14390, effective NOV 01 1996)

Section 356.10 ~~356.1~~ Purpose

The Department's requirements for determining purchased care rate reimbursements are described in these rules. Also described are certain reporting requirements, audit requirements, allowable costs, disallowable costs, cost standards, profit factors, and the relationship between units of service provided and reimbursement rates.

(Source: Renumbered from Section 356.1 at 20 Ill. Reg. 14390, effective NOV 01 1996)

Section 356.20 ~~356.2~~ Definitions

"Administrative cost" means those costs related to the management and organizational maintenance of the purchase of care provider such as program administration, postage, and clerical support.

"Allowable costs" means those reasonable costs as defined herein, which will be considered for reimbursement. Prior to the final rate determination, allowable costs are subject to revenue offset and application of reasonable cost standards if applicable, as specified in Section 356.50 ~~356.5~~.

"Cost report" means a report of all costs to a provider which are directly associated with services purchased by the Department for its clients.

"Disallowable costs" means those costs which will not be considered

for reimbursement.

"For-profit agencies" means those agencies which are registered as for-profit by the Secretary of State and recognized as for profit entities by the Internal Revenue Service.

"Fringe benefits" means those provider costs not paid as salaries but incurred by agencies directly for the benefit of their employees. Fringe benefits include, but are not limited to employee health and retirement benefits, payroll taxes, worker's compensation insurance and unemployment compensation insurance. Liability insurance and malpractice insurance are not considered fringe benefits because the provider itself receives substantial benefits and protections from incurring those costs.

"Historical costs" means the total expenditure incurred for all programs the purchase of care provider provided for the previous state fiscal year, which are presented via certified audit.

"Ownership costs" means the costs of maintenance, utilities, property and building insurance, depreciation, amortization of leasehold improvements, rent, property taxes, interest and other related costs.

"Preoperating expenses" are those operating expenses which are incurred in making preparation for rendering client care before the first client is admitted (e.g., costs based upon the amount of time an executive director spends on developing a new program prior to the initiation of program services, staff salaries paid during training prior to the initiation of program services, etc.).

"Purchase of care providers" means those service providers with whom the Department of Children and Family Services (Department) does business through contracts on a reimbursable basis for units of service delivered to specific clients.

"Reasonable costs" means those costs incurred by purchase of care providers which are determined to be necessary and appropriate in accordance with Section 356.50 ~~356.5~~.

"Reimbursement rates" are rate levels used by the Department to reimburse for institutional and group home care; foster care; day care center and home care; adoption, counseling and homemaker service and others as required for contracting purposes. These services are further defined in 89 Ill. Adm. Code 302, Services Delivered by the Department.

"Revenues to be offset" means funding provided by a governmental unit via a grant mechanism which is not clearly linked to the provision of

service to any one particular client. The Department will wholly or partially discount such funding in determining the providers' reimbursable costs.

"Support costs" means the costs of: food and dietary, laundry, housekeeping, and other related costs.

"Total agency costs" means the total expenditure incurred for all programs the purchase of care provider provides during a State ~~state~~ fiscal year.

"Unit of service" means a measured length of time such as an hour or a day or some other measurable service component that will enable the Department to determine the amount of service provided individually or in aggregate to clients.

(Source: Renumbered from Section 356.2 and amended at 20 Ill. Reg. 14390, effective NOV 01 1996)

Section 356.30 ~~356.3~~ Types of Reimbursement Made by the Department

a) The Department will reimburse providers through payments made according to standard reimbursement levels and through reimbursement levels which are specifically negotiated through contract. The Department shall notify the provider in writing of the reimbursement rate.

b) Reimbursement according to rate reimbursement levels.

1) The Department shall adopt the rates promulgated by another state agency where that agency is the primary purchaser of service. This shall include hospitals, nursing homes, community living facilities and individual medical care providers.

2) The Department shall calculate standard rates in accordance with Section 5a of the Children and Family Services Act [20 ILCS 505/5a] ~~Paragraph--5a-of-An-Act-Creating-the-Illinois-Department of-Children-and-Family-Services-(Ill.-Rev.-Stat.--1979,--ch.--23, par.-5505a)~~. This calculation will consider the minimum wage law, U. S. Department of Agriculture cost statistics, the age of the children ~~child~~ to be served, the nature of the children's ~~child's~~ service needs, the experience and background of the individual provider, and the type of service provided. Reimbursement rates for these providers are set by the Department utilizing market surveys and independent cost analyses in order to arrive at a reasonable cost for specific units of service unless otherwise specified in this Part. Services for which the Department shall calculate standard rates include, but are not limited to agency foster care, agency adoption services and day care.

3) The Department shall calculate individual program rates for child care institutions, group homes, independent living arrangements

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and maternity centers subject to the provisions of Section 356.50 ~~356.5~~.

c) Reimbursement according to negotiated contracts.
Agencies who provide services which reflect a significant variance in the type of service and type of client are reimbursed according to reasonable cost standards as established by the Department's approved rate methodology. See Section 356.50 ~~356.5~~.

(Source: Renumbered from Section 356.3 and amended at 20 Ill. Reg. 14390, effective NOV 01 1996)

Section 356.40 ~~356.4~~ Cost Information Requirements of Providers

a) Cost Reporting ~~-~~ ~~.~~ The Department shall require the annual filing of a certified cost report on a schedule provided by the Department. The time period covered by the cost report shall correspond to the Department's fiscal year unless otherwise approved by the Department. The Department may designate cost reports filed by the provider with other state agencies as suitable for fulfilling this requirement when those reports provide all of the information needed by the Department in a clear and usable way. Cost reports shall be available to the general public upon written request. The Department will immediately notify a provider of any requests for its cost reports. No cost report will be released sooner than two weeks from the date the provider was notified of the request. The reports will be provided at cost.
b) Accrual Accounting - The provider shall use the accrual basis of accounting when reporting financial data.
c) Audits - Providers shall cooperate in any audits undertaken to verify the truth, accuracy, and completeness of reported costs, in accordance with 89 Ill. Adm. Code ~~Part~~ 434, Audits, Reviews, and Investigations.
d) Total Costs - Providers must report all costs of service and must disclose their total costs. Supporting documentation will be required to verify the costs allocated to each of the various services the Department purchases and to the sum of other services the agency provides. The reported total cost must be certified by an independent, certified auditor.
e) Historical Costs - Historical costs will be established when the provider has operated one or more years and independent auditors concur with the reported total costs. New providers who have not established their historical costs shall be permitted to submit budgeted information for the first fiscal reporting period. However, no rate increases shall be authorized for the next fiscal year until audited historical costs are available. When the rate increase is authorized based on historical costs, it will coincide with the effective date of the contract if the audit is received in accordance with contractual requirements.
f) Other Information Required - As a condition of contract issuance or

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renewal, the Department will request and shall receive any other financial information, reasonably related to rate determination, needed to determine the provider's costs.

(Source: Renumbered from Section 356.4 and amended at 20 Ill. Reg. 14390, effective NOV 01 1996)

Section 356.50 ~~356.5~~ Determining Rate Reimbursement Levels

This Section applies to those situations where the Department promulgates standard or individual rates identified in Section 356.30(b)(2) ~~356.3(b)(2)~~ and (3).

a) Forms - Financial reporting forms shall be used in establishing rates of reimbursement, regardless of the type of service provided.
b) For-Profit Agencies - Contracts with for-profit agencies must clearly identify any profit factor which must directly correspond to units of services provided. Profit will be categorized as an administrative cost and will be limited to nine percent of the total contract amount. Profit will also be included in calculating the overall administrative cost standard.
c) Reasonable Cost Standards - Reasonable cost standards shall be applied to certain categories of costs except that program and transportation costs may be exempted if warranted by the special needs of the clientele. The reasonable cost standards establish reimbursement ceilings for categories of costs. The standards are derived from the median costs of all agencies providing similar services. Fringe benefits above 25 percent of salaries shall not be reimbursed by the Department. Administrative costs may not exceed 20 percent of the costs for other services. Reimbursement may exceed the reasonable cost standards if a higher rate is negotiated as a result of a rate appeal that clearly demonstrates that costs in excess of the standards ~~standard(s)~~ are the result of a necessary level of resources purchased in a prudent manner. However, administrative costs may not exceed 20 percent of the costs of other services.
d) Revenues to be Offset - Revenues to be offset shall include grants, other non-purchase-of-service revenue from other governmental agencies, revenues from the school lunch program, and revenues from local education agencies. All revenues to be offset shall be reported by the provider. These revenues will be considered as part of the resources available to the provider in determining reasonable costs. The Department will not reimburse a provider for the proportion of services or administrative charges that have been paid, wholly, or in part, by such revenues.
e) Units of Service and Provider Capacity - Reimbursement rates shall be determined on the basis of actual units of service provided or the median utilization for all agencies providing similar services, whichever is greater. However, significant deviations from the utilization level may be used in rate-setting if unusual circumstances

beyond the control of the provider directly caused a significant change in occupancy rates.

f) Special Provisions for Calculating Individual Rate Reimbursement including Child Care Institutions, Group Homes, Maternity Centers, and Shelter Programs - For State Fiscal Year 1997 (from July 1, 1996 through June 30, 1997) all child care institutions, group homes, maternity centers and shelter programs contracting with the Department of Children and Family Services will receive a three per cent cost of living adjustment based upon the payment rate which was being received as of June 30, 1996. This rate adjustment for State Fiscal Year 1997 applies regardless of the other provisions of this Part.

1) The Department will conduct a joint rate calculation with the Illinois Department of Mental Health and Developmental Disabilities.

2) Reimbursement rates shall be determined on the basis of actual units of service provided, or the median utilization level for all similar providers, whichever is greater. The maximum utilization level that will be used to determine reimbursement rates shall be 98 percent of licensed or approved program capacity. For the purpose of establishing the median utilization level, residential programs will be grouped into two categories:
   A) Child Care Institutions and Group Homes; and
   B) Maternity Homes and approved Shelter programs.

3) The reasonable cost standards for support and ownership costs shall be 120 percent of the median costs of all similar providers. Providers shall be deemed dissimilar, and subject to an adjusted cost standard if one or more of the following conditions has occurred on or after July 1, 1983:
   A) the provider has built an entirely new building used directly by clients of the program,
   B) the provider has renovated a building used directly by program clients and the annual depreciation and/or interest costs are $20,000 or more, or
   C) the provider has entered a first-time lease for a building used directly by program clients.

4) These costs shall be demonstrated by an annual audit cost report and accompanying notes as prescribed by 89 Ill. Adm. Code 434 (Audits, Reviews, and Investigations). The reasonable cost standards shall include a geographic differential factor to reflect the differences in costs due to geographic location when such cost differentials exist. The existence of such differentials is determined by measurement of the audited costs reported by providers and the application of generally accepted statistical tests to these costs. Any geographic differential factor which results from these tests is included in the Department's rate notices sent to providers.

5) Historical costs, except depreciation, interest and amortization of allowable preoperating expenses shall be increased by

inflation adjustment factor to reflect the increases in costs caused by general inflation. The maximum increase in a facility's reimbursement rate shall be 150 percent of the inflation adjustment factor for the most current year. The percentage limitation shall be applied to the most recent rate unless that rate declined due to a combination of both reduced utilization and reduced costs. In such case, the next most recent rate shall be used to determine the allowable maximum increase. This limitation will not be applied to cost increases mandated by regulatory agencies or program changes approved by the Department Director.

6) New start programs not having historical costs shall have a rate set via a process which begins with completion of a projected historical cost budget in the same format used to set historical cost rates. The Regional Office developing the contract shall negotiate costs based on a comparison of the budget with levels of staffing generally needed for similar programs; with prevailing wage rates; and with levels of supply, ownership, support and other costs common to similar programs. The Office of Contracts and Grants shall review the results and shall engage in further negotiations when an examination of submitted data determines an anomaly or disparity in the data in comparison to other data submitted by other providers. A new start rate shall then be set using the reasonable cost standards applying to the particular program under the terms of this Part ~~Rule~~ with one exception: To allow for the phase-in placement of clients, the divisor applied to costs will be the greater of:
   A) the number five percentage points lower than the median utilization level applying to ongoing programs of the same type; or
   B) the projected utilization agreed to by the Department and the provider.

g) Special Provisions for Calculation of Standard Rate Reimbursement Levels for Day Care Centers

1) Reimbursement rates will be calculated from the costs and utilization information presented in the independent audits. Only reported costs of facilities under contract with the Department will be considered for calculating reimbursement rates.

2) The Department will calculate standard reimbursement rates for all similar facilities. The facilities will be separated into geographic groupings that reflect the differences in costs due to geographic location. A standard reimbursement rate will be calculated for each geographic grouping.

3) A portion of the fair market value of donated goods and services will be considered for the calculating of standard reimbursement rates. Day care centers are hereby excluded from the prohibition of inclusion of the costs of donated goods and services as stated in Section 356.60 ~~356.6~~, Disallowable Costs and Reduced

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Reimbursement.

4) The divisor applied to costs in order to calculate rates shall be the greater of 85 percent of the licensed or approved program capacity or actual units of service.

5) The Department may make adjustments to reported wage and salary levels if it determines that they are insufficient to attract capable caregivers in sufficient numbers.

h) Special Provisions for Calculation of Standard Rate Reimbursement for Non-Center Based Day Care Programs

1) Reimbursement rates will be calculated from the results of separate market surveys completed on licensed non-center based day care programs and on those not required to be licensed. For licensed non-center based programs, the market survey will be conducted using a statistically valid random Statewide sample of all such programs. For non-center based programs not required to be licensed, the statistically valid random sample will include an equal number of providers who accept State funds and those listed with the Statewide Child Care Resource and Referral Network but not funded by the State.

2) The Department will calculate separate reimbursement rates for licensed non-center based day care and for non-center based day care programs not required to be licensed. The non-center based day care programs will be separated into geographic groupings that reflect the differences in costs due to geographic location. Standard reimbursement rates will be calculated for each geographic grouping for licensed non-center based programs and for those not required to be licensed.

(Source: Renumbered from Section 356.5 and amended at 20 Ill. Reg. 14390, effective NOV 0 1 1996)

Section 356.60 ~~356.6~~ Disallowable Costs and Reduced Reimbursement

Certain costs shall not be considered by the Department for reimbursement. Cost standards may be applied to costs claimed to yield reasonable costs. Disallowable costs shall include:

a) expenses resulting from transactions with related parties and/or parent organizations which are greater than the expense to the related party;

b) non-straightline depreciation;

c) research items except as approved by the Department for program evaluation;

d) bad debts;

e) special benefits to owners, including owner and key-man life insurance;

f) compensation to non-working owners and officers;

g) discounts, rebates, allowances, and charity grants offered by the agency;

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h) entertainment expenses;

i) fund-raising;

j) revenue producing expenses;

k) legal fees for litigation with governmental agencies;

l) non-program related activities;

m) membership to national, state, or parent organizations;

n) awards and grants to individuals;

o) fines and penalties;

p) mortgage and loan principal payments;

q) contingency funds;

r) losses on other grants and contracts;

s) expenses relating to the development of bids or proposals;

t) housing of non-clients (does not prohibit the expense of live-in staff);

u) severance pay;

v) federal and state income tax;

w) sales tax; and

x) other costs not reasonably related to services.

(Source: Renumbered from Section 356.6 at 20 Ill. Reg. 14390, effective NOV 0 1 1996)

Section 356.70 ~~356.7~~ Notice and Appeal of Provider Rates

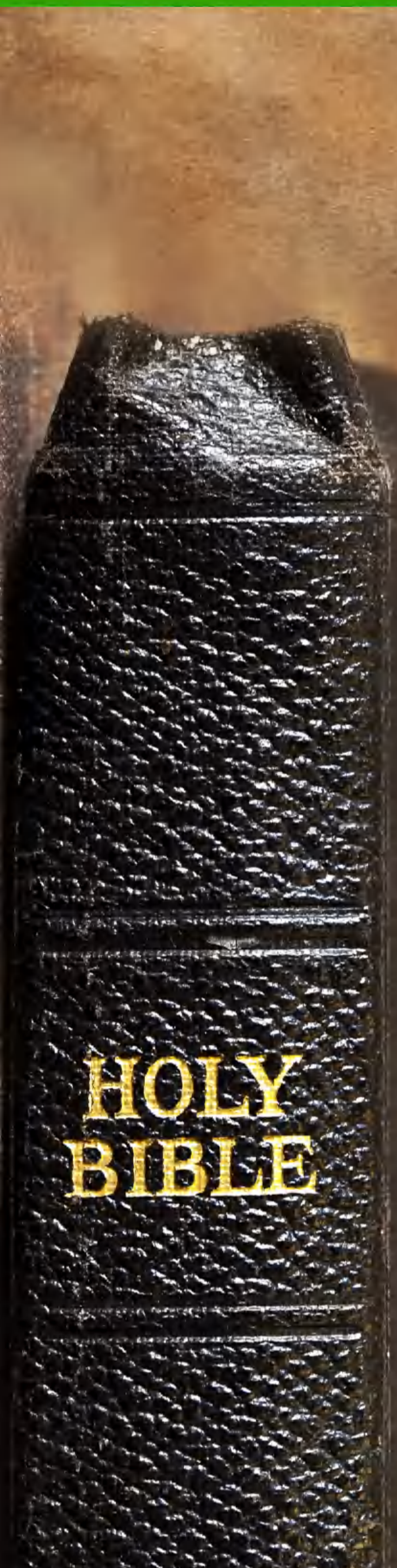
a) Provider Eligibility - Purchase of service providers for whom the Department calculates individual rates (refer to Section 356.30(b)(3) ~~356.3(b)(3)~~) or negotiates rates (refer to Section 356.30(c) ~~356.3(c)~~) are eligible to appeal their rates, subject to the provisions of this Section ~~section~~.

b) Notice in Filing of Appeal - Appeals of the rate reimbursement determination shall be submitted in writing by the provider to the Director of the Department within 60 days after ~~of~~ the written notice by the Department disclosing ~~the~~ provider reimbursement rate. Notice shall be effective upon the date of mailing to the provider's address. Appeals submitted more than 60 days after the notice will not be considered by the Department, except as defined in Section 356.70(d)(2) ~~356.7(d)(2)~~.

c) Principles of Appeals Process - The appeals process is designed to allow a provider petition for an increase in its reimbursable cost rate in response to circumstances which are beyond the control of the provider, which have an impact upon current operating costs, and which were not included in the Department's determination of the current allowable costs. In order to hear an appeal, the provider must have a current signed contract.

d) Basis for Increase in Reimbursable Cost - Increases in reimbursable cost can be granted by the Department for the following reasons and in the following categories

1) Change in Historical Cost Data



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DEPARTMENT OF CHILDREN FAMILY SERVICES

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appropriateness of the request. The Lead Regional Administrator shall provide his/her comments and recommendations regarding the appeal within 15 days after ~~of~~ receipt.

3)~~2)~~ The administrator responsible for contracts and grants may request a meeting at a reasonably convenient place with representatives of the provider prior to submission of recommendations to the Director of the Department. The purpose of such meetings shall include:

A) clarification, formulation, and simplification of issues;
B) resolution of matters in controversy;
C) exchange of documents and information;
D) stipulations of facts so as to avoid unnecessary presentation before the Director of the Department;
E) identification of all documents which the provider or staff intend to present to the Director; and
F) such other matters as may aid in the simplification of the evidence and disposition of the issue.

4)~~3)~~ Within 30 days after ~~of~~ receipt by the administrator responsible for contracts and grants, an appeal which has complied with the principles and requirements of this Section ~~section~~, or within 15 days after ~~of~~ the scheduled meeting between the administrator responsible for contracts and grants and the provider, whichever is later, the administrator responsible for contracts and grants will make a recommendation to the Director or his designee on this matter.

h) Final Decision of the Director - The decision of the Director of the Department shall constitute final action on the appeal. Decision of the Director shall be made within 60 days after ~~of~~ receipt of the appeal by the administrator responsible for contracts and grants except that, if the administrator responsible for contracts and grants requests additional information, the period shall be extended by the time taken in providing that information.

(Source: Renumbered from Section 356.7 and amended at 20 Ill. Reg. 14390, effective NOV 01 1996)

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

1) Heading of Part: Construction and Filing of Accident and Health Insurance Policy Forms

2) Code Citation: 50 Ill. Adm. Code 2001

3)

Section Number:	Adopted Action:
2001.10	Adopted
2001.20	Adopted
2001.30	Adopted

4) Statutory Authority: Implementing Sections 143, 355, 356a and Articles IX and XX and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/143, 355, 356a, 132 et seq., 156 et seq. and 401].

5) Effective Date of Amendments: October 25, 1996

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

7) Does this Amendment contain incorporations by reference? No

8) Date filed in Agency's Principal Office: October 25, 1996

9) Notice of Proposal Published in Illinois Register: April 5, 1996, 20 Ill. Reg. 5284

10) Has JCAR issued a Statement of Objections to this Amendment? No

11) Difference(s) between proposal and final version:

a) Section 2001.20(a) change "356a." to "356a~~.~~".

b) Section 2001.20(c)(1) - On the first line add "Accident and Health" following "Industrial".

c) Section 2001.20(e) - On the third line change "family" to "~~fam~~ily".

d) Section 2001.20(f) - On the sixth line add "Accident and Health" following "Industrial".

e) Section 2001.20(i) - On the fourth line add "on" following "or".

f) Section 2001.20(u)(4) - On the sixth line strike the second comma.

g) Section 2001.20(cc)(2) - On the second line change "one" to "~~one~~" and change "individual" to "individuals".

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

DEPARTMENT OF INSURANCE

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13) Will this Amendment replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of rulemaking: The Department opened this rule up for amendment primarily for updating and housekeeping purposes. We are revising this rule to reflect current statutory requirements and we are cross referencing Part 916 to this rule which will inform companies how to file all policy forms, not just accident and health insurance forms.

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

Cindy Colonius
Department of Insurance
320 West Washington
Springfield, IL 62767-0001
(217) 524-0663

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

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER z: ACCIDENT AND HEALTH INSURANCE

PART 2001
CONSTRUCTION AND FILING OF ACCIDENT AND HEALTH INSURANCE POLICY FORMS

Section
2001.10 Applicability ~~Application~~
2001.20 ~~Rules for~~ Construction of Accident and Health Insurance Policy Forms
2001.30 ~~Rules for~~ Filing of Policy Forms

AUTHORITY: Implementing Sections 143, 355, 356a and Articles IX and XX and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/143, 355, 356a, 132 et seq., 156 et seq. and 401].

SOURCE: ~~Filed~~ and effective April 1, 1952; codified at 7 Ill. Reg. 3471; amended at 20 Ill. Reg. ~~14405~~ 14405, effective ~~OCT 25 1996~~.

Section 2001.10 Applicability ~~Application~~

This Part shall apply to:

a) Individual ~~and--family-group~~ accident and health policy, certificate, endorsement, rider and application forms filed with this Department by both foreign and domestic companies with respect to Section 143, Article IX and Article XX of the Illinois Insurance Code [215 ILCS 5/143, 132 et seq. and 156 et seq.] ~~approved-June-29,-1937,--effective July-1,-1937,-as-amended-June-29,-1951,-effective-January-1,-1952~~.

b) This Part shall ~~These--rules-and-regulations-will~~ also apply~~,-where applicable,~~ to individual ~~and--family--group~~ policy, certificate, endorsement, rider and application forms which are filed in accordance with Section 356a of the Illinois Insurance Code [215 ILCS 5/356a] ~~effective-January-1,-1952~~.

o) The filing procedure for accident and health forms as required by Section 355 of the Illinois Insurance Code [215 ILCS 5/355].

d) The filing procedure for accident and health insurance policy forms prescribed by 50 Ill. Adm. Code 916.

(Source: Amended at 20 Ill. Reg. 14405, effective ~~OCT 25 1996~~)

Section 2001.20 ~~Rules for~~ Construction of Accident and Health Insurance Policy Forms

a) Section 356a~~.~~ Form of Policy.

1) Each policy ~~Sub-section-(2):--The-Department--will--require--each~~ form of a domestic company which is issued for delivery to a person residing in another state, must ~~to~~ be approved by the

DEPARTMENT OF INSURANCE

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Director unless such policy form is ~~shall be~~ subject to approval or disapproval by such other state.

~~2) Sub-Section (3) is interpreted as follows:~~

~~A) The insurer may continue to issue during the period, January 1, 1952 to January 1, 1957, any policy form, rider or endorsement which could lawfully be used or delivered, or issued for delivery to any person in the state immediately before January 1, 1952.~~

~~B) Until January 1, 1955, the Department will continue to approve any policy form, rider, or endorsement which could lawfully be used or delivered, or issued for delivery to any person in this State immediately before January 1, 1952.~~

~~C) After January 1, 1955, the Department will approve only those policy forms, riders or endorsements which are drawn to conform with Article XX of the Illinois Insurance Code, approved June 29, 1937, as amended June 29, 1951.~~

~~D) All policy forms, riders and endorsements which are not drawn to conform with Article XX of the Illinois Insurance Code, as amended June 29, 1951, effective January 1, 1952, will become obsolete January 1, 1957, and may no longer be lawfully issued or delivered or issued for delivery to any person in this State after that date.~~

~~E) Sections 356, 357, 358, 359, 363, 365, and 366 of the Illinois Insurance Code, as in effect prior to the effective date of the June 29, 1951 amendment, are hereby incorporated into and made a part of this Part I, Rules for Construction of Accident and Health Forms, by express reference and will be applicable to all forms filed in accordance with sub-section (3) of Section 356a.~~

b) Section 357.1a. Accident and Health Policy Provisions Required. ~~Sub-Sections (1), (2) and (3):~~

1) In order to expedite departmental action on policies submitted for approval, it is requested that to the ~~maximum~~ extent ~~possible~~, companies adhere to the statutory wording and order of the required provisions. Policies submitted which include variations from the statutory words and order must be accompanied by a complete list of all variations and a justification for ~~of~~ each. Extensive variations, without adequate justification, will only result in delay in the processing of such policies. The companies' cooperation in keeping such variations to a minimum is essential ~~for efficiency and economy in department operation~~.

2) Each provision of Section 357.2 through 357.113 of the Illinois Insurance Code [215 ILCS 5/357.2 through 357.113] ~~sub-sections (1) and (2)~~ must be preceded by a caption and if the captions differ in any respect from the captions appearing in the law ~~such sub-sections~~, changes must be clearly indicated and justified pursuant to subsection 2001.20(b)(1) above ~~as explained under (1)~~ above.

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3) Numbering of the "Required Provisions" will not be required.

c) Section 359a. Application.

1) Where an Industrial Accident and Health policy is issued upon signed application of the person to be insured, such application shall conform with ~~provisions of~~ Section 359a of the Illinois Insurance Code [215 ILCS 5/359a].

2) The Application:

A) Where changes are made on the application for administrative purposes only, such changes must be clearly indicated.

B) Where the application is subject to being changed for administrative purposes by the insurer, such application shall clearly indicate that any such changes are not to be ascribed to the applicant.

d) Section 361a. Age Limit.
Any policy form containing an "age limit" shall contain in substance a provision setting forth the limitations of Section 361a of the Illinois Insurance Code [215 ILCS 5/361a].

e) Section 362a. Non-Application to Certain Policies.
~~Clause (3) of~~ this Section 362a(3) of the Illinois Insurance Code [215 ILCS 5/362a(3)] does not apply to family group accident and health insurance provided for under Section 356a ~~sub-section (1), Clause (c)~~. (1)(c) of the Illinois Insurance Code [215 ILCS 5/356a(1)(c)].

f) Section 368. Industrial Accident and Health Insurance.
The Department will require Industrial Accident and Health policy forms to be of the same form and content as other accident and health insurance policy forms required to be filed ~~in accordance with~~ pursuant to Section 355 of the Illinois Insurance Code [215 ILCS 5/355], except Industrial Accident and Health Policies shall be issued on a weekly premium basis and contain the words "Industrial Policy" printed on each form.

g) All provisions of the Third Edition of the Official Guide which are consistent ~~not inconsistent~~ with the statute will be required.

h) Accident and Health Insurance:

1) May Accident ~~and~~ Health ~~insurance may~~ only be defined as insurance against bodily injury, disablement or death by accident and against disablement resulting from sickness or old age and every insurance appertaining thereto.

2) Terms such as "external" and "violent" in connection with the definition of accident and health insurance are not acceptable.

i) The information required in Section 356a ~~sub-section~~ (1),(a) and (b) of the Illinois Insurance Code [215 ILCS 5/356a(1)(a) and (b)] must appear in the policy form itself or on its ~~filing back~~ schedule page and cannot be added to the policy by rider, endorsement, or supplement. Although riders, endorsements and supplements, when attached to the policy form, become a part of the contract, it is evident the law intends that the aforementioned information be made a part of the policy form itself, since this Section specifically refers to the policy and distinguishes between the policy forms, riders and

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endorsements.

j) Funeral benefits will not be permitted in accident and health contracts. ~~This ruling will not apply to contracts issued pursuant to Section 356a, sub section (3).~~

k) ~~There is no general law in the State of Illinois which requires that all hospitals be licensed and many hospitals in this State are not incorporated. The words "licensed" or "incorporated" will not be acceptable in referring to hospitals in accident and health insurance contracts issued in this State.~~ If hospitals are defined in accident and health contract ~~contracts in~~ forms presented for use in this State, then an appropriate definition must be used. A term such as "legally operated hospital" or any other definition which is definite and applicable in this State, will be accepted.

l) Waiting period provisions in accident and health insurance contracts which stipulate the contract must be maintained in "continuous force" or "in force for _____ months after the effective date of the policy" or "in force for _____ months prior to the date of the loss," will not be accepted. Such provisions do not adequately and clearly cover reinstatements and therefore, such waiting periods must be based upon the loss occurring _____ months after the effective date of the policy and read similar to: No indemnity will be paid for loss whioh occurs, or commences, prior to _____ months after the effective date of the policy.

m) Additional waiting periods for certain designated diseases or illnesses based upon inception beyond the usual customary 15 to 30 days provided for in the Insuring Provisions are not permissible. If additional waiting periods are deemed necessary by the company for certain diseases and illnesses, then the Department requires ~~we require~~ that such waiting periods be based upon the loss occurring so many months after the effective date of the policy rather than being based on the inception of the illness or disease.

n) "Strict compliance provisions" in accident and health insurance contracts will not be acceptable for use in this State.

o) Any specific requirement for medical attendance by a licensed physician other than that attendance which is normally and customarily required for the disease or accident resulting in loss for whioh claim is made, will not be acceptable.

p) In accident and health insurance contracts which include "medical attendance benefits" and "surgical benefits" and limits liability to only one, provision must be made for the payment of the greater benefit.

q) Broad, indefinite, ambiguous and inconsistent language must be excluded from all accident and health insurance forms. Examples of such wording are:

1) The use of the words "indirectly" and "partly" in connection with Exclusions, Limitations and Reductions,

2) The use of the word "reasonable" when used in connection with medical attendance or any other condition or requirement included in the policy form, unless use of such word results in the provision being more favorable to the insured.

3) The use of such words as "appendages" "involving", "affecting", etc. in connection with specified physical conditions. Medical terms should be definite, for instance, various types of hernia should be spelled out, or provide a general statement that all types of hernia are meant.

r) Surgical Benefit Provisions in accident and health insurance contracts must include and provide either:

1) That all operations will be covered not to exceed a stipulated amount for any operation that may be performed, or

2) The inclusion of a schedule of operations whioh includes:

A) Comparable benefits for operations of comparable severity;

B) A provision which requires the company to pay a benefit for any operation not listed in the schedule, based on an amount equivalent to that specified for a listed operation of comparable severity; and

C) A provision which requires the company to pay for that operation which provides the largest benefit when the company's liability is limited to one operation where more than one is performed, under named or enumerated conditions.

s) Surgical benefit provisions which are contingent upon payment of a hospital confinement benefit will not be approved.

t) Benefits for hospital room which are based upon the actual expense incurred, may be made contingent only upon a charge being made by the hospital. Benefits payable on a stated or flat rate basis, regardless of the amount of expense incurred, may make the benefit contingent upon hospital confinement of so many hours.

u) Premium, Cancellation and Renewal Provisions:

1) Waiver of Premium Provisions must include a statement of coverage and of the insured's rights and obligations regarding the resumption of premium payments after the period of total disability has terminated during which the premium has been waived. This statement must read similarly to: After the termination of the period of total disability, during which a premium has been waived, the insurance afforded in this contract shall continue in full force and effect until the next premium due date, at which time the insured shall have the right to resume the payment of premiums as provided in the contract.

2) If a premium is to be charged for the period from the expiration of the period of total disability during whioh a premium has been waived and the expiration date of the policy, then a statement of this fact must be added to the provision together with a provision that the insurer will notify the insured of the premium due.

3) A policy whioh contains a cancellable provision may add at the end of the above provision in (u)(2) above, "subject to the right of the insurer to cancel in accordance with the cancellation

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provision hereof."

4) A policy in which the insurer reserves the right to refuse any renewal premiums, shall add, "unless not less than five days prior to the premium due date the insurer has delivered to the insured or has mailed to his last address as shown by records of the insurer, written notice of its intention not to renew this policy beyond the period for which the premium has been waived."

~~5) Paragraphs (3) and (4) above will not apply where a contract contains the Grace Period Provision provided by Section 357a of the Illinois Insurance Code, as that provision incorporates the requirements set forth in the above paragraphs (3) and (4).~~

v) Requirements for the so-called "franchise insurance" are different from those for individual contracts in the following respects: Termination either by cancellation or refusal to renew any individual contracts of the group is prohibited, unless all like contracts of the group are terminated at the expiration of the contracts and upon at least ten days' notice in advance. The only other termination conditions which may be included in such contracts are those which terminate coverage because of nonpayment of premium, discontinuance of employment of the insured by the named employer or the discontinuance of membership in the designated organization or association, and in addition, coverage may be automatically terminated at a designated attained age.

w) Policy forms, which in the opinion of the Department, will invite misrepresentations in the advertising and sale of the same, due to the restrictive nature of such forms as a result of unusual and/or over-lapping exclusions, limitations, reductions, or conditions, will not be accepted for use in this State.

x) Time limitations, when included in benefit provisions, must be explained in terms such as hours, days, weeks, months or years. Terms such as "immediately" or "reasonably" are not acceptable, unless use of such words make the provision more favorable to the insured.

y) Policy contracts issued by assessment companies must include a provision setting forth the contingent liability of the insured and should be based upon the regular premium provided in the policy, and in addition thereto, such premium payments as may be required by the company from time to time. This provision should be placed in the contract with equal prominence to the benefit provisions.

z) Where a contingent liability provision is included in a contract issued by a mutual company as provided for in Section 55 of the Illinois Insurance Code [215 ILCS 5/55], the contingent liability of the policyholder must be based upon not less than one nor more than ten times the amount of the premium expressed in the continuation paragraph of the policy. This provision should be placed in the contract with equal prominence to the benefit provisions.

aa) Limited policy contracts will not be approved which, in the opinion of the Director ~~Department~~, set sets forth in a more prominent manner the provisions for relatively large benefits for specified accidents of rare occurrence than provisions for relatively low benefits for accidents of more frequent occurrence. Accumulative indemnities benefits are permissible, but schedules showing such benefits will not be approved in accident and health contracts.

bb) Riders, Endorsements and Exclusions:

1) Riders and endorsements which are not complete in themselves must be accompanied by the fill in material to be used therewith, to be acceptable.

2) Exclusion of coverage riders and endorsements, executed subsequent to the issuance of the policy, must provide for the signed acceptance of the insured in addition to a statement to the effect that such rider or endorsement is not valid unless signed by the insured. Policy forms which unilaterally reduce benefits must be formally approved by the Director prior to the date they are attached to a policy issued or delivered in this State.

3) Riders or endorsements submitted for the purpose of amending forms submitted in accordance with Section 355 of the Illinois Insurance Code [215 ILCS 5/355], so that such forms will comply with the requirements of the Illinois Insurance Code or regulations of this Department, will not be accepted for approval, unless the Director Department is given an adequate justification, in writing, for the use of such riders or endorsements.

~~cc) Section 359a, Article XX, when applied to family group insurance contracts, is interpreted as meaning that the person signing the application for the family group coverage is the person insured in the family group contract against loss incurred by members of the family (which members may include the insured) who are listed in the application or added subsequently. The wording in the policy forms, riders and endorsements must be drawn accordingly.~~

cc)~~dd)~~ Application:

1) Questions in an application pertaining to diseases or conditions must be broken down so that applicants the ~~applicant~~ may insert their ~~his~~ answer at least after every four or five diseases or conditions listed unless questions are grouped as to related diseases or conditions.

2) Application forms which are completed ~~drawn for completion~~ by individuals ~~one individual~~ for themselves ~~himself~~ and others cannot include a certification as to the correctness of the answers in the application without some qualifications, preferably in the Attestation Provision, and should read similar to "to the best of your knowledge", or "to the best of your knowledge and belief". The courts have held that answers to the questions are given to the best of the applicant's belief, and the Department sees ~~we see~~ no reason why the aforementioned qualification should not be contained in the application.

3) The receipt and/or application or policy provisions may provide

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that the insurance shall be effective upon issuance and the payment of the first premium while the insured is in good health. Provisions which provide the insurance shall not become be effective until delivery of the policy while the insured is in good health, will not be acceptable.

ddee) Where the application provides for a written proxy, such proxy must be executed over the separate signature of the applicant. The signature required for the application in accordance with Section 359a of the Illinois Insurance Code [215 ILCS 5/359a] may not be used to satisfy ~~the foregoing rule~~ this requirement.

eeff) Advertising appearing on an application form, or any other form that requires the approval of ~~this Department, is passed upon by this Department in conjunction with the form itself~~ the Director, is reviewed and filed by the Director in conjunction with the approval of the form. This is in conformity with Section 143 of the Illinois Insurance Code [215 ILCS 5/143].

ffgg) The Director ~~This Department~~ requires that any form, previously approved and subsequently revised, must be submitted under a new form number, and be approved in accordance with Section 143 of the Illinois Insurance Code (Supra). This applies to advertising appearing on applications or other forms approved by the Director ~~this division~~. The only exception to this is advertising which contains statistical information, such as the amount of claims paid or assets. For changes of this kind, the insurer need not submit a new form number, but only advise the Department in writing as to the change in the statistical information and the date of change. Advertising is not subject to approval but is filed for ~~reference~~ informational purposes only. See 50 Ill. Adm. Code 916 for appropriate transmittal sheets and instructions.

(Source: Amended at 20 Ill. Reg. 14405, effective OCT 25 1996)

Section 2001.30 ~~Rules for~~ Filing of Policy Forms

a) Policy forms, riders and endorsements~~, drawn to conform with Article XX of the Illinois Insurance Code, as amended prior to and as of January 1, 1952~~ must be formally filed pursuant to 50 Ill. Adm. Code 916 as follows:

I) Two copies of all such forms shall be submitted in blank. If the form does not clearly indicate the place for the name of the insured, time the insurance becomes effective, and the benefits, it will be required that such forms be completed at the time of issuance ~~as for issuance~~.

~~2) The application to be used in connection with the policy, rider or endorsement must be made a part of the filing. In addition, the approval date must be given for application forms previously submitted to and approved by this Department.~~

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23) Each form must bear an identifying form number in the lower left corner of the first page. The form number is limited to thirty (30) characters. No other date, except the inclusion of a printing date and/or designation of a state, where a special edition is required, will be permitted in such space.

34) The ~~It will be necessary for the~~ insurer ~~to submit a filing~~ shall file a letter ~~containing the following information~~ of submission as required by 50 Ill. Adm. Code 916.40(b)(1) through (6) containing:

A) The name of the form, if any, and identifying form number.

B) If the submission is a new form, so state.

C) If the form is intended to supersede another, give the form number of the form replaced and the date it was approved by this Department and highlight all changes from the previously approved form. Any changes not highlighted will not be deemed to be approved.

~~B) Indication must be given in exact detail as to every difference from the provisions and wording of the statute, as provided in Section 357a (1) and (2).~~

~~E) A clear statement as to how any difference in the provisions and the wording of the statue as provided in Section 357a (1) and (2) are not less favorable in every respect to the insured or the beneficiary.~~

~~F) A clear statement as to any difference in the provisions and the wording of the statute, or the omission of any provision or part of a provision of the statute because of inconsistency or inapplicability with the coverage provided in any particular policy form, as provided in Section 357a (3).~~

~~G) Where provisions are contained in any policy of a foreign or alien insurer, as provided in Section 357a (6) (a), a statement of the laws prescribing or requiring such provision must be given.~~

~~H) Where provisions are contained in any policy of a domestic insurer, as provided in Section 357a (6) (b), a statement of the laws permitting or requiring such provision must be given.~~

~~I) Where the provisions of sub sections (1) and (2) of Section 357a do not appear in the order as such sub sections as provided by sub section (4) of Section 357a, a clear statement must be made indicating where such provisions may be found in the policies and/or certificates.~~

b) Copies of the policy forms, riders and endorsements ~~forms submitted, as provided above,~~ will be retained in the files of this Department. Under no circumstances will copies of forms be returned to the company with our stamp of approval thereon. Notice of approval will be given by letter or copy of the submitted transmittal form with the Department's stamp affixed thereto ~~only~~.

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(Source: Amended at 20 Ill. Reg. 14405, effective OCT 25 1996)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Consignment of Licenses, Stamps and Permits

2) Code Citation: 17 Ill. Adm. Code 2520

3)

Section Numbers:	Adopted Action:
2520.10	Amendment
2520.30	Amendment

4) Statutory Authority: Implementing and authorized by Sections 1.4, 3.1,3.2, 3.37, and 3.39 of the Wildlife Code [520 ILCS 5/1.4, 3.1, 3.2, 3.37, 3.38 and 3.39] and Sections 1-125, 20-5, 20-10, 20-30, 20-45, 20-55 and 20-120 of the Fish and Aquatic Life Code [515 ILCS 5/1-125, 20-5, 20-10, 20-30, 20-45, 20-55 and 20-120].

5) Effective Date of Rulemaking: October 25, 1996

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

7) Does this rulemaking contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: October 25, 1996

9) Notice of Proposal Published in Illinois Register: August 9, 1996, 20 Ill. Reg. 10533

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version:

In Section 2520.10(b), "the Part" was changed to "this Part".

In Section 2520.10(c), last paragraph, "the" was removed prior to "financial evidence".

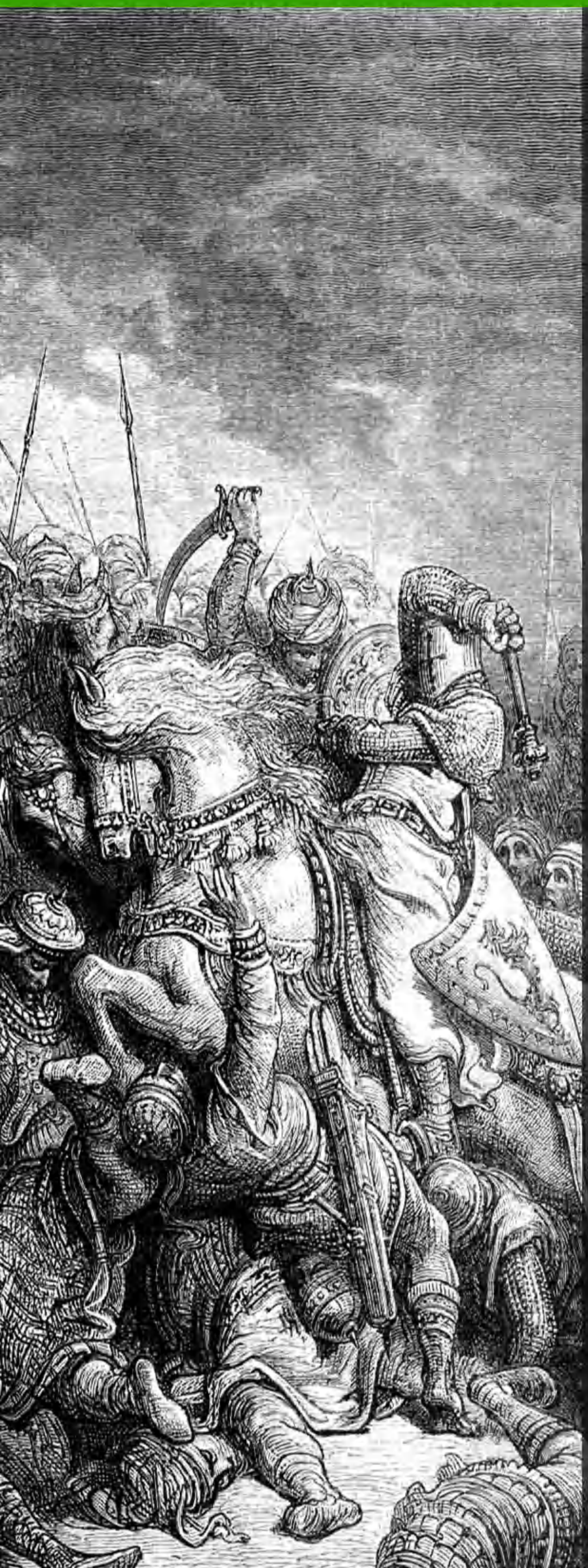
In Section 2520.30(d), "the" was removed prior to "financial evidence".

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

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: These amendments set the qualifications for a vendor to receive a preferred status. A preferred status allows the vendor to have licenses, stamps and permits consigned up to 50% over the amount of the financial evidence. All vendors with a preferred status will be reviewed annually. Delinquent accounts will be



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other than elected or appointed officials and department employees. License vendors, including employees of the Department selling licenses, stamps and permits, shall collect an issuing fee in addition to the license, stamp and permit fee as provided in 515 ILCS 5/20-120 and 520 ILCS 5/3.37 as follows: 75 cents for each Sportsmen's Combination license and non-resident hunting license, and 50 cents for all other licenses, stamps and permits authorized by the above statutes. All licenses, stamps and permits consigned and fees collected from the sale of licenses, stamps and permits (except the authorized issuing fee) remain the property of the State of Illinois. Funds received from the sale of licenses, stamps and permits (except the authorized issuing fee) shall not be directed to any purpose other than remittance to the Department.

b) County, city, village, township and incorporated town clerks may appoint sub-agents within the territorial area for which they are elected or appointed. Elected or appointed officials and Department employees selling licenses, stamps and permits are liable to the State for all licenses, stamps and permits consigned to their account, including any licenses, stamps and permits furnished by a clerk to any sub-agent. Any clerk appointing sub-agents must notify the Department, within 10 days following the appointment, the names and mailing addresses of such sub-agents. No part of the issuing fees collected may be retained as personal compensation by the clerk. Issuing fees may be divided between the clerk and appointed sub-agents other than employees of the Clerk's office, but in no case may any clerk and/or sub-agent charge an issuing fee or fees totaling more than the amounts set out in Section 2520.10 of this ~~the~~ Part. DNR assumes no liability for any license, stamp or permit furnished by any elected or appointed clerk to any sub-agent.

c) All direct agents, including concessionaires holding contracts with the Department shall be required to furnish DNR with evidence of financial responsibility. Such evidence shall be in the form of a surety bond, irrevocable letter of credit or certificate of deposit, in an amount equal to the value of licenses, stamps and permits consigned; with the exception of direct agents with a preferred status. Direct agents must meet the following qualifications to receive a preferred status:

1) The direct agent must sell licenses, stamps and permits for one complete license year.

2) If the direct agent has sold licenses, stamps and permits with a value of $16,000.00 or more during the previous license year, the Department must have received 20 or more remittances or no sales reports. If the direct agent has sold licenses, stamps and permits with a value of $15,999.99 or less during the previous license year, the Department must have received 10 or more remittances or no sales reports during the previous license year.

If these qualifications are met the direct agent's consignments may total 50% over the amount of their financial evidence. All direct

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agents with a preferred status will be reviewed annually. If qualifications have been met, the preferred status will continue for the following license year. If the qualifications have not been met, the preferred status is removed and the direct agent will be consigned licenses, stamps and permits equal to the amount of financial evidence. Surety bonds and letters of credit shall be on a form furnished by and approved by DNR, with surety or sureties satisfactory to DNR, conditioned upon such agents paying to the State of Illinois all monies becoming due by reason of the sale of licenses, stamps and permits. No direct agent may appoint sub agents.

(Source: Amended at 20 Ill. Reg. 14417, effective OCT 25 1996)

Section 2520.30 Terms

a) When funds received in payment for licenses, stamps and permits are deposited in an interest bearing account and where fees collected by a vendor are determined to be late to the department according to the remittance schedule in Section 2520.30(c), interest that has accrued through an interest bearing license account on the overdue funds will be remitted to the Department by separate check along with fees collected from the sale of such licenses, stamps and permits.

b) All license vendors shall be required to remit to the Department, according to the schedule in subsection (c) below, all funds received from the sale of licenses, stamps and permits during the preceeding remittance period except the authorized issuing fee. Vendors having licenses, stamps and permits on hand for sale, but who have sold none during the remittance period, shall report this fact to the Department according to the remittance schedule by the use of a "no sales" report, furnished by the Department.

c) The remittance schedules are as follows:

1) Schedule I: For vendors having sold licenses, stamps and permits with a value of $16,000 or more during a prior license year, remittance periods shall be from the 1st through the 15th of each month and the 16th through the last day of each month. Remittance shall be made to the Department no later than the 5th and 20th of each month, for all licenses, stamps and permits sold during the previous remittance period.

2) Schedule II: For vendors having sold licenses, stamps and permits of a value of $15,999.99 or less during the previous license year, the remittance period shall be each month. Remittance shall be made to the Department no later than the 10th of each month for all licenses, stamps and permits sold during the previous month.

d) Accounts more than one remittance period past due shall have additional license consignments withheld until the account is current. Accounts two remittance periods or more past due will cause the

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or withdraw the issuance of licenses through such
the case of secured agents, payment will be
security company. In the case of secured agents
us, a nt u to the amount of financial
e

lment payment agreements will be accepted by DNR
gment decrees.
the expiration of the time in which any class of
it is usable, the final payment for licenses,
old shall be made in full to the Department, and
enses, stamps and permits shall be returned to
unts not closed out within the 30 days specified
terminated, and referred to the security company
to other agencies for assistance.

20 Ill. Reg. 14417, effective

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1) Heading of the Part: Operation and Record Keeping

2) Code Citation: 35 Ill. Adm. Code 607

3) Section Numbers: Adopted Action:
607.104 Amended

4) Statutory Authority: 415 ILCS 5/17, 17.5 and 27.

5) Effective Date of Amendments: October 22, 1996

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

7) Do these amendments contain incorporations by reference? No

8) Date filed in Board's principal office: Order adopted September 5, 1996 and supplemental opinion and order adopted October 17, 1996.

9) Notice of proposal published in Illinois Register: May 3, 1996, 20 Ill. Reg. 6121

10) Has JCAR issued a Statement of Objections to these rules? No. Section 17.5 of the Environmental Protection Act [415 ILCS 5/17.5] provides that Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

11) Differences between proposal and final version: No changes.

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR? Section 17.5 of the Environmental Protection Act [415 ILCS 5/17.5] provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

13) Will these amendments replace emergency amendments currently in effect? No

14) Are there any other amendments pending on this Part? No

15) Summary and purpose of amendments: A more detailed description is contained in the Board's opinion of September 5, 1996 and supplemental opinion and order of October 17, 1996 in R95-17, which Opinion is available from the address below. Section 17.5 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of

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the APA, it is not subject to first notice or to second notice review by JCAR.

The R95-17 proceeding updates the Board's SDWA rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the period January 1 through June 30, 1995. During this period, USEPA undertook the following actions with regard to the federal rules:

60 Fed. Reg. 33658 (June 28, 1995)	(Revisions to State Primacy Provisions)
60 Fed. Reg. 33926 (June 29, 1995)	(Deletion of Obsolete, Redundant, and Out-Dated Rules)
60 Fed. Reg. 34084 (June 29, 1995)	(Analytical Methods Technical Corrections)

The amendments to the state primacy provisions, adopted by USEPA on June 28, 1995, amended the provisions for withdrawal of federal authorization of a state's SDWA program. None of the USEPA amendments affected the actual state program requirements, so no Board action was necessary beyond noting the federal action. The deletion of obsolete, redundant, and out-dated rules on June 29, 1995 included revisions to elements of the federal rules that have counterparts in the Illinois regulations. Amendments resulted to the Illinois rules from those federal amendments. The analytical methods amendments of June 29, 1995 corrected minor errors in the analytical methods amendments of December 5, 1994 (59 Fed. Reg. 1994), adopted by the Board in consolidated docket R94-24/R95-3 on June 15, 1995, and in the July 17, 1992 (57 Fed. Reg. 31776) federal Phase V rules, adopted by the Board in docket R93-1 on July 13, 1993. The June 29, 1993 analytical methods corrections were the major source of the Board actions involved in this proceeding.

Board action was further required by a comment filed March 1, 1996 by the Illinois Environmental Protection Agency (IEPA). That comment highlighted various errors and inconsistencies in the text of all of the Subtitle F regulations (including the groundwater protection and groundwater quality rules). The Agency requested numerous corrections to the text of the rules. Further discussion of this request and a detailed outline of the corrections appear below on pages 5 through 13 of this discussion. Specifically, the amendments to Part 607 derive from corrections suggested in the comments by IEPA.

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

Michael J. McCambridge
Attorney
Illinois Pollution Control Board

POLLUTION CONTROL BOARD

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100 W. Randolph 11-500
Chicago, IL 60601
312-814-6924

Request copies of the Board's opinion and order of September 5, 1996 and supplemental opinion and order of October 17, 1995 from Victoria Agyeman, at 312-814-3620.

The full text of the adopted amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE F: PUBLIC WATER SUPPLIES
CHAPTER I: POLLUTION CONTROL BOARD

PART 607
OPERATION AND RECORD KEEPING

Section
607.101 Protection During Repair Work (Repealed)
607.102 Disinfection Following Repair or Reconstruction (Repealed)
607.103 Emergency Operation
607.104 Cross Connections
607.105 Laboratory Testing Equipment (Repealed)
607.106 Record Maintenance (Repealed)
APPENDIX A References to Former Rules (Repealed)

AUTHORITY: Implementing Section 17 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/17 and 27].

SOURCE: Filed with Secretary of State January 1, 1978; amended and codified at 6 Ill. Reg. 11497, effective September 14, 1982; amended in R88-26 at 14 Ill. Reg. 16512, effective September 20, 1990; amended in R95-17 at 20 Ill. Reg. 14423, effective OCT 22 1996.

Section 607.104 Cross Connections

a) No physical connection shall be permitted between the potable portion of a supply and any other water supply not of equal or better bacteriological and chemical quality as determined by inspection and analysis by the Agency, except as provided for in subsection (d).
b) There shall be no arrangement or connection by which an unsafe substance may enter a supply.
c) Control of all cross-connections to a supply is the responsibility of the owner or official custodian of the supply. If a privately owned water supply source meets the applicable criteria, it may be connected to a water supply upon approval by the owner or official custodian and by the Agency. Where such connections are permitted, it is the responsibility of the public water supply officials to assure submission from such privately owned water supply source or sources samples and operating reports, as required by 35 Ill. Adm. Code 611 ~~605 and 606~~ as applicable to the cross-connected source.
d) The Agency may adopt specific conditions for control of unsafe cross-connections, which shall be complied with by the supplies of this State, as applicable. These conditions shall be adopted and/or changed by the Agency as prescribed in 35 Ill. Adm. Code 602.115.
e) Each community water supply exempted pursuant to 35 Ill. Adm. Code 603.103 or 604.402 shall provide an active program approved by the Agency to continually educate and inform water supply consumers

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regarding prevention of the entry or contaminants into the distribution system. Conditions under which the Agency will approve this active program shall be adopted or changed by the Agency as prescribed in 35 Ill. Adm. Code 602.115.

(Source: Amended at 20 Ill. Reg. 14423, effective OCT 22 1996)

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1) Heading of the Part: Organic Material Emission Standards and Limitations for the Chicago Area

2) Code Citation: 35 Ill. Adm. Code 218

3) Section Numbers: Adopted Action:

218.110	Amended
218.111	Amended
218.208	Amended
218.211	Amended
218.431	Amended
218.435	Amended
218.720	Repealed
218.722	Repealed
218.726	Repealed
218.727	Repealed
218.728	Repealed
218.729	Repealed
218.730	Repealed
218.980	Amended
218.Appendix G	Amended

4) Statutory Authority: 415 ILCS 5/28.5

5) Effective Date of Rulemaking: October 17, 1996

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

7) Does this rulemaking contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: December 13, 1995

9) Notice of Proposal Published in Illinois Register: 20 Ill. Reg. 122, January 5, 1996

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version: The following changes should be made from the proposal which was published at 20 Ill. Reg. 122 on January 5, 1996:

1. In the Table of Contents, changed "Solvents" to "Solvent" in Section 218.110 so that the Table of Contents and Section match.

2. In the Table of Contents, changed "from" to "From" in Section 218.208.

3. In Section 218.208(d)(4), changed "subsection" to "subsections".

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4. In Subpart Q title, deleted "Leaks From" to match title in Table of Contents.

5. In subsection (b) of Appendix G, realigned columns to match file pages.

6. In the Source Note, changed "R91-23" reference to "R91-24".

7. Also in Source Note, deleted "at" after "in R94-12".

8. In Section 218.208(b)(1)(A), deleted semicolon.

9. In Section 218.431(b)(5), struck period and added "; or".

10. In Section 218.435(c)(2), struck "Section" and added "Subsection".

11. In Section 218.431(b)(4), struck "or".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes. The Board made all changes as verbally agreed upon; no letter of agreement was issued in this matter.

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: A complete description of this Section 28.5 fastrack rulemaking is included in the Board's October 17, 1996 opinion and order in docket R96-13, which is available from the address below. Specifically, this rulemaking adopts amendments to 35 Ill. Adm. Code 218 pursuant to the Rate of Progress Plan submitted to the USEPA on November 15, 1993. The amendments to Subpart A, General Provisions, correct the vapor pressure equations; the amendments to Subpart F, Coating Operations clarify the recordkeeping and reporting requirements; the amendments to Subpart Q, Synthetic Organic Chemical and Polymer Manufacturing Plan, corrects a publication date for a Federal *Register* reference and corrects minor typographical errors; the amendments in Subpart FF reflect the repeal of baker oven rules by the Illinois General Assembly; the amendment in Subpart TT corrects the exemption for polyethylene foam packaging operations from the applicable control requirements; and the amendment in Appendix G corrects a typographical error.

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

K.C. Poulos

POLLUTION CONTROL BOARD

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100 W. Randolph Street, Suite 11-500
James R. Thompson Center
Chicago, IL 60601
312/814-3665

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address above. Please refer to the Docket number R96-13 in your request.

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

POLLUTION CONTROL BOARD

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: EMISSIONS STANDARDS AND LIMITATIONS FOR STATIONARY SOURCES

PART 218
ORGANIC MATERIAL EMISSION STANDARDS AND LIMITATIONS
FOR THE CHICAGO AREA

SUBPART A: GENERAL PROVISIONS

Section
218.100 Introduction
218.101 Savings Clause
218.102 Abbreviations and Conversion Factors
218.103 Applicability
218.104 Definitions
218.105 Test Methods and Procedures
218.106 Compliance Dates
218.107 Operation of Afterburners
218.108 Exemptions, Variations, and Alternative Means of Control or Compliance Determinations
218.109 Vapor Pressure of Volatile Organic Liquids
218.110 Vapor Pressure of Organic Material or Solvent ~~Solvents~~
218.111 Vapor Pressure of Volatile Organic Material
218.112 Incorporations by Reference
218.113 Monitoring for Negligibly-Reactive Compounds
218.114 Compliance with Permit Conditions

SUBPART B: ORGANIC EMISSIONS FROM STORAGE AND LOADING OPERATIONS

Section
218.119 Applicability for VOL
218.120 Control Requirements for Storage Containers of VOL
218.121 Storage Containers of VPL
218.122 Loading Operations
218.123 Petroleum Liquid Storage Tanks
218.124 External Floating Roofs
218.125 Compliance Dates
218.126 Compliance Plan (Repealed)
218.127 Testing VOL Operations
218.128 Monitoring VOL Operations
218.129 Recordkeeping and Reporting for VOL Operations

SUBPART C: ORGANIC EMISSIONS FROM MISCELLANEOUS EQUIPMENT

Section
218.141 Separation Operations

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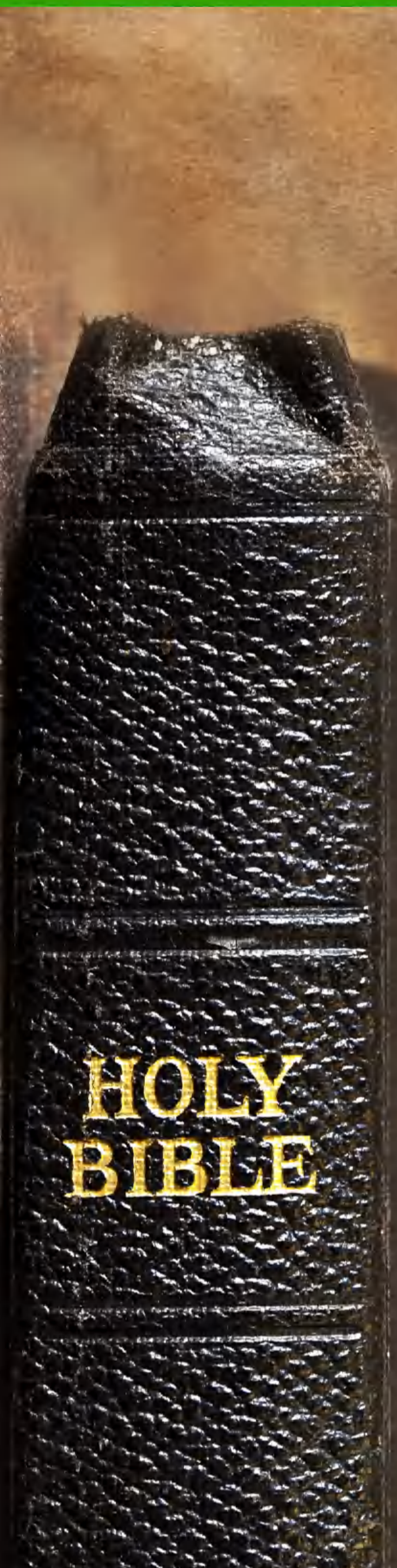

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SUBPART BB: POLYSTYRENE PLANTS

SUBPART CC: POLYESTER RESIN PRODUCT MANUFACTURING PROCESS

SUBPART DD: AEROSOL CAN FILLING

SUBPART FF: BAKERY OVENS (Repealed)

SUBPART GG: MARINE TERMINALS

SUBPART HH: MOTOR VEHICLE REFINISHING

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SUBPART PP: MISCELLANEOUS FABRICATED PRODUCT MANUFACTURING PROCESSES

SUBPART QQ: MISCELLANEOUS FORMULATION MANUFACTURING PROCESSES

SUBPART RR: MISCELLANEOUS ORGANIC CHEMICAL MANUFACTURING PROCESSES

SUBPART TT: OTHER EMISSION UNITS

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AUTHORITY: Implementing Section 10 and authorized by Section 28.5 of the Environmental Protection Act [415 ILCS 5/10 and 28.5].

SOURCE: Adopted in R91-7 at 15 Ill. Reg. 12231, effective August 16, 1991; amended in R91-24 at 16 Ill. Reg. 13564, effective August 24, 1992; amended in R91-28 and R91-30 at 16 Ill. Reg. 13864, effective August 24, 1992; amended in R93-9 at 17 Ill. Reg. 16636, effective September 27, 1993; amended in R93-14 at 18 Ill. Reg. 1945, effective January 24, 1994; amended in R94-12 at 18 Ill. Reg. 14973, effective September 21, 1994; amended in R94-15 at 18 Ill. Reg. 16392, effective October 25, 1994; amended in R94-16 at 18 Ill. Reg. 16950, effective November 15, 1994; amended in R94-21, R94-31 and R94-32 at 19 Ill. Reg. 6848, effective May 9, 1995; amended in R94-33 at 19 Ill. Reg. 7359, effective May 22, 1995; amended in R96-13 at 20 Ill. Reg. 14428, effective OCT 17 1996.

BOARD NOTE: This Part implements the Illinois Environmental Protection Act as of July 1, 1994.

NOTE: In this Part, superscript numbers or letters are denoted by parentheses, subscript are denoted by brackets, and SUM means the summation series or sigma function as used in mathematics.

SUBPART A: GENERAL PROVISIONS

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Section 218.110 Vapor Pressure of Organic Material or Solvent

a) If the organic material or solvent consists of only a single compound, the vapor pressure shall be determined by ASTM Method D2879-86 (incorporated by reference in Section 218.112 of this Part) or the vapor pressure may be obtained from a publication such as: Boublik, T., V. Fried and E. Hala, "The Vapor Pressure of Pure Substances," Elsevier Scientific Publishing Co., New York (1973); Perry's Chemical Engineer's Handbook, McGraw-Hill Book Company (1984); CRC Handbook of Chemistry and Physics, Chemical Rubber Publishing Company (1986-87); and Lange's Handbook of Chemistry, John A. Dean, editor, McGraw-Hill Book Company (1985).

b) If the organic material or solvent is in a mixture made up of both organic material compounds and compounds which are not organic material, the vapor pressure shall be determined by the following equation:

$$P_{vom\,P[om]} = \frac{\sum_{i=1}^{n} P[i]X[i]}{\sum_{i=1}^{n} X[i]}$$

where:

P[om] = Total vapor pressure of the portion of the mixture which is composed of organic material;

n = Number of organic material components in the mixture;

i = Subscript denoting an individual component;

P[i] = Vapor pressure of an organic material component determined in accordance with subsection (a) of this Section;

X[i] = Mole fraction of the organic material component of the total organic mixture

c) If the organic material or solvent is in a mixture made up of only organic material compounds, the vapor pressure shall be determined by ASTM Method D2879-86 (incorporated by reference in Section 218.112 of this Part) or by the above equation.

(Source: Amended at 20 Ill. Reg. 14428, effective OCT 17 1996)

Section 218.111 Vapor Pressure of Volatile Organic Material

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a) If the VOM consists of only a single compound, the vapor pressure shall be determined by ASTM Method D2879-86 (incorporated by reference in Section 218.112 of this Part) or the vapor pressure may be obtained from a publication such as: Boublik, T., V. Fried and E. Hala, "The Vapor Pressure of Pure Substances," Elsevier Scientific Publishing Co., New York (1973); Perry's Chemical Engineer's Handbook, McGraw-Hill Book Company (1984); CRC Handbook of Chemistry and Physics, Chemical Rubber Publishing Company (1986-87); and Lange's Handbook of Chemistry, John A. Dean, editor, McGraw-Hill Book Company (1985).

b) If the VOM is in a mixture made up of both VOM compounds and compounds which are not VOM, the vapor pressure shall be determined by the following equation:

$$P[vom] = \frac{\sum_{i=1}^{n} P[i]X[i]}{\sum_{i=1}^{n} X[i]}$$

where:

P[vom] = Total vapor pressure of the portion of the mixture which is composed of VOM

n = Number of VOM components in the mixture;

i = Subscript denoting an individual component;

P[i] = Vapor pressure of a VOM component determined in accordance with subsection (a) of this Section;

X[i] = Mole fraction of the VOM component of the total organic mixture

c) If the VOM is in a mixture made up of only VOM compounds, the vapor pressure shall be determined by ASTM Method D2879-86 (incorporated by reference in Section 218.112 of this Part) or by the above equation.

(Source: Amended at 20 Ill. Reg. ~~OCT 17 1996~~ 14428 effective)

SUBPART F: COATING OPERATIONS

Section 218.208 Exemptions from ~~From~~ Emission Limitations

a) Exemptions for all coating categories except wood furniture coating. The limitations of this Subpart shall not apply to coating lines

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within a source, that otherwise would be subject to the same subsection of Section 218.204 (because they belong to the same coating category, e.g., can coating), provided that combined actual emissions of VOM from all lines at the source subject to that subsection never exceed 6.8 kg/day [15 lbs/day] before the application of capture systems and control devices. (For example, can coating lines within a source would not be subject to the limitations of Section 218.204(b) of this Subpart if the combined actual emissions of VOM from the can coating lines never exceed 6.8 kg/day [15 lbs/day] before the application of capture systems and control devices.) Volatile organic material emissions from heavy off-highway vehicle products coating lines must be combined with VOM emissions from miscellaneous metal parts and products coating lines to determine applicability. Any owner or operator of a coating source shall comply with the applicable coating analysis test methods and procedures specified in Section 218.105(a) of this Part and the recordkeeping and reporting requirements specified in Section 218.211(a) of this Subpart if total VOM emissions from the subject coating lines are always less than or equal to 6.8 kg/day [15 lbs/day] before the application of capture systems and control devices and, therefore, are not subject to the limitations of Section 218.204 of this Subpart. Once a category of coating lines at a source is subject to the limitations in Section 218.204 of this Subpart the coating lines are always subject to the limitations in Section 218.204 of this Subpart.

b) Applicability for wood furniture coating

1) The limitations of this Subpart shall apply to a source's wood furniture coating lines if the source contains process emission units, not regulated by Subparts B, E, F (excluding Section 218.204(l) of this Subpart), H (excluding Section 218.405 of this Part), Q, R, S, T (excluding Section 218.486 of this Part), V, X, Y, Z or BB of this Part, which as a group both:

A) Have a maximum theoretical emissions of 91 Mg (100 tons) or more per calendar year of VOM if no air pollution control equipment were used; ~~,~~ and

B) Are not limited to less than 91 Mg (100 tons) of VOM per calendar year if no air pollution control equipment were used, through production or capacity limitations contained in a federally enforceable permit or SIP revision.

2) The limitations of this Subpart shall apply to a source's wood furniture coating lines, on and after March 15, 1996, if the source contains process emission units, which as a group, have a potential to emit 22.7 Mg (25 tons) or more of VOM per calendar year and have not limited emissions to less than 22.7 Mg (25 tons) of VOM per calendar year through production or capacity limitations contained in a federally enforceable operating permit or SIP revision, and which:

A) Are not regulated by Subparts B, E, F (excluding Section 218.204(l) of this Subpart), H, Q, R, S, T (excluding

Section 218.486 of this Part), V, X, Y, Z or BB of this Part; and

B) Are not included in any of the following categories: synthetic organic chemical manufacturing industry (SOCMI) distillation, SOCMI reactors, plastic parts coating (business machines), plastic parts coating (other), offset lithograpy, industrial wastewater, autobody refinishing, SOCMI batch processing, volatile organic liquid storage tanks and clean-up solvents operations.

3) If a source ceases to fulfill the criteria of subsections (b)(1) or (b)(2) of this Section, the limitations of Section 218.204(l) of this Subpart shall continue to apply to any wood furniture coating line which was ever subject to the limitations of Section 218.204(l) of this Subpart.

4) For the purposes of subsection (b) of this Section, an emission unit shall be considered to be regulated by a Subpart if it is subject to the limitations of that Subpart. An emission unit is not considered regulated by a Subpart if it is not subject to the limits of that Subpart, e.g., the emission unit is covered by an exemption in the Subpart or the applicability criteria of the Subpart are not met.

5) Any owner or operator of a wood furniture coating line to which the limitations of this Subpart are not applicable due to the criteria in subsection (b) of this Section shall, upon request by the Agency or the USEPA, submit records to the Agency and the USEPA within 30 calendar days from the date of the request that document that the coating line is exempt from the limitations of this Subpart.

c) On and after March 15, 1996, the limitations of this Subpart shall not apply to touch-up and repair coatings used by a coating source described by subsections 218.204(b), (d), (f), (g), (i), (j), (n) and (o) of this Subpart; provided that the source-wide volume of such coatings used does not exceed 0.95 I (I quart) per eight-hour period or exceed 209 l/yr [55 gal/yr] for any rolling twelve month period. Recordkeeping and reporting for touch-up and repair coatings shall be consistent with subsection (d) of this Section ~~Section 218.211(b)(4) of this Subpart~~.

d) On and after March 15, 1996, the owner or operator of a coating line or a group of coating lines using touch-up and repair coatings that are exempted from the limitations of Section 218.204(b), (d), (f), (g), (i), (j), (n) and (o) of this Subpart because of the provisions of Section 218.208(c) of this Subpart shall:

I) Collect and record the name, identification number, and volume used of each touch-up and repair coating, as applied on each coating line, per eight-hour period and per month;

2) Perform calculations on a daily basis, and maintain at the source records of such calculations of the combined volume of touch-up and repair coatings used source-wide for each eight-hour period;

3) Perform calculations on a monthly basis, and maintain at the source records of such calculations of the combined volume of touch-up and repair coatings used source-wide for the month and the rolling twelve month period;

4) Prepare and maintain at the source an annual summary of the information required to be compiled pursuant to subsections ~~subsection~~ (d)(1) and (d)(2) ~~(c)(4)(A) and (c)(4)(B)~~ of this Section on or before January 31 of the following year;

5) Maintain at the source for a minimum period of three years all records required to be kept under this subsection and make such records available to the Agency upon request;

6) Notify the Agency in writing if the use of touch-up and repair coatings at the source ever exceeds a volume of 0.95 I (I quart) per eight-hour period or exceeds 209 l/yr (55 gal/yr) for any rolling twelve month period within 30 days after any such exceedance. Such notification shall include a copy of any records of such exceedance; and

7) "Touch-up and repair coatings" means, for purposes of 35 Ill. Adm. Code 218.208, any coating used to cover minor scratches and nicks that occur during manufacturing and assembly processes.

(Source: Amended at 20 Ill. Reg. 14428, effective OCT 17 1996)

SUBPART Q: ~~LEAKS FROM~~ SYNTHETIC ORGANIC CHEMICAL AND POLYMER MANUFACTURING PLANT

Section 218.431 Applicability

a) The provisions of Sections 218.431 through 218.436 of this Subpart shall apply to:

I) Every owner or operator of any chemical manufacturing process unit that manufactures, as a primary product, one or more of the chemicals listed in Appendix A of this Part and that chemical manufacturing process unit causes or allows any reactor or distillation unit, either individually or in tandem, to discharge one or more process vent streams either directly to the atmosphere or to a recovery system; and

2) All continuous distillation and reactor process emission units not subject to Section 218.520 through 218.527 of this Part, and located within Stepan Company's Millsdale manufacturing facility, Elwood, Illinois.

b) Notwithstanding subsection (a) of this Section, the control requirements set forth within Section 218.432 of this Subpart shall not apply to the following:

1) Any process vent stream with a total resource effectiveness (TRE) index value greater than 1.0. However, such process vent stream remains subject to the performance testing requirements contained

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in Section 218.433 of this Subpart and the reporting and recordkeeping requirements contained in Section 218.435 of this Subpart;

2) Any reactor or distillation unit that is designed and operated as a batch operation;

3) Any reactor or distillation unit that is part of a polymer manufacturing operation;

4) Any reactor or distillation unit that is part of the chemical manufacturing process unit with a total design capacity of less than 1 gigagram (1,100 tons) per year for all chemicals produced, as a primary product, within that process unit. However, such operations remain subject to the reporting and recordkeeping requirements contained in Section 218.435(d) of this Subpart; ~~or~~

5) Any vent stream with a flow rate less than 0.0085 scm/min or a total VOM concentration of less than 500 ppmv, less methane and ethane, as measured by Method 18, or a concentration of VOM of less than 250 ppmv as measured by Method 25A. However, such operations remain subject to the performance testing requirement listed in Section 218.433 of this Subpart, as well as the reporting and recordkeeping requirements contained in Section 218.435 of this Subpart; or

6) Any reactor or distillation unit included within an Early Reduction Program, as specified in 40 CFR 63, and published in 57 Fed. Reg. 61970 (December 29, 1992), ~~(October 22, 1993)~~, evidenced by a timely enforceable commitment approved by USEPA.

(Source: Amended at 20 Ill. Reg. 14428, effective ~~OCT 17 1996~~)

Section 218.434 Monitoring Requirements

a) The owner or operator of a source subject to the control requirements in Section 218.432 of this Subpart that uses an incinerator to comply with the VOM emission limitation specified in Section 218.432(a)(1) shall install, calibrate, maintain, and operate, according to manufacturer's specifications, a temperature monitoring device equipped with a continuous recorder and having an accuracy of ± 1 percent of the temperature measured expressed in degress Celsius, or ± 0.5° C, whichever is greater.

1) Where an incinerator other than a catalytic incinerator is used, a temperature monitoring device shall be installed in the firebox.

2) Where a catalytic incinerator is used, temperature monitoring devices shall be installed in the gas stream immediately before and after the catalyst bed.

b) The owner or operator of a source that uses a flare to comply with Section 218.432(a)(2) of this Subpart shall install, calibrate, maintain, and operate, according to manufacturer's specifications, a

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heat-sensing device, such as an ultraviolet beam sensor or thermocouple, at the pilot light to indicate continuous presence of a flame.

c) The owner or operator of a source that uses a boiler or process heater with a design heat input capacity less than 44 megawatts to comply with Section 218.432(a)(1) of this Subpart shall install, calibrate, maintain, and operate, according to the manufacturer's specifications, a temperature monitoring device in the firebox. The monitoring device shall be equipped with a continuous recorder with an accuracy of ± 1 percent of the temperature being measured expressed in degrees Celsius or ± 0.5° C, whichever is greater. Any boiler or process heater in which all vent streams are introduced with primary fuel is exempt from this requirement.

d) The owner or operator of a process vent with a TRE index value of 4.0 or less that uses one or more product recovery devices shall install either an organic monitoring device equipped with a continuous recorder or the monitoring equipment specified in subsections (d)(1), (d)(2), (d)(3), or (d)(4) of this Section, depending on the type of recovery device used. All monitoring equipment shall be installed, calibrated, and maintained according to the manufacturer's specifications.

1) Where an absorber is the final recovery device in the recovery system, a scrubbing liquid temperature monitoring device and a specific gravity monitoring device, each equipped with a continuous recorder, shall be used.

2) Where a condenser is the final recovery device in the recovery system, a condenser exit (product side) temperature monitoring device equipped with a continuous recorder and having an accuracy of ± 1 percent of the temperature being monitored expressed in degrees Celsius or ± 0.5° C, whichever is greater.

3) Where a carbon adsorber is the final recovery device in the recovery system, an integrating regeneration steam stream flow monitoring device having an accuracy of ± 10 percent, capable of recording the total regeneration steam stream mass flow for each regeneration cycle; and a carbon bed temperature monitoring device having an accuracy of ± 1 percent of the temperature being monitored expressed in degrees Celsius of ± 0.5° C, capable of recording the carbon bed temperature after each regeneration and within 15 minutes of completing any cooling cycle.

4) Where a scrubber is used with an incinerator, boiler, or, in the case of halogenated vent streams, a process heater, the following monitoring equipment is required for the scrubber:

A) A pH monitoring device equipped with a continuous recorder to monitor the pH of the scrubber effluent; and

B) Flow meters equipped with a continuous recorder at the scrubber influent for liquid flow and the scrubber inlet for gas stream flow.

e) The owner or operator of a process vent using a vent system that

contains bypass lines capable of diverting a vent stream away from the control device associated with a process vent shall comply with either (e)(1) or (e)(2) of this Section. Equipment needed for safety purposes, including, but not limited to, pressure relief devices, are not subject to this subsection.

I) The owner or operator shall install, calibrate, maintain, and operate a flow indicator that provides a record of vent stream flow at least once every 15 minutes. The flow indicator shall be installed at the entrance to any bypass line that could divert the vent stream away from the control device to the atmosphere.

2) The owner or operator shall secure the bypass line valve in the closed position with a car-seal or a lock-and-key type configuration. A visual inspection of the seal or closure mechanism shall be performed at least once every month to ensure that the valve is maintained in the closed position and the vent stream is not diverted through the bypass line.

f) The owner or operator of a process vent may monitor by an equivalent alternative means or parameters other than those listed in subsections (a) through (d) of this Section. Any equivalent alternative shall be approved by the Agency and USEPA, and contained in the source's operating permit as federally enforceable permit conditions.

(Source: Amended at 20 Ill. Reg. 14428, effective OCT 17 1996)

Section 218.435 Recordkeeping and Reporting Requirements

a) Every owner or operator of a reactor or distillation unit with a TRE index value of 4.0 or less shall keep records, for a minimum of 3 years, of the following parameters measured during a performance test or TRE determination required under Section 218.433 of this Subpart, and required to be monitored under Section 218.434 of this Subpart.

I) Every owner or operator of a source that seeks to demonstrate compliance with Section 218.432(a)(1) of this Subpart through the use of either a thermal or catalytic incinerator shall maintain records of the following:

A) The average firebox temperature of the incinerator (or the average temperature upstream and downstream of the catalyst bed for a catalytic incinerator), measured at least every 15 minutes and averaged over the same time period of the performance testing; and

B) The percent reduction of VOM determined as specified in Section 218.433(c) of this Subpart achieved by the incinerator, or the concentration of VOM (ppmv, by compound) determined as specified in Section 218.433(c) of this Subpart at the outlet of the control device, on a dry basis, corrected to 3 percent oxygen.

2) Every owner or operator of a source that seeks to demonstrate

compliance with Section 218.432(a)(1) of this Subpart through the use of a boiler or process heater shall maintain the records described below. Any boiler or process heater in which all vent streams are introduced with primary fuel are exempt from these requirements.

A) A description of the location at which the vent stream is introduced into the boiler or process heater; and

B) The average combustion temperature of the boiler or process heater with a design heat input capacity of less than 44 megawatt measured at least every 15 minutes and averaged over the same time period of the performance testing.

3) Every owner or operator of a source that seeks to demonstrate compliance with Section 218.432(a)(2) of this Subpart through use of a smokeless flare, or flare design (i.e., steam-assisted, air-assisted, or nonassisted), shall maintain records of all visible emission readings, heat content determinations, flow rate measurements, and exit velocity determinations made during the performance test, continuous records of the flare pilot flame monitoring, and records of all periods of operations during which the pilot flame is absent.

4) Every owner or operator of a source that seeks to demonstrate compliance with Section 218.432(b) of this Subpart shall maintain records of the following:

A) Where an absorber is the final recovery device in the recovery system, the exit specific gravity (or alternative parameter which is a measure of the degree of absorbing liquid saturation, if approved by the Agency and USEPA, and average exit temperature of the absorbing liquid measured at least every 15 minutes and averaged over the same time period as the performance testing (both measured while the vent stream is normally routed and constituted);

B) Where a condenser is the final recovery device in the recovery system, the average exit (product side) temperature measured at least every 15 minutes and averaged over the same time period as the performance testing while the vent stream is normally routed and constituted;

C) Where a carbon adsorber is the final recovery device in the recovery system, the total steam ~~stream~~ mass or volumetric flow measured at least every 15 minutes and averaged over the same time period as the performance testing (full carbon bed cycle), the temperature of the carbon bed after regeneration (and within 15 minutes of completion of any cooling cycle(s)), and duration of the carbon bed steaming cycle (all measured while the vent stream is normally routed and constituted);

D) As an alternative to subsection (a)(4)(A), (a)(4)(B) or (a)(4)(C) of this Section, the concentration level or reading indicated by the organic monitoring device at the

outlet of the absorber, condenser, or carbon absorber, measured at least every 15 minutes and averaged over the same time period as the performance testing (measured while the vent stream is normally routed and constituted); or

E) All measurements and calculations performed to determine the flow rate, VOM concentration, heating value, and TRE index value of the vent stream.

b) Every owner or operator of a reactor or distillation unit with a TRE index value of less than 4.0 shall be subject to the exceedance reporting requirements of the draft Enhanced Monitoring Guidelines as published at 58 Fed. Reg. 54648 (October 22, 1993).

c) Every owner or operator of a source seeking to comply with Section 218.432(b) of this Subpart shall maintain records of the following:

1) Any changes in production capacity, feedstock type, catalyst type, or of any replacement, removal, or addition of recovery equipment or reactors and distillation units; and

2) Any recalculation of the flow rate, VOM concentration, or TRE index value calculated according to subsection ~~Section~~ (c) of Appendix G of this Part.

d) Every owner or operator of a source claiming a design capacity of less than 1 gigagram (1,100 tons) per year, as contained in Section 218.431(b) of this Subpart, shall maintain records of the design capacity or any changes in equipment or operations that may affect the design capacity.

e) Every owner or operator of a source claiming a vent stream flow rate or vent stream concentration exemption level, as contained in Section 218.431(b)(5) of this Subpart, shall maintain records to indicate that the stream flow rate is less than 0.0085 som/min or the vent stream concentration is less than 500 ppmv.

(Source: Amended at 20 Ill. Reg. 14428, effective OCT 17 1996)

SUBPART FF: BAKERY OVENS (REPEALED)

Section 218.720 Applicability (Repealed)

~~a) The provisions of this Subpart shall apply to every owner or operator of a source which operates a bakery oven, as defined at 35 Ill. Adm. Code 211.6800, unless the source bakes products only for on-site human consumption or on-site retail sale.~~

~~b) Notwithstanding subsection (a) of this Section, a source is required to comply with the control requirements of this Subpart only if the source has the potential to emit 22.7 Mg (25 tons) or more of VOM per year, in the aggregate, from all emission units at the source, excluding:~~

~~1) Emission units regulated by Subparts B, E, F, H, Q, R, S, T (excluding Section 218.406 of this Part), V, X, Y, Z or BB of this Part, and~~

~~2) Emission units that are included in any of the following categories: synthetic organic chemical manufacturing industry (SOCMI) distillation, SOCMI reactors, wood furniture coating, plastic parts coating (business machines), plastic parts coating (other), offset lithography, industrial wastewater, autobody refinishing, SOCMI batch processing, volatile organic liquid storage tanks and clean up solvents operations.~~

~~c) Every owner or operator of a source which has limited its potential to emit below 22.7 Mg (25 tons) of VOM per year, as specified in subsection (b) of this Section, through federally enforceable permit conditions is not required to comply with this Subpart.~~

~~d) Every owner or operator of a bakery oven which is exempt from the control requirements of this Subpart because of the criteria in subsection (b) of this Section remains subject to the recordkeeping and reporting requirements of Section 218.720(b) of this Subpart and the certification requirements in Section 218.730(d) of this Subpart.~~

(Source: Repealed at 20 Ill. Reg. 14428, effective OCT 17 1996)

Section 218.722 Control Requirements (Repealed)

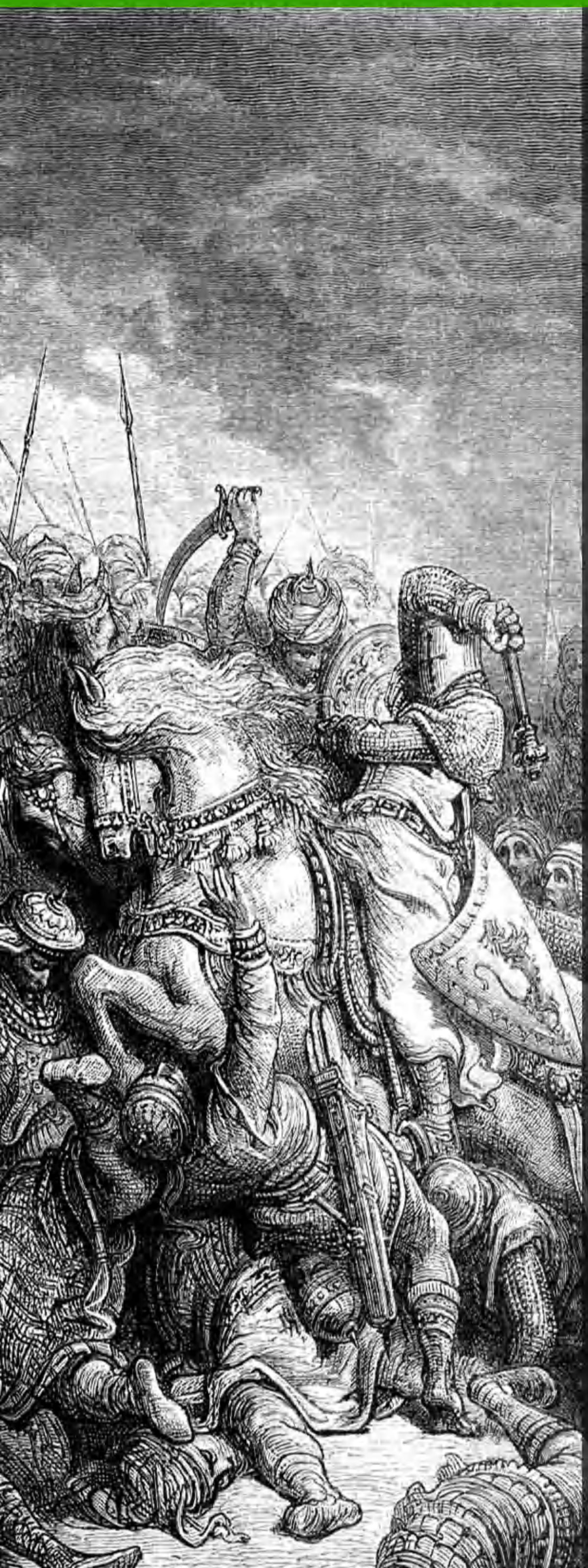
~~a) Every owner or operator of a source subject to the control requirements of this Subpart shall comply with the requirements of subsection (a)(1) or (a)(2) of this Section for each bakery oven with a rated heat input capacity of at least 2 mmbtu/hr or at least 586 kW:~~

~~1) Operate emissions capture and control equipment which achieves an overall reduction in uncontrolled VOM emissions of at least 81 percent from each such bakery oven; or~~

~~2) Provide an equivalent alternative control plan for such bakery ovens at the source which has been approved by the Agency and USEPA through federally enforceable permit conditions or as a SIP revision.~~

~~b) An owner or operator of a source subject to the control requirements of this Subpart may elect to exempt from the control requirements in subsections (a)(1) or (a)(2) and (c)(1) or (c)(2) of this Section any bakery oven with actual VOM emissions less than or equal to 15 TPY, provided that the total actual VOM emissions from all such exempt bakery ovens never exceed 25 TPY.~~

~~c) Notwithstanding the requirements in subsection (a) of this Section, until March 15, 1998, only, a source may elect to comply with the control requirements in subsection (c)(1) or (c)(2) of this Section, rather than the control requirements in subsection (a)(1) or (a)(2) of this Section, if all emission units at the source, in the aggregate, excluding emission units regulated by Subparts B, E, F, H (excluding Section 218.405 of this Subpart), Q, R, S, T (excluding Section



exempt bakery oven ever exceed 15 TPY or the actual VOM emissions from a combination of exempt bakery ovens ever exceed 25 TPY, within 30 days after the exceedance occurs. Such notice shall include a copy of all records of the exceedance.

d) Every owner or operator of a bakery oven which is controlling emissions as provided in Section 218.722(c) of this Subpart until March 15, 1998, shall maintain records necessary to demonstrate that its maximum theoretical emissions as specified in Section 218.722(c) are less than 90.7 Mg (100 tons) of VOM per year. Such records shall be maintained for the most recent consecutive 3 year period and shall be made available to the Agency immediately upon request.

(Source: Repealed at 20 Ill. Reg. 14428, effective OCT 17 1996)

Section 218.729 Compliance Date (Repealed)

On and after March 15, 1996, upon initial startup or upon modification, every owner or operator of a source subject to this Subpart shall comply with the requirements of this Subpart.

(Source: Repealed at 20 Ill. Reg. 14428, effective OCT 17 1996)

Section 218.730 Certification (Repealed)

a) Every owner or operator of a source subject to the control requirements of this Subpart shall certify compliance with this Subpart on or before a date consistent with Section 218.729 of this Subpart.

b) If an owner or operator of a bakery oven subject to the control requirements of this Subpart changes the method of compliance, the owner or operator shall certify compliance with the requirements of this Subpart for the alternative method upon changing the method of compliance.

c) All certifications of compliance with this Subpart shall include the results of all tests and the calculations performed to demonstrate that each oven at the source is in compliance with, or is exempt from, the control requirements of this Subpart. The certification shall include the following:

1) The name and identification number of each oven and any associated capture and control device;

2) The maximum rated heat input of each oven;

3) A classification of each oven as either a "bakery oven" as defined in 35 Ill. Adm. Code 211.680 or an oven used exclusively to bake non yeast leavened products;

4) The capture and control efficiency of each bakery oven control device;

5) Test reports, calculations and other data necessary to demonstrate that the capture and control efficiency of each bakery oven control device achieves an overall reduction in uncontrolled VOM emissions of at least 81 percent; and

6) The date each bakery oven control device was installed and operating.

d) On or before March 15, 1996, or upon initial startup, every owner or operator of a bakery oven which is exempt from the control requirements of this Subpart because of the criteria in Section 218.720(b) of this Subpart shall certify that its potential to emit is less than 22.7 Mg (25 tons) of VOM per year, as specified in Section 218.720(b).

e) On or before March 15, 1996, or upon initial startup, every owner or operator of a bakery oven which is exempt from the control requirements of this Subpart because of the criteria specified in Section 218.722(b) of this Subpart shall certify that actual VOM emissions from any individual exempt bakery oven never exceed 15 TPY and that VOM emissions from all exempt bakery ovens, in the aggregate, never exceed 25 TPY.

f) On or before March 15, 1996, or upon initial startup if prior to March 15, 1998, every owner or operator of a bakery oven which is controlling emissions as provided by Section 218.722(c) of this Subpart shall certify that its maximum theoretical emissions as specified in Section 218.722(c) are less than 90.7 Mg (100 tons) of VOM per year.

(Source: Repealed at 20 Ill. Reg. 14428, effective OCT 17 1996)

SUBPART TT: OTHER EMISSION UNITS

Section 218.980 Applicability

a) Maximum theoretical emissions:

1) A source is subject to this Subpart if it contains process emission units not regulated by Subparts B, E, F (excluding Section 218.204(l) of this Part), H (excluding Section 218.405 of this Part), Q, R, S, T (excluding Section 218.486 of this Part), V, X, Y, Z or BB of this Part, which as a group both:

A) Have maximum theoretical emissions of 90.7 Mg (100 tons) or more per calendar year of VOM, and

B) Are not limited to less than 90.7 Mg (100 tons) of VOM emissions per calendar year in the absence of air pollution control equipment through production or capacity limitations contained in a federally enforceable permit or a SIP revision.

2) If a source is subject to this Subpart as provided in this Subpart, the requirements of this Subpart shall apply to a

source's VOM emission units which are not included within any of the categories specified in Subparts B, E, F, H, Q, R, S, T, V, X, Y, Z, AA, BB, PP, QQ, or RR of this Part or which are not exempted from permitting requirements pursuant to 35 Ill. Adm. Code 201.146.

b) Potential to emit:

I) A source is subject to this Subpart if it has the potential to emit 22.7 Mg (25 tons) or more of VOM per year, in aggregate, from emission units, other than furnaces at glass container manufacturing sources and VOM leaks from components, that are:

A) Not regulated by Subparts B, E, F, H, Q, R, S, T, (excluding Section 218.486 of this Part), V, X, Y, Z, or BB of this Part, or

B) Not included in any of the following categories: synthetic organic chemical manufacturing industry (SOCMI) distillation, SOCMI reactors, wood furniture, plastic parts coating (business machines), plastic parts coating (other), offset lithography, industrial wastewater, autobody refinishing, SOCMI batch processing, volatile organic liquid storage tanks and clean-up solvents operations.

2) If a source is subject to this Subpart as provided above, the requirements of this Subpart shall apply to a source's VOM emission units, which are:

A) Not included within any of the categories specified in Subparts B, E, F, H, Q, R, S, T, V, X, Y, Z, AA, BB, CC, DD, PP, QQ or RR of this Part, or which are not exempted from permitting requirements pursuant to 35 Ill. Adm. Code 201.146 (excluding Section 201.146(o) and (p)), or

B) Not included in any of the following categories: synthetic organic chemical manufacturing industry (SOCMI) distillation, SOCMI reactors, wood furniture, plastic parts coating (business machines), plastic parts coating (other), offset lithography, industrial wastewater, autobody refinishing, SOCMI batch processing, volatile organic liquid storage tanks and clean-up solvents operations.

c) If a source ceases to fulfill the criteria of subsections (a) and/or (b) of this Section, the requirements of this Subpart shall continue to apply to an emission unit which was subject to the control requirements of Section 218.986 of this Part.

d) No limits under this Subpart shall apply to emission units with emissions of VOM to the atmosphere less than or equal to 2.3 Mg (2.5 tons) per calendar year if the total emissions from such emission units not complying with Section 218.986 of this Part does not exceed 4.5 Mg (5.0 tons) per calendar year.

e) For the purposes of this Subpart, an emission unit shall be considered regulated by a Subpart, if it is subject to the limits of that Subpart. An emission unit is considered not regulated by a Subpart if it is not subject to the limits of that Subpart, e.g., the emission

unit is covered by an exemption in the Subpart or the applicability criteria of the Subpart are not met.

f) The control requirements in Subpart TT shall not apply to sewage treatment plants; vegetable oil extraction and processing; coke ovens (including by-product recovery plants); fuel combustion units; bakeries; barge loading facilities; jet engine test cells; production of polystyrene foam insulation board including storage and extrusion of scrap where blowing agent is added to the polystyrene resin at the source, but not including blending and preliminary expansion of resin prior to molding where blowing agent is incorporated into the polystyrene resin by the producer of the resin; production of polystyrene or polyethylene foam packaging not including blending and preliminary expansion of resin prior to molding where blowing agent is incorporated into the polystyrene or polyethylene resin by the producer of the resin, and not including storage and extrusion of scrap where blowing agent is added to the polystyrene or polyethylene resin at the source; and iron and steel production; and furnaces at glass container manufacturing sources.

(Source: Amended at 20 Ill. Reg. 14428, effective OCT 17 1996)

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Section 218.APPENDIX G TRE Index Measurements for SOCMI Reactors and Distillation Units

For purposes of Subpart Q, Sections 218.431 through 218.435, the following apply:

a) The following test methods shall be used to determine compliance with the total resource effectiveness ("TRE") index value:

1) Method 1 or 1A, incorporated by reference at Section 218.112 of this Part, as appropriate, for selection of the sampling site.

A) The sampling site for the vent stream molar composition determination and flow rate prescribed in subsections (a)(2) and (a)(3) of this Appendix shall be, except for the situations outlined in subsection (a)(1)(B), after the final recovery device, if a recovery system is present, prior to the inlet of any control device, and prior to any post-reactor or post-distillation unit introduction of halogenated compounds into the vent stream. No traverse site selection method is needed for vents smaller than 10 cm in diameter.

B) If any gas stream other than the reactor or distillation unit vent stream is normally conducted through the final recovery device:

i) The sampling site for vent stream flow rate and molar composition shall be prior to the final recovery device and prior to the point at which any nonreactor or nondistillation unit vent stream or stream from a nonaffected reactor or distillation unit is introduced. Method 18 incorporated by reference at Section 218.112 of this Part, shall be used to measure organic compound concentrations at this site.

ii) The efficiency of the final recovery device is determined by measuring the organic compound concentrations using Method 18, incorporated by reference at Section 218.112 of this Part, at the inlet to the final recovery device after the introduction of all vent streams and at the outlet of the final recovery device.

iii) The efficiency of the final recovery device determined according to subsection (a)(1)(B)(ii) of this Appendix shall be applied to the organic compound concentrations measured according to subsection (a)(1)(B)(i) of this Appendix to determine the concentrations of organic compounds from the final recovery device attributable to the reactor or distillation unit vent stream. The resulting organic compound concentrations are then used to perform the calculations outlined in subsection (a)(4) of this Appendix.

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2) The molar composition of the vent stream shall be determined as follows:

A) Method 18, incorporated by reference at Section 218.112 of this Part, to measure the concentration of organic compounds including those containing halogens;

B) ASTM D1946-77, incorporated by reference at Section 218.112 of this Part, to measure the concentration of carbon monoxide and hydrogen; and

C) Method 4, incorporated by reference at Section 218.112 of this Part, to measure the content of water vapor.

3) The volumetric flow rate shall be determined using Method 2, 2A, 2C, or 2D, incorporated by reference at Section 218.112 of this Part, as appropriate.

4) The emission rate of VOM (minus methane and ethane) (E[VOM]) in the vent stream shall be calculated using the following formula:

$$E[VOM] = K[2] \sum_{j=1}^{n} C[j]M[j] Q[s]$$

where:

E[VOM] = Emission rate of VOM (minus methane and ethane) in the sample, kg/hr.

K[2] = Constant, 2.494 x 10(-6) (1/ppmv)(g-mole/scm)(kg/g)(min/hr), where standard temperature for (g-mole/scm) is 20° C.

C[j] = Concentration of compound j, on a dry basis, in ppmv as measured by Method 18, incorporated by reference at Section 218.112 of this Part, as indicated in Section 218.433(c)(3) of this Part.

M[j] = Molecular weight of sample j, g/g-mole.

Q[s] = Vent stream flow rate (scm) at a temperature of 20° C.

5) The total vent stream concentration (by volume) of compounds containing halogens (ppmv, by compound) shall be summed from the individual concentrations of compounds containing halogens which were measured by Method 18, incorporated by reference at Section 218.112 of this Part.

6) The net heating value of the vent stream shall be calculated using the following:

$$H[T] = K[1] \sum_{j=1}^{n} C[j]H[j] (1-B[ws])$$

where:

H[T] = Net heating value of the sample (MJ/scm), where the net enthaply per mole of vent stream is based on combustion of 25° C and 760 mmHG, but the standard temperature for determining the volume corresponding to one mole is 20° C 25°C, as in the definition of Q[s] (vent stream flow rate).

K[1] = Constant, 1.740 x 10(-7) (ppmv)(-1) (g-mole/scm); (MJ/KCal), where standard temperature for (g-mole/scm) is 20° C.

B[ws] = Water vapor content of the vent stream, proportion by volume; except that if the vent stream passes through a final stream jet and is not condensed, it shall be assumed that B[ws] = 0.023 in order to correct to 2.3 percent moisture.

C[j] = Concentration on a dry basis of compound j in ppmv, as measured for all organic compounds by Method 18, incorporated by reference at Section 218.112 of this Part, and measured for hydrogen and carbon monoxide by using ASTM D1946-77, incorporated by reference at Section 218.112 of this Part.

H[j] = Net heat of combustion of compound j, kCal/g-mole, based on combustion at 25° C and 760 mmHG. The heats of combustion of vent stream components shall be determined using ASTM D2382-83, incorporated by reference at Section 218.112 of this Part, if published values are not available or cannot be calculated.

b)

I) The TRE index value of the vent shall be calculated using the following:

$$TRE = \frac{I}{E[VOM]} [a + b (Q[s]) + c (H[T]) + d (E[VOM])]$$

where:

TRE = TRE index value.

E[VOM] = Hourly emission rate of VOM (kg/hr) as calculated in subsection (a)(4) of this Appendix.

Q[s] = Vent stream flow rate scm/min at a standard temperature of 20° C.

H[T] = Vent stream net heating value (MJ/scm), as calculated in subsection (a)(6) of this Appendix.

E[VOM] = Hourly emission rate of VOM (minus methane and ethane), (kg/hr) as calculated in subsection (a)(4) of this Appendix.

a,b, c,d = Value of coefficients presented below are:

Type of Stream	Control Device Basis	Value of Coefficients a	b	c	d
Nonhalogenated	Flare	2.I29	0.183	-0.005	0.359
	Thermal incinerator zero (0) Percent heat Recovery	3.075	0.021	-0.037	0.018
	Thermal incinerator. 70 Percent heat Recovery	3.803	0.032	-0.042	0.007
Halogenated	Thermal incinerator and scrubber	5.470	0.I8I	-0.040	0.004

2) Every owner or operator of a vent stream shall use the applicable coefficients identified for values a, b, o, and d in subsection (b)(1) of this Appendix to calculate the TRE index value based on a flare, a thermal incinerator with zero (0) percent heat recovery, and a thermal incinerator with 70 percent heat recovery, and shall select the lowest TRE index value.

3) Every owner or operator of a reactor or distillation unit with a halogenated vent stream, determined as any stream with a total concentration of halogen atoms contained in organic compounds of 200 ppmv or greater, shall use the applicable coefficients identified for values a, b, c and d in subsection (b)(1) of this Appendix to calculate the TRE index value based on a thermal

incinerator and scrubber.

c) Every owner or operator of a source seeking to comply with Section 218.432(b) of this Part shall recalculate the flow rate and VOM concentration for each affected vent stream whenever process changes are made. Examples of process changes include, but are not limited to, changes in production capacity, feedstock type, or catalyst type, or whenever there is replacement, removal, or addition of recovery equipment. The flow rate and VOM concentration shall be recalculated based on test data, or on best engineering estimates of the effects of the change to the recovery system.

d) Whenever a process change, as defined in Section 218.435(c) of this Subpart, yields a TRE index value of 1.0 or less, the owner or operator shall notify and submit a report to the Agency according to the requirements specified in Section 218.435(c) of this Subpart, within 180 calendar days after the process change and shall conduct a performance test according to the methods and procedures required by Section 218.433 of this Part.

e) For the purpose of demonstrating that a process vent stream has a VOM concentration below 500 ppmv, the following shall be used:

1) The sampling site shall be selected as specified in Section 218.433(c)(1) of this Part.

2) Method 18 or Method 25A of 40 CFR Part 60, Appendix A, incorporated by reference at Section 218.112 of this Part, shall be used to measure concentration; alternatively, any other method or data that has been validated according to the protocol in Method 301 of 40 CFR Part 63, Appendix A, incorporated by reference at Section 218.112 of this Part, may be used.

3) Where Method 18 is used, the following procedures shall be used to calculate ppmv concentration:

i) The minimum sampling time for each run shall be 1 hour in which either an integrated sample or four grab samples shall be taken. If grab sampling is used, then the samples shall be taken at approximately equal intervals in time, such as 15 minute intervals during the run.

ii) The concentration of VOM shall be calculated using Method 18 according to Section 218.433(c)(4) of this Part.

4) Where Method 25A is used, the following procedures shall be used to calculate ppmv VOM concentration:

i) Method 25A shall be used only if a single VOM is greater than 50 percent of total VOM, by volume, in the process vent stream.

ii) The vent stream composition may be determined by either process knowledge, test data collected using an appropriate Reference Method or a method of data collection validated according to the protocol in Method 301 of 40 CFR Part 63, Appendix A, incorporated by reference at Section 218.112 of this Part. Examples of information that constitute process knowledge include calculations based on material balances,

process stoichiometry, or previous test results provided the results are still relevant to the current process vent stream conditions.

iii) The VOM used as the calibration gas for Method 25A shall be the single VOM present at greater than 50 percent of the total VOM by volume.

iv) The span value for Method 25A shall be 50 ppmv.

v) Use of Method 25A is acceptable if the response from the high-level calibration gas is at least 20 times the standard deviation of the response from the zero calibration gas when the instrument is zeroed on the most sensitive scale.

vi) The concentration of VOM shall be corrected to 3 percent oxygen using the procedures and equation in Section 218.433(c)(3) of this Part.

5) The owner or operator shall demonstrate that the concentration of VOM, including methane and ethane, measured by Method 25A is below 250 ppmv to qualify for the low concentration exclusion in Section 218.431 of this Part.

(Source: Amended at 20 Ill. Reg. 14428, effective ~~OCT 17 1996~~)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Organic Material Emission Standards and Limitations for the Metro East Area

2) Code Citation: 35 Ill. Adm. Code 219

3)

Section Numbers:	Adopted Action:
219.108	Amended
219.110	Amended
219.111	Amended
219.208	Amended
219.431	Amended
219.434	Amended
219.435	Amended
219.720	Repealed
219.722	Repealed
219.726	Repealed
219.727	Repealed
219.728	Repealed
219.729	Repealed
219.730	Repealed
219.Appendix G	Amended

4) Statutory Authority: 415 ILCS 5/28.5

5) Effective Date of Rulemaking: October 28, 1996

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

7) Does this rulemaking contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: December 13, 1995

9) Notice of Proposal Published in Illinois Register: 20 Ill. Reg. 155, January 5, 1996

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version:

1. In the Table of Contents, Section 219.110 changed "Solvents" to "Solvent".
2. In Source Note, deleted reference to "R96-2".
3. In Section 219.431(4), struck "or".
4. In Section 219.431(5), struck period and added "; or".
5. In Section 219.434(d), changed "subsections" to "subsection".
6. In Section 219.435(a)(3), struck comma.
7. In Section 219.435(a)(4)(A), added closing parenthesis.
8. In Section 219.435(c)(2), changed "Section" to "subsection".

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? The Board made all changes as verbally agreed upon; no letter of agreement was issued in this matter.

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: A complete description of this Section 28.5 fasttrack rulemaking is included in the Board's October 19, 1996 opinion and order in docket R96-13, which is available from the address below. Specifically, this rulemaking adopts amendments to 35 Ill. Adm. Code 218 pursuant to the Rate of Progress Plan submitted to the USEPA on November 15, I993. The amendments to Subpart A, General Provisions, correct the vapor pressure equations; the amendments to Subpart F, Coating Operations, clarify the recordkeeping and reporting requirements; the amendments to Subpart Q, Synthetic Organic Chemical and Polymer Manufacturing Plan, corrects a publication date for a Federal Register reference and corrects minor typographical errors; the amendments in Subpart FF reflect the repeal of bakery oven rules by the Illinois General Assembly; the amendment in Subpart TT corrects the exemption for polyethylene foam packaging operations from the applicable control requirements; and the amendment in Appendix G corrects a typographical error.

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

K.C. Poulos
100 W. Randolph Street
State of Illinois Center
Suite 11-500
Chicago, IL 60601
312/814-3665

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address above. Please refer to Docket number R94-21, R94-31, and R94-32 In your request.

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: EMISSIONS STANDARDS AND LIMITATIONS FOR STATIONARY SOURCES

PART 219
ORGANIC MATERIAL EMISSION STANDARDS AND LIMITATIONS FOR THE METRO EAST AREA

SUBPART A: GENERAL PROVISIONS

SUBPART B: ORGANIC EMISSIONS FROM STORAGE AND LOADING OPERATIONS

SUBPART C: ORGANIC EMISSIONS FROM MISCELLANEOUS EQUIPMENT

POLLUTION CONTROL BOARD

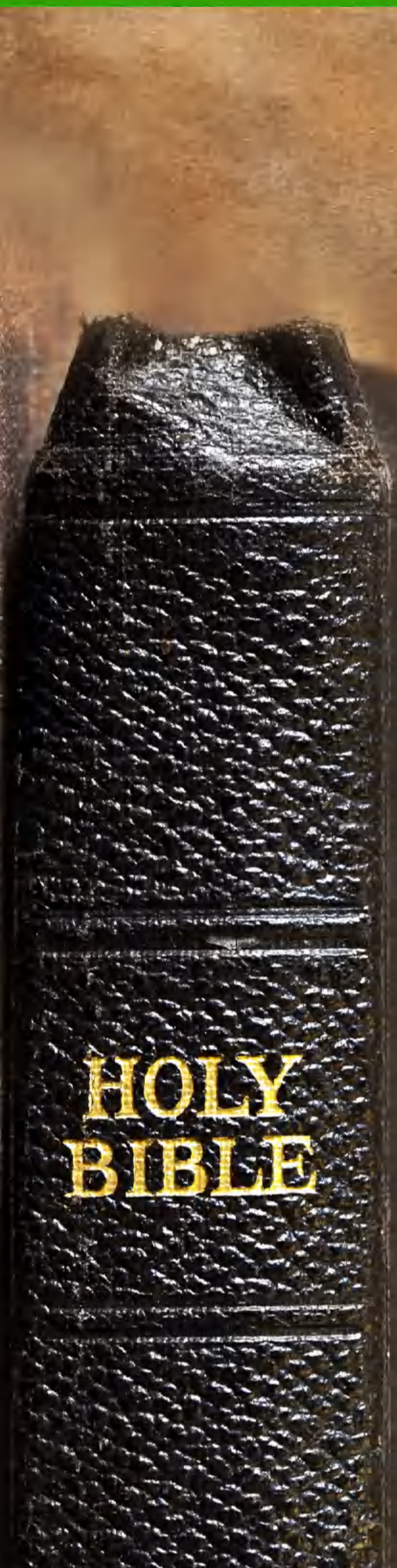
NOTICE OF ADOPTED AMENDMENTS

SUBPART E: SOLVENT CLEANING

SUBPART F: COATING OPERATIONS

SUBPART G: USE OF ORGANIC MATERIAL

SUBPART H: PRINTING AND PUBLISHING



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POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

SUBPART X: CONSTRUCTION

SUBPART Y: GASOLINE DISTRIBUTION

SUBPART Z: DRY CLEANERS

SUBPART AA: PAINT AND INK MANUFACTURING

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

SUBPART BB: POLYSTYRENE PLANTS

SUBPART FF: BAKERY OVENS (Repealed)

SUBPART GG: MARINE TERMINALS

SUBPART HH: MOTOR VEHICLE REFINISHING

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

SUBPART PP: MISCELLANEOUS FABRICATED PRODUCT MANUFACTURING PROCESSES

Section
219.920 Applicability
219.923 Permit Conditions
219.926 Control Requirements
219.927 Compliance Schedule
219.928 Testing

SUBPART QQ: MISCELLANEOUS FORMULATION MANUFACTURING PROCESSES

Section
219.940 Applicability
219.943 Permit Conditions
219.946 Control Requirements
219.947 Compliance Schedule
219.948 Testing

SUBPART RR: MISCELLANEOUS ORGANIC CHEMICAL MANUFACTURING PROCESSES

Section
219.960 Applicability
219.963 Permit Conditions
219.966 Control Requirements
219.967 Compliance Schedule
219.968 Testing

SUBPART TT: OTHER EMISSION UNITS

Section
219.980 Applicability
219.983 Permit Conditions
219.986 Control Requirements
219.987 Compliance Schedule
219.988 Testing

SUBPART UU: RECORDKEEPING AND REPORTING

Section
219.990 Exempt Emission Units
219.991 Subject Emission Units

APPENDIX A List of Chemicals Defining Synthetic Organic Chemical and Polymer Manufacturing
APPENDIX B VOM Measurement Techniques for Capture Efficiency
APPENDIX C Reference Methods and Procedures
APPENDIX D Coefficients for the Total Resource Effectiveness Index (TRE) Equation

POLLUTION CONTROL BOARD

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APPENDIX E List of Affected Marine Terminals
APPENDIX G TRE Index Measurements for SOCMI Reactors and Distillation Units
APPENDIX H Baseline VOM Content Limitations for Subpart F, Section 219.212 Cross-Line Averaging

AUTHORITY: Implementing Section 10 and authorized by Section 28.5 of the Environmental Protection Act [415 ILCS 5/10 and 28.5].

SOURCE: Adopted in R91-8 at 15 Ill. Reg. 12491, effective August 16, 1991; amended in R91-24 at 16 Ill. Reg. 13597, effective August 24, 1992; amended in R91-30 at 16 Ill. Reg. 13883, effective August 24, 1992; emergency amendment in R93-12 at 17 Ill. Reg. 8295, effective May 24, 1993, for a maximum of 150 days; amended in R93-9 at 17 Ill. Reg. 16918, effective September 27, 1993 and October 21, 1993; amended in R93-28 at 18 Ill. Reg. 4242, effective March 3, 1994; amended in R94-12 at 18 Ill. Reg. 14987, effective September 21, 1994; amended in R94-15 at 18 Ill. Reg. 16415, effective October 25, 1994; amended in R94-16 at 18 Ill. Reg. 16980, effective November 15, 1994; emergency amendment in R95-10 at 19 Ill. Reg. 3059, effective February 28, 1995, for a maximum of 150 days; amended in R94-21, R94-31 and R94-32 at 19 Ill. Reg. 6958, effective May 2, 1995; amended in R94-33 at 19 Ill. Reg. 7385, effective May 22, 1995; amended in R96-2 at 20 Ill. Reg. 3848, effective February 15, 1996; amended in R96-13 at 20 Ill. Reg. 14462, effective OCT 28 1996.

BOARD NOTE: This Part implements the Illinois Environmental Protection Act as of July 1, 1994.

NOTE: In this Part, superscript numbers or letters are denoted by parentheses, subscript are denoted by brackets, and SUM means the summation series or sigma function as used in mathematics.

SUBPART A: GENERAL PROVISIONS

Section 219.108 Exemptions, Variations, and Alternative Means of Control or Compliance Determinations

Notwithstanding the provisions of any other Sections of this Part:~~,~~

a) Any ~~any~~ exemptions, variations or alternatives to the control requirements, emission limitations, or test methods set forth in this Part shall be effective only when approved by the Agency and approved by the USEPA as a SIP revision.

b) Any equivalent alternative control plans, equivalent device, or other equivalent practice authorized by the Agency where this Part provides for such alternative or equivalent practice or equivalent variations or alterations to test methods approved by the Agency shall be effective only when included in a federally enforceable permit or approved as a SIP revision.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 20 Ill. Reg. ~~14462~~, effective ~~OCT 28 1996~~)

Section 219.110 Vapor Pressure of Organic Material or Solvent

a) If the organic material or solvent consists of only a single compound, the vapor pressure shall be determined by ASTM Method D2879-86 (incorporated by reference in Section 219.112 of this Part) or the vapor pressure may be obtained from a publication such as: Boublik, T., V. Fried and E. Hala, "The Vapor Pressure of Pure Substances," Elsevier Scientific Publishing Co., New York (1973); Perry's Chemical Engineer's Handbook, McGraw-Hill Book Company (1984); CRC Handbook of Chemistry and Physics, Chemical Rubber Publishing Company (1986-87); and Lange's Handbook of Chemistry, John A. Dean, editor, McGraw-Hill Book Company (1985).

b) If the organic material or solvent is in a mixture made up of both organic material compounds and compounds which are not organic material, the vapor pressure shall be determined by the following equation:

$$P[om] = \frac{\sum_{i=1}^{n} P[i]X[i]}{\sum_{i=1}^{n} X[i]}$$

where:

P[om] = Total vapor pressure of the portion of the mixture which is composed of organic material;

n = Number of organic material components in the mixture;

i = Subscript denoting an individual component;

P[i] = Vapor pressure of an organic material component determined in accordance with subsection (a) of this Section;

X[i] = Mole fraction of the organic material component of the total organic mixture.

c) If the organic material or solvent is in a mixture made up only organic material compounds, the vapor pressure shall be determined by ASTM Method D2879-86 (incorporated by reference in Section 219.112 of this Part) or by the above equation.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 20 Ill. Reg. 14462, effective ~~OCT 28 1996~~)

Section 219.111 Vapor Pressure of Volatile Organic Material

a) If the VOM consists of only a single compound, the vapor pressure shall be determined by ASTM Method D2879-86 (incorporated by reference in Section 219.112 of this Part) or the vapor pressure may be obtained from a publication such as: Boublik, T., B. Fried and E. Hala, "The Vapor Pressure of Pure Substances," Elsevier Scientific Publishing Co., New York (1973); Perry's Chemical Engineer's Handbook, McGraw-Hill Book Company (1984); CRC Handbook of Chemistry and Physics, Chemical Rubber Publishing Company (1986-87); and Lange's Handbook of Chemistry, John A. Dean, editor, McGraw-Hill Book Company (1985).

b) If the VOM is in a mixture made up of both VOM compounds and compounds which are not VOM, the vapor pressure shall be determined by the following equation:

$$P[vom] = \frac{\sum_{i=1}^{n} P[i]X[i]}{\sum_{i=1}^{n} X[i]}$$

where:

P[vom] = Total vapor pressure of the portion of the mixture which is composed of VOM;

n = Number of VOM components in the mixture;

i = Subscript denoting an individual component;

P[i] = Vapor pressure of a VOM component determined in accordance with subsection (a) of this Section;

X[i] = Mole fraction of the VOM component of the total organic mixture.

c) If the VOM is in a mixture made up on only VOM compounds, the vapor pressure shall be determined by ASTM Method D2879-86 (incorporated by reference in Section 219.112 of this Part) or by the above equation.

(Source: Amended at 20 Ill. Reg. 14462, effective ~~OCT 28 1996~~)

SUBPART F: COATING OPERATIONS

Section 219.208 Exemptions From Emission Limitations

a) Exemptions for all coating categories except wood furniture coating. The limitations of this Subpart shall not apply to coating lines within a source, that otherwise would be subject to the same subsection of Section 219.204 (because they belong to the same coating category, e.g., can coating), provided that combined actual emissions of VOM from all lines at the source subject to that subsection never exceed 6.8 kg/day (15 lbs/day) before the application of capture systems and control devices. (For example, can coating lines within a source would not be subject to the limitations of Section 219.204(b) of this Subpart if the combined actual emissions of VOM from the can coating lines never exceed 6.8 kg/day (15 lbs/day) before the application of capture systems and control devices.) Volatile organic material emissions from heavy off-highway vehicle products coating lines must be combined with VOM emissions from miscellaneous metal parts and products coating lines to determine applicability. Any owner or operator of a coating source shall comply with the applicable coating analysis test methods and procedures specified in Section 219.105(a) of this Part and the recordkeeping and reporting requirements specified in Section 219.211(a) of this Subpart if total VOM emissions from the subject coating lines are always less than or equal to 6.8 kg/day (15 lbs/day) before the application of capture systems and control devices and, therefore, are not subject to the limitations of Section 219.204 of this Subpart. Once a category of coating lines at a source is subject to the limitations in Section 219.204 of this Part the coating lines are always subject to the limitations in Section 219.204 of this Subpart.

b) Applicability for wood furniture coating

I) The limitations of this Subpart shall apply to a source's wood furniture coating lines if the source contains process emission units, not regulated by Subparts B, E, F (excluding Section 219.204(l) of this Subpart), H (excluding Section 219.405 of this Part), Q, R, S, T (excluding Section 219.486 of this Part), V, X, Y, Z or BB of this Part, which as a group both:

A) Have a maximum theoretical emissions of 91 Mg (100 tons) or more per calendar year of VOM if no air pollution control equipment were used, and

B) Are not limited to less than 91 Mg (100 tons) of VOM per calendar year if no air pollution control equipment were used, through production or capacity limitations contained in a federally enforceable permit or SIP revision.

2) The limitations of this Subpart shall apply to a source's wood furniture coating lines, on and after March 15, 1996, if the source contains process emission units, which as a group, have a potential to emit 22.7 Mg (25 tons) or more of VOM per calendar year and have not limited emissions to less than 22.7 Mg (25 tons) of VOM per calendar year through production or capacity limitations contained in a federally enforceable operating permit or as a SIP revision, and which:

A) Are not regulated by Subparts B, E, F (excluding Section 219.204(l) of this Subpart), H, Q, R, S, T (excluding Section 219.486 of this Part), V, X, Y, Z or BB of this Part; and

B) Are not included in any of the following categories: synthetic organic chemical manufacturing industry (SOCMI) distillation, SOCMI reactors, plastic parts coating (business machines), plastic parts coating (other), offset lithograpy, industrial wastewater, autobody refinishing, SOCMI batch processing, volatile organic liquid storage tanks and clean-up solvents operations.

3) If a source ceases to fulfill the criteria of subsections (b)(1) or (b)(2) of this Section, the limitations of Section 219.204(l) of this Subpart shall continue to apply to any wood furniture coating line which was ever subject to the limitations of Section 219.204(l) of this Subpart.

4) For the purposes of subsection (b) of this Section, an emission unit shall be considered to be regulated by a Subpart if it is subject to the limitations of that Subpart. An emission unit is not considered regulated by a Subpart if it is not subject to the limits of that Subpart, e.g., the emission unit is covered by an exemption in the Subpart or the applicability criteria of the Subpart are not met.

5) Any owner or operator of a wood furniture coating line to which the limitations of this Subpart are not applicable due to the criteria in subsection (b) of this Section shall, upon request by the Agency or the USEPA, submit records to the Agency and the USEPA within 30 calendar days from the date of the request that document that the coating line is exempt from the limitations of this Subpart.

c) On and after March 15, 1996, the limitations of this Subpart shall not apply to touch-up and repair coatings used by a coating source described by subsections 219.204(b), (d), (f), (g), (i), (j), (m) and (n) of this Subpart; provided that the source-wide volume of such coatings used does not exceed 0.95 I (I quart) per eight-hour period or exceed 209 l/yr (55 gal/yr) for any rolling twelve month period. Recordkeeping and reporting for touch-up and repair coatings shall be consistent with subsection (d) of this Section ~~Section 219.211(b)(4) of this Subpart~~.

d) On and after March 15, 1996, the owner or operator of a coating line or a group of coating lines using touch-up and repair coatings that are exempted from the limitations of Section 219.204(b), (d), (f), (g), (i), (j), (m) and (n) of this Subpart because of the provisions of Section 219.208(c) of this Subpart shall:

1) Collect and record the name, identification number, and volume used of each touch-up and repair coating, as applied on each

coating line, per eight-hour period and per month;

2) Perform calculations on a daily basis, and maintain at the source records of such calculations of the combined volume of touch-up and repair coatings used source-wide for each eight-hour period;

3) Perform calculations on a monthly basis, and maintain at the source records of such calculations of the combined volume of touch-up and repair coatings used source-wide for the month and the rolling twelve month period;

4) Prepare and maintain at the source an annual summary of the information required to be compiled pursuant to subsections (d)(1) and (d)(2) ~~(c)(4)(A)~~ and ~~(c)(4)(B)~~ of this Section on or before January 31 of the following year;

5) Maintain at the source for a minimum period of three years all records required to be kept under this subsection and make such records available to the Agency upon request;

6) Notify the Agency in writing if the use of touch-up and repair coatings at the source ever exceeds a volume of 0.95 l (1 quart) per eight-hour period or exceeds 209 l/yr (55 gal/yr) for any rolling twelve month period within 30 days after any such exceedance. Such notification shall include a copy of any records of such exceedance; and

7) "Touch-up and repair coatings" means, for purposes of 35 Ill. Adm. Code 219.208, any coating used to cover minor scratches and nicks that occur during manufacturing and assembly processes.

(Source: Amended at 20 Ill. Reg. 14462, effective OCT 28 1996)

SUBPART Q: SYNTHETIC ORGANIC CHEMICAL AND POLYMER MANUFACTURING PLANT

Section 219.431 Applicability

a) The provisions of Sections 219.431 through 219.436 of this Subpart shall apply to every owner or operator of any chemical manufacturing process unit that manufactures, as a primary product, one or more of the chemicals listed in Appendix A of this Part and that chemical manufacturing process unit causes or allows any reactor or distillation unit, either individually or in tandem, to discharge one or more process vent streams either directly to the atmosphere or to a recovery system.

b) Notwithstanding subsection (a) of this Section, the control requirements set forth within Section 219.432 of this Subpart shall not apply to the following:

1) Any process vent stream with a total resource effectiveness (TRE) index value greater than 1.0. However, such process vent stream remains subject to the performance testing requirements contained in Section 219.433 of this Subpart and the reporting and recordkeeping requirements contained in Section 219.435 of this

Subpart;

2) Any reactor or distillation unit that is designed and operated as a batch operation;

3) Any reactor or distillation unit that is part of a polymer manufacturing operation;

4) Any reactor or distillation unit that is part of the chemical manufacturing process unit with a total design capacity of less than 1 gigagram (1,100 tons) per year for all chemicals produced, as a primary product, within that process unit. However, such operations remain subject to the reporting and recordkeeping requirements contained in Section 219.435(d) of this Subpart; ~~or~~

5) Any vent stream with a flow rate less than 0.0085 scm/min or a total VOM concentration, less methane and ethane, of less than 500 ppmv as measured by Method 18, or a concentration of VOM of less than 250 ppmv as measured by Method 25A. However, such operations remain subject to the performance testing requirement listed in Section 219.433 of this Subpart, as well as the reporting and recordkeeping requirements contained in Section 219.435 of this Subpart; or ~~.~~

6) Any reactor or distillation unit included within an Early Reduction Program, as specified in 40 CFR 63, and published in 57 Fed. Reg. 61970 (December 29, 1992) ~~(October 27, 1993)~~, evidenced by a timely enforceable commitment approved by USEPA.

(Source: Amended at 20 Ill. Reg. 14462, effective OCT 28 1996)

Section 219.434 Monitoring Requirements

a) The owner or operator of a source subject to the control requirements in Section 219.432 of this Subpart that uses an incinerator to comply with the VOM emission limitation specified in Section 219.432(a)(1) shall install, calibrate, maintain, and operate, according to manufacturer's specifications, a temperature monitoring device equipped with a continuous recorder and having an accuracy of ± 1 percent of the temperature measured expressed in degress Celsius, or ±0.5° C, whichever is greater.

1) Where an incinerator other than a catalytic incinerator is used, a temperature monitoring device shall be installed in the firebox.

2) Where a catalytic incinerator is used, temperature monitoring devices shall be installed in the gas stream immediately before and after the catalyst bed.

b) The owner or operator of a source that uses a flare to comply with Section 219.432(a)(2) of this Subpart shall install, calibrate, maintain, and operate, according to manufacturer's specifications, a heat-sensing device, such as an ultraviolet beam sensor or thermocouple, at the pilot light to indicate continuous presence of a

flame.

c) The owner or operator of a source that uses a boiler or process heater with a design heat input capacity less than 44 megawatts to comply with Section 219.432(a)(1) of this Subpart shall install, calibrate, maintain, and operate, according to the manufacturer's specifications, a temperature monitoring device in the firebox. The monitoring device shall be equipped with a continuous recorder with an accuracy of ±1 percent of the temperature being measured expressed in degrees Celsius or ±0.5° C, whichever is greater. Any boiler or process heater in which all vent streams are introduced with primary fuel is exempt from this requirement.

d) The owner or operator of a process vent with a TRE index value of 4.0 or less that uses one or more product recovery devices shall install either an organic monitoring device equipped with a continuous recorder or the monitoring equipment specified in subsection ~~subsections~~ (d)(1), (d)(2), (d)(3), or (d)(4) of this Section, depending on the type of recovery device used. All monitoring equipment shall be installed, calibrated, and maintained according to the manufacturer's specifications.

I) Where an absorber is the final recovery device in the recovery system, a scrubbing liquid temperature monitoring device and a specific gravity monitoring device, each equipped with a continuous recorder, shall be used.

2) Where a condenser is the final recovery device in the recovery system, a condenser exit (product side) temperature monitoring device equipped with a continuous recorder and having an accuracy of ±1 percent of the temperature being monitored expressed in degrees Celsius or ±0.5° C, whichever is greater.

3) Where a carbon adsorber is the final recovery device in the recovery system, an integrating regeneration steam ~~stream~~ flow monitoring device having an accuracy of ±10 percent, capable of recording the total regeneration steam ~~stream~~ mass flow for each regeneration cycle; and a carbon bed temperature monitoring device having an accuracy of ±1 percent of the temperature being monitored expressed in degrees Celsius of ±0.5° C, capable of recording the carbon bed temperature after each regeneration and within 15 minutes of completing any cooling cycle.

4) Where a scrubber is used with an incinerator, boiler, or, in the case of halogenated vent streams, a process heater, the following monitoring equipment is required for the scrubber:

A) A pH monitoring device equipped with a continuous recorder to monitor the pH of the scrubber effluent; and

B) Flow meters equipped with a continuous recorder at the scrubber influent for liquid flow and the scrubber inlet for gas stream flow.

e) The owner or operator of a process vent using a vent system that contains bypass lines capable of diverting a vent stream away from the control device associated with a process vent shall comply with either

(e)(1) or (e)(2) of this Section. Equipment needed for safety purposes, including, but not limited to, pressure relief devices, are not subject to this subsection.

1) The owner or operator shall install, calibrate, maintain, and operate a flow indicator that provides a record of vent stream flow at least once every 15 minutes. The flow indicator shall be installed at the entrance to any bypass line that could divert the vent stream away from the control device to the atmosphere.

2) The owner or operator shall secure the bypass line valve in the closed position with a car-seal or a lock-and-key type configuration. A visual inspection of the seal or closure mechanism shall be performed at least once every month to ensure that the valve is maintained in the closed position and the vent stream is not diverted through the bypass line.

f) The owner or operator of a process vent may monitor by an equivalent alternative means or parameters other than those listed in subsections (a) through (d) of this Section. Any equivalent alternative shall be approved by the Agency and USEPA, and contained in the source's operating permit as federally enforceable permit conditions.

(Source: Amended at 20 Ill. Reg. 14462, effective OCT 28 1996)

Section 219.435 Recordkeeping and Reporting Requirements

a) Every owner or operator of a reactor or distillation unit with a TRE index value of 4.0 or less shall keep records, for a minimum of 3 years, of the following parameters measured during a performance test or TRE determination required under Section 219.433 of this Subpart, and required to be monitored under Section 219.434 of this Subpart.

I) Every owner or operator of a source that seeks to demonstrate compliance with Section 219.432(a)(1) of this Subpart through the use of either a thermal or catalytic incinerator shall maintain records of the following:

A) The average firebox temperature of the incinerator (or the average temperature upstream and downstream of the catalyst bed for a catalytic incinerator), measured at least every 15 minutes and averaged over the same time period of the performance testing; and

B) The percent reduction of VOM determined as specified in Section 219.433(c) of this Subpart achieved by the incinerator, or the concentration of VOM (ppmv, by compound) determined as specified in Section 219.433(c) of this Subpart at the outlet of the control device, on a dry basis, corrected to 3 percent oxygen.

2) Every owner or operator of a source that seeks to demonstrate compliance with Section 219.432(a)(1) of this Subpart through the use of a boiler or process heater shall maintain the records

described below. Any boiler or process heater in which all vent streams are introduced with primary fuel are exempt from these requirements.

A) A description of the location at which the vent stream is introduced into the boiler or process heater; and

B) The average combustion temperature of the boiler or process heater with a design heat input capacity of less than 44 megawatt measured at least every 15 minutes and averaged over the same time period of the performance testing.

3) Every owner or operator of a source that seeks to demonstrate compliance with Section 219.432(a)(2) of this Subpart through use of a smokeless flare, or flare design (i.e., steam-assisted, air-assisted, or nonassisted), shall maintain records of all visible emission readings, heat content determinations, flow rate measurements, and exit velocity determinations made during the performance test, continuous records of the flare pilot flame monitoring, and records of all periods of operations during which the pilot flame is absent.

4) Every owner or operator of a source that seeks to demonstrate compliance with Section 219.432(b) of this Subpart shall maintain records of the following:

A) Where an absorber is the final recovery device in the recovery system, the exit specific gravity (or alternative parameter) which is a measure of the degree of absorbing liquid saturation, if approved by the Agency and USEPA, and average exit temperature of the absorbing liquid measured at least every 15 minutes and averaged over the same time period as the performance testing (both measured while the vent stream is normally routed and constituted);

B) Where a condenser is the final recovery device in the recovery system, the average exit (product side) temperature measured at least every 15 minutes and averaged over the same time period as the performance testing while the vent stream is normally routed and constituted;

C) Where a carbon adsorber is the final recovery device in the recovery system, the total steam stream mass or volumetric flow measured at least every 15 minutes and averaged over the same time period as the performance testing (full carbon bed cycle), the temperature of the carbon bed after regeneration (and within 15 minutes of completion of any cooling cycle(s)), and duration of the carbon bed steaming cycle (all measured while the vent stream is normally routed and constituted);

D) As an alternative to subsection (a)(4)(A), (a)(4)(B) or (a)(4)(C) of this Section, the concentration level or reading indicated by the organic monitoring device at the outlet of the absorber, condenser, or carbon absorber, measured at least every 15 minutes and averaged over the same time period as the performance testing (measured while the vent stream is normally routed and constituted); or

E) All measurements and calculations performed to determine the flow rate, VOM concentration, heating value, and TRE index value of the vent stream.

b) Every owner or operator of a reactor or distillation unit with a TRE index value of less than 4.0 shall be subject to the exceedance reporting requirements of the draft Enhanced Monitoring Guidelines as published at 58 Fed. Reg. 54648 (October 22, 1993).

c) Every owner or operator of a source seeking to comply with Section 219.432(b) of this Subpart shall maintain records of the following:

1) Any changes in production capacity, feedstock type, catalyst type, or of any replacement, removal, or addition of recovery equipment or reactors and distillation units; and

2) Any recalculation of the flow rate, VOM concentration, or TRE index value calculated according to subsection ~~Section~~ (c) of Appendix G of this Part.

d) Every owner or operator of a source claiming a design capacity of less than 1 gigagram (1,100 tons) per year, as contained in Section 219.431(b) of this Subpart, shall maintain records of the design capacity or any changes in equipment or operations that may affect the design capacity.

e) Every owner or operator of a source claiming a vent stream flow rate or vent stream concentration exemption level, as contained in Section 219.431(b)(5) of this Subpart, shall maintain records to indicate that the stream flow rate is less than 0.0085 scm/min or the vent stream concentration is less than 500 ppmv.

(Source: Amended at 20 Ill. Reg. 14462, effective ~~OCT 28 1996~~)

SUBPART FF: BAKERY OVENS (Repealed)

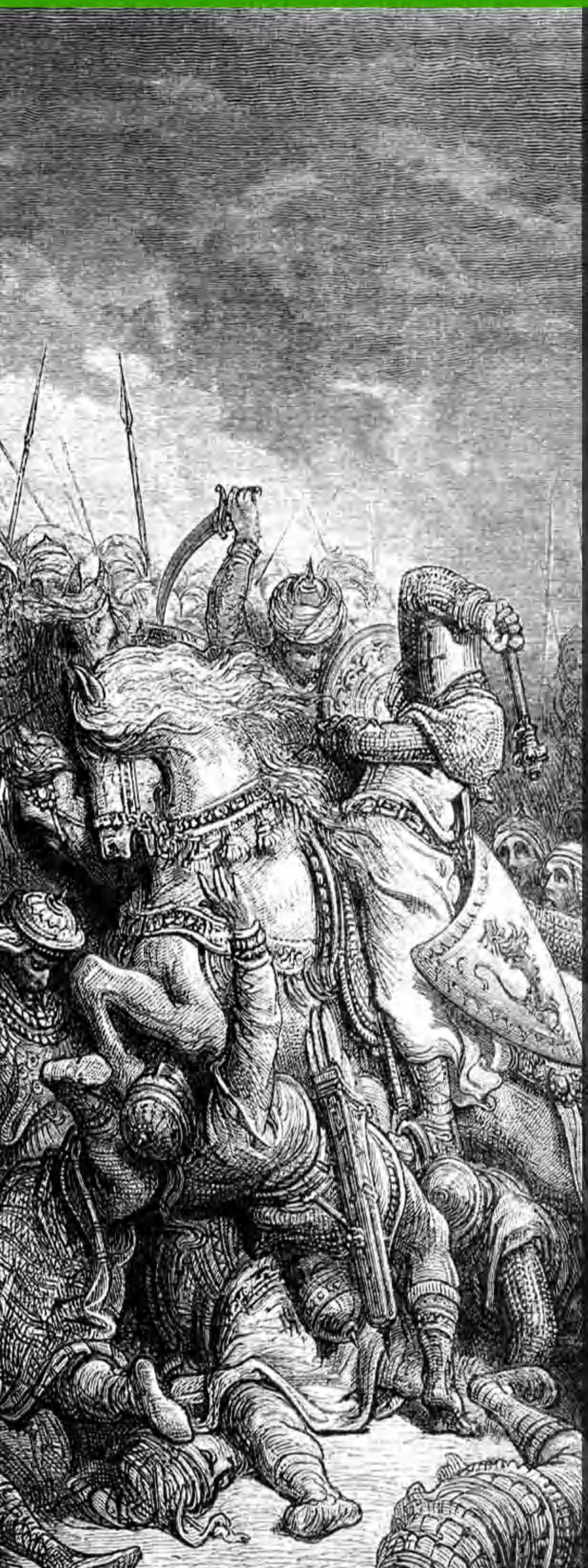
Section 219.720 Applicability (Repealed)

~~a) The provisions of this Subpart shall apply to every owner or operator of a source which operates a bakery oven, as defined at 35 Ill. Adm. Code 211.6080, unless the source bakes products only for on-site human consumption or on-site retail sale.~~

~~b) Notwithstanding subsection (a) of this Section, a source is required to comply with the control requirements of this Subpart only if the source has the potential to emit 22.7 Mg (25 tons) or more of VOM per year, in the aggregate, from all emission units at the source, excluding:~~

~~1) Emission units regulated by Subparts B, E, F, H, Q, R, S, T (excluding Section 219.486 of this Part), V, X, Y, Z or BB of this Part; and~~

~~2) Emission units that are included in any of the following~~



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chamber.

b) The owner or operator may monitor with an alternative method or monitor other parameters if approved by the Agency and USEPA through federally enforceable permit conditions or as a SIP revision.

(Source: Repealed at 20 Ill. Reg. 14462, effective OCT 28 1996)

Section 219.728 Recordkeeping and Reporting (Repealed)

a) Every owner or operator of a bakery oven shall maintain the following records for the most recent consecutive 3 year period for all bakery ovens subject to the control requirements of this Subpart. Such records shall be made available to the Agency immediately upon request.
   1) Parameters for control devices as monitored pursuant to Section 219.727 of this Subpart;
   2) Hrs/day of operation of each bakery oven;
   3) Factors necessary to calculate VOM emissions for all bakery ovens including, but not limited to, type of dough used for each yeast leavened baked product, initial yeast percentage for each product, total fermentation time for each product, any additional percentage of yeast added, and the fermentation time of any additional yeast;
   4) Calculated daily VOM emissions of each bakery oven expressed as lbs/day;
   5) Total amount of each type of yeast leavened bread product produced by each bakery oven expressed as lbs/day.
b) Every owner or operator of a bakery oven which is exempt from the control requirements of this Subpart because of the criteria in Section 219.720(b) of this Subpart shall maintain records necessary to demonstrate that its potential to emit is less than 22.7 Mg (25 tons) of VOM per year, as specified in Section 219.720(b). Such records shall be maintained for the most recent consecutive 3 year period and shall be made available to the Agency immediately upon request.
c) Every owner or operator of a bakery oven which is exempt from the control requirements of this Subpart because of the criteria specified in Section 219.722(b) of this Subpart shall:
   1) Maintain records necessary to demonstrate that the actual VOM emissions from exempt bakery ovens are less than or equal to 15 TPY for each bakery oven and less than or equal to 25 TPY from all exempt bakery ovens combined. Such records shall be maintained for the most recent consecutive 3 year period and shall be made available to the Agency immediately upon request; and
   2) Notify the Agency in writing if the actual VOM emissions from an exempt bakery oven ever exceed 15 TPY or the actual VOM emissions from a combination of exempt bakery ovens ever exceed 25 TPY,

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within 30 days after the exceedance occurs. Such notice shall include a copy of all records of the exceedance.
d) Every owner or operator of a bakery oven which is controlling emissions as provided in Section 219.722(c) of this Subpart until March 15, 1998, shall maintain records necessary to demonstrate that its maximum theoretical emissions as specified in Section 219.722(c) are less than 90.7 Mg (100 tons) of VOM per year. Such records shall be maintained for the most recent consecutive 3 year period and shall be made available to the Agency immediately upon request.

(Source: Repealed at 20 Ill. Reg. 14462, effective OCT 28 1996)

Section 219.729 Compliance Date (Repealed)

On and after March 15, 1996, upon initial startup or upon modification, every owner or operator of a source subject to this Subpart shall comply with the requirements of this Subpart.

(Source: Repealed at 20 Ill. Reg. 14462, effective OCT 28 1996)

Section 219.730 Certification (Repealed)

a) Every owner or operator of a source subject to the control requirements of this Subpart shall certify compliance with this Subpart on or before a date consistent with Section 219.729 of this Subpart.
b) If an owner or operator of a bakery oven subject to the control requirements of this Subpart changes the method of compliance, the owner or operator shall certify compliance with the requirements of this Subpart for the alternative method upon changing the method of compliance.
c) All certifications of compliance with this Subpart shall include the results of all tests and the calculations performed to demonstrate that each oven at the source is in compliance with, or is exempt from, the control requirements of this Subpart. The certification shall include the following:
   1) The name and identification number of each oven and any associated capture and control device;
   2) The maximum rated heat input of each oven;
   3) A classification of each oven as either a "bakery oven" as defined in 35 Ill. Adm. Code 211.600 or an oven used exclusively to bake non yeast leavened products;
   4) The capture and control efficiency of each bakery oven control device;
   5) Test reports, calculations and other data necessary to demonstrate that the capture and control efficiency of each

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~~bakery-oven-control--device--achieves--an--overall--reduction--in uncontrolled-VOM-emissions-of-at-least-81-percent;-and~~

~~6) The--date--each--bakery--oven--control--device--was-installed-and operating.~~

~~d) On-or-before-March-15,-1996,-or-upon-initial-startup,-every--owner--or operator---of---a--bakery--oven--which--is--exempt--from--the--control requirements-of-this--Subpart--because--of--the--criteria--in--Section 219.720(b)-of-this-Subpart-shall-certify-that-its-potential-to-emit-is less--than--22.7-Mg-(25-tons)-of-VOM-per-year,-as-specified-in-Section 219.720(b).~~

~~e) On-or-before-March-15,-1996,-or-upon-initial-startup,-every--owner--or operator---of---a--bakery--oven--which--is--exempt--from--the--control requirements-of-this-Subpart-because--of--the--criteria--specified--in Section--219.722(b)--of--this--Subpart--shall--certify-that-actual-VOM emissions-from-any-individual-exempt-bakery-oven-never-exceed--15--TPY and-that-VOM-emissions-from-all-exempt-bakery-ovens,-in-the-aggregate, never-exceed-25-TPY.~~

~~f) On-or-before-March-15,-1996,-or-upon-initial-startup-if-prior-to-March 15,--1998,--every--owner--or--operator--of--a--bakery--oven--which--is controlling--emissions--as--provided--by--Section--219.722(c)--of-this Subpart,-shall-certify--that--its--maximum--theoretical--emissions--as specified--in--Section--219.722(c)-are-less-than-90.7-Mg-(100-tons)-of VOM-per-year.~~

(Source: Repealed at 20 Ill. Reg. _____, effective ~~OCT 28 1996~~)

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Section 219.APPENDIX G TRE Index Measurements for SOCMI Reactors and Distillation Units

For purposes of Subpart Q, Sections 219.431 through 219.435, the following apply:

a) The following test methods shall be used to determine compliance with the total resource effectiveness ("TRE") index value:

1) Method 1 or 1A, incorporated by reference at Section 219.112 of this Part, as appropriate, for selection of the sampling site.

A) The sampling site for the vent stream molar composition determination and flow rate prescribed in subsections (a)(2) and (a)(3) of this Appendix shall be, except for the situations outlined in subsection (a)(1)(B), after the final recovery device, if a recovery system is present, prior to the inlet of any control device, and prior to any post-reactor or post-distillation unit introduction of halogenated compounds into the vent stream. No traverse site selection method is needed for vents smaller than 10 cm in diameter.

B) If any gas stream other than the reactor or distillation unit vent stream is normally conducted through the final recovery device:

i) The sampling site for vent stream flow rate and molar composition shall be prior to the final recovery device and prior to the point at which any nonreactor or nondistillation unit vent stream or stream from a nonaffected reactor or distillation unit is introduced. Method 18 incorporated by reference at Section 219.112 of this Part, shall be used to measure organic compound concentrations at this site.

ii) The efficiency of the final recovery device is determined by measuring the organic compound concentrations using Method 18, incorporated by reference at Section 219.112 of this Part, at the inlet to the final recovery device after the introduction of all vent streams and at the outlet of the final recovery device.

iii) The efficiency of the final recovery device determined according to subsection (a)(1)(B)(ii) of this Appendix shall be applied to the organic compound concentrations measured according to subsection (a)(1)(B)(i) of this Appendix to determine the concentrations of organic compounds from the final recovery device attributable to the reactor or distillation unit vent stream. The resulting organic compound concentrations are then used to perform the calculations outlined in subsection (a)(4) of this Appendix.

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2) The molar composition of the vent stream shall be determined as follows:
   A) Method 18, incorporated by reference at Section 219.112 of this Part, to measure the concentration of organic compounds including those containing halogens;
   B) ASTM D1946-77, incorporated by reference at Section 219.112 of this Part, to measure the concentration of carbon monoxide and hydrogen; and
   C) Method 4, incorporated by reference at Section 219.112 of this Part, to measure the content of water vapor.
3) The volumetric flow rate shall be determined using Method 2, 2A, 2C, or 2D, incorporated by reference at Section 219.112 of this Part, as appropriate.
4) The emission rate of VOM (minus methane and ethane) (E[VOM]) in the vent stream shall be calculated using the following formula:

$$E[VOM] = K[2] \sum_{j=1}^{n} C[j]M[j]\ Q[s]$$

where:

E[VOM] = Emission rate of VOM (minus methane and ethane) in the sample, kg/hr.

K[2] = Constant, 2.494 x 10(-6) (1/ppmv)(g-mole/scm)(kg/g)(min/hr), where standard temperature for (g-mole/scm) is 20° C.

C[j] = Concentration of compound j, on a dry basis, in ppmv as measured by Method 18, incorporated by reference at Section 219.112 of this Part, as indicated in Section 219.433(c)(3) of this Part.

M[j] = Molecular weight of sample j, g/g-mole.

Q[s] = Vent stream flow rate (scm) at a temperature of 20° C.

5) The total vent stream concentration (by volume) of compounds containing halogens (ppmv, by compound) shall be summed from the individual concentrations of compounds containing halogens which were measured by Method 18, incorporated by reference at Section 219.112 of this Part.
6) The net heating value of the vent stream shall be calculated using the following:

$$H[T] = K[1] \sum_{j=1}^{n} C[j]H[j]\ (1-B[ws])$$

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where:

H[T] = Net heating value of the sample (MJ/scm), where the net enthaply per mole of vent stream is based on combustion of 25° C and 760 mmHG, but the standard temperature for determining the volume corresponding to one mole is 20°C ~~25°~~ C, as in the definition of Q[s] (vent stream flow rate).

K[1] = Constant, 1.740 x 10(-7) (ppmv)(-1) (g-mole/scm), (MJ/KCal), where standard temperature for (g-mole/scm) is 20° C.

B[ws] = Water vapor content of the vent stream, proportion by volume; except that if the vent stream passes through a final stream jet and is not condensed, it shall be assumed that B[ws] = 0.023 in order to correct to 2.3 percent moisture.

C[j] = Concentration on a dry basis of compound j in ppmv, as measured for all organic compounds by Method 18, incorporated by reference at Section 219.112 of this Part, and measured for hydrogen and carbon monoxide by using ASTM D1946-77, incorporated by reference at Section 219.112 of this Part.

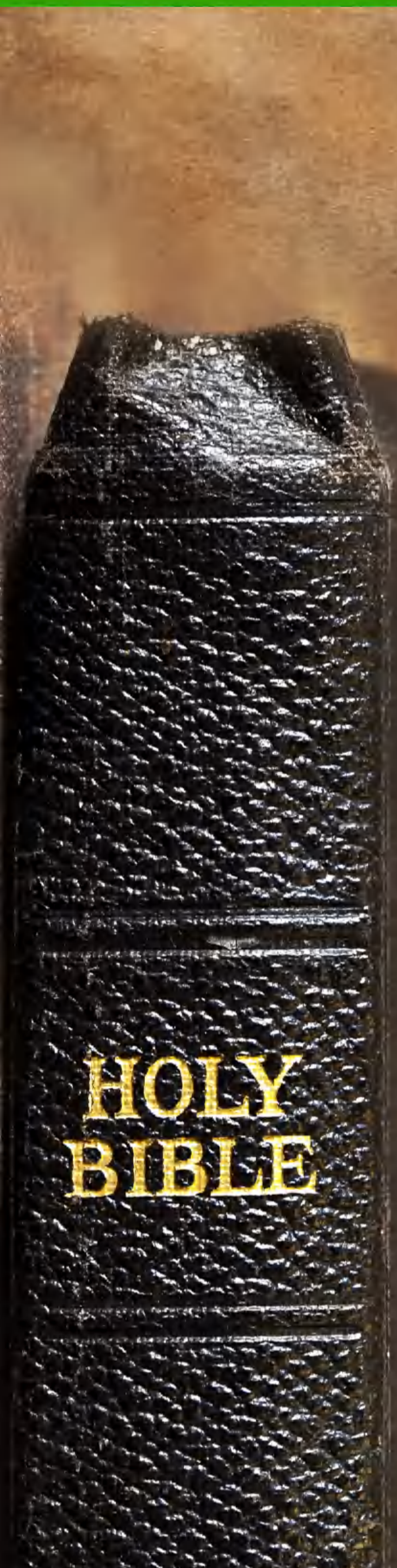
H[j] = Net heat of combustion of compound j, kCal/g-mole, based on combustion at 25° C and 760 mmHG. The heats of combustion of vent stream components shall be determined using ASTM D2382-83, incorporated by reference at Section 219.112 of this Part, if published values are not available or cannot be calculated.

b)
1) The TRE index value of the vent shall be calculated using the following:

$$TRE = \frac{1}{E[VOM]}\ [a + b\ (Q[s]) + c\ (H[T]) + d\ (E[VOM])]$$

where:

TRE = TRE index value.



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this Part. Examples of information that constitute process knowledge include calculations based on material balances, process stoichiometry, or previous test results provided the results are still relevant to the current process vent stream conditions.

iii) The VOM used as the calibration gas for Method 25A shall be the single VOM present at greater than 50 percent of the total VOM by volume.

iv) The span value for Method 25A shall be 50 ppmv.

v) Use of Method 25A is acceptable if the response from the high-level calibration gas is at least 20 times the standard deviation of the response from the zero calibration gas when the instrument is zeroed on the most sensitive scale.

vi) The concentration of VOM shall be corrected to 3 percent oxygen using the procedures and equation in Section 219.433(c)(3) of this Part.

5) The owner or operator shall demonstrate that the concentration of VOM, including methane and ethane, measured by Method 25A is below 250 ppmv to qualify for the low concentration exclusion in Section 219.431 of this Part.

(Source: Amended at 20 Ill. Reg. 14462, effective OCT 28 1996)

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1) Heading of the Part: Primary Drinking Water Standards

2) Code citation: 35 Ill. Adm. Code 611

3)

Section numbers:	Adopted action:
611.100, 611.102, 611.130	Amended
611.212, 611.220, 611.300	Amended
611.301, 611.357, 611.510	Amended
611.526, 611.531, 611.591	Amended
611.600, 611.601, 611.606	Amended
611.611, 611.630, 611.641	Amended
611.645, 611.646, 611.648	Amended
611.683, 611.684, 611.685	Amended
611.687	New Section
611.720, 611.731, 611.732	Amended
611.831, 611.840, 611.851	Amended
611.852, 611.858	Amended
611.870	Repealed
611.App. A, 611.App. B	Amended
611.Table F	Amended

4) Statutory authority: 415 ILCS 5/17, 17.5 and 27.

5) Effective date of amendments: October 22, 1996

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

7) Do these amendments contain incorporations by reference? Yes Section 611.102 sets forth all the documents incorporated by reference for the purposes of Part 611 in its entirety. The present amendments update many of the incorporations to correspond with changes in the federal requirements that occurred in the period January 1 through June 30, 1995. The revisions largely affect analytical methods incorporated by reference.

8) Date filed in Board's principal office: Order adopted September 5, 1996 and supplemental opinion and order adopted October 17, 1996.

9) Notice of proposal published in Illinois Register: May 3, 1996, 20 Ill. Reg. 6133

10) Has JCAR issued a Statement of Objections to these rules? No Section 17.5 of the Environmental Protection Act [415 ILCS 5/17.5] provides that Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

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II) Differences between proposal and final version: The Board tabulates the revisions as follows:

Section	Correction
611.100(a), (b) & (e)	Use "USEPA"
611.102(a) "Guidance Manual ."	Capitalize "Using" in title
611.102(a) "Guidance Manual . . .", "USEPA Asbestos Methods-100.1","USEPA Asbestos Methods-100.2", "USEPA Environmental Inorganics Methods", "USEPA Environmental Metals Methods", "USEPA Organic Methods" & "USEPA Technical Notes"	Use "USEPA"
611.102(b) "NTIS" & "United States Environmental Protection Agency, EMSL" methods listings, "USEPA, Science and Technology Branch" heading	Use "USEPA"
611.130(e)(6)	Add "BOARD NOTE:"
611.510(a)(2)	Correct spelling of "application"
611.526(c)	Correct spelling of "hold"
611.526(f)(2)	Use lower case for "agar"
611.526(h)	Correct spelling of "incorporations"
611.531 preamble	Change "Only the analytical method(s) specified in this Section may be used to demonstrate compliance with the requirements of Subpart B." to read "The analytical method(s) specified in this Section must be used to demonstrate compliance with the requirements of only 611.Subpart B; they do not apply to analyses performed for the purposes of Sections 611.521 through 611.527 of this Subpart."
611.531(a)(2)(A) & (a)(2)(B) Board Notes	Added "for source (raw) water samples required by Sections 611.521 and 611.532 and 611.Subpart B only"
611.641(d) Board note	Use "USEPA"
611.645 preamble	Use "USEPA"
611.646(n), (p) & (q)	Use "USEPA"
611.687(c)(1)	Change "it" to "if"

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12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR? Section 17.5 of the Environmental Protection Act [415 ILCS 5/17.5] provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

13) Will these amendments replace emergency amendments currently in effect? No

14) Are there any other amendments pending on this Part? No

15) Summary and purpose of amendments: A more detailed description is contained in the Board's opinion of September 5, 1996 and supplemental opinion and order of October 17, 1996 in R95-17, which Opinion is available from the address below. Section 17.5 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

The R95-17 proceeding updates the Board's SDWA rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the period January I through June 30, 1995. During this period, USEPA undertook the following actions with regard to the federal rules:

60 Fed. Reg. 33658 (June 28, 1995)	(Revisions to State Primacy Provisions)
60 Fed. Reg. 33926 (June 29, 1995)	(Deletion of Obsolete,

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Redundant, and Out-Dated Rules)

60 Fed. Reg. 34084 (June 29, 1995) (Analytical Methods Technical Corrections)

The amendments to the state primacy provisions, adopted by USEPA on June 28, 1995, amended the provisions for withdrawal of federal authorization of a state's SDWA program. None of the USEPA amendments affected the actual state program requirements, so no Board action was necessary beyond noting the federal action. The deletion of obsolete, redundant, and out-dated rules on June 29, 1995 included revisions to elements of the federal rules that have counterparts in the Illinois regulations. Amendments resulted to the Illinois rules from those federal amendments. The analytical methods amendments of June 29, 1995 corrected minor errors in the analytical methods amendments of December 5, 1994 (59 Fed. Reg. 1994), adopted by the Board in consolidated docket R94- 24/R95-3 on June 15, 1995, and in the July 17, 1992 (57 Fed. Reg. 31776) federal Phase V rules, adopted by the Board in docket R93-1 on July 13, 1993. The June 29, 1993 analytical methods corrections were the major source of the Board actions involved in this proceeding.

Board action was further required by a comment filed March 1, 1996 by the Agency. That comment highlighted various errors and inconsistencies in the text of all of the Subtitle F regulations (including the groundwater protection and groundwater quality rules). The Agency requested numerous corrections to the text of the rules. Further discussion of this request and a detailed outline of the corrections appear below on pages 5 through 13 of this discussion.

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

Michael J. McCambridge
Attorney
Illinois Pollution Control Board
100 W. Randolph, 11-500
Chicago, IL 60601
312-814-6924

Request copies of the Board's opinion and order of September 5, 1996 and supplemental opinion and order of October 17, 1995 from Victoria Agyeman, at 312-814-3620.

The full text of the adopted amendments begins on the next page:

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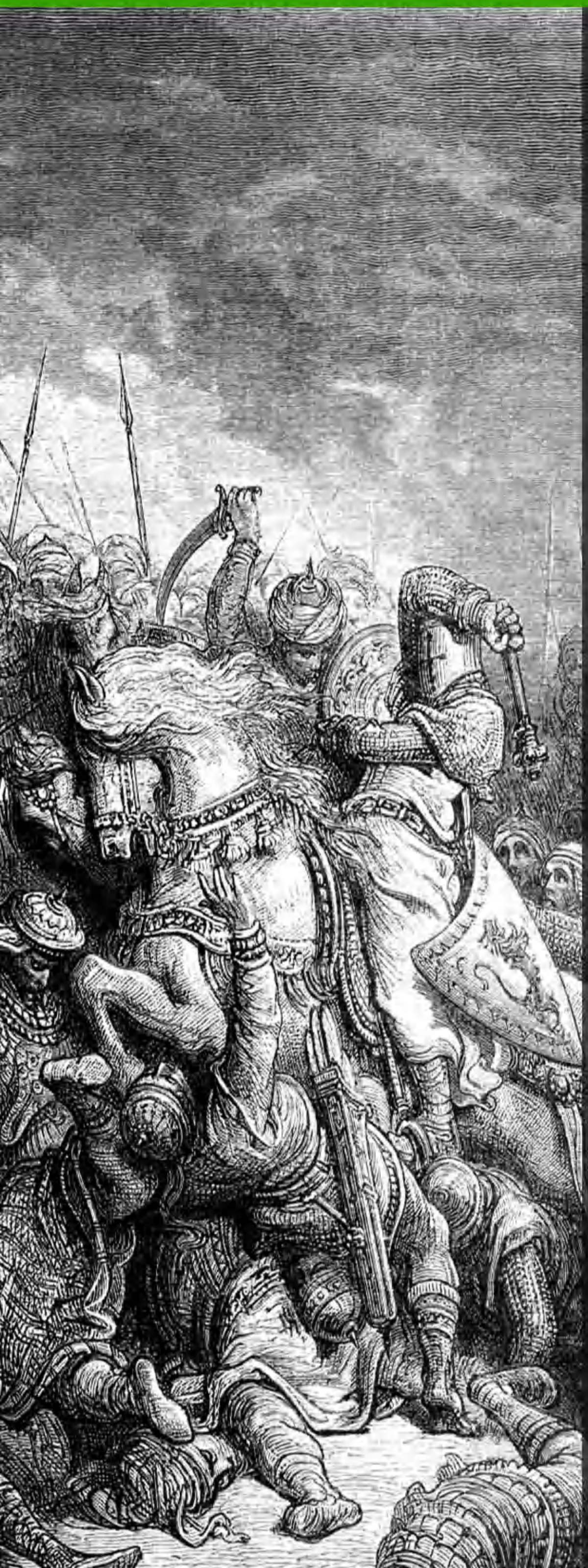
TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE F: PUBLIC WATER SUPPLIES
CHAPTER I: POLLUTION CONTROL BOARD

PART 611
PRIMARY DRINKING WATER STANDARDS

SUBPART A: GENERAL

SUBPART B: FILTRATION AND DISINFECTION



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AUTHORITY: Implementing Sections 17 and 17.5 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/17, 17.5 and 27].

SOURCE: Adopted in R88-26 at 14 Ill. Reg. 16517, effective September 20, 1990; amended in R90-21 at 14 Ill. Reg. 20448, effective December 11, 1990; amended in R90-13 at 15 Ill. Reg. 1562, effective January 22, 1991; amended in R91-3 at 16 Ill. Reg. 19010, effective December 1, 1992; amended in R92-3 at 17 Ill. Reg. 7796, effective May 18, 1993; amended in R93-1 at 17 Ill. Reg. 12650, effective July 23, 1993; amended in R94-4 at 18 Ill. Reg. 12291, effective July 28, 1994; amended in R94-23 at 19 Ill. Reg. 8613, effective June 20, 1995; amended in R95-17 at 20 Ill. Reg. 14493, effective OCT 22 1996.

NOTE: In this Part, superscript number or letters are denoted by parentheses; subscript are denoted by brackets.

SUBPART A: GENERAL

Section 611.100 Purpose, Scope and Applicability

a) This Part satisfies the requirement of Section 17.5 of the Environmental Protection Act (Act) [415 ILCS 5/17.5] that the Board adopt regulations which are identical in substance with federal regulations promulgated by the United States Environmental Protection Agency (USEPA) ~~(U.S.--EPA)~~ pursuant to Sections 1412(b), 1414(c), 1417(a) and 1445 of the Safe Drinking Water Act (42 U.S.C. 300f et seq.)

b) This Part establishes primary drinking water regulations (NPDWRs) pursuant to the SDWA, and also includes additional, related State requirements which are consistent with and more stringent than the USEPA ~~U.S.--EPA~~ regulations (Section 7.2 of the Act). The latter provisions are specifically marked as "additional state requirements". They apply only to community water systems (CWSs).

c) This Part applies to "suppliers", owners and operators of "public water supplies" ("PWSs"). PWSs include CWSs, "non-community water supplies ("non-CWSs") and "non-transient non-community water systems

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("NTNCWSs"), as these terms are defined in Section 611.101.

I) CWS suppliers are required to obtain permits from the Illinois Environmental Protection Agency (Agency) pursuant to 35 Ill. Adm. Code 602.

2) Non-CWS suppliers are subject to additional regulations promulgated by the Illinois Department of Public Health (Public Health) pursuant to Section 9 of the Illinois Groundwater Protection Act [415 ILCS 55/9], including 77 Ill. Adm. Code 900.

3) Non-CWS suppliers are not required to obtain permits or other approvals from the Agency, or to file reports or other documents with the Agency. Any provision in this Part so providing is to be understood as requiring the non-CWS supplier to obtain the comparable form of approval from, or to file the comparable report or other document with Public Health.

BOARD NOTE: Derived from 40 CFR 141.1 (1994).

d) This Part applies to each PWS, unless the PWS meets all of the following conditions:

I) Consists only of distribution and storage facilities (and does not have any collection and treatment facilities);

2) Obtains all of its water from, but is not owned or operated by, a supplier to which such regulators apply;

3) Does not sell water to any person; and

4) Is not a carrier which conveys passengers in interstate commerce.

BOARD NOTE: Derived from 40 CFR 141.3 (1994).

e) Some subsection labels have been omitted in order to maintain local consistency between USEPA ~~U.S.--EPA~~ subsection labels and the subsection labels in this Part.

(Source: Amended at 20 Ill. Reg. 14493, effective ~~OCT 2 2 1996~~)

Section 611.102 Incorporations by Reference

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

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

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

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

"Dioxin and Furan Method 1613" means "Tetra- through

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Octa-Chlorinated Dioxins and Furans by Isotope-Dilution HRGC/HRMS", available from NTIS.

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

"Guidance Manual for Compliance with the Filtration and Disinfection Requirements for Public Water Systems Using ~~using~~ Surface Water Sources", available from USEPA ~~U.S.--EPA~~ Science and Technology Branch.

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

"Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and in Water for Occupational Exposure", NCRP Report Number 22, available from NCRP.

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

"NTIS" means "National Technical Information Service".

"ONGP-MUG Test" (meaning "minimal medium ortho-nitrophenyl-beta-d-galactopyranoside-4-methyl-umbelliferyl -beta-d-glucuronide test"), alsocalled the "Autoanalysis Colilert System", is method 9223, available in "Standard Methods for the Examination of Water and Wastewater", 18th ed., from American Public Health Association.

"Procedures for Radiochemical Analysis of Nuclear Reactor Aqueous Solutions", available from NTIS.

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

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

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

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

"USEPA ~~U.S.--EPA~~ Asbestos Methods - 100.1" means Method 100.1,

POLLUTION CONTROL BOARD

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"Analytical Method for Determination of Asbestos FIbers in Water", available from NTIS.

"USEPA ~~U.S.~~--EPA Asbestos Methods-100.2" means Method 100.2, "Determination of Asbestos Structures over 10-microm in Length in Drinking Water", available from NTIS.

"USEPA ~~U.S.-EPA~~ Environmental Inorganics Methods" means "Methods for the Determination of Inorganic Substances in Environmental Samples", available from NTIS.

"USEPA ~~U.S.-EPA~~ Environmental Metals Methods" means "Methods for the Determination of Metals in Envrironmental Samples", available from NTIS.

~~"U.S.-EPA-Inorganic-Methods"-means-"Methods-for-Chemical-Analysis of--Water--and--Wastes"--available--from--NTIS.--(Methods-150.1 150.2-and-245.2-which-formerly-appeared-in-this-reference--are available-from-U.S.-EPA-EMSL.)~~

"USEPA ~~U.S.---EPA~~ Organic Methods" means "Methods for the Determination of Organic Compounds in Drinking Water", July, 1991, for Methods 502.2, 505, 507, 508, 508A, 515.1, and 531.1; "Methods for the Determination of Organic Compounds in Drinking Water--Supplement I", July, 1990, for Methods 506, 547, 550, 550.1, and 551; and "Methods for the Determination of Organic Compounds in Drinking Water--Supplement II", August, 1992, for Methods 515.2, 524.2, 548.1, 549.1, 552.1, and 555, available from NTIS. Methods 504.1, 508.1, and 525.2 are available from EPA EMSL.

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

"USEPA ~~U.S.~~--EPA Technical Notes" means "Technical Notes on Drinking Water Methods", available from NTIS.

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

b) The Board incorporates the following publications by reference:

Access Analytical Systems, Inc., See Environetics, Inc.

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NOTICE OF ADOPTED AMENDMENTS

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

Amco-AEPA-1 Polymer. See 40 CFR 141.22(a) (1995). Also, as referenced in ASTM D1889.

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

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

Supplement to the 18th edition of Standard Methods for the Examination of Water and Wastewater, 1994.

~~Analytical-Technology,-Inc.-ATI-Orion,-529-Main--Street,--Boston, MA-02129:~~

~~Technical-Bulletin-601,-"Standard-Method-of-Test-for-Nitrate in--Drinking--Water",-July,-1994,-PN-221090-001-(referred-to as-"Technical-Bulletin-601").~~

~~ASTM:--American-Society-for--Testing--and--Materials,--1976--Race Street,-Philadelphia,-PA-19103-215-299-5585:~~

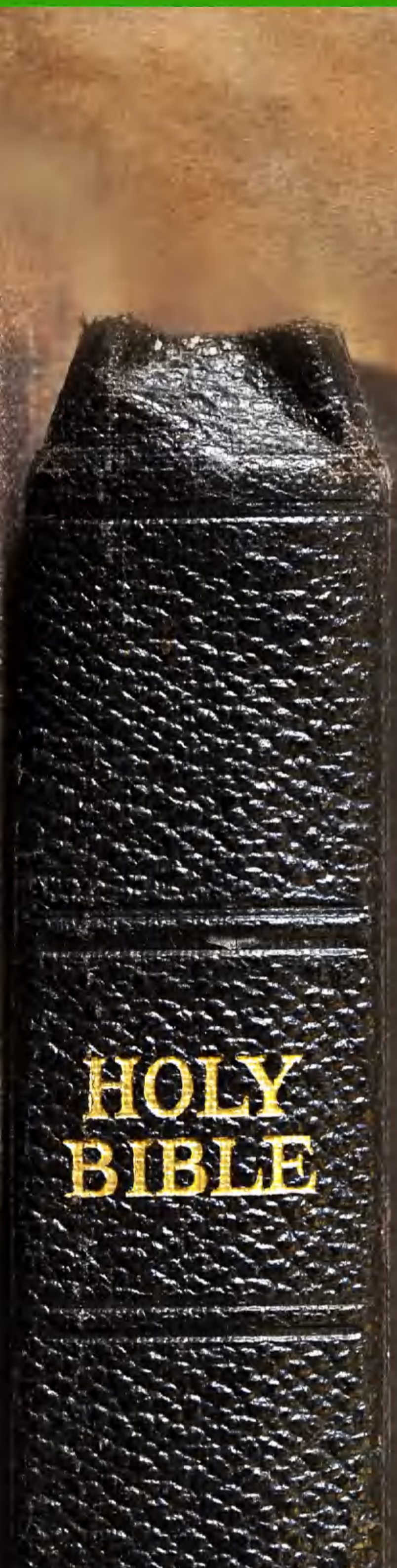
~~ASTM--Method--D511---93--A-and-B,-"Standard-Test-Methods-for Calcium---and---Magnesium---in----Water",----"Test----Method A--complexometric---Titration"---&--"Test--Method--B--Atomic Absorption-Spectrophotometric",-approved-1993.~~

~~ASTM-Method-D515-88-A,-"Standard-Test-Methods-for-Phosphorus in--Water",--"Test--Method--A--Colorimetric--Ascorbic---Acid Reduction,-approved-August-19,-1988.~~

~~ASTM--Method--D859-88,--"Standard--Test-Method-for-Silica-in Water",-approved-August-19,-1988.~~

~~ASTM-Method-1067-92-B,-"Standard-Test-Methods-for-Acidity-or Alkalinity--in--Water",--Test--Method--B--Electrometric---or Color-Change-Titration",-approved-May-15,-1992).~~

~~ASTM---Method---D1125-91---A,--"Standard--Test--Methods--for Electrical-Conductivity-and--Resistivity--of--Water",--"Test



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NOTICE OF ADOPTED AMENDMENTS

"Analytical Method for Determination of Asbestos FIbers in Water", available from NTIS.

"USEPA ~~U.S.--EPA~~ Asbestos Methods-100.2" means Method 100.2, "Determination of Asbestos Structures over 10-microm in Length in Drinking Water", available from NTIS.

"USEPA ~~U.S.-EPA~~ Environmental Inorganics Methods" means "Methods for the Determination of Inorganic Substances in Environmental Samples", available from NTIS.

"USEPA ~~U.S.-EPA~~ Environmental Metals Methods" means "Methods for the Determination of Metals in Envrironmental Samples", available from NTIS.

~~"U.S.-EPA-Inorganic-Methods"-means-"Methods-for-Chemical-Analysis of--Water--and--Wastes"--available--from--NTIS.--(Methods-150.1 150.2-and-245.2-which-formerly-appeared-in-this-reference--are available-from-U.S.-EPA-EMSL.)~~

"USEPA ~~U.S.---EPA~~ Organic Methods" means "Methods for the Determination of Organic Compounds in Drinking Water", July, 1991, for Methods 502.2, 505, 507, 508, 508A, 515.1, and 531.1; "Methods for the Determination of Organic Compounds in Drinking Water--Supplement I", July, 1990, for Methods 506, 547, 550, 550.1, and 551; and "Methods for the Determination of Organic Compounds in Drinking Water--Supplement II", August, 1992, for Methods 515.2, 524.2, 548.1, 549.1, 552.1, and 555, available from NTIS. Methods 504.1, 508.1, and 525.2 are available from EPA EMSL.

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

"USEPA ~~U.S.~~--EPA Technical Notes" means "Technical Notes on Drinking Water Methods", available from NTIS.

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

b) The Board incorporates the following publications by reference:

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POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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

Amco-AEPA-1 Polymer. See 40 CFR 141.22(a) (1995). Also, as referenced in ASTM D1889.

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

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

Supplement to the 18th edition of Standard Methods for the Examination of Water and Wastewater, 1994.

~~Analytical-Technology,-Inc.-API-Orion,-529-Main--Street,--Boston, MA-02129:~~

~~Technical-Bulletin-601,-"Standard-Method-of-Test-for-Nitrate in--Drinking--Water",-July,-1994,-PN-221090-001-(referred-to as-"Technical-Bulletin-601").~~

~~ASTM:--American-Society-for--Testing--and--Materials,--1976--Race Street,-Philadelphia,-PA-19103-215-299-5585:~~

~~ASTM--Method--D511---93--A-and-B,-"Standard-Test-Methods-for Calcium---and---Magnesium---in----Water",----"Test----Method A--complexometric---Titration"---&--"Test--Method--B--Atomic Absorption-Spectrophotometric",-approved-1993.~~

~~ASTM-Method-D515-88-A,-"Standard-Test-Methods-for-Phosphorus in--Water",--"Test--Method--A--Colorimetric--Ascorbic---Acid Reduction,-approved-August-19,-1988.~~

~~ASTM--Method--D859-88,--"Standard--Test-Method-for-Silica-in Water",-approved-August-19,-1988.~~

~~ASTM-Method-1067-92-B,-"Standard-Test-Methods-for-Acidity-or Alkalinity--in--Water",--Test--Method--B--Electrometric---or Color-Change-Titration",-approved-May-15,-1992).~~

~~ASTM---Method---D1125-91---A,--"Standard--Test--Methods--for Electrical-Conductivity-and--Resistivity--of--Water",--"Test~~

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Method-A--Field-and-Routine-Laboratory-Measurement-of-Static (Non-Flowing)-Samples",-approved-June-15,-1991.

ASTM--Method-D1179-93-B,-"Standard-Test-Methods-for-Fluoride in--Water",--"Test--Method--B--Ion---Selective---Electrode", approved-1993.

ASTM--Method--D1293-84,--"Standard--Test--Methods--for-pH-of Water",-"Test-Method-A--Precise--Laboratory--Measurement"--& "Test-Method-B--Routine-or-Continuous-Measurement",-approved October-26,-1984.

ASTM--Method--D1688-90--A--or--C,-"Standard-Test-Methods-for Copper-in-Water",-"Test-Method-A--Atomic-Absorption,-Direct" &--"Test--Method--C--Atomic--Absorbtion,--Graphit---Furnace, approved-March-15,-1990.

ASTM--Method--D0236-91--A--or--B,-"Standard-Test-Methods-for Cyanide-in-Water",--"Test--Method--A--Total--Cyanides--after Distillation"---&---"Test--Method--B--Cyanides--Amenable--to Chlorination-by-Difference",-approved-September-15,-1991.

ASTM--Method--D2459-72,--"Standard--Test--Method--for--Gamma Spectrometry-in-Water,"-approved-July-28,-1972,-discontinued 1988.

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

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

ASTM--Method--D3223-91,--"Standard--Test--Method--for--Total Mercury-in-Water",-approved-September-23,-1991.

ASTM-Method-D3559-90-B,-"Standard-Test-Methods-for--Lead--in Water",-"Test-Method-B--Atomic-Absorption,-Graphite-Furnace, approved-August-6,-1990.

ASTM-Method-D3645-93-B,-"Standard-Test-Methods-for-Beryllium in--Water",-"Method-B--Atomic-Absorption,-Graphite-Furnace", approved-1993.

ASTM-Method-D3697-92,-"Standard-Test-Method-for-Antimony--in

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Water",-approved-June-15,-1992.

ASTM--Method-D3859-93-A,-"Standard-Test-Methods-for-Selenium in-Water",-"Method-A--Atomic--Absorbtion,--Hydride--Method", approved-1993.

ASTM--Method--D3867-90--A--and-B,-"Standard-Test-Methods-for Nitrite-Nitrate-in-Water",-"Test-Method-A--Automated-Cadmium Reduction"-&--"Test--Method--B--Manual--Cadmium--Reduction", approved-January-10,-1990.

ASTM--Method--D4327-91,--"Standard-Test-Method-for-Anions-in Water-by-Ion-Chromatography",-approved-October-15,-1991.

Awerioan Water WOrks Association et al., 6666 West Quinoy Avenue, Denver, CO 80235 303-794-7711:

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

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

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

Method 304, Radium in Water by Precipitation.

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

Method 306, Tritium in Water.

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

Method 2130 B, Turbidity, Nephelometric Method.

Method 2320 B, Alkalinity, Titration Method.

Method 2510 B, Conductivity, Laboratory Method.

Method 2550 B, Temperature, Laboratory and Field Methods.

Method 3111 B, metals by Flame Atomic Absorption

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Spectrometry, Direct Air-Acetylene Flame Method.

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

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

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

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

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

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

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

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

Method 4500-CN E, Cyanide, Colorimetric Method.

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

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

Method 4500-Cl D, Chlorine (Residual), Amperometric Titration Method.

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

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

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

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Colorimetric Method.

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

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

Method 4500-ClO[2] C, Chlorine Dioxide, Amperometric Method I.

Method 4500-ClO[2] D, Chlorine Dioxide, DPD Method.

Method 4500-ClO[2] E, Chlorine Dioxide, Amperometric Method II (Proposed).

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

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

Method 4500-F D, Fluoride, SPADNS Method.

Method 4500-F E, Fluoride, Complexone Method.

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

Method 4500-NO[2] B, Nitrogen (Nitrite), Colorimetric Method.

Method 4500-NO[3] D, Nitrogen (Nitrate), Nitrate Electrode Method.

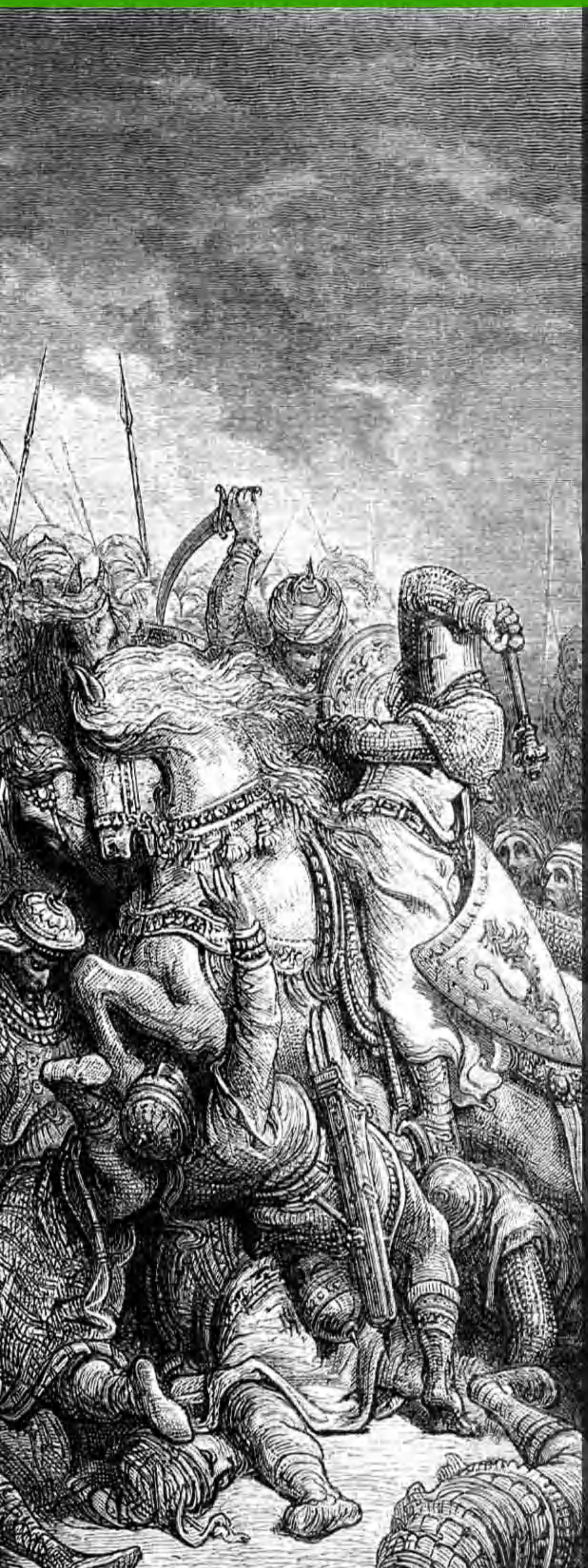
Method 4500-NO[3] E, Nitrogen (Nitrate), Cadmium Reduction Method.

Method 4500-NO[3] F, Nitrogen (Nitrate), Automated Cadmium Reduction Method.

Method 4500-O[3] B, Ozone (Residual) (Proposed), Indigo Colorimetric Method.

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

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



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NOTICE OF ADOPTED AMENDMENTS

ASTM Method D1688-90 A or C, "Standard Test Methods for Copper in Water", "Test Method A--atomic Absorption, Direct" & "Test Method C--Atomic Absorbtion, Graphite Furnace", approved March 15, 1990.

ASTM Method D2036-91 A or B, "Standard Test Methods for Cyanide in Water", "Test Method A--Total Cyanides after Distillation" & "Test Method B--Cyanides Amenable to Chlorination by Difference", approved September 15, 1991.

ASTM Method D2459-72, "Standard Test Method for Gamma Spectrometry in Water", approved July 28, 1972, discontinued in 1988.

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

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

ASTM Method D3223-91, "Standard Test Method for Total Mercury in Water", approved September 23, 1991.

ASTM Method D3559-90 D, "Standard Test Methods for Lead in Water", "Test Method D--Atomic Absorption, Graphite Furnace", approved August 6, 1990.

ASTM Method D3645-93 B, "Standard Test Methods for Beryllium in Water", "Method B--Atomic Absorption, Graphite Furnace", approved 1993.

ASTM Method D3697-92, "Standard Test Method for Antimony in Water", approved June 15, 1992.

ASTM Method D3859-93 A, "Standard Test Methods for Selenium in Water", "Method A--Atomic Absorption, Hydride Method", approved 1993.

ASTM Method D3867-90 A and B, "Standard Test Methods for Nitrite-Nitrate in Water", "Test Method A--Automated Cadmium Reduction" & "Test Method B--Manual Cadmium Reduction", approved January 10, 1990.

ASTM Method D4327-91, "Standard Test Method for Anions in Water by Ion Chromatography", approved October 15, 1991.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

ERDA Health and Safety Laboratory, New York, NY:

HASL Procedure Manual, HASL 300, 1973. See 40 CFR 141.25(b)(2) (1995).

Great Lakes Instruments, Inc., 8855 North 55th Street, Milwaukee, WI 53223:

GLI Method 2, "Turbidity", Nov. 2, 1992.

Millipore Corporation, Technical Services Department, 80 Ashby Road, Milford, MA 01730 800-654-5476:

Colisure Presence/Absence Test for Detection and Identification of Coliform Bacteria and Escherichia Coli in Drinking Water, February 28, 1994 (referred to as "Colisure Test").

Millipore Corporation, Waters Chromatography Division, 34 Maple St., Milford, MA 01757 800-252-4752:

Waters Test Method for the Determination of Nitrite/Nitrate in Water Using Single Column Ion Chromatography, Method B-1011 (referred to as "Waters Method B-1011").

NCRP. National Council on Radiation Protection, 7910 Woodmont Ave., Bethesda, MD 301-657-2652:

"Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and in Water for Occupational Exposure", NCRP Report Number 22, June 5, 1959.

NTIS. National Technical Information Service, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, VA 22161 (703) 487-4600 or (800) 553-6847:

Method 100.1, "Analytical Method for Determination of Asbestos Fibers in Water", EPA-600/4-83-043, September, 1983, Doc. No. PB83-160471 (referred to as "USEPA ~~U.S.-EPA~~ Asbestos Methods-100.1").

Method 100.2, "Determination of Asbestos Structures over 10-microm in Length in Drinking Water", EPA-600/4-83-043, June, 1994, Doc. No. PB94-201902 (Referred to as "USEPA ~~U.S. EPA~~ Asbestos Methods-100.2").

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NOTICE OF ADOPTED AMENDMENTS

"Methods for Chemical Analysis of Water and Wastes", March, 1983, Doc. No. PB84-128677 (referred to as "USEPA ~~U.S.-EPA~~ Inorganic Methods"). (Methods 150.1, 150.2, and 245.2, which formerly appeared in this reference, are available from USEPA ~~U.S.-EPA~~ EMSL.)

"Methods for the Determination of Metals in Environmental Samples", June, 1991, Doc. No. PB91-231498 (referred to as "USEPA ~~U.S.-EPA~~ Environmental Metals Methods").

"Methods for the Determination of Organic Compounds in Drinking Water", December, 1988, revised July, 1991, EPA-600/4-88/039 (referred to as "USEPA ~~U.S.-EPA~~ Organic Methods"). (For methods 502.2, 505, 507, 508, 508A, 515.1 and 531.1.)

"Methods for the Determination of Organic Compounds in Finished Drinking Water--Supplement I", July, 1990, EPA-600-4-90-020 (referred to as "USEPA ~~U.S.-EPA~~ Organic Methods"). (For methods 506, 547, 550, 550.1, and 551.)

"Methods for the Determination of Organic Compounds in Finished Drinking Water--Supplement II", August, 1992, EPA-600/R-92-129 (referred to as "USEPA ~~U.S.--EPA~~ Organic Methods"). (For methods 515.2, 524.2, 548.1, 549.1, 552.1 and 555.)

"Procedures for Radiochemical Analysis of Nuclear Reactor Aqueous Solutions", H.L. Krieger and S. Gold, EPA-R4-73-014, May, 1973, Doc. No. PB222-154/7BA.

"Technical Notes on Drinking Water Methods", EPA-600/R-94-173, October, 1994, Doc. No. PB-104766 (referred to as "USEPA ~~U.S.--EPA~~ Technical Notes").
BOARD NOTE: USEPA ~~U.S.--EPA~~ made the following assertion with regard to this reference at 40 CFR 141.23(k)(1) and 141.24(e) and (n)(11) (1995 ~~1994~~): This document contains other analytical test procedures and approved analytical methods that remain available for compliance monitoring until July 1, 1996.

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

Technicon Industrial Systems, Tarrytown, NY 10591:

"Fluoride in Water and Wastewater", Industrial Method #129-71W, December, 1972 (referred to as "Technicon Methods: Method #129-71W"). See 40 CFR 141.23(f)(10), footnotes 6 and 7 (1995).

"Fluoride in Water and Wastewater", #380-75WE, February, 1976 (referred to as "Technicon Methods: Method #380-75WE"). See 40 CFR 141.23(f)(10), footnotes 6 and 7 (1995).

United States Environmental Protection Agency, EMSL, Cincinnati, OH 45268 513-569-7586:

"Interim Radiochemical Methodology for Drinking Water", EPA-600/4-75-008 (referred to as "Radiochemical Methods"). (Revised) March, 1976.

"Methods for the Determination of Organic Compounds in Finished Drinking Water and Raw Source Water" (referred to as "USEPA ~~U.S.-EPA~~ Organic Methods"). (For methods 504.1, 508.1, and 525.2 only.) See NTIS.

~~"Methods for Chemical Analysis of Water and Wastes" (referred to as "U.S. EPA Inorganic Methods"). See NTIS (Methods 150.1, 150.2, and 245.2 only)~~

"Procedures for Radiochemical Analysis of Nuclear Reactor Aqueous Solutions". See NTIS.

U.S. EPA, Science and Technology Branch, Criteria and Standards Divison, Office of Drinking Water, Washington D.C. 20460:

"Guidance Manual for Compliance with the Filtration and Disinfection Requirements for Public Water Systems using Surface Water Sources", October, 1989.

USGS. Books and Open-File Reports Section, United States Geological Survey, Federal Center, Box 25425, Denver, CO 8025-0425:

Methods available upon request by method number from "Methods of Analysis by the U.S. Geological Survey National Water Quality Laboratory--Determination of Inorganic and Organic Constituents in Water and Fluvial Sediments", Open File Report 93-125 or Book 5, Chapter A-1, "Methods for Determination of Inorganic Substances in Water and Fluvial Sediments", 3d ed., Open-File Report 85-495, 1989, as appropriate (referred to as "USGS Methods").

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I-1030-85

I-1062-85

I-1601-85

I-1700-85

I-2598-85

I-2601-90

I-2700-85

I-3300-85

c) The Board incorporates the following federal regulations by reference: 40 CFR 136, Appendix B and C (1995) ~~(1994)~~. ~~40 CFR 141, Subpart C, Appendix C (1994).~~

d) This Part incorporates no later amendments or editions.

(Source: Amended at 20 Ill. Reg. 14493, effective OCT 22 1996)

Section 611.130 Special Requirements for Certain Variances and Adjusted Standards

a) Relief from the TTHM MCL.

1) In granting any variance or adjusted standard to a supplier that is a CWS that adds a disinfectant at any part of treatment and which provides water to 10,000 or more persons on a regular basis from the maximum contaminant level for TTHM listed in Section 611.310(c), the Board will require application of the best available technology (BAT) identified at subsection (a)(4) below for that constituent as a condition to the relief, unless the supplier has demonstrated through comprehensive engineering assessments that application of BAT is not technically appropriate and technically feasible for that system, or it would only result in a marginal reduction in TTHM for that supplier.

2) The Board will require the following as a condition for relief from the TTHM MCL where it does not require the application of BAT:

A) That the supplier continue to investigate the following methods as an alternative means of significantly reducing the level of TTHM, according to a definite schedule:

i) introduction of off-line water storage for THM precursor reduction;

ii) aeration for TTHM reduction, where geography and climate allow;

iii) introduction of clarification, where not presently practiced;

iv) use of alternative sources of raw water; and

v) use of ozone as an alternative or supplemental disinfectant or oxidant, and

B) That the supplier report results of that investigation to the Agency.

3) The Agency shall petition the Board to reconsider or modify a variance or adjusted standard, pursuant to 35 Ill. Adm. Code 101.Subpart K, if it determines that an alternative method identified by the supplier pursuant to subsection (a)(2) above is technically feasible and would result in a significant reduction in TTHM.

4) Best available technology for TTHM reduction:

A) use of chloramines as an alternative or supplemental disinfectant,

B) use of chlorine dioxide as an alternative or supplemental disinfectant, or

C) improved existing clarification for THM precursor reduction. BOARD NOTE: Derived from 40 CFR 142.60 (1994). The restrictions of this subsection do not apply to suppliers regulated for TTHM as an additional state requirement. See the Board Note to Section 611.301(c).

b) Relief from the fluoride MCL.

1) In granting any variance or adjusted standard to a supplier that is a CWS from the maximum contaminant level for fluoride listed in Section 611.301(b), the Board will require application of the best available technology (BAT) identified at subsection (b)(4) below for that constituent as a condition to the relief, unless the supplier has demonstrated through comprehensive engineering assessments that application of BAT is not technically appropriate and technically feasible for that supplier.

2) The Board will require the following as a condition for relief from the fluoride MCL where it does not require the application of BAT:

A) That the supplier continue to investigate the following methods as an alternative means of significantly reducing the level of fluoride ~~TTHM~~, according to a definite schedule:

i) modification of lime softening;

ii) alum coagulation;

iii) electrodialysis;

iv) anion exchange resins;

v) well field management;

vi) use of alternative sources of raw water; and

vii) regionalization, and

B) That the supplier report results of that investigation to

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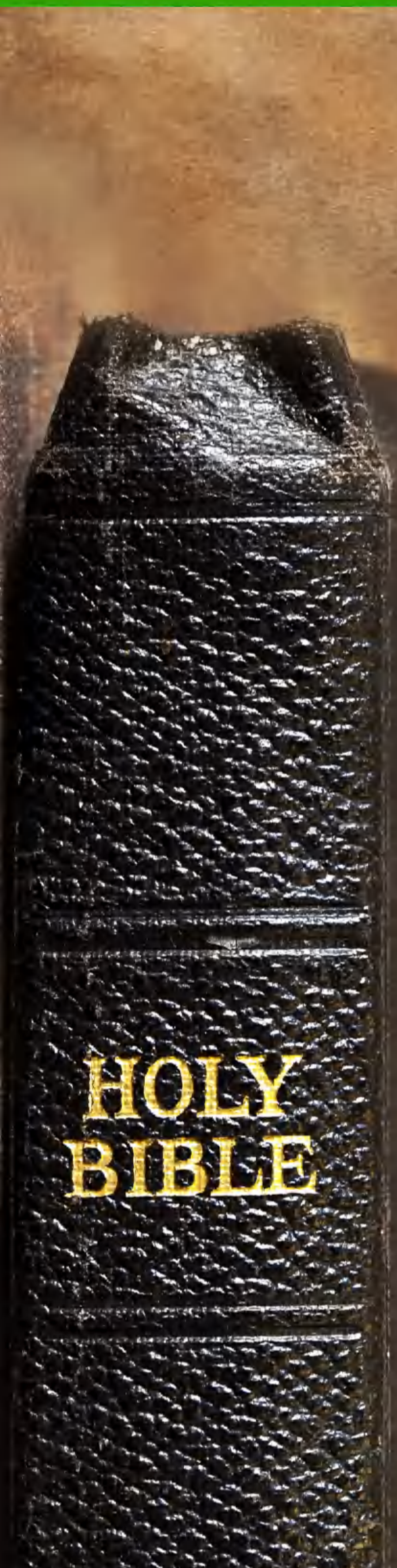

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C) and that the bottled water does not exceed any MCLs or quality limits as set out in 21 CFR 103.35, 110, and 129.

5) The supplier shall provide the certification required by subsection (e)(4) above to the Agency during the first quarter after it begins supplying bottled water and annually thereafter.

6) The supplier shall assure the provision of sufficient quantities of bottled water to every affected person supplied by the supplier via door-to-door bottled water delivery.

BOARD NOTE: Derived from 40 CFR 142.62(g) (1994).

f) Use of point-of-entry devices. Before the Board grants any PWS a variance or adjusted standard from any NPDWR that includes a condition requiring the use of a point-of-entry device, the supplier must demonstrate to the Board each of the following:

1) that the supplier will operate and maintain the device;

2) that the device provides health protection equivalent to that provided by central treatment;

3) that the supplier will maintain the microbiological safety of the water at all times;

4) that the supplier has established standards for performance, conducted a rigorous engineering design review, and field tested the device;

5) that the operation and maintenance of the device will account for any potential for increased concentrations of heterotrophic bacteria resulting through the use of activated carbon, by backwashing, post-contractor disinfection, and heterotrophic plate count monitoring;

6) that buildings connected to the supplier's distribution system have sufficient devices properly installed, maintained, and monitored to assure that all consumers are protected; and

7) that the use of the device will not cause increased corrosion of lead and copper bearing materials located between the device and the tap that could increase contaminant levels at the tap.

BOARD NOTE: Derived from 40 CFR 142.62(h) (1994).

(Source: Amended at 20 Ill. Reg. 14493, effective ~~OCT 2 2 1996~~)

Section 611.212 Groundwater under Direct Influence of Surface Water

The Agency shall, pursuant to Section 611.201, require all CWSs to demonstrate whether they are using "groundwater under the direct influence of surface water" ~~by June 29, 1994~~. The Agency shall determine with information provided by the supplier whether a PWS uses "groundwater under the direct influence of surface water" on an individual basis. The Agency shall determine that a groundwater source is under the direct influence of surface water based upon:

a) Physical characteristics of the source: whether the source is obviously a surface water source, such as a lake or stream. Other sources which may be subject to influence from surface waters

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include: springs, infiltration galleries, wells or other collectors in subsurface aquifers.

b) Well construction characteristics and geology with field evaluation.

1) The Agency may use the wellhead protection program's requirements, which include delineation of wellhead protection areas, assessment of sources of contamination and implementation of management control systems, to determine if the wellhear is under the influence of surface water.

2) Wells less than or equal to 50 feet in depth are likely to be under the influence of surface water.

3) Wells greater than 50 feet in depth are likely to be under the influence of surface water, unless they include:

A) A surface sanitary seal using bentonite clay, concrete or similar material,

B) A well casing that penetrates consolidated (slowly premeable) material, and

C) A well casing that is only perforated or screened below consolidated (slowly permeable) material.

4) A source which is less than 200 feet from any surface water is likely to be under the influence of surface water.

c) Any structural modifications to prevent the direct influence of surface water and eliminate the potential for Giardia lamblia cyst contamination.

d) Source water quality records. The following are indicative that a source is under the influence of surface water:

1) A record of total coliform or fecal coliform contamination in untreated samples collected over the past three years,

2) A history of turbidity problems associated with the source, or

3) A history of known or suspected outbreaks of Giardia lamblia or other pathogenic organism associated with surface water (e.g. cryptospridium) that, which has been attributed to that source.

e) Significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity or pH.

1) A variation in turbidity ~~turbity~~ of 0.5 NTU or more over one year is indicative of surface influence.

2) A variation in temperature of 9 Fahrenheit degrees or more over one year is indicative of surface influence.

f) Significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity or pH which closely correlate to climatological or surface water conditions are indicative of surface water influence.

1) Evidence of particulate matter associated with the surface water, or

2) Turbidity or temperature data which correlates to that of a nearby surface water source.

g) Particulate analysis: Significant occurrence ~~occurance~~ of insects or other macroorganisms, algae or large diameter pathogens such as Giardia lamblia is indicative of surface influence.

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1) "Large diameter" particulates are those over 7 micrometers.
2) Particulates must be measured as specified in the "Guidance Manual for Compliance with the Filtration and Disinfection Requirements for Public Water Systems using Surface Water Sources", incorporated by reference in Section 611.102.

h) The potential for contamination by small-diameter pathogens, such as bacteria or virusis, does not alone render the source "under the direct influence of surface water".
BOARD NOTE: Derived from the definition of "groundwater under the direct influence of surface water" ln 40 CFR I4I.2 (1995 ~~(1994)~~; from the Preamble at 54 Fed. Reg. 27489 (June 29, 1989); and from the USEPA ~~U.S.--EPA~~ "Guidance Manual for Compliance with the Filtration and Disinfection Requirement for Public Water Systems using Surface Water Sources", incorporated by reference in Section 611.102.

(Source: Amended at 20 Ill. Reg. 14493, effective OCT 2 2 1996)

Section 611.220 General Requirements

a) The requirements of this Subpart constitute NPDWRs. This Subpart establishes criteria under which filtration is required as a treatment technique for PWSs supplied by a surface water source and PWSs supplied by a groundwater source under the direct influence of surface water. In addition, these regulations establish treatment technique requirements in lieu of MCLs for the following contaminants: Giardia lamblia, viruses, HPC bacteria, Legionella and turbidity. Each supplier with a surface water source or a groundwater source under the direct influence of surface water shall provide treatment of that source water that complies with these treatment technique requirements. The treatment technique requirements consist of installing and properly operating water treatment processes which reliably achieve:
1) At least 99.9 percent (3-log) removal or inactivation of Giardia lamblia cysts between a point where the raw water is not subject to recontamination by surface water runoff and a point downstream before or at the first customer; and
2) At least 99.99 percent (4-log) removal or inactivation of viruses between a point where the raw water is not subject to recontamination by surface water runoff and a point downstream before or at the first customer.

b) A supplier using a surface water source or a groundwater source under the direct influence of surface water is considered to be in compliance with the requirements of subsection (a) if:
1) It meets the requirements for avoiding filtration in Section 6II.230 through 611.232 and the disinfection requirements in Section 611.241; or
2) It meets the filtration requirements ln Section 611.250 and the disinfection requirements in Section 611.242.

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c) Each supplier using a surface water source or a groundwater source under the direct influence of surface water shall have a certified operator pursuant to 35 Ill. Adm. Code 603.103 and the Public Water Supply Operations Act [415 ILCS 45].
BOARD NOTE: Derived from 40 CFR I4I.70 (1995) ~~(1994)~~. The Public Water Supply Operations Act applies only to CWSs, which are regulated by the Agency. It does not apply to non-CWSs, which are regulated by Public Health. Public Health has its own requirements for personnel operating water supplies that it regulates, e.g., 77 Ill. Adm. Code 900.40(e).

(Source: Amended at 20 Ill. Reg. 14493, effective OCT 2 2 1996)

SUBPART F: MAXIMUM CONTAMINANT LEVELS (MCL's)

Section 611.300 Old MCLs for Inorganic Chemicals

a) The old MCLs listed in subsection (b) below for inorganic chemicals apply only to CWS suppliers. Compliance with old MCLs for inorganic chemicals is calculated pursuant to Section 611.612, except that analyses for arsenic are to be performed pursuant to Section 611.611.
BOARD NOTE: Derived from 40 CFR 141.11(a) (1995) ~~(1994)~~.

b) The following are the old MCL's for inorganic chemicals~~, with the old MCL for cyanide effective only until the revised MCL for cyanide at Section 611.301(a) becomes effective~~:

Contaminant	Level, mg/L	Additional State Requirement (*)
Arsenic	0.05	-
Iron	1.0	*
Manganese	0.15	*
Zinc	5.	-

BOARD NOTE: Derived from 40 CFR 141.11(b) & (c) (1995) ~~(1994)~~. This provision, which corresponds with 40 CFR 141.11, was formerly the only listing of MCLs for inorganic parameters. However, USEPA ~~U.S.--EPA~~ added another listing of inorganic MCLs at 40 CFR I4I.62 at 56 Fed. Reg. 3594 (Jan. 30, 1991), which corresponds with Section 611.301. ~~Following the changing U.S.--EPA codification scheme creates two listings of MCLs: one at this Section and one at Section 611.301. This causes fluoride to appear in both the 40 CFR 141.11(b) and 141.62(b) listings with the same MCL. The Board has deleted the corresponding fluoride MCL from this Section in favor of that which~~

~~appears at Section 611.301(b).~~

c) This subsection corresponds with 40 CFR 141.11(c) (1995), ~~the substance of which the Board has codified in subsection (b) above~~ marked as reserved by USEPA. This statement maintains structural parity with the federal rules.

d) Nitrate.

~~1) The Board incorporates by reference 40 CFR 141.11(d) (1994). This incorporation includes no later editions or amendments.~~

~~2)~~ Non-CWSs may exceed the MCL for nitrate under the following circumstances:

A) The nitrate level must not exceed 20 mg/L,

B) The water must not be available to children under six months of age,

C) There will not continuous posting of the fact that the nitrate level exceeds 10 mg/L togeather with the public health effects information set forth in paragraph (2) of Section 611.Appendix A,

D) The supplier will annually notify local public health authorities and Public Health of the nitrate levels that exceed 10 mg/L, and

E) No adverse public health effects results.

BOARD NOTE: Derived from 40 CFR 141.11(d) (1994). Public Health regulations may impose a nitrate limitation requirement. Those regulations are at 77 Ill. Adm. Code 900.50.

e) The following supplementary condition applies to the MCLs listed in subsection (b) above for iron and manganese:

1) CWS suppliers that serve a population of 1000 or less, or 300 service connections or less, are exempt from the standards for iron and manganese.

2) The Agency may, by special exception permit, allow iron and manganese in excess of the MCL if sequestration tried on an experimental basis proves to be effective. If sequestration is not effective, positive iron or manganese reduction treatment as applicable must be provided. Experimental use of a sequestering agent may be tried only if approved by special exception permit.

BOARD NOTE: This is an additional State requirement.

(Source: Amended at 20 Ill. Reg. 14493, effective ~~OCT 2 2 1996~~)

Section 611.301 Revised **MCLs** for Inorganic **Chemicals**

a) This subsection corresponds with 40 CFR 141.62(a), reserved by USEPA ~~U.S.--EPA~~. This statement maintains structural consistency with USEPA ~~U.S.--EPA~~ rules.

b) The MCLs in the following table apply to CWSs. Except for fluoride, the MCLs also apply to NTNCWSs. The MCLs for nitrate, nitrite, and total nitrate and nitrite also apply to transient non-CWSs. ~~The MCLs~~

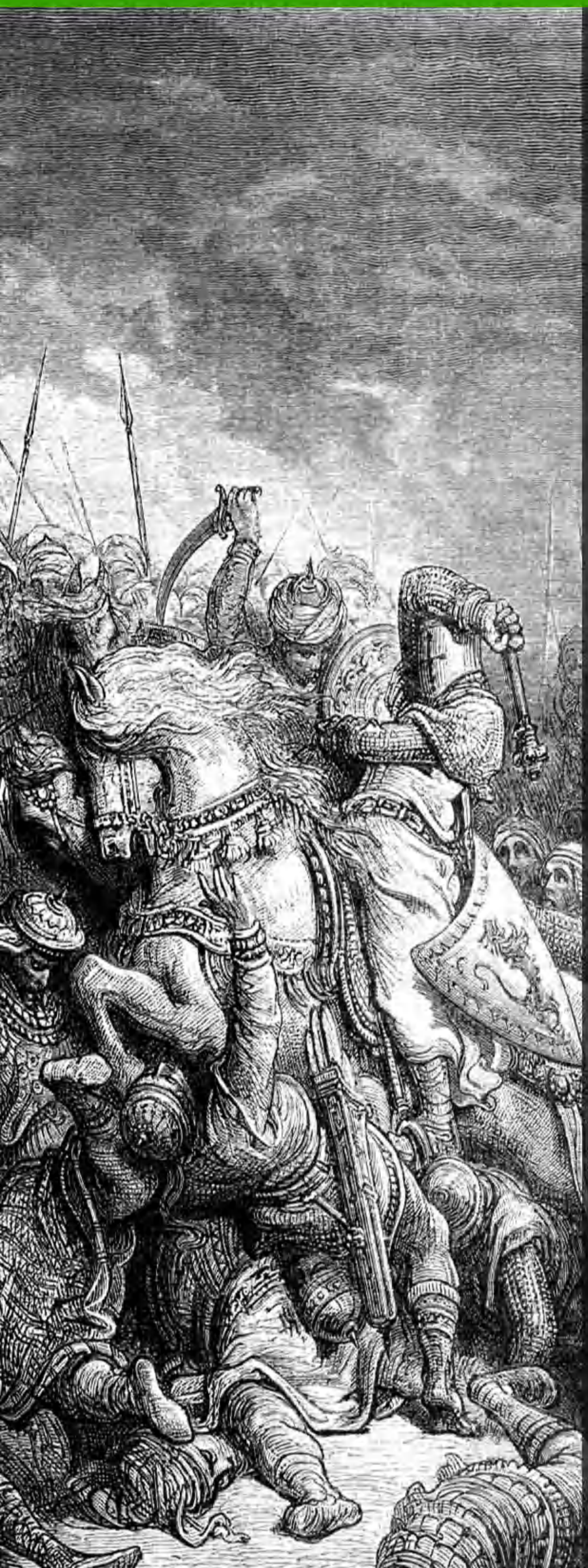
~~for antimony, beryllium, cyanide, nickel, and thallium are effective January 17, 1994.~~

Contaminant	MCL	Units
Antimony	0.006	mg/L
Asbestos	7	MFL
Barium	2	mg/L
Beryllium	0.004	mg/L
Cadmium	0.005	mg/L
Chromium	0.1	mg/L
Cyanide (as free CN)	0.2	mg/L
Mercury	0.002	mg/L
~~Nickel~~	~~0.1~~	~~mg/L~~
Nitrate (as N)	10.	mg/L
Nitrite (as N)	1.	mg/L
Total Nitrate and Nitrite (as N)	10.	mg/L
Selenium	0.05	mg/L
Thallium	0.002	mg/L

BOARD NOTE: Section 611.300(d) for an elevated nitrate level for non-CWSs. USEPA removed and reserved the MCL for nickel on June 29, 1995, at 60 Fed. Reg. 33932, as a result of a judicial order in Nickel Development Institute v. EPA, No. 92-1407, and Specialty Steel Industry of the U.S. v. Browner, No. 92-1410 (D.C. Cir. Feb. 23 & Mar. 6, 1995), while retaining the contaminant, analytical methodology and detection limit listings for this contaminant. ~~See the definition of "initial compliance period" at Section 611.101. The federal secondary MCL for fluoride is 2.0 mg/L. The federal regulations require public notice when water exceeds this level. See 40 CFR 143.3 and 143.5 (1992).~~

c) USEPA ~~U.S.--EPA~~ has identified the following as BAT for achieving compliance with the MCL for the inorganic contaminants identified in subsection (b) above, except for fluoride:

Contaminant	BAT(s)
Antimony	C/F
	RO
Asbestos	C/F
	DDF
	CC
Barium	IX
	LIME



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sample at an entry point to the distribution system during periods of normal operating conditions (i.e., when water is representative of all sources being used).

2) Number of samples

A) Tap samples. Each supplier shall collect two tap samples for applicable water quality parameters during each six-month monitoring period specified under subsections (b) through (e) below from the number of sites indicated in the first column of Section 611.Table E.

B) Entry point samples.

i) Initial monitoring. Each supplier shall collect two samples for each applicable water quality parameter at each entry point to the distribution system during each six-month monitoring period specified in subsection (b) below.

ii) Subsequent monitoring. Each supplier shall collect one sample for each applicable water quality parameter at each entry point to the distribution system during each six-month monitoring period specified in subsections (c) through (e) below.

b) Initial Sampling.

1) Large systems. Each large system supplier shall measure the applicable water quality parameters specified in subsection (b)(3) below at taps and at each entry point to the distribution system during each six-month monitoring period specified in Section 611.356(d)(1).

2) Small and medium-sized systems. Each small and medium-sized system supplier shall measure the applicable water quality parameters specified in subsection (b)(3) below at the locations specified in this subsection during each six-month monitoring period specified in Section 611.356(d)(1) during which the supplier exceeds the lead action level or the copper action level.

3) Water quality parameters:

A) pH;

B) alkalinity;

C) orthophosphate, when an inhibitor containing a phosphate compound is used;

D) silica, when an inhibitor containing a silicate compound is used;

E) calcium;

F) conductivity; and

G) water temperature.

c) Monitoring after installation of corrosion control.

1) Large systems. Each large system supplier that installs optimal corrosion control treatment pursuant to Section 611.351(d)(4) shall measure the water quality parameters at the locations and frequencies specified in subsections (c)(3) and (c)(4) below

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during each six-month monitoring period specified in Section 611.356(d)(2)(A)~~(i)~~.

2) Small and medium-sized systems. Each small or medium-sized system that installs optimal corrosion control treatment pursuant to Section 611.351(e)(5) shall measure the water quality parameters at the locations and frequencies specified in subsections (c)(3) and (c)(4) below during each six-month monitoring period specified in Section 611.356(d)(2)(B~~ii~~) in which the supplier exceeds the lead action level or the copper action level.

3) Tap water samples, two samples at each tap for each of the following watered quality parameters:

A) pH;

B) alkalinity;

C) orthophosphate, when an inhibitor containing a phosphate compound is used;

D) silica, when an inhibitor containing a silicate compound is used; and

E) calcium, when calcium carbonate stabilization is used as part of corrosion control.

4) Entry point samples, one sample at each entry point to the distribution system every two weeks (bi-weekly) for each of the following water quality parameters:

A) pH;

B) when alkalinity is adjusted as part of optimal corrosion control, a reading of the dosage rate of the chemical used to adjust alkalinity, and the alkalinity concentration; and

C) when a corrosion inhibitor is used as part of optimal corrosion control, a reading of the dosage rate of the inhibitor used, and the concentration of orthophosphate or silica (whichever is applicable).

d) Monitoring after the Agency specifies water quality parameter values for optimal corrosion control.

1) Large systems. After the Agency has specified the values for applicable water quality control parameters reflecting optimal corrosion control treatment pursuant to Section 611.352(f), each large system supplier shall measure the applicable water quality parameters in accordance with subsection (c) above during each six-month monitoring period specified in Section 611.356(d)(3).

2) Small and medium-sized systems. Each small or medium-sized system supplier shall conduct such monitoring during each six-month monitoring period specified in Section 611.356(d)(3) in which the supplier exceeds the lead action level or the copper action level.

3) Confirmation sampling.

A) A supplier may take a confirmation sample for any water quality parameter value no later than 3 days after it took the original sample it seeks to confirm.

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B) If a supplier takes a confirmation sample, it must average the result obtained from the confirmation sample with the result obtained from the original sample it seeks to confirm, and the supplier shall use the average of these two results for any compliance determinations under Section 611.352(g).

C) The Agency shall delete the results that it determines are due to obvious sampling errors from this calculation.

e) Reduced monitoring.

1) Reduction in tap monitoring. A supplier that has maintained the range of values for the water quality parameters reflecting optimal corrosion control treatment during each of two consecutive six-month monitoring periods under subsection (d) above shall continue monitoring at the entry point(s) to the distribution system as specified in subsection (c)(4) above. Such a supplier may collect two samples from each tap for applicable water quality parameters from the reduced number of sites indicated in the second column of Section 611.Table E during each subsequent six-month monitoring period.

2) Reduction in monitoring frequency.

A) Stages of reductions.

i) Annual monitoring. A supplier that maintains the range of values for the water quality parameters reflecting optimal corrosion control treatment specified pursuant to Section 611.352(f) during three consecutive years of monitoring may reduce the frequency with which it collects the number of tap samples for applicable water quality parameters specified in subsection (e)(1) above from every six months to annually.

ii) Triennial monitoring. A supplier that maintains the range of values for the water quality parameters reflecting optimal corrosion control treatment specified pursuant to Section 611.352(f) during three consecutive years of annual monitoring under subsection (e)(2)(A)(i) above may reduce the frequency with which it collects the number of tap samples for applicable water quality parameters specified in subsection (e)(1) above from annually to once every three years.

B) A supplier that conducts sampling annually or every three years shall collect these samples evenly throughout the calendar year so as to reflect seasonal variability.

C) Any supplier subject to a reduced monitoring frequency pursuant to this subsection that fails to operate within the range of values for the water quality parameters specified pursuant to Section 611.352(f) shall resume tap water sampling in accordance with the number and frequency

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requirements of subsection (d) above.

f) Additional monitoring by systems. The results of any monitoring conducted in addition to the minimum requirements of this section shall be considered by the supplier and the Agency in making any determinations (i.e., determining concentrations of water quality parameters) under this Section or Section 611.352.

BOARD NOTE: Derived from 40 CFR 141.87 (1995) ~~(1994)~~.

(Source: Amended at 20 Ill. Reg. 14493, effective OCT 22 1996)

SUBPART K: GENERAL MONITORING AND ANALYTICAL REQUIREMENTS

Section 611.510 Special Monitoring for Unregulated Contaminants

a) Monitoring for Phase I unregulated contaminants.

1) All CWS and NTNCWS suppliers shall begin monitoring for the contaminants listed in subsection (a)(5) no later than the following dates:

A) Less than 3300 persons served: January 1, 1991.

B) 3300 to 10,000 persons served: January 1, 1989.

C) More than 10,000 persons served: January 1, 1988.

2) SWS and mixed system suppliers shall sample at points in the distribution system representative of each water source or at entry points to the distribution system after any application of treatment. The minimum number of samples is one year of quarterly samples per water source.

3) GWS suppliers shall sample at points of entry to the distribution system representative of each well after any application of treatment. The minimum number of samples is one sample per entry point to the distribution system.

4) The Agency may issue a SEP pursuant to Section 610.110 to require a supplier to use a confirmation sample for results that it finds dubious for whatever reason. The Agency must state its reasons for issuing the SEP if the SEP is Agency-initiated.

5) List of Phase I unregulated chemical contaminants:

Bromobenzene
Bromodichloromethane
Bromoform
Bromomethane
Chlorobenzene
Chlorodibromomethane
Chloroethane
Chloroform
Cloromethane
o-Chlorotoluene
p-Chlorotoluene
Dibromomethane

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m-Dichlorobenzene
1,1-Dichloroethane
1,3-Dichloropropane
2,2-Dichloropropane
1,1-Dichloropropene
1,3-Dichloropropene
1,1,1,2-Tetrachloroethane
1,1,2,2-Tetrachloroethane
1,2,3-Trichloropropane

6) This subsection corresponds with 40 CFR 141.40(f), reserved by USEPA ~~U.S.-EPA.~~ This statement maintians structural consistency with USEPA ~~U.S.-EPA~~ rules.

7) Analyses performed pursuant to subsection (a) shall be conducted using the following USEPA ~~U.S.--EPA~~ Organic Methods: Methods 502.2 or 524.2 or their equivalent as approved by the Agency, except that analyses for bromodichloromethane, bromoform, chlorodibromomethane, and chloroform may also be performed using USEPA ~~U.S.-EPA~~ Organic Methods: Method 551, and analyses for 1,2,3-trichloropropane may also be performed using USEPA ~~U.S.-EPA~~ Organic Methods: Method 504.1, all of which are incorporated by reference in Section 611.102.

BOARD NOTE: Subsection (b) derived from 40 CFR 141.40(a) through (m) (1995) ~~(1994),~~ as amended ~~at 59 Fed. Reg. 62469 (Dec. 5, 1994)~~. The Board has adopted no counterpart to 40 CFR 141.40(h), which the Board has codified at subsection (c) below; 141.40(i), which pertains to the ability of suppliers to grandfather data up until a date long since expired; 141.41(j), an optional USEPA ~~U.S.---EPA~~ provision relating to monitoring 15 additional contaminants that USEPA ~~U.S.--EPA~~ does not require for state programs; 141.40(k), which pertains to notice to the Agency by smaller suppliers up until a date long since expired in lieu of sampling; 141.40(l), which the Board has adopted at subsection (d) below; and 141.40(m), an optional provision that pertains to composite sampling. Otherwise, the structure of this Section directly corresponds with 40 CFR 141.40(a) through (m) (1995). ~~(1994)~~

b) Monitoring for Phase V unregulated contaminants. Monitoring of the unregulated inorganic contaminants listed in subsection (b)(11) below and the unregulated inorganic contaminants listed in subsection (b)(12) below shall be conducted as follows:

1) Each CWS and NTNCWS supplier shall take four consecutive quarterly samples at each sampling point for each contaminant listed in subsection (b)(11) below and report the results to the Agency. Monitoring must be completed by December 31, 1995.

2) Each CWS and NTNCWS supplier shall take one sample at each sampling point for each contaminant listed in subsection (b)(12) below and report the results to the Agency. Monitoring must be completed by December 31, 1995.

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3) Each CWS and NTNCWS supplier may apply to the Agency for a SEP pursuant to Section 611.110 that releases it from any of the requirements of subsections (b)(1) and (b)(2) above.

4) The Agency shall grant a SEP pursuant to Section 611.110 as follows:

A) From any requirement of subsection (b)(1) above based on consideration of the factors set forth at Section 611.110(e), and

B) From any requirement of subsection (b)(2) above if previous analytical results indicate contamination would not occur, provided this data was collected after January 1, 1990.

5) A GWS supplier shall take a minimum of one sample at every entry point to the distribution system that is representative of each well after treatment ("sampling point").

6) A SWS or mixed system supplier shall take a minimum of one sample at points in the distribution system that are representative of each source or at each entry point to the system after treatment ("sampling point").

7) If the system draws water from more than one source and sources are combined before distribution, the supplier shall sample at an entry point during periods of normal operating conditions (when water representative of all sources is being used).

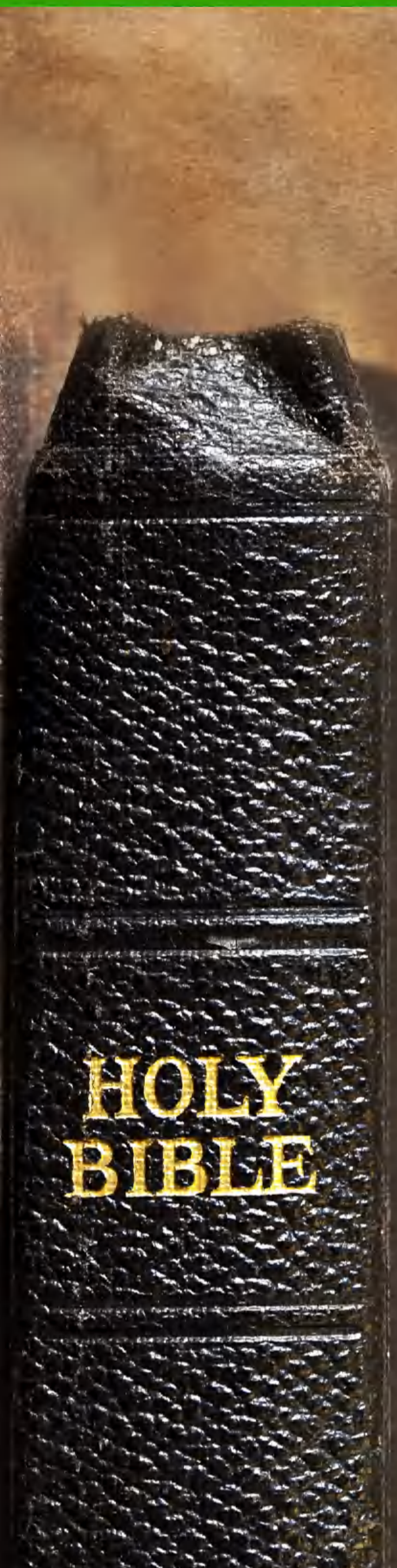
8) The Agency may issue a SEP pursuant to Section 610.110 to require a supplier to use a confirmation sample for results that it finds dubious for whatever reason. The Agency must state its reasons for issuing the SEP if the SEP is Agency-initiated.

9) Suppliers shall take samples at the same sampling point unless the Agency has granted a SEP allowing another sampling point because conditions make another sampling point more representative of the water from each source or treatment plant.

BOARD NOTE: Subsection (b)(9) above corresponds with duplicate segments of 40 CFR 141.40(n)(5) and (n)(6) (1995) ~~(1994)~~, which correspond with subsections (b)(5) and (b)(6) above. The Board has adopted no counterpart to 40 CFR 141.40(n)(9), an optional provision that pertains to composite sampling. Otherwise, the structure of this Section directly corresponds with 40 CFR 141.40(n) (1995) ~~(1994)~~.

10) Instead of performing the monitoring required by this subsection, a CWS and NTNCWS supplier serving fewer than 150 service connections may send a letter to the Agency stating that the PWS is available for sampling. This letter must be sent to the Agency by January 1, 1994. The supplier shall not send such samples to the Agency, unless requested to do so by the Agency.

11) List of Phase V unregulated organic contaminants with methods required for analysis (all methods are from USEPA ~~U.S.--EPA~~ Organic Methods unless otherwise noted; all are incorporated by reference in Section 611.102):



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rule, but did not include them for the purposes of the surface water treatment rule, under Section 611.531, for which quantitation of total coliforms is necessary. For these reasons, USEPA ~~U.S.~~-EPA included Standard Methods: Method 9221 C for the surface water treatment rule, but did not include it for the purposes of the total coliform rule, under this Section.

d) This subsection corresponds with 40 CFR 141.21(f)(4), which USEPA ~~U.S.~~ EPA has marked "reserved". This statement maintains structural consistency with the federal regulations.

e) Suppliers shall conduct fecal coliform analysis in accordance with the following procedure:

1) When the MTF Technique or P-A Coliform Test is used to test for total coliforms, shake the lactose-positive presumptive tube or P-A vigorously and transfer the growth with a sterile 3-mm loop or sterile applicator stick into brilliant green lactose bile broth and EC medium, defined below, to determine the presence of total and fecal coliforms, respectively.

2) For approved methods that use a membrane filter, transfer the total coliform-positive culture by one of the following methods: remove the membrane containing the total coliform colonies from the substrate with a sterile forceps and carefully curl and insert the membrane into a tube of EC medium. (The laboratory may first remove a small portion of selected colonies for verification); swab the entire membrane filter surface with a sterile cotton swab and transfer the inoculum to EC medium (do not leave the cotton swab in the EC medium); or inoculate individual total coliform-positive colonies into EC medium. Gently shake the inoculated tubes of EC medium to insure adequate mixing and incubate in a waterbath at 44.5 ±0.2° C for 24 ±2 hours. Gas production of any amount in the inner fermentation tube of the EC medium indicates a positive fecal coliform test.

3) EC medium is described in Standard Methods, 18th ed.: Metho 9221E.

4) Suppliers need only determine the presence or absence of fecal coliforms, a determination of fecal coliform density is not required.

f) Suppliers shall conduct analysis of E. coli in accordance with one of the following analytical methods:

1) EC medium supplemented with 50 ug/L of MUG (final concentration). Ec medium is as described in subsection (e). MUG may be added to EC medium before autoclaving. EC medium supplemented with 50 ug/L MUG is commercially available. At least 10 mL of EC medium supplemented with MUG must be used. The inner inverted fermentation tube may be omitted. The procedure for transferring a total coliform-positive culture to EC medium supplemented with MUG is as in subsection (e) for transferring a total coliform-positive culture to EC medium. Observe fluorescence with an ultraviolet light (366 nm) in the dark after incubating

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tube at 44.5 ±2° C for 24 ±2 hours; or

2) Nutrient agar supplemented with 100 ug/L MUG (final concentration). Nutrient agar ~~Agar~~ is described in Standard Methods, 18th ed.: Method 9221 B, at pages 9-47 to 9-48. This test is used to determine if a total coliform-positive sample, as determined by the MF technique or any other method in which a membrane filter is used, contains E. coli. Transfer the membrane filter containing a total coliform colony or colonies to nutrient agar supplemented with 100 ug/L MUG (final concentration). After incubating the agar plate at 35° Celsius for 4 hours, observe the colony or colonies under ultraviolet light (366 nm) in the dark for fluorescence. If fluorescence is visible, E. coli are present.

3) Minimal Medium ONPG-MUG (MMO-MUG) Test, as set forth in Section 611.Appendix D. (The Autoanalysis Colilert System is a MMO-MUG test.) If the MMO-MUG test is total coliform positive after a 24-hour incubation, test the medium for fluorescence with a 366-nm ultraviolet light (preferably with a 6-watt lamp) in the dark. If fluorescence is observed, the sample is E. coli-positive. If fluorescence is questionable (cannot be definitively read) after 24 hours incubation, incubate the culture for an additional four hours (but not to exceed 28 hours total), and again test the medium for fluorescence. The MMO-MUG test with hepes buffer is the only approved formulation for the detection of E. coli.

4) The Colisure Test, from Millipore Corporation, incorporated by reference in Section 611.102.

g) As an option to the method set forth in subsection (f)(3), a supplier with a total coliform-positive, MUG-negative, MMO-MUG test may further analyze the culture for the presence of E. coli by transferring a 0.1 mL, 28-hour MMO-MUG culture to EC medium + MUG with a pipet. The formulation and incubation conditions of the EC medium + MUG, and observation of the results are described in subsection (f)(1).

h) This subsection corresponds with 40 CFR 141.21(f)(8), a central listing of all documents incorporated by reference into the federal microbiological analytical methods. The corresponding Illinois incorporations by reference are located at Section 611.102. This statement maintains structural parity with U.S. EPA regulations.
BOARD NOTE: Derived from 40 CFR 141.21(f) (1995) ~~(1994),~~ ~~as amended at 59 Fed. Reg. 62466 (Dec. 5, 1994).~~

(Source: Amended at 20 Ill. Reg. 14493, effective OCT 22 1996)

Section 611.531 Analytical Requirements

The ~~Only~~ the analytical method(s) specified in this Section must ~~may~~ be used to demonstrate compliance with the requirements of only 611.Subpart B; they do not

apply to analyses performed for the purpose of Sections 611.521 through 611.527 of this Subpart. Measurements for pH, temperature, turbidity and RDCs must be conducted under the supervision of a certified operator. Measurements for total coliforms, fecal coliforms and HPC must be conducted by a laboratory certified by the Agency to do such analysis. The following procedures must be performed by the following methods, incorporated by reference in Section 611.102:

a) A supplier shall:

1) Conduct analysis of pH in accordance with one of the methods listed at Section 611.611; and

2) Conduct analyses of ~~to~~ total coliforms, fecal coliforms, heterotrophic bacteria, and turbidity~~, and temperature~~ in accordance with one of the following methods, and by using analytical test procedures contained in USEPA ~~U.S.--EPA~~ Technical Notes, incorporated by reference in Section 611.102:

A) Total Coliforms:

BOARD NOTE: The time from sample collection to initiation of analysis for source (raw) water samples required by Sections 611.521 and 611.532 and 611.Subpart B only must not exceed 8 hours. The supplier is encouraged but not required to hold samples below 10° C during transit.

i) Total coliform fermentation technique: Standard Methods, 18th ed.: Method 9221 A, B, and C.
BOARD NOTE: Lactose broth, as commercially available, may be used in lieu of lauryl tryptose broth if the supplier conducts at least 25 parallel tests between this medium and lauryl tryptose broth using the water normally tested and this comparison demonstrates that the false-positive rate and false-negative rate for total coliforms, using lactose broth, is less than 10 percent. If inverted tubes are used to detect gas production, the media should cover these tubes at least one-half to two-thirds after the sample is added. No requirement exists to run the completed phase on 10 percent of all total coliform-positive confirmed tubes.

ii) Total coliform membrane filter technique: Standard Methods, 18th ed.: Method 9222 A, B, and C.

iii) ONPG-MUG test (also known as the autoanalysis colilert system): Standard Methods, 18th ed.: Method 9223.
BOARD NOTE: USEPA ~~U.S.--EPA~~ included the P-A Coliform and Colisure Tests for testing finished water under the coliform rule, under Section 611.526, but did not include them for the purposes of the surface water treatment rule, under this Section, for which quantitation of total coliforms is necessary. For these reasons, USEPA ~~U.S.--EPA~~ included Standard Methods: Method 9221 C for the surface water treatment rule, but did not include it for the purposes of the total coliform rule, under Section 611.526.

B) Fecal Coliforms:

BOARD NOTE: The time from sample collection to initiation of analysis for source (raw) water samples required by Sections 611.521 and 611.532 and 611.Subpart B only must not exceed 8 hours. The supplier is encouraged but not required to hold samples below 10° C during transit.

i) Fecal coliform MPN procedure: Standard Methods, 18th ed.: Method 9221 E.
BOARD NOTE: A-1 broth may be held up to three months in a tightly closed screwcap tube at 4° C (39° F).

ii) Fecal Coliforms Membrane Filter Procedure: Standard Methods, 18th ed: Method 9222D.

C) Heterotrophic bacteria: Pour plate method: Standard Methods, 18th ed.: Method 9215B.
BOARD NOTE: The time from sample collection to initiation of analysis must not exceed 8 hours. The supplier is encouraged but not required to hold samples below 10° C during transit.

D) Turbidity:

i) Nephelometric method: Standard Methods, 18th ed.: Method 2130B.

ii) Nephelometric method: USEPA ~~U.S.--EPA~~ Environmental Inorganic Methods: Method 180.1

iii) GLI Method 2.

E) Temperature: Standard Methods, 18th ed.: Method 2550.

b) A supplier shall measure residual disinfectant concentrations with one of the following analytical methods from Standard Methods, 18th ed., and by using analytical test procedures contained in USEPA ~~U.S.--EPA~~ Technical Notes, incorporated by reference in Section 611.102:

1) Free chlorine:
A) Amperometric Titration: Method 4500-Cl D.
B) DPD Ferrous Titrimetric: Method 4500-Cl F.
C) DPD Colimetric: Method 4500-Cl G.
D) Syringaldazine (FACTS): Method 4500-Cl H.

2) Total chlorine:
A) Amperometric Titration: Method 4500-Cl D.
B) Amperometric Titration (low level measurement): Method 4500-Cl-E.
C) DPD Ferrous Titrimetric: Method 4500-Cl F.
D) DPD Colimetric: Method 4500-Cl G.
E) Iodometric Electrode: Method 4500-Cl I.

3) Chlorine dioxide:
A) Amperometric Titration: Method 4500-ClO[2] C or E.
B) DPD Method: Method 4500-ClO[2] D.

4) Ozone: Indigo Method: Method 4500-O[3] B.

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5) Alternative test methods: The Agency may grant a SEP pursuant to Section 611.110 that allows a supplier to use alternative chlorine test methods as follows:
   A) DPD colorimetric test kits: Residual disinfectant concentrations for free chlorine and combined chlorine may also be measured by using DPD colorimetric test kits.
   B) Continuous monitoring for free and total chlorine: Free and total chlorine residuals may be measured continuously by adapting a specified chlorine residual method for use with a continuous monitoring instrument, provided the chemistry, accuracy, and precision remain the same. Instruments used for continuous monitoring must be calibrated with a grab sample measurement at least every five days or as otherwise provided by the Agency.

BOARD NOTE: Suppliers may use a five-tube test or a ten-tube test.
BOARD NOTE: Derived from 40 CFR 141.74(a) (1995) ~~(1994)~~ ~~as amended at 59 Fed. Reg. 62470 (Dec. 5, 1994)~~.

(Source: Amended at 20 Ill. Reg. 14493, effective OCT 22 1996)

SUBPART N: INORGANIC MONITORING AND ANALYTICAL REQUIREMENTS

Section 611.591 Violation of State MCL

This Section applies to old MCLs that are marked as "additional State requirements" at Section 611.300, and for which no specific monitoring, reporting or public notice requirements are specified below. If the result ~~results~~ of analysis pursuant to this Part indicates that the level of any contaminant exceeds the old MCL, the CWS supplier shall:

a) Report to the Agency within seven days, and initiate three additional analyses at the same sampling point within one month;
b) Notify the Agency and give public notice as specified in Subpart T, when the average of four analyses, rounded to the same number of significant figures as the old MCL for the contaminant in question, exceeds the old MCL; and,
c) Monitor, after public notification, at a frequency designated by the Agency, and continue monitoring until the old MCL has not been exceeded in two consecutive samples, or until a monitoring schedule as a condition of a variance or enforcement action becomes effective.
   BOARD NOTE: This is an additional State requirement.

(Source: Amended at 20 Ill. Reg. 14493, effective OCT 22 1996)

Section 611.600 Applicability

The following types of suppliers shall conduct monitoring to determine

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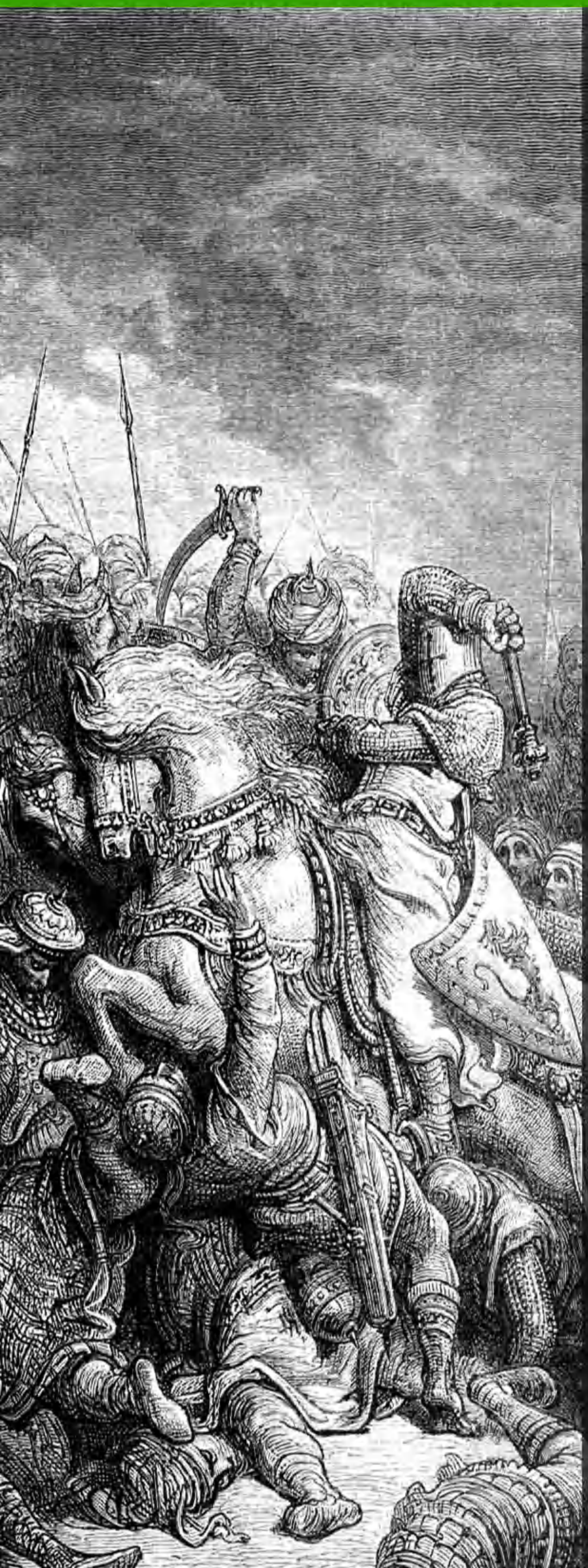
compliance with the old MCLs in Section 611.300 and the revised MCLs in 611.301, as appropriate, in accordance with this Subpart:

a) CWS suppliers.
b) NTNCWS suppliers.
c) Transient non-CWS suppliers to determine compliance with the nitrate and nitrite MCLs.
   BOARD NOTE: Derived from 40 CFR 141.23 (preamble) (1995 ~~1994~~).
d) Detection limits. The following are detection limits for purposes of this Subpart:

Contaminant	MCL (mg/L, except asbestos)	Method	Detection Limit (mg/L)
Antimony	0.006	Atomic absorption-furnace technique	0.003
		Atomic absorption-furnace technique (stabilized temperature)	0.0008
		Inductively-coupled plasma-mass spectrometry	0.0004
		Atomic absorption-gaseous hydride technique	0.001
Asbestos	7 MFL	Transmission electron microscopy	0.01 MFL
Barium	2	Atomic absorption-furnace technique	0.002
		Atomic Absorption-direct aspiration technique	0.1
		Inductively-coupled plasma arc furnace	0.002
		Inductively-coupled plasma	0.001
Beryllium	0.004	Atomic absorption-furnance technique	0.0002
		Atomic absorption-furnace technique (stablized temperature)	0.00002



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1) Each supplier shall take a minimum of one sample at each sampling point at the times required by Section 611.610 beginning in the initial compliance period.
2) Each sampling point must produce samples that are representative of the water from each source after treatment or from each treatment plant, as required by subsection (b) below. The total number of sampling points must be representative of the water delivered to users throughout the PWS.
3) The supplier shall take each sample at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant and the Agency has granted a SEP pursuant to subsection (b)(5) below.

b) Sampling points.
1) Sampling point for GWSs. Unless otherwise provided by SEP, a GWS supplier shall take at least one sample from each of the following points: each entry point that is representative of each well after treatment.
2) Sampling points for SWSs and mixed systems. Unless otherwise provided by SEP, a SWS or mixed system supplier shall take at least one sample from each of the following points:
A) Each entry point after the application of treatment; or
B) A point in the distribution system that is representative of each source after treatment.
3) If a system draws water from more than one source, and the sources are combined before distribution, the supplier shall sample at an entry point during periods of normal operating conditions when water is representative of all sources being used.
4) Additional sampling points. The Agency shall, by SEP, designate additional sampling points in the distribution system or at the consumer's tap if it determines that such samples are necessary to more accurately determine consumer exposure.
5) Alternative sampling points. The Agency shall, by SEP, approve alternate sampling points if the supplier demonstrates that the points are more representative than the generally required point.

c) This subsection corresponds with 40 CFR 141.23(a)(4), an optional USEPA ~~U.S.--EPA~~ provision relating to compositing of samples that USEPA ~~U.S.--EPA~~ does not require for state programs. This statement maintains structural consistency with USEPA ~~U.S.-EPA~~ rules.

d) The frequency of monitoring for the following contaminants must be in accordance with the following Sections:
1) Asbestos: Section 611.602;
2) Antimony, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, selenium, and thallium: Section 611.603;
3) Nitrate: Section 611.604; and
4) Nitrite: Section 611.605.

BOARD NOTE: Derived from 40 CFR 141.23(a) and (c) (1995) ~~(1994)~~.

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(Source: Amended at 20 Ill. Reg. 14493, effective ~~OCT 22 1996~~)

Section 611.606 Confirmation Samples

a) Where the results of sampling for antimony, asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, selenium, or thallium indicate a level in excess of the MCL, the supplier shall collect one additional sample as soon as possible after the supplier receives notification of the analytical result (but no later than two weeks after the initial sample was taken) at the same sampling point.
b) Where nitrate or nitrite sampling results indicate a level in excess of the MCL, the supplier shall take a confirmation sample within 24 hours after the supplier's receipt of notification of the analytical results of the first sample.
1) Suppliers unable to comply with the 24-hour sampling requirement must, based on the initial sample, notify the persons served in accordance with Section 611.851.
2) Suppliers exercising this option must take and analyze a confirmation sample within two weeks of notification of the analytical results of the first sample.
c) Averaging rules are specified in Section 611.609. The Agency shall delete the original or confirmation sample if it determines that a sampling error occurred, in which case the confirmation sample will replace the original sample.

BOARD NOTE: Derived from 40 CFR 141.23(f) (1995) ~~(1994)~~.

(Source: Amended at 20 Ill. Reg. 14493, effective ~~OCT 22 1996~~)

Section 611.611 Inorganic Analysis

Analytical methods are from documents incorporated by reference in Section 611.102. These are mostly referenced by a short name defined by Section 611.102(a). Other abbreviations are defined in Section 611.101.

a) Analysis for the following contaminants must be conducted using the following methods or an alternative approved pursuant to Section 611.480. Criteria for analyzing arsenic, chromium, copper, lead, nickel, selenium, sodium, and thallium with digestion or directly without digestion, and other analytical procedures, are contained in USEPA ~~U.S.--EPA~~ Technical Notes, incorporated by reference in Section 611.102. (This document also contains approved analytical test methods that remain available for compliance monitoring until July 1, 1996. These methods will not be available for use after July 1, 1996.)
1) Antimony:
A) Inductively-coupled plasma-mass spectrometry: USEPA ~~U.S.~~

~~EPA~~ Environmental Metals Methods: Method 200.8.

B) Atomic absorption, hydride technique: ASTM Method D3697-92.

C) Atomic absorption, platform furnace technique: USEPA ~~U.S.~~ ~~EPA~~ Environmental Metals Methods: Method 200.9.

D) Atomic absorption, furnace technique: Standard Methods, 18th ed.: Method 3113 B.

2) Arsenic:

A) Inductively-coupled Plasma:

i) USEPA ~~U.S.--EPA~~ Environmental Metals Methods: Method 200.7, or

ii) Standard Methods (18th ed.): Method 3113 B.

B) Inductively-coupled plasma-mass spectrometry: USEPA ~~U.S.~~ ~~EPA~~ Environmental Metals Methods: Method 200.8.

C) Atomic absorption, platform furnace technique: USEPA ~~U.S.~~ ~~EPA~~ Environmental Metals Methods: Method 200.9.

D) Atomic Absorption, furnace technique:

i) ASTM Method D2972-93 C, or

ii) Standard Methods, 18th ed.: Method 3113 B.

E) Atomic absorption, hydride technique:

i) ASTM Method D2972-93 B, or

ii) Standard Methods, 18th ed.: Method 3114 B.

3) Asbestos: Transmission electron microscopy: USEPA ~~U.S.--EPA~~ Asbestos Methods-100.1 and USEPA ~~U.S.--EPA~~ Asbestos Methods-100.2.

4) Barium:

A) Inductively-coupled plasma:

i) USEPA ~~U.S.--EPA~~ Environmental Metals Methods: Method 200.7, or

ii) Standard Methods, 18th ed.: Method 3120 B.

B) Inductively-coupled plasma-mass spectrometry: USEPA ~~U.S.~~ ~~EPA~~ Environmental Metals Methods: Method 200.8.

C) Atomic absorption, direct aspiration technique: Standard Methods, 18th ed.: Method 3111 D.

D) Atomic absorption, furnace technique: Standard Methods, 18th ed.: Method 3113 B.

5) Beryllium:

A) Inductively-coupled plasma:

i) USEPA ~~U.S.--EPA~~ Environmental Metals Methods: Method 200.7, or

ii) Standard Methods, 18th ed.: Method 3120 B.

B) Inductively-coupled plasma-mass spectrometry: USEPA ~~U.S.~~ ~~EPA~~ Environmental Metals Methods: Method 200.8.

C) Atomic absorption, platform furnace technique: USEPA ~~U.S.~~ ~~EPA~~ Environmental Metals Methods: Method 200.9.

D) Atomic absorption, furnace technique:

i) ASTM Method D 3645-93 B, or

ii) Standard Methods, 18th ed.: Method 3113 B.

6) Cadmium:

A) Inductively-coupled plasma arc furnace: USEPA ~~U.S.--EPA~~

Environmental Metals Methods: Method 200.7.

B) Inductively-coupled plasma-mass spectrometry: USEPA ~~U.S.~~ ~~EPA~~ Environmental Metals Methods: Method 200.8.

C) Atomic absorption, platform furnace technique: USEPA ~~U.S.~~ ~~EPA~~ Environmental Metals Methods: Method 200.9.

D) Atomic absorption, furnace technique: Standard Methods, 18th ed.: Method 3113 B.

7) Chromium:

A) Inductively-coupled plasma arc furnace:

i) USEPA ~~U.S.--EPA~~ Environmental Metals Methods: Method 200.7, or

ii) Standard Methods, 18th ed.: Method 3120 B.

B) Inductively-coupled plasma-mass spectrometry: USEPA ~~U.S.~~ ~~EPA~~ Environmental Metals Methods: Method 200.8.

C) Atomic absorption, platform furnace technique: USEPA ~~U.S.~~ ~~EPA~~ Environmental Metals Methods: Method 200.9.

D) Atomic absorption, furnace technique: Standard Methods, 18th ed.: Method 3113 B.

8) Cyanide:

A) Manual distillation (Standard Methods 18th ed.: Method 4500-CN(-) C), followed by spectrophotometric, amenable:

i) ASTM Method D203691 B,

ii) Standard Methods, 18th ed.: Method 4500-CNG.

B) Manual distillation (Standard Methods 18th ed.: Method 4500-CN(-) C), followed by spectrophotometric, manual:

ASTM Method D2036-91A,

ii) Standard Methods, 18th ed.: Method 4500-CN(-) E, or

iii) USGS Methods: Method I-3300-85.

C) Manual distillation (Standard Methods, 18th ed.: Method 4500-CN C), followed by semiautomated spectrophotometric: USEPA ~~U.S.--EPA~~ Environmental Inorganic Methods: Method 335.4.

D) Selective electrode: Standard Methods, 18th ed.: Method 4500-CN(-) F.

9) Fluoride:

A) Ion Chromatography:

i) USEPA ~~U.S.--EPA~~ Environmental Inorganic Methods: Method 300.0,

ii) ASTM Method D4327-91, or

iii) Standard Methods, 18th ed.: Method 4110 B.

B) Manual distillation, colorimetric SPADNS: Standard Methods, 18th ed.: Method 4500-F(-) B and D.

C) Manual electrode:

1) ASTM Method D1179-93B, or

ii) Standard Methods, 18th ed.: Method 4500-F(-) C.

D) Automated electrode: Technicon Methods: Method 380-75WE.

E) Automated alizarin:

i) Standard Methods, 18th ed.: Method 4500-F(-) E, or

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ii) Technicon Methods: Method 129-71W.

10) Mercury:
A) Manual cold vapor technique:
i) USEPA ~~U.S.--EPA~~ Environmental Metals Methods: Method 245.1,
ii) ASTM Method D3223-91, or
iii) Standard Methods, 18th ed.: Method 3112 B.
B) Automated cold vapor technique: USEPA ~~U.S.--~~EPA Inorganic Methods: Method 245.2.
C) Inductively-coupled plasma-mass spectrometry: USEPA ~~U.S.~~ EPA Environmental Metals Methods: Method 200.8.

11) Nickel:
A) Inductively-coupled plasma:
i) USEPA ~~U.S.-EPA~~ Environmental Metals Methods: Method 200.7, or
ii) Standard Methods, 18th ed.: Method 3120 B.
B) Inductively-coupled plasma-mass spectrometry: USEPA ~~U.S.~~ EPA Environmental Metals Methods: Method 200.8.
C) Atomic absorption, platform furnace technique: USEPA ~~U.S.~~ ~~EPA~~ Environmental Metals Methods: Method 200.9;
D) Atomic absorption, direct aspiration technique: Standard Methods, 18th ed.: Method 3111 B;
E) Atomic absorption, furnace technique: Standard Methods, 18th ed.: Method 3113 B;

12) Nitrate:
A) Ion chromatography:
i) USEPA ~~U.S.~~-EPA Environmental Inorganic Methods: Method 300.0,
ii) ASTM Method D4327-91,
iii) Standard Methods, 18th ed.: Method 4110B, or
iv) Waters Test Method B-1011, available from Millipore Corporation.
B) Automated cadmium reduction:
i) USEPA U.S. EPA Environmental Inorganic Methods: Method 353.2,
ii) ASTM Method D3867-90 A, or
iii) Standard Methods, 18th ed.: Method 4500-NO[3](-) F.
C) Ion selective electrode:
i) Standard Methods, 18th ed.: Method 4500-NO[3](-) D, or
ii) Technical Bulletin 601.
D) Manual cadmium reduction:
i) ASTM Method D3867-90 B, or
ii) Standard Methods, 18th ed.: Method 45-NO[3](-) E.

13) Nitrite:
A) Ion chromatography:
i) USEPA ~~U.S.-EPA~~ Environmental Inorganic Methods: Method 300.0,

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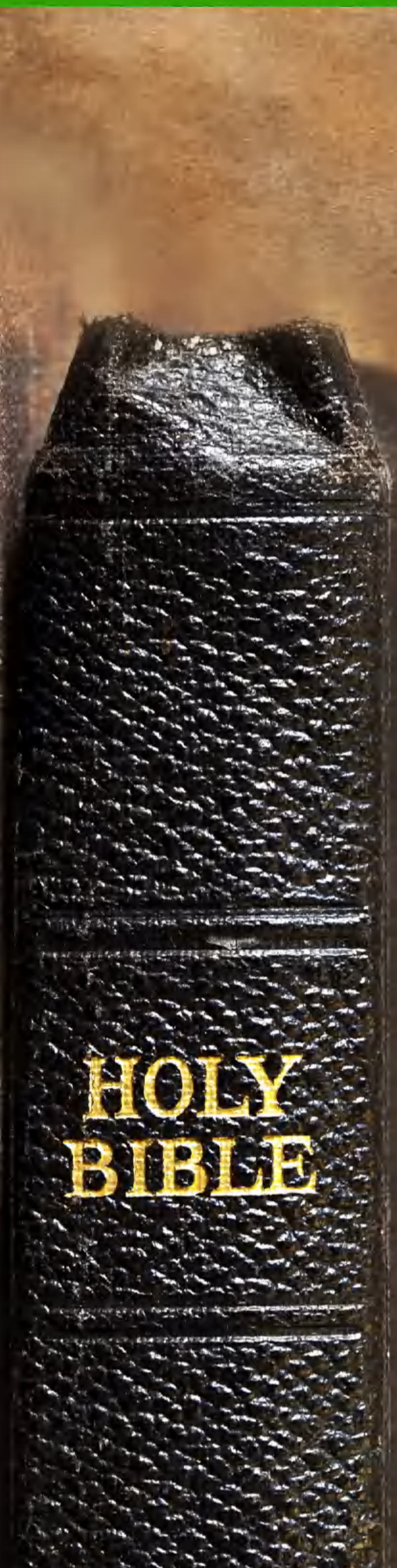
ii) ASTM Method D4327-91,
iii) Standard Methods, 18th ed.: Method 4110 B, or
iv) Waters Test Method Method B-1011, available from Millipore Corporation.
B) Automated cadmium reduction:
i) USEPA ~~U.S.-EPA~~ Environmental Inorganic Methods: Method 353.2,
ii) ASTM Method D3867-90 A, or
iii) Standard Methods, 18th ed.: Method 4500-NO[3](-) F.
C) Manual cadmium reduction:
i) ASTM Method D3867-90 B, or
ii) Standard Methods, 18th ed.: Method 4500-NO[3](-) E.
D) Spectrophotometric: Standard Methods, 18th ed.: Method 4500-NO[2](-) B.

14) Selenium:
A) Atomic absorption, hydride:
i) ASTM Method D385993 A, or
ii) Standard Methods, 18th ed.: Method 3114 B.
B) Inductively-coupled plasma-mass spectrometry: USEPA ~~U.S.~~ EPA Environmental Metals Methods: Method 200.8.
C) Atomic absorption, platform furnace technique: USEPA ~~U.S.~~ ~~EPA~~ Environmental Metals Methods: Method 200.9.
D) Atomic absorption, furnace technique:
i) ASTM Method D3859-93 B, or
ii) Standard Methods, 18th ed.: Method 3113 B.

15) Thallium:
A) Inductively-coupled plasma-mass spectrometry: USEPA ~~U.S.~~ EPA Environmental Metals Methods: Method 200.8.
B) Atomic absorption, platform furnace technique: USEPA ~~U.S.~~ ~~EPA~~ Environmental Metals Methods: Method 200.9.

16) Lead:
A) Atomic absorption, furnace technique:
i) ASTM Method D3559-90 D, or
ii) Standard Methods, 18th ed.: Method 3113 B.
B) Inductively-coupled plasma-mass spectrometry: USEPA ~~U.S.~~ EPA Environmental Metals Methods: Method 200.8.
C) Atomic absorption, platform furnace technique: USEPA ~~U.S.~~ EPA Environmental Metals Methods: Method 200.9.

17) Copper:
A) Atomic absorption, furnace technique:
i) ASTM Method D1688-90 C, or
ii) Standard Methods, 18th ed.: Method 3113 B.
B) Atomic absorption, direct aspiration:
i) ASTM Method D1688-90 A, or
ii) Standard Methods, 18th ed.: Method 3111 B.
C) Inductively-coupled plasma:
i) USEPA U.S. EPA Environmental Metals Methods: Method 200.7, or



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restrictions, the sample may initially be preserved by icing and immediately shipping it to the laboratory. Upon receipt in the laboratory, the sample must be acidified with concentrated nitric acid to pH less than 2. At the time of sample analysis, the sample container must be thoroughly rinsed with 1:1 nitric acid; washings must be added to the sample.

B) Plastic or glass (hard or soft).

C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 6 months.

4) Beryllium:

A) Preservative: Concentrated nitric acid to pH less than 2. If nitric acid cannot be used because of shipping restrictions, the sample may initially be preserved by icing and immediately shipping it to the laboratory. Upon receipt in the laboratory, the sample must be acidified with concentrated nitric acid to pH less than 2. At the time of sample analysis, the sample container must be thoroughly rinsed with 1:1 nitric acid; washings must be added to the sample.

B) Plastic or glass (hard or soft).

C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 6 months.

5) Cadmium:

A) Preservative: Concentrated nitric acid to pH less than 2. If nitric acid cannot be used because of shipping restrictions, the sample may initially be preserved by icing and immediately shipping it to the laboratory. Upon receipt in the laboratory, the sample must be acidified with concentrated nitric acid to pH less than 2. At the time of sample analysis, the sample container must be thoroughly rinsed with 1:1 nitric acid; washings must be added to the sample.

B) Plastic or glass (hard or soft).

C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 6 months.

6) Chromium:

A) Preservative: Concentrated nitric acid to pH less than 2. If nitric acid cannot be used because of shipping restrictions, the samples may initially be preserved by icing and immediately shipping it to the laboratory. Upon receipt in the laboratory, the sample must be acidified with concentrated nitric acid to pH less than 2. At the time of sample analysis, the sample container must be thoroughly rinsed with 1:1 nitric acid; washings must be added to the sample.

B) Plastic or glass (hard or soft).

C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 6 months.

7) Cyanide:

A) Preservative: Cool to 4°C. Add sodium hydroxide to pH > 12. See the analytical methods for information on sample preservation.

B) Plastic or glass (hard or soft).

C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 14 days.

8) Fluoride:

A) Preservative: None.

B) Plastic or glass (hard or soft).

C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 1 month.

9) Mercury:

A) Preservative: Concentrated nitric acid to pH less than 2. If nitric acid cannot be used because of shipping restrictions, the sample may initially be preserved by icing and immediately shipping it to the laboratory. Upon receipt in the laboratory, the sample must be acidified with concentrated nitric acid to pH less than 2. At the time of sample analysis, the sample container must be thoroughly rinsed with 1:1 nitric acid; washings must be added to the sample.

B) Plastic or glass (hard or soft).

C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 28 days.

10) Nickel:

A) Preservative: Concentrated nitric acid to pH less than 2. If nitric acid cannot be used because of shipping restrictions, the sample may initially be preserved by icing and immediately shipping it to the laboratory. Upon receipt in the laboratory, the sample must be acidified with concentrated nitric acid to pH less than 2. At the time of sample analysis, the sample container must be thoroughly rinsed with 1:1 nitric acid; washings must be added to the sample.

B) Plastic or glass (hard or soft).

C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 6 months.

11) Nitrate, chlorinated:

A) Preservative: Cool to 4° C.

B) Plastic or glass (hard or soft).

C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 28 days.

12) Nitrate, non-chlorinated:

A) Preservative: Concentrated sulfuric acid to pH less than 2.

B) Plastic or glass (hard or soft).

C) Holding time: Samples must be analyzed as soon after

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collection as possible, but in any event within 14 days.

13) Nitrite:
A) Preservative: Cool to 4° C.
B) Plastic or glass (hard or soft).
C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 48 hours.

14) Selenium:
A) Preservative: Concentrated nitric aoid to pH less than 2. ~~If--nitric--acid--cannot--be--used---because---of---shipping restrictions,-the-sample-may-initially-be-preserved-by-icing and-immediately-shipping-it-to-the-laboratory.--Upon-receipt in--the--laboratory,--the--sample--must--be--acidified--with concentrated--nitric-acid-to-pH-less-than-2.--At-the-time-of sample-analysis,-the-sample--container--must--be--thoroughly rinsed--with--1:1-nitric-acid;-washings-must-be-added-to-the sample.~~
B) Plastic or glass (hard or soft).
C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 6 months.

15) Thallium:
A) Preservative: Concentrated nitric acid to pH less than 2. ~~If---nitric---acid---cannot--be--used--because--of--shipping restrictions,-the-sample-may-initially-be-preserved-by-icing and-immediately-shipping-it-to-the-laboratory.--Upon-receipt in--the--laboratory,--the--sample--must--be--acidified--with concentrated-nitric-acid-to-pH-less-than-2.--At-the-time--of sample--analysis,--the--sample--container-must-be-thoroughly rinsed-with-1:1-nitric-acid;-washings-must-be-added--to--the sample.~~
B) Plastic or glass (hard or soft).
C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 6 months.

c) Analyses under this Subpart must be conducted by laboratories that received approval from USEPA ~~U.S.--EPA~~ or the Agency. Laboratories may conduct sample analyses for antimony, beryllium, cyanide, nickel, and thallium under provisional certification granted by the Agency until January 1, 1996. The Agency shall certify laboratories to conduct analyses for antimony, asbestos, barium, ceryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, nitrate, nitrite, selenium, and thallium if the laboratory:
1) Analyzes performance evaluation samples, provided by the Agency pursuant to 35 Ill. Adm. Code 183.125(c), that include those substances at levels not in excess of levels expected in drinking water; and
2) Achieves quantitative results on the analyses within the following acceptance limits:
A) Antimony: ± 30% at greater than or equal to 0.006 mg/L. ~~BOARD--NOTE:--40--CFR--141.23(k)(3)--(1994),--as-renumbered,~~

~~actually-lists-"6#30"-as-the-acceptance-limit-for--antimony. The--Board-corrected-this-to-"± 30%"-based-on-the-discussion at-57-Fed.-Reg.-31801.~~
B) Asbestos: 2 standard deviations based on study statistics.
C) Barium: ± 15% at greater than or equal to 0.15 mg/L.
D) Beryllium: ± 15% at greater than or equal to 0.001 mg/L.
E) Cadmium: ± 20% at greater than or equal to 0.002 mg/L.
F) Chromium: ± 15% at greater than or equal to 0.01 mg/L.
G) Cyanide: ± 25% at greater than or equal to 0.1 mg/L~~.~~.
H) Fluoride: ± 10% at 1 to 10 mg/L.
I) Mercury: ± 30% at greater than or equal to 0.0005 mg/L.
J) Nickel: ± 15% at greater than or equal to 0.01 mg/L.
K) Nitrate: ± 10% at greater than or equal to 0.4 mg/L.
L) Nitrite: ± 15% at greater than or equal to 0.4 mg/L.
M) Selenium: ± 20% at greater than or equal to 0.01 mg/L.
N) Thallium: ± 30% at greater than or equal to 0.002 mg/L.

BOARD NOTE: Subsection (e) is derived from the table to 40 CFR 141.23(k)(2) (1995) ~~(1994),--as-renumbered-at-59-Fed. Reg.-62466-(Dec.-5,-1994)~~ and the discussion at 57 Fed. Reg. 31809 July 17, 1992). Section 611.609 is derived from 40 CFR 141.23(k) (1995) ~~(1994),-as-amended-at-59--Fed.--Reg.-62466-(Dec.-5,-1994)~~.

(Source: Amended at 20 Ill. Reg. 14493, effective ~~OCT 2 2 1996~~)

Section 611.630 Special Monitoring for Sodium

a) CWS suppliers shall collect and analyze one sample per plant at the entry point of the distribution system for the determination of sodium concentration levels; samples must be collected and analyzed annually for CESs utilizing surface water sources in whole or in part, and at least every three years for CESs utilizing solely groundwater sources. The minimum number of samples required to be taken by the supplier is based on the number of treatment plants used by the supplier, except that multiple wells drawing raw water from a single aquifier may, with the Agency approval, be considered one treatment plant for determining the minimum number of samples. The Agency shall require the supplier to collect and analyze water samples for sodium more frequently in locations where the sodium content is variable.
b) The CWS supplier shall report to the Agency the results of the analyses for sodium within the first 10 days of the month following the month in which the sample results were received or within the first 10 days following the end of the required monitoring period as specified by SEP, whichever of these if first. If more than annual sampling is required, the supplier shall report the average sodium concentration within 10 days of the month following the month in which the analytical results of the last sample used for the annual average

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was received.

c) The CWS supplier shall notify the Agency and appropriate local public health officials of the sodium levels by written notice by direct mail within three months. A copy of each notice required to be provided by this subsection must be sent to the Agency within 10 days of its issuance.

d) Analyses for sodium must beconducted as directed in Section 611.611(a).

BOARD NOTE: Derived from 40 CFR 141.42 (1994), as amended at 59 Fed. Reg. 62470 (Dec. 5, 1994).

(Source: Amended at 20 Ill. Reg. 14493, effective OCT 22 1996)

SUBPART O: ORGANIC MONITORING AND ANALYTICAL REQUIREMENTS

Section 611.641 Old MCLs

a) An analysis of substances for the purpose of determining compliance with the old MCLs of Section 611.310 must be made as follows:

1) The Agency shall, by SEP, require CWS suppliers utilizing surface water sources to collect samples during the period of the year when contamination by pesticides is most likely to occur. The Agency shall require the supplier to repeat these analyses at least annually.

2) The Agency shall, by SEP, require CWS suppliers utilizing only groundwater sources to collect samples at least once every three years.

b) If the result of an analysis made pursuant to subsection (a) indicates that the level of any contaminant exceeds its old MCL, the CWS supplier shall report to the Agency within 7 days and initiate three additional analyses within one month.

c) When the average of four analyses made pursuant to subsection (a), rounded to the same number of significant figures as the MCL for the substance in question, exceeds the old MCL, the CWS supplier shall report to the Agency and give notice to the public pursuant to Subpart T. Monitoring after public notification must be at a frequency designated by the Agency and must continue until the MCL has not been exceeded in two successive samples or until a monitoring schedule as a condition to a variance, adjusted standard or enforcement action becomes effective.

d) Analysis made to determine compliance with the old MCLs of Section 611.310 must be made in accordance with the appropriate methods specified in Section 611.645 ~~611.648(1)~~.

BOARD NOTE: This provision now applies only to state-only MCLs. It was formerlyderived from 40 CFR 141.24(a) through (e), which USEPA ~~U.S.-EPA~~ removed and reserved at 59 Fed. Reg. 34323 (July 1, 1994).

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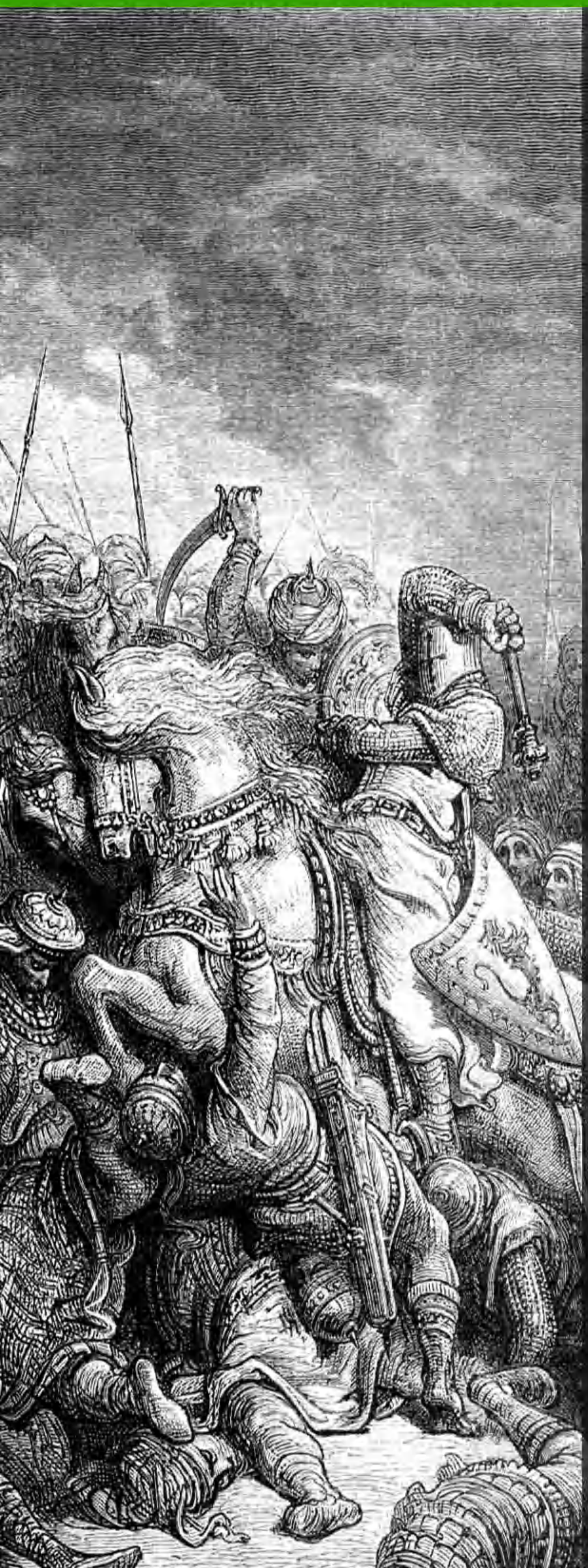
(Source: Amended at 20 Ill. Reg. ~~14493~~, effective OCT 22 1996)

Section 611.645 Analytical Methods for Organic Chemical Contaminants

Analysis for the Section 611.311(a) VOCs under Section 611.646; the Section 611.311(c) SOCs under Section 611.648; and the Section 611.310 oldorganic MCLs under Section 611.641; and for THMs, TTHMs, and TTHM potential shall be conducted using the methods listed in this Section or by equivalent methods as approved by the Agency pursuant to Section 611.480. All methods are from U.S. EPA Organic Methods unless otherwise indicated.

Volatile Organic Chemical Contaminants (VOCs):

Contaminent	Analytical Methods
Benzene	502.2, 524.2
Carbon tetrachloride	502.2, 524.2, 551
Chlorobenzene	502.2, 524.2
1,2-Dichlorobenzene	502.2, 524.2
1,4-Dichlorobenzene	502.2, 524.2
1,2-Dichloroethane	502.2, 524.2
cis-Dichloroethylene	502.2, 524.2
trans-Dichloroethylene	502.2, 524.2
Dichloromethane	502.2, 524.2
1,2-Dichloropropane	502.2, 524.2
Ethylbenzene	502.2, 524.2
Styrene	502.2, 524.2
Tetrachloroethylene	502.2, 524.2, 551
1,1,1-Trichloroethane	502.2, 524.2, 551
Trichloroethylene	502.2, 524.2, 551
Toluene	502.2, 524.2



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Toxaphene	505, 508, 525.2

Total Trihalomethanes (TTHMs):

Contaminant	Analytical Methods
Total Trihalomethanes (TTHMs)~~.~~ Trihalomethanes (THMs), and Maximum Total Trihalomethane Potential	502.2, 524.2, 551

State-Only MCLs (for which a method is not listed above):

Contaminant	Analytical Methods
Aldrin	505, 508, 508.1, 525.2
DDT	505, 508
Dieldrin	505, 508, 508.1, 525.2

* denotes that for the particular contaminant, a nitrogen-phosphorus detector should be substituted for the electron capture detector in method 505 (or another approved method should be used) to determine alachlor ~~alaclor~~, atrazine, and simazine if lower detection limits are required.

BOARD NOTE: Derived from 40 CFR 141.24 (1995) ~~(1994)~~ ~~as~~ added ~~at 59 Fed. Reg. 62469 (Dec. 5, 1994)~~.

(Source: Amended at 20 Ill. Reg. 14493, effective OCT 22 1996)

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

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

a) Definitions. As used in this Section:

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

"Detection limit" means 0.0005 mg/L.
BOARD NOTE: Derived from 40 CFR 141.24(f)(7), (f)(11), (f)(14)(i), and (f)(20) (1994). This is a "trigger level" for Phase I, Phase II, and Phase V VOCs inasmuch as it prompts

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further action. The use of the term "detect" in this section is not intended to include any analytical capability of quantifying lower levels of any contaminant, or the "method detection limit". Note, however that certain language at the end of federal paragraph (f)(20) is capable of meaning that the "method detection limit" is used to derive the "detection limit". The Board has chosen to disregard that language at the end of paragraph (f)(20) in favor of the more direct language of paragraphs (f)(7) and (f)(11).

"Method detection limit", as used in subsections (q) and (t) below means the minimum concentration of a substance that can be measured and reported with 99 percent confidence that the analyte concentration is greater than zero and is determined from analysis of a sample in a given matrix containing the analyte.
BOARD NOTE: Derived from 40 CFR 136, Appendix B (1994). The method detection limit is determined by the procedure set forth in 40 CFR 136, Appendix B. See subsection (t) below.

b) Required sampling. Each supplier shall take a minimum of one sample at each sampling point at the times required in subsection (u) below.

c) Sampling points.

1) Sampling points for GWSs. Unless otherwise provided by SEP, a GWS supplier shall take at least one sample from each of the following points: each entry point that is representative of each well after treatment.

2) Sampling points for SWSs and mixed systems. Unless otherwise provided by SEP, a SWS or mixed system supplier shall sample from each of the following points:

A) Each entry point after treatment; or

B) Points in the distribution system that are representative of each source.

3) The supplier shall take each sample at the same sampling point unless the Agency has granted a SEP that designates another location as more representative of each source, treatment plant, or within the distribution system.

4) If a system draws water from more than one source, and the sources are combined before distribution, the supplier shall sample at an entry point during periods of normal operating conditions when water is representative of all sources being used.

BOARD NOTE: Subsections (b) and (c) above derived from 40 CFR 141.24(f)(1) through (f)(3) (1994).

d) Each CWS and NTNCWS supplier shall take four consecutive quarterly samples for each of the Phase I VOCs, excluding vinyl chloride, and Phase II VOCs during each compliance period, beginning in the compliance period starting in the initial compliance period.

e) Reduction to annual monitoring frequency. If the initial monitoring

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for the Phase I, Phase II, and Phase V VOCs as allowed in subsection (r)(1) below has been completed by December 31, 1992, and the supplier did not detect any of the Phase I VOCs, including vinyl chloride, Phase II, or Phase V VOCs, then the supplier shall take one sample annually beginning in the initial compliance period.

f) GWS reduction to triennial monitoring frequency. After a minimum of three years of annual sampling, GWS suppliers that have not previously detected any of the Phase I VOCs, including vinyl chloride, Phase II, or Phase V VOCs shall take one sample during each three-year compliance period.

g) A CWS or NTNCWS supplier that has completed the initial round of monitoring required by subsection (d) above and which did not detect any of the Phase I VOCs, including vinyl chloride, Phase II, and Phase V VOCs may apply to the Agency for a SEP pursuant to Section 611.110 that releases it from the requirements of subsection (e) or (f) above. A supplier that serves fewer than 3300 service connections may apply to the Agency for a SEP pursuant to Section 611.110 that releases it from the requirements of subsection (d) above as to 1,2,4-trichlorobenzene.
BOARD NOTE: Derived from 40 CFR 141.24(f)(7) and (f)(10) (1994), and the discussion at 57 Fed. Reg. 31825 (July 17, 1992). Provisions concerning the term of the waiver appear below in subsections (i) and (j) below. The definition of "detect", parenthetically added to the federal counterpart paragraph is in subsection (a) above.

h) Vulnerability Assessment. The Agency shall consider the factors of Section 611.110(e) in granting a SEP from the requirements of subsections (d), (e), or (f) above sought pursuant to subsection (g) above.

i) A SEP issued to a GWS pursuant to subsection (g) above is for a maximum of six years, except that a SEP as to the subsection (d) above monitoring for 1,2,4-trichlorobenzene shall apply only to the initial round of monitoring. As a condition of a SEP, except as to a SEP from the initial round of subsection (d) above monitoring for 1,2,4-trichlorobenzene, the supplier shall, within 30 months after the beginning of the period for which the waiver was issued, reconfirm its vulnerability assessment required by subsection (h) above and submitted pursuant to subsection (g) above, by taking one sample at each sampling point and reapplying for a SEP pursuant to subsection (g) above. Based on this application, the Agency shall either:
  I) If it determines that the PWS meets the standard of Section 611.610(e), issue a SEP that reconfirms the prior SEP for the remaining three-year compliance period of the six-year maximum term; or,
  2) Issue a new SEP requiring the supplier to sample annually.
  BOARD NOTE: This provision does not apply to SWSs and mixed systems.

j) Special considerations for SEPs for SWS and mixed systems.
  I) The Agency must determine that a SWS is not vulnerable before

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issuing a SEP pursuant to a SWS supplier. A SEP issued to a SWS or mixed system supplier pursuant to subsection (g) above is for a maximum of one compliance period; and
  2) The Agency may require, as a condition to a SEP issued to a SWS or mixed supplier, that the supplier take such samples for Phase I, Phase II, at such a frequency as the Agency determines are necessary, based on the vulnerability assessment.
  BOARD NOTE: There is a great degree of similarity between 40 CFR 141.24(f)(7), the provision applicable to GWSs, and 40 CFR 141.24(f)(10), the provision for SWSs. The Board has consolidated the common requirements of both paragraphs into subsection (g) above. Subsection (j) above represents the elements unique to SWSs and mixed systems, and subsection (l) above relates to GWSs. Although 40 CFR 141.24(f)(7) and (f)(10) are silent as to mixed systems, the Board has included mixed systems with SWSs because this best follows the federal scheme for all other contaminants.

k) If one of the Phase I VOCs, excluding vinyl chloride, Phase II, or Phase V VOCs is detected in any sample, then:
  I) The supplier shall monitor quarterly for that contaminant at each sampling point that resulted in a detection.
  2) Annual monitoring.
    A) The Agency shall grant a SEP pursuant to Section 611.110 that allows a supplier to reduce the monitoring frequency to annual at a sampling point if it determines that the sampling point is reliably and consistently below the MCL.
    B) A request for a SEP must include the following minimal information:
      1) For a GWS, two quarterly samples.
      ii) For a SWS or mixed system, four quarterly samples.
    C) In issuing a SEP, the Agency shall specify the level of the contaminant upon which the "reliably and consistently" determination was based. All SEPs that allow less frequent monitoring based on an Agency "reliably and consistently" determination shall include a condition requiring the supplier to resume quarterly monitoring pursuant to subsection (k)(1) above if it violates the MCL specified by Section 611.311.
  3) Suppliers that monitor annually shall monitor during the quarter(s) that previously yielded the highest analytical result.
  4) Suppliers that do not detect a contaminant at a sampling point in three consecutive annual samples may apply to the Agency for a SEP pursuant to Section 611.110 that allows it to discontinue monitoring for that contaminant at that point, as specified in subsection (g) above.
  5) A GWS supplier that has detected one or more of the two-carbon contaminants listed in subsection (k)(5)(A) below shall monitor quarterly for vinyl chloride as described in subsection (k)(5)(B)

below, subject to the limitation of subsection (k)(5)(C) below.

A) Two-carbon contaminants (Phase I or II VOC):
1,2-Dichloroethane (Phase I)
1,1-Dichloroethylene (Phase I)
cis-1,2-Dichloroethylene (Phase II)
trans-1,2-Dichloroethylene (Phase II)
Tetrachloroethylene (Phase II)
1,1,1-Trichloroethylene (Phase I)
Trichloroethylene (Phase I)

B) The supplier shall sample quarterly for vinyl chloride at each sampling point at which it detected one or more of the two-carbon contaminants listed in subsection (k)(5)(A) above.

C) The Agency shall grant a SEP pursuant to Section 611.110 that allows the supplier to reduce the monitoring frequency for vinly chloride at any sampling point to once in each three-year compliance period if it determines that the supplier has not detected vinyl chloride in the first sample required by subsection (k)(5)(B) above.

l) Quarterly monitoring following MCL violations.

1) Suppliers that violate an MCL for one of the Phase I VOCs, including vinyl chloride, Phase II, or Phase V VOCs, as determined by subsection (o) below, shall monitor quarterly for that contaminant, at the sampling point where the violation occurred, beginning the next quarter after the violation.

2) Annual monitoring.

A) The Agency shall grant a SEP pursuant to Section 611.110 that allows a supplier to reduce the monitoring frequency to annually if it determines that the sampling point is reliably and consistently below the MCL.

B) A request for a SEP must include the following minimal information: four quarterly samples.

C) In issuing a SEP, the Agency shall specify the level of the contaminant upon which the "reliably and consistently" determination was based. All SEPs that allow less frequent monitoring based on an Agency "reliably and consistently" determination shall include a condition requiring the supplier to resume quarterly monitoring pursuant to subsection (l)(1) above if it violates the MCL specified by Section 611.311.

D) The supplier shall monitor during the quarter(s) that previously yielded the highest analytical result.

m) Confirmation samples. The Agency may issue a SEP pursuant to Section 610.110 to require a supplier to use a confirmation sample for results that it finds dubious for whatever reason. The Agency must state its reasons for issuing the SEP if the SEP is Agency-initiated.

1) If a supplier detects any of the Phase I, Phase II, or Phase V VOCs in a sample, the supplier shall take a confirmation sample

as soon as possible, but no later than 14 days after the supplier receives notice of the detection.

2) Averaging is as specified in subsection (o) below.

3) The Agency shall delete the original or confirmation sample if it determines that a sampling error occurred, in which case the confirmation sample will replace the original or confirmation sample.

n) This subsection corresponds with 40 CFR 141.24(f)(14), an optional USEPA ~~U.S.~~-EPA provision relating to compositing of samples that USEPA ~~U.S.~~-EPA does not require for state programs. This statement maintains structural consistency with USEPA ~~U.S.~~-EPA rules.

o) Compliance with the MCLs for the Phase I, Phase II, and Phase V VOCs must be determined based on the analytical results obtained at each sampling point.

1) For suppliers that conduct monitoring at a frequency greater than annual, compliance is determined by a running annual average of all samples taken at each sampling point.

A) If the annual average of any sampling point is greater than the MCL, then the supplier is out of compliance.

B) If the initial sample or a subsequent sample would cause the annual average to exceed the MCL, then the supplier is out of compliance immediately.

C) Any samples below the detection limit shall be deemed as zero for purposes of determining the annual average.

2) If monitoring is conducted annually, or less frequently, the supplier is out of compliance if the level of a contaminant at any sampling point is greater than the MCL. If a confirmation sample is taken, the determination of compliance is based on the average of two samples.

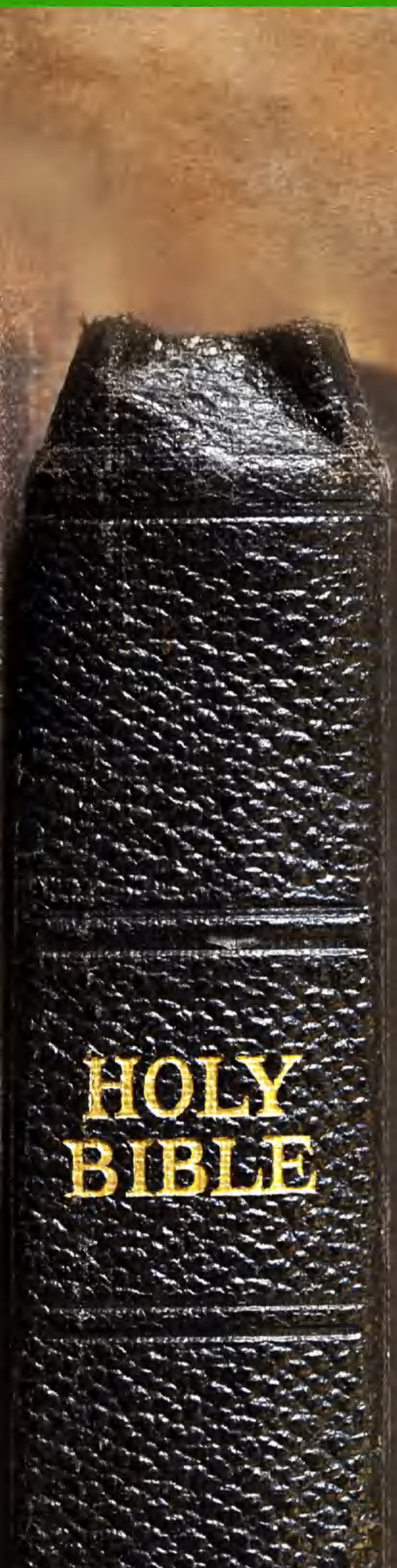
3) When the portion of the distribution system that is out of compliance is separable from other parts of the distribution system and has no interconnections, the supplier may issue the public notice required by Subpart T of this Part only to persons served by that portion of the distribution system that is not in compliance.

p) This provision corresponds with 40 CFR 141.24(f)(16) (1994), which USEPA ~~U.S.~~-EPA removed and reserved at 59 Fed. Reg. 62468 (Dec. 5, 1994). This statement maintains structural consistency with the federal regulations.

q) Analysis under this Section must only be conducted by laboratories that have received certification by USEPA ~~U.S.~~-EPA or the Agency according to the following conditions:

1) To receive certification to conduct analyses for the Phase I VOCs, excluding vinyl chloride, Phase II VOCs, and Phase V VOCs, the laboratory must:

A) Analyze performance evaluation samples that include these substances provided by the Agency pursuant to 35 Ill. Adm. Code 183.125(c);



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or within the distribution system.

4) If a system draws water from more than one source, and the sources are combined before distribution, the supplier shall sample at an entry point during periods of normal operating conditions when water is representative of all sources being used.

BOARD NOTE: Subsections (b) and (c) above derived from 40 CFR 141.24(h)(1) through (h)(3) (1995) ~~(1994)~~.

d) Monitoring frequency:

1) Each CWS and NTNCWS supplier shall take four consecutive quarterly samples for each of the Phase II, Phase IIB, and Phase V SOCs during each compliance period, beginning in the three-year compliance period starting in the initial compliance period.

2) Suppliers serving more than 3,300 persons that do not detect a contaminant in the initial compliance period, shall take a minimum of two quarterly samples in one year of each subsequent three-year compliance period.

3) Suppliers serving less than or equal to 3,300 persons that do not detect a contaminant in the initial compliance period, shall take a minimum of one sample during each subsequent three-year compliance period.

e) Reduction to annual monitoring frequency. A CWS or NTNCWS supplier may apply to the Agency for a SEP that releases it from the requirements of subsection (d) above. A SEP from the requirement of subsection (d) above shall last for only a single three-year compliance period.

f) Vulnerability Assessment. The Agency shall grant a SEP from the requirements of subsection (d) above based on consideration of the factors set forth at Section 611.110(e).

g) If one of the Phase II, Phase IIB, or Phase V SOCs is detected in any sample, then:

1) The supplier shall monitor quarterly for the contaminant at each sampling point that resulted in a detection.

2) Annual monitoring.

A) A supplier may request that the Agency grant a SEP pursuant to Section 610.110 that reduces the monitoring frequency to annual.

B) A request for a SEP must include the following minimal information:

i) For a GWS, two quarterly samples.

ii) For a SWS or mixed system, four quarterly samples.

C) The Agency shall grant a SEP that allows annual monitoring at a sampling point if it determines that the sampling point is reliably and consistently below the MCL.

D) In issuing the SEP, the Agency shall specify the level of the contaminant upon which the "reliably and consistently" determination was based. All SEPs that allow less frequent monitoring based on an Agency "reliably and consistently"

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determination shall include a condition requiring the supplier to resume quarterly monitoring pursuant to subsection (g)(1) above if it detects any Phase II SOC.

3) Suppliers that monitor annually shall monitor during the quarter(s) that previously yielded the highest analytical result.

4) Suppliers that have three consecutive annual samples with no detection of a contaminant at a sampling point may apply to the Agency for a SEP with respect to that point, as specified in subsections (e) and (f) above.

5) Monitoring for related contaminants.

A) If monitoring results in detection of one or more of the related contaminants listed in subsection (g)(5)(B) below, subsequent monitoring shall analyze for all the related compounds in the respective group.

B) Related contaminants:

i) first group:
aldicarb
aldicarb sulfone
aldicarb sulfoxide

ii) second group:
heptachlor
heptachlor epoxide.

h) Quarterly monitoring following MCL violations.

1) Suppliers that violate an MCL for one of the Phase II, Phase IIB, or Phase V SOCs, as determined by subsection (k) below, shall monitor quarterly for that contaminant at the sampling point where the violation occurred, beginning the next quarter after the violation.

2) Annual monitoring.

A) A supplier may request that the Agency grant a SEP pursuant to Section 611.110 that reduces the monitoring frequency to annual.

B) A request for a SEP must include, at a minimum, the results from four quarterly samples.

C) The Agency shall grant a SEP that allows annual monitoring at a sampling point if it determines that the sampling point is reliably and consistently below the MCL.

D) In issuing the SEP, the Agency shall specify the level of the contaminant upon which the "reliably and consistently" determination was based. All SEPs that allow less frequent monitoring based on an Agency "reliably and consistently" determination shall include a condition requiring the supplier to resume quarterly monitoring pursuant to subsection (h)(1) above if it detects any Phase II SOC.

E) The supplier shall monitor during the quarter(s) that previously yielded the highest analytical result.

i) Confirmation samples.

1) If any of the Phase II, Phase IIB, or Phase V SOCs are detected

in a sample, the supplier shall take a confirmation sample as soon as possible, but no later than 14 days after the supplier receives notice of the detection.

2) Averaging is as specified in subsection (k) below.

3) The Agency shall delete the original or confirmation sample if it determines that a sampling error occurred, in which case the confirmation sample will replace the original or confirmation sample.

j) This subsection corresponds with 40 CFR 141.24(h)(10), an optional USEPA ~~U.S.~~-EPA provision relating to compositing of samples that USEPA ~~U.S.~~--EPA does not require for state programs. This statement maintains structural consistency with USEPA ~~U.S.~~-EPA rules.

k) Compliance with the MCLs for the Phase II, Phase IIB, and Phase V SOCs shall be determined based on the analytical results obtained at each sampling point.

I) For suppliers that are conducting monitoring at a frequency greater than annual, compliance is determined by a running annual average of all samples taken at each sampling point.

A) If the annual average of any sampling point is greater than the MCL, then the supplier is out of compliance.

B) If the initial sample or a subsequent sample would cause the annual average to be exceeded, then the supplier is out of compliance immediately.

C) Any samples below the detection limit must be calculated as zero for purposes of determining the annual average.

2) If monitoring is conducted annually or less frequently, the supplier is out of compliance if the level of a contaminant at any sampling point is greater than the MCL. If a confirmation sample is taken, the determination of compliance is based on the average of two samples.

3) When the portion of the distribution system that is out of compliance is separable from other parts of the distribution system and has no interconnections, the supplier may issue the public notice required by Subpart T of this Part is only to persons served by that portion of the distribution system that is not in compliance.

BOARD NOTE: Derived from 40 CFR 141.24(h)(11) (1995) ~~(1994)~~.

l) This provision corresponds with 40 CFR 141.24(h)(12) (1995) ~~(1994)~~, which USEPA ~~U.S.~~-EPA removed and reserved at 59 Fed. Reg. 62468 (Dec. 5, 1994). This statement maintains structural consistency with the federal regulations.

m) Analysis for PCBs must be conducted as follows using the methods in Section 611.645:

1) Each supplier that monitors for PCBs shall analyze each sample using either USEPA ~~U.S.~~-EPA Organic Methods, Method 505 or Method 508.

2) If PCBs are detected in any sample analyzed using USEPA ~~U.S.~~--EPA Organic Methods, Methods 505 or 508, the supplier shall reanalyze

the sample using 508A to quantitate the individual Aroclors (as decachlorobiphenyl).

3) Compliance with the PCB MCL must be determined based upon the quantitative results of analyses using USEPA ~~U.S.~~-EPA Organic Methods, Method 508A.

n) Use of existing data.

1) The Agency shall allow the use of data collected after January 1, 1990 but prior to the effective date of this Section, pursuant to Agency sample request letters, if it determines that the data are generally consistent with the requirements of this Section.

2) The Agency shall grant a SEP pursuant to Section 611.110 that allows a supplier to monitor annually beginning in the initial compliance period if it determines that the supplier did not detect any Phase I VOC or Phase II VOC using existing data allowed pursuant to subsection (n)(1) above.

o) The Agency shall issued a SEP that increases the number of sampling points or the frequency of monitoring if it determines that this is necessary to detect variations within the PWS due to such factors as fluctuations in contaminant concentration due to seasonal use or changes in the water source.

BOARD NOTE: At 40 CFR 141.24(h)(15), USEPA ~~U.S.~~-EPA uses the stated factors as non-limiting examples of circumstances that make additional monitoring necessary.

p) This subsection corresponds with 40 CFR 141.24(h)(16), a USEPA ~~U.S.~~-EPA provision that the Board has not adopted because it reserves enforcement authority to the state and would serve no useful function as part of the state's rules. This statement maintains structural consistency with USEPA ~~U.S.~~-EPA rules.

q) Each supplier shall monitor, within each compliance period, at the time designated by the Agency by SEP pursuant to Section 611.110.

r) "Detection" means greater than or equal to the following concentrations for each contaminant:

1) for PCBs (Aroclors):

Aroclor	Detection Limit (mg/L)
1016	0.00008
1221	0.02
1232	0.0005
1242	0.0003
1248	0.0001
1254	0.0001
1260	0.0002

2) for other Phase II, Phase IIB, and Phase V SOCs:

Contaminant	Detection Limit

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	(mg/L)
Alachlor	0.0002
Aldicarb	0.0005
Aldicarb sulfoxide	0.0005
Aldicarb sulfone	0.0008
Atrazine	0.0001
Benzo(a)pyrene	0.00002
Carbofuran	0.0009
Chlordane	0.0002
2,4-D	0.0001
Dalapon	0.001
1,2-Dibromo-3-chloropropane (DBCP)	0.00002
Di(2-ethylhexyl)adipate	0.0006
Di(2-ethylhexyl)phthalate	0.0006
Dinoseb	0.0002
Diquat	0.0004
Endothall	0.009
Endrin	0.00001
Ethylene dibromide (EDB)	0.00001
Glyphosate	0.006
Heptachlor	0.00004
Heptachlor epoxide	0.00002
Hexachlorobenzene	0.0001
Hexachlorocyclopentadiene	0.0001
Lindane	0.00002
Methoxychlor	0.0001
Oxamyl	0.002
Picloram	0.0001
Polychlorinated biphenyls (PCBs) (as decachlorobiphenyl)	0.0001
Pentachlorophenol	0.00004
Simazine	0.00007
Toxaphene	0.001
2,3,7,8-TCDD (dioxin)	0.000000005
2,4,5-TP (Silvex)	0.0002

s) Laboratory Certification.

1) Analyses under this Section must only be conducted by laboratories that have received approval by USEPA ~~U.S.~~ EPA or the Agency according to the following conditions.

2) To receive certification to conduct analyses for the Phase II, Phase IIB, and Phase V SOCs the laboratory must:

A) Analyze performance evaluation samples provided by the Agency pursuant to 35 Ill. Adm. Code 183.125(c) that include these substances; and

B) Achieve quantitative results on the analyses performed under subsection (s)(2)(A) above that are within the acceptance limits set forth in subsection (s)(2)(C) below above.

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C) Acceptance limits:

SOC	Acceptance Limits
Alachlor	± 45%
Aldicarb	2 standard deviations
Aldicarb sulfone	2 standard deviations
Aldicarb sulfoxide	2 standard deviations
Atrazine	± 45%
Benzo(a)pyrene	2 standard deviations
Carbofuran	± 45%
Chlordane	± 45%
Dalapon	2 standard deviations
Di(2-ethylhexyl)adipate	2 standard deviations
Di(2-ethylhexyl)phthalate	2 standard deviations
Dinoseb	2 standard deviations
Diquat	2 standard deviations
Endothall	2 standard deviations
Endrin	± 30%
Glyphosate	2 standard deviations
Dibromochloropropane (DBCP)	± 40%
Ethylene dibromide (EDB)	± 40%
Heptachlor	± 45%
Heptachlor epoxide	± 45%
Hexachlorobenzene	2 standard deviations
Hexachlorocyclopentadiene	2 standard deviations
Lindane	± 45%
Methoxychlor	± 45%
Oxamyl	2 standard deviations
PCBs (as Decachlorobiphenyl)	0-200%
Pentachlorophenol	± 50%
Picloram	2 standard deviations
Simazine	2 standard deviations
Toxaphene	± 45%
2,4-D	± 50%
2,3,7,8-TCDD (dioxin)	2 standard deviations
2,4,5-TP (Silvex)	± 50%

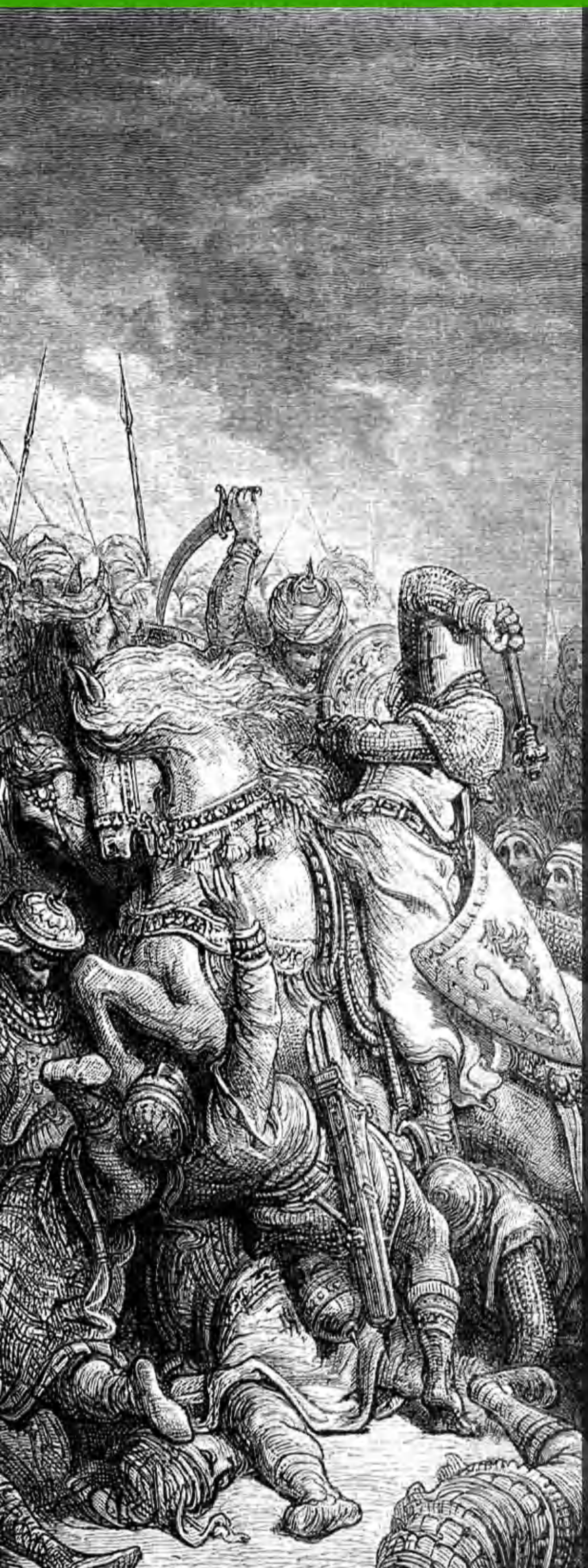
BOARD NOTE: Derived from 40 CFR 141.24(h) (1995) ~~(1994)~~, as amended ~~at 59 Fed. Reg. 62468 (Dec. 5, 1994)~~.

(Source: Amended at 20 Ill. Reg. 14493, effective ~~OCT 2 2 1996~~)

SUBPART P: THM MONITORING AND ANALYTICAL REQUIREMENTS

Section 611.683 Reduced Monitoring Frequency

a) A CWS supplier utilizing only groundwater sources may, by special



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2) Collect triplicate 40 mL water samples at the pH prevailing at the time of sampling, and prepare a method blank according to the methods.
3) Seal and store these samples together for seven days at 25° C or above.
4) After this time period, open one of the sample containers and check for disinfectant residual. Absence of a disinfectant residual invalidates the sample for further analysis.
5) Once a disinfectant residual has been demonstrated, open another of the sealed samples and determine total THM concentration using an approved analytical method.
BOARD NOTE: Derived from 40 CFR 141.30(g) (1995).

(Source: Added at 20 Ill. Reg. 14493, effective OCT 22 1996)

SUBPART Q: RADIOLOGICAL MONITORING AND ANALYTICAL REQUIREMENTS

Section 611.720 Analytical Methods

a) The methods specified below, incorporated by reference in Section 611.102, are to be used to determine compliance with Sections 611.330 and 611.331, except in cases where alternative methods have been approved in accordance with Section 611.480.
1) Radiochemical Methods;
2) Standard Methods, 13th Edition;
A) Gross Alpha and Beta: Method 302;
B) Total Radium: Method 304;
C) Radium-226: Method 305;
D) Strontium-89,90: Method 303;
E) Tritium: Method 306;
3) ASTM Methods:
A) Cesium-134: ASTM D-2459;
B) Uranium: ASTM D-2907.

b) When the identification and measurement of radionuclides other than those listed in subsection (a) are ~~is~~ required, the following methods, incorporated by reference in Section 611.102, are to be used, except in cases where alternative methods have been approved in accordance with Section 611.480:
1) "Procedures for Radiochemical Analysis of Nuclear Reactor Aqueous Solutions", available from NTIS.
2) HASL Procedure Manual, HASL 300.

c) For the purpose of monitoring radioactivity concentrations in drinking water, the required sensitivity of the radioanalysis is defined in terms of a detection limit. The detection limit must be that concentration which can be counted with a precision of plus or minus 100 percent at the 95 percent confidence level (1.96 sigma where sigma is the standard deviation of the net counting rate of the sample).

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1) To determine compliance with Section 611.330(a) the detection limit must not exceed 1 pCi/L. To determine compliance with Section 611.330(b) the detection limit must not exceed 3 pCi/L.
2) To determine compliance with Section 611.331 the detection limits must not exceed the concentrations listed in that Section.

d) To judge compliance with the MCLs listed in Sections 611.330 and 611.331, averages of data must be used and must be rounded to the same number of significant figures as the MCL for the substance in question.
BOARD NOTE: Derived from 40 CFR 141.25 (1995 ~~1989~~).

(Source: Amended at 20 Ill. Reg. 14493, effective OCT 22 1996)

Section 611.731 Gross Alpha

Monitoring requirements for gross alpha particle activity, radium-226 and radium-228 are as follows:

a) Compliance must be based on the analysis of an annual composite of four consecutive quarterly samples or the average of the analyses of four samples obtained at quarterly intervals.
1) A gross alpha particle activity measurement may be substituted for the required radium-226 and radium-228 analysis, ~~,~~ provided ~~that~~, the measured gross alpha particle activity does not exceed 5 pCi/L at a confidence level of 95 percent (1.65 sigma where sigma is the standard deviation of the net counting rate of the sample). In localities where radium-228 may be present in drinking water, the Agency may, by permit condition, require radium-226 or radium-228 analyses when the gross alpha particle activity exceeds 2 pCi/L.
2) When the gross alpha particle activity exceeds 5 pCi/L, the same or an equivalent sample must be analyzed for radium-226. If the concentration of radium-226 exceeds 3 pCi/L the same or an equivalent sample must be analyzed for radium-228.

b) See Section 611.100(e).

c) CWS suppliers shall monitor at least once every four years following the procedure required by subsection (a). When an annual record taken in conformance with subsection (a) has established that the average annual concentration is less than half the MCLs established by Section 611.330, the Agency shall, by special exception permit, substitute analysis of a single sample for the quarterly sampling procedure required by subsection (a).
1) The Agency shall, by special exception permit, require more frequent monitoring in the vicinity of mining or other operations which may contribute alpha particle radioactivity to either surface or groundwater sources of drinking water.
2) A CWS supplier shall monitor in conformance with subsection (a) for one year after the introduction of a new water source. The

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Agency shall, by special exception permit, require more frequent monitoring in the event of possible contamination or when changes in the distribution system or treatment process ~~processing~~ occur which may increase the concentration of radioactivity in finished water.

3) The Agency shall, by special exception permit, require a CWS supplier using two or more sources having different concentrations of radioactivity to monitor source water, in addition to water from a free-flowing tap.

4) The Agency shall not require monitoring for radium-228 to determine compliance with Section 611.330 after the initial period, provided that the average annual concentration of radium-228 has been assayed at least once using the quarterly sampling procedure required by subsection (a).

5) The Agency shall require the CWS supplier to conduct annual monitoring if the radium-226 concentration exceeds 3 pCi/L.

d) If the average annual MCL for gross alpha particle activity or total radium as set forth in Section 611.330 is exceeded, the CWS shall give notice to the Agency and notify the public as required by Subpart T. Monitoring at quarterly intervals must be continued until the annual average concentration no longer exceeds the MCL or until a monitoring schedule as a condition to a variance, adjusted standard or enforcement action becomes effective.

BOARD NOTE: Derived from 40 CFR 141.26(a) (1995 ~~1989~~).

(Source: Amended at 20 Ill. Reg. 14493, effective OCT 22 1996)

Section 611.732 Manmade Radioactivity

Monitoring requirements for manmade radioactivity in CWSs are as follows:

a) CWSs using surface water sources and serving more than 100,000 persons and such other CWSs as the Agency by permit condition requires must monitor for compliance with Section 611.331 by analysis of a composite of four consecutive quarterly samples or analysis of four quarterly samples. Compliance with Section 611.331 is assumed without further analysis if the average annual concentration of gross beta particle activity is less than 50 pCi/L and if the average annual concentrations of tritium and strontium-90 are less than those listed in Section 611.331, provided that if both radionuclides are present the sum of their annual dose ~~does~~ equivalents to bone marrow must not exceed 4 millirem/year.

I) If the gross beta particle activity exceeds 50 pCi/L, an analysis of the sample must be performed to identify the major radioactive constituents present and the appropriate organ and total body doses must be calculated to determine compliance with Section 611.331.

2) If the MCLs are exceeded, the Agency shall, by special exception permit, require the supplier to conduct additional monitoring to determine the concentration of man-made radioactivity in principal watersheds.

3) The Agency shall, pursuant to subsection (d), by special exception permit, require suppliers of water utilizing only groundwater to monitor for man-made radioactivity.

b) See Section 611.100(e).

c) CWS suppliers shall monitor at least every four years following the procedure in subsection (a).

d) The Agency shall, by special exception permit, require any CWS supplier utilizing waters contaminated by effluents from nuclear facilities to initiate quarterly monitoring for gross beta particle and iodine-131 radioactivity and annual monitoring for strontium-90 and tritium.

I) Quarterly monitoring for gross beta particle activity must be based on the analysis of monthly samples or the analysis of a composite of three monthly samples. If the gross beta particle activity in a sample exceeds 15 pCi/L, the same or an equivalent sample must be analyzed for strontium-89 and cesium-134. If the gross beta particle activity exceeds 50 pCi/L, an analysis of the sample must be performed to identify the major radioactive constitutents present and the appropriate organ and total body doses must be calculated to determine compliance with Section 611.331.

2) For iodine-131, a composite of five consecutive daily samples must be analyzed once each quarter. The Agency shall, by special exception permit, require more frequent monitoring when iodine-131 is identified in the finished water.

3) The Agency shall, by special exception permit, require annual monitoring for strontium-90 and tritium by means of the analysis of a composite of four consecutive quarterly samples or analysis of four quarterly samples.

4) The Agency shall, by special exception permit, allow the substitution of environmental surveillance data taken with conjunction with a nuclear facility for direct monitoring of manmade radioactivity by the supplier where the Agency determines such data is applicable to the CWS.

e) If the average annual MCL for man-made radioactivity set forth in Section 611.331 is exceeded, the operator of a CWS shall give notice to the Agency and to the public as required by Subpart T. Monitoring at monthly intervals must be continued until the concentration no longer exceeds the MCL or until a monitoring schedule as a condition to a variance, adjusted standard or enforcement action becomes effective.

BOARD NOTE: Derived from 40 CFR 141.26(b) (1995 ~~1989~~).

(Source: Amended at 20 Ill. Reg. 14493, effective OCT 22 1996)

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Section 611.831 Monthly Operating Report

Within 30 days following the last day of the month, each CWS supplier shall submit a monthly operating report to the Agency~~,~~ on forms provided or approved by the Agency.
BOARD NOTE: This is an additional State requirement.

(Source: Amended at 20 Ill. Reg. 14493, effective ~~OCT 22 1996~~)

Section 611.840 Reporting

a) Except where a shorter period is specified in this Part, a supplier shall report to the Agency the results of any test measurement or analysis required by this Part within the following times, whichever is shortest:
   1) The first ten days following the month in which the result is received; or
   2) The first ten days following the end of the required monitoring period, as specified by permit condition.
b) Except where a different reporting period is specified in this Part, the PWS shall report to the Agency within 48 hours~~:~~ any ~~The~~ failure to comply with any provision (including failure to comply with monitoring requirements) of ~~in~~ this Part.
c) The supplier is not required to report analytical results to the Agency in cases where an Agency laboratory performs the analysis.
d) The supplier, within ten days of completion of each public notification required pursuant to Section 611.851 et seq., shall submit to the Agency a representative copy of each type of notice distributed, published, posted or made available to the persons served by the PWS or to the media.
e) The supplier shall submit to the Agency within the time stated in the request copies of any records required to be maintained under Section 611.860 or copies of any documents then in existence which the Agency is entitled to inspect pursuant to the authority of Section 4 of the Act.
   BOARD NOTE: Derived from 40 CFR 141.31 (1989), as amended at 54 Fed. Reg. 27562, June 29, 1989.

(Source: Amended at 20 Ill. Reg. 14493, effective ~~OCT 22 1996~~)

Section 611.851 Reporting MCL and other Violations

A supplier that fails to comply with an applicable MCL or treatment technique established by this Part or which fails to comply with the requirements of any schedule prescribed pursuant to a variance or adjusted standard shall notify persons served by the PWS as follows:

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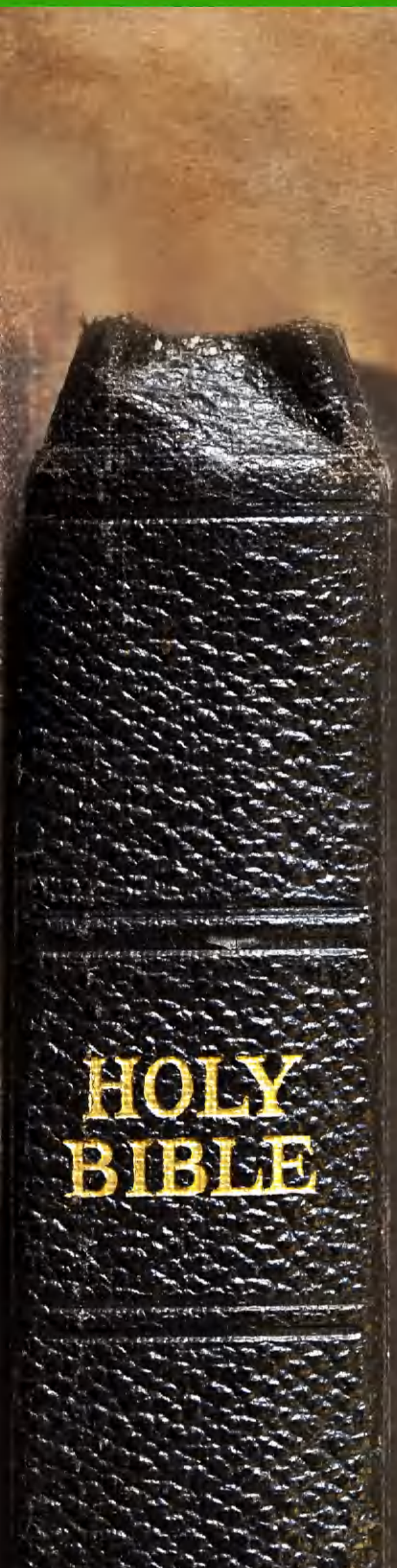
a) Except as provided in subsection (c), the supplier shall give notice:
   1) By publication in a daily newspaper of general circulation in the area served by the PWS as soon as possible, but in no case later than 14 days after the violation or failure. If the area served by a PWS is not served by a daily newspaper of general circulation, notice must instead be given by publication in a weekly newspaper of general circulation serving the area; and
   2) By mail delivery (by direct mail or with the water bill), or by hand delivery, not later than 45 days after the violation or failure. This is not required if the Agency determines by SEP that the supplier in violation has corrected the violation or failure within the 45-day period; and
   3) For violations of the MCLs of contaminants that pose an acute risk to human health, by furnishing a copy of the notice to the radio and television stations serving the area served by the PWS as soon as possible but in no case later than 72 hours after the violation. The following violations are acute violations:
      A) Any violations posing an acute risk to human health, as specified in this Part or as determined by the Agency on a case-by-case basis.
      B) Violation of the MCL for nitrate or nitrite in Section 611.301.
      C) Violation of the MCL for total coliforms, when fecal coliforms or E. coli are present in the water distribution system, as specified in Section 611.325(b).
      D) Occurrence of a waterborne disease outbreak.
b) Except as provided in subsection (c), following the initial notice given under subsection (a), the supplier shall give notice at least once every three months by mail delivery (by direct mail or with the water bill) or by hand delivery, for as long as the violation or failure exists.
c) Alternative methods of notice.
   1) In lieu of the requirements of subsections (a) and (b), a CWS supplier in an area that is not served by a daily or weekly newspaper of general circulation shall give notice by hand delivery or by continuous posting in conspicuous places within the area served by the CWS. Notice by hand delivery or posting must begin as soon as possible, but no later than 72 hours after the violation or failure for acute violations (as defined in subsection (a)(3)) or 14 days after the violation or failure (for any other violation). Posting must continue for as long as the violation or failure exists. Notice by hand delivery must be repeated at least every three months for as long as the violation or failure exists.
   2) In lieu of the requirements of subsections (a) and (b), a non-CWS supplier may give notice by hand delivery or by continuous posting in conspicuous places within the area served by the non-CWS. Notice by hand delivery or posting must begin as soon



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~~additional monitoring will be conducted for three more quarters with the results available upon request.~~
~~BOARD NOTE: Derived from 40 CFR 141.35 (1989).~~

(Source: Repealed at 20 Ill. Reg. ~~14493~~ 14493, effective ~~OCT 22 1996~~)

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Section 611.APPENDIX A Mandatory Health Effects Information

1) Trichloroethylene. The United States Environmental Protection Agency (USEPA ~~U.S. EPA~~) sets drinking water standards and has determined that trichloroethylene is a health concern at certain levels of exposure. This chemical is a common metal cleaning and dry cleaning fluid. It generally gets into drinking water by improper waste disposal. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed at lower levels over long periods of time. USEPA ~~U.S. EPA~~ has set forth the enforceable drinking water standard for trichloroethylene at 0.005 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.
2) Carbon tetrachloride. The United States Environmental Protection Agency (USEPA ~~U.S. EPA~~) sets drinking water standards and has determined that carbon tetrachloride is a health concern at certain levels of exposure. This chemical was once a popular household cleaning fluid. It generally gets into drinking water by improper waste disposal. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed at lower levels over long periods of time. USEPA ~~U.S. EPA~~ has set the enforceable drinking water standard for carbon tetrachloride at 0.005 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.
3) 1,2-Dichloroethane. The United States Environmental Protection Agency (USEPA ~~U.S. EPA~~) sets drinking water standards and has determined that 1,2-dichloroethane is a health concern at certain levels of exposure. This chemical is used as a cleaning fluid for fats, oils, waxes and resins. It generally gets into drinking water by improper waste disposal. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals may also increase the risk of cancer in humans who are exposed at lower levels over long periods of time. USEPA ~~U.S. EPA~~ has set the enforceable drinking water standard for 1,2-dichloroethane at 0.005 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

4) Vinyl chloride. The United States Environmental Protection Agency (USEPA ~~U.S.--EPA~~) sets drinking water standards and has determined that vinyl chloride is a health concern at certain levels of exposure. This chemical is used in industry and is found in drinking water as a result of the breakdown of related solvents. The solvents are used as cleaners and degreasers of metals and generally get into drinking water by improper waste disposal. This chemical has been associated with significantly increased risks of cancer among certain industrial workers who were exposed to relatively large amounts of this chemical during their working careers. This chemical has also been shown to cause cancer in laboratory animals when the animals are exposed at high levels over their lifetimes. Chemicals that cause increased risk of cancer among exposed industrial workers and in laboratory animals also may increase the risk of cancer in humans who are exposed at lower levels over long periods of time. USEPA ~~U.S.--EPA~~ has set the enforceable drinking water standard for vinyl chloride at 0.002 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

5) Benzene. The United States Environmental Protection Agency (USEPA ~~U.S.--EPA~~) sets drinking water standards and has determined that benzene is a health concern at certain levels of exposure. This chemical is used as a solvent and degreaser of metals. It is also a major component of gasoline. Drinking water contamination generally results from leaking underground gasoline and petroleum tanks or improper waste disposal. This chemical has been associated with significantly increased risks of leukemia among certain industrial workers who were exposed to relatively large amounts of this chemical during their working careers. This chemical has also been shown to cause cancer in laboratory animals when the animals are exposed at high levels over their lifetimes. Chemicals that cause increased risk of cancer among exposed industrial workers and in laboratory animals also may increase the risk of cancer in humans who are exposed at lower levels over long periods of time. USEPA ~~U.S.--EPA~~ has set the drinking water standard for benzene at 0.005 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in humans and laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

6) 1,1-Dichloroethylene. The United States Environmental Protection Agency (USEPA ~~U.S.--EPA~~) sets drinking water standards and has determined that 1,1-dichloroethylene is a health concern at certain levels of exposure. This chemical is used in industry and is found in drinking water as a result of the breakdown of related solvents. The solvents are used as cleaners and degreasers of metals and generally get into drinking water by improper waste disposal. This chemical has been shown to cause liver and kidney damage in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause adverse effects in laboratory animals also may cause adverse health effects in humans who are exposed at lower levels over long periods of time. USEPA ~~U.S.--EPA~~ has set the enforceable drinking water standard for 1,1-dichloroethylene at 0.007 parts per million (ppm) to reduce the risk of these adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

7) Para-dichlorobenzene. The United States Environmental Protection Agency (USEPA ~~U.S.--EPA~~) sets drinking water standards and has determined that para-dichlorobenzene is a health concern at certain levels of exposure. This chemical is a component of deodorizers, moth balls and pesticides. It generally gets into drinking water by improper waste disposal. This chemical has been shown to cause liver and kidney damage in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals which cause adverse effects in laboratory animals also may cause adverse health effects in humans who are exposed at lower levels over long periods of time. USEPA ~~U.S.--EPA~~ has set the enforceable drinking water standard for para-dichlorobenzene at 0.075 parts per million (ppm) to reduce the risk of these adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

8) 1,1,1-Trichloroethane. The United States Environmental Protection Agency (USEPA ~~U.S.--EPA~~) sets drinking water standards and has determined that 1,1,1-trichloroethane is a health concern at certain levels of exposure. This chemical is used as a cleaner and degreaser of metals. It generally gets into drinking water by improper waste disposal. This chemical has been shown to damage the liver, nervous system and circulatory system of laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Some industrial workers who were exposed to relatively large amounts of this chemical during their working careers also suffered damage to the liver, nervous system and circulatory system. Chemicals which cause adverse effects among exposed industrial workers and in laboratory animals also may cause adverse health effects in humans who are exposed at lower levels over long periods of time. USEPA ~~U.S.--EPA~~ has set the enforceable drinking water standard for 1,1,1-trichloroethane at 0.2 parts per million (ppm) to protect against the risk of these adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

9) Fluoride. The U.S. Environmental Protection Agency requires that we send you this notice on the level of fluoride in your drinking water. The drinking water in your community has a fluoride concentration of

[concentration to be provided by supplier] milligrams per liter (mg/L).

Federal regulations require that fluoride, which occurs naturally in your water supply, not exceed a concentration of 4.0 mg/L in drinking water. This is an enforceable standard called a Maximum Contaminant Level (MCL), and it has been established to protect the public health. Exposure to drinking water levels above 4.0 mg/L for many years may result in some cases of crippling skeletal fluorosis, which is a serious bone disorder.

Federal law also requires that we notify you when monitoring indicates that the fluoride in your drinking water exceeds 2.0 mg/L. This is intended to alert families about dental problems that might affect children under nine years of age. The fluoride concentration of your water exceeds this federal guideline.

Fluoride in children's drinking water at levels of approximately 1 mg/L reduces the number of dental cavities. However, some children exposed to levels of fluoride greater than about 2.0 mg/L may develop dental fluorosis. Dental fluorosis, in its moderate and severe forms, is a brown staining and/or pitting of the permanent teeth. Because dental fluorosis occurs only when developing teeth (before they erupt from the gums) are exposed to elevated fluoride levels, households without children are not expected to be affected by this level of fluoride. Families with children under the age of nine are encouraged to seek other sources of drinking water for their children to avoid the possibility of staining and pitting.

Your water supplier can lower the concentration of fluoride in your water so that you will still receive the benefits of cavity prevention while the possibility of stained and pitted teeth is minimized. Removal of fluoride may increase you water costs. Treatment systems are also commercially available for home use. Information on such systems is available at the address given below. Low fluoride bottled drinking water that would meet all standards is also commercially available.

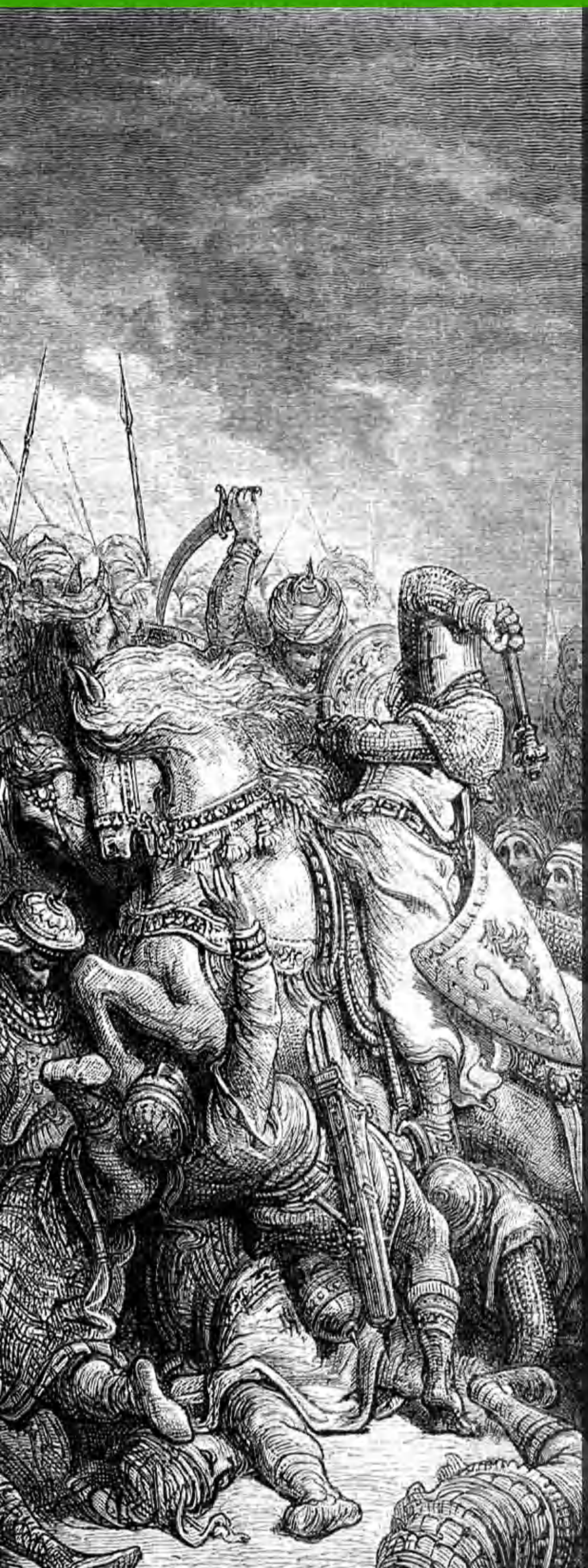
For further information, contact [name of contact person to be provided by supplier] at your water system.

BOARD NOTE: Derived from 40 CFR 141.32(e)(9) and 143.5 (1995 ~~1994~~).

10) Microbiological contaminants (for use when there is a violation of the treatment technique requirements for filtration and disinfection in Subpart B of this Part). The United States Environmental Protection Agency (USEPA ~~U.S.--EPA~~) sets drinking water standards and has determined that the presence of microbiological contaminants are a health concern at certain levels of exposure. If water is inadequately treated, microbiological contaminants in that water may cause disease. Disease symptoms may include diarrhea, cramps, nausea and possibly jaundice and any associated headaches and fatigue. These symptoms, however, are not just associated with disease-causing organisms in drinking water, but also may be caused by a number of factors other than your drinking water. USEPA ~~U.S.--EPA~~ has set enforceable requirements for treating drinking water to reduce the risk of these adverse health effects. Treatment such as filtering and disinfecting the water removes or destroys microbiological contaminants. Drinking water which is treated to meet USEPA ~~U.S.--EPA~~ requirements is associated with little to none of this risk and should be considered safe.

11) Total coliforms. (To be used when there is a violation of Section 611.325(a) and not a violation of Section 611.325(b)). The United States Environmental Protection Agency (USEPA ~~U.S.--EPA~~) sets drinking water standards and has determined that the presence of total coliforms is a possible health concern. Total coliforms are common in the environment and are generally not harmful themselves. The presence of these bacteria in drinking water, however, generally is a result of a problem with water treatment or the pipes which distribute the water and indicates that the water may be contaminated with organisms that can cause disease. Disease symptoms may include diarrhea, cramps, nausea and possibly jaundice, and any associated headaches and fatigue. These symptoms, however, are not just associated with disease-causing organisms in drinking water, but also may be caused by a number of factors other than your drinking water. USEPA ~~U.S.--EPA~~ has set an enforceable drinking water standard for total coliforms to reduce the risk of these adverse health effects. Under this standard, no more than 5.0 percent of the samples collected during a month can contain these bacteria, except that systems collecting fewer than 40 samples/month that have one total coliform-positive sample per month are not violating the standard. Drinking water which meets this standard is usually not associated with a health risk from disease-causing bacteria and should be considered safe.

12) Fecal Coliforms/E. coli. (To be used when there is a violation of Section 611.325(b) or both Section 611.325(a) and (b)). The United States Environmental Protection Agency (USEPA U.S.--EPA) sets drinking water standards and has determined that the presence of fecal coliforms or E. coli is a serious health concern. Fecal coliforms and E. coli are generally not harmful themselves, but their presence in drinking water is serious because they usually are associated with sewage or animal wastes. The presence of these bacteria in drinking water is generally a result of a problem with water treatment or the pipes which distribute the water and indicates that the water may be contaminated with organisms that can cause disease. Disease symptoms may include diarrhea, cramps, nausea and possibly jaundice, and associated headaches and fatigue. These symptoms, however, are not just associated with disease-causing organisms in drinking water, but also may be caused by a number of factors other than your drinking water. USEPA ~~U.S.--EPA~~ has set an enforceable drinking water standard for fecal coliforms and E. coli to reduce the risk of these adverse health effects. Under this standard all drinking water samples must be free of these bacteria. Drinking water which meets this standard



POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA ~~U.S.--EPA~~ standard is associated with little to none of this risk and is considered safe with respect to barium.

17) Cadmium. The United States Environmental Protection Agency (USEPA ~~U.S~~ EPA) sets drinking water standards and has determined that cadmium is a health concern at certain levels of exposure. Food and the smoking of tobacco are common sources of general exposure. This inorganic metal is a contaminant in the metals used to galvanize pipe. It generally gets into water by corrosion of galvanized pipes or by improper waste disposal. This chemical has been shown to damage the kidney in animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Some industrial workers who were exposed to relatively large amounts of this chemical during working careers also suffered damage to the kidney. USEPA ~~U.S.--EPA~~ has set the drinking water standard for cadmium at 0.005 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA ~~U.S.--EPA~~ standard is associated with little to none of this risk and is considered safe with respect to cadmium.

18) Chromium. The United States Environmental Protection Agency (USEPA ~~U.S.-EPA~~) sets drinking water standards and has determined that chromium is a health concern at certain levels of exposure. This inorganic metal occurs naturally in the ground and is often used in the electroplating of metals. It generally gets into water from runoff from old mining operations and improper waste disposal from plating operations. This chemical has been shown to damage the kidney, nervous system, and the circulatory system of laboratory animals such as rats and mice when the animals are exposed at high levels. Some humans who were exposed to high levels of this chemical suffered liver and kidney damage, dermatitis and respiratory problems. USEPA ~~U.S.--EPA~~ has set the drinking water standard for chromium at 0.1 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA ~~U.S.--EPA~~ standard is associated with little to none of this risk and is considered safe with respect to chromium.

19) Mercury. The United States Environmental Protection Agency (USEPA ~~U.S.-EPA~~) sets drinking water standards and has determined that mercury is a health concern at certain levels of exposure. This inorganic metal is used in electrical equipment and some water pumps. It usually gets into water as a result of improper waste disposal. This chemical has been shown to damage the kidney of laboratory animals such as rats when the animals are exposed at high levels over their lifetimes. USEPA ~~U.S.--EPA~~ has set the drinking water standard for mercury at 0.002 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA ~~U.S.--EPA~~ standard is associated with little to none of this risk and is considered safe with respect to mercury.

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20) Nitrate. The United States Environmental Protection Agency (USEPA ~~U.S.-EPA~~) sets drinking water standards and has determined that nitrate poses an acute health concern at certain levels of exposure. Nitrate is used in fertilizer and is found in sewage and wastes from human and/or farm animals and generally gets into drinking water from those activities. Excessive levels of nitrate in drinking water have caused serious illness and sometimes death in infants under six months of age. The serious illness in infants is caused because nitrate is converted to nitrite in the body. Nitrite interferes with the oxygen carrying capacity of the child's blood. This is an acute disease in that symptoms can develop rapidly in infants. In most cases, health deteriorates over a period of days. Symptoms include shortness of breath and blueness of the skin. Clearly, expert medical advice should be sought immediately if these symptoms occur. The purpose of this notice is to encourage parents and other responsible parties to provide infants with an alternate source of drinking water. Local and State health authorities are the best source for information concerning alternate sources of drinking water for infants. USEPA ~~U.S.--EPA~~ has set the drinking water standard at 10 parts per million (ppm) for nitrate to protect against the risk of these adverse effects. USEPA ~~U.S.--EPA~~ has also set a drinking water standard for nitrite at 1 ppm. To allow for the fact that the toxicity of nitrate and nitrite are additive, USEPA ~~U.S.--EPA~~ has also established a standard for the sum of nitrate and nitrite at 10 ppm. Drinking water that meets the USEPA ~~U.S.--EPA~~ standard is associated with little to none of this risk and is considered safe with respect to nitrate.

21) Nitrite. The United States Environmental Protection Agency (USEPA ~~U.S.-EPA~~) sets drinking water standards and has determined that nitrite poses an acute health concern at certain levels of exposure. This inorganic chemical is used in fertilizers and is found in sewage and wastes from humans and/or farm animals and generally gets into drinking water as a result of those activities. While excessive levels of nitrite in drinking water have not been observed, other sources of nitrite have caused serious illness and sometimes death in infants under six months of age. The serious illness in infants is caused because nitrite interferes with the oxygen carrying capacity of the child's blood. This is an acute disease in that symptoms can develop rapidly. However, in most cases, health deteriorates over a period of days. Symptoms include shortness of breath and blueness of the skin. Clearly, expert medical advice should be sought immediately if these symptoms occur. The purpose of this notice is to encourage parents and other responsible parties to provide infants with an alternate source of drinking water. Local and State health authorities are the best source for information concerning alternate sources of drinking water for infants. USEPA ~~U.S.-EPA~~ has set the drinking water standard at 1 part per million (ppm) for nitrite to protect against the risk of these adverse effects. USEPA ~~U.S.-EPA~~ has also set a drinking water standard for nitrate (converted to nitrite

in humans) at 10 ppm and for the sum of nitrate and nitrite at 10 ppm. Drinking water that meets the USEPA ~~U.S.--EPA~~ standard is associated with little to none of this risk and is considered safe with respect to nitrite.

22) Selenium. The United States Environmental Protection Agency (USEPA ~~U.S.--EPA~~) sets drinking water standards and has determined that selenium is a health concern at certain high levels of exposure. Selenium is also an essential nutrient at low levels of exposure. This inorganic chemical is found naturally in food and soils and is used in electronics, photocopy operations, the manufacture of glass, chemicals, drugs, and as a fungicide and a feed additive. In humans, exposure to high levels of selenium over a long period of time has resulted in a number of adverse health effects, including a loss of feeling and control in the arms and legs. USEPA ~~U.S.--EPA~~ has set the drinking water standard for selenium at 0.05 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA ~~U.S.--EPA~~ standard is associated with little to none of this risk and is considered safe with respect to selenium.

23) Acrylamide. The United States Environmental Protection Agency (USEPA ~~U.S.--EPA~~) sets drinking water standards and has determined that acrylamide is a health concern at certain levels of exposure. Polymers made from acrylamide are sometimes used to treat water supplies to remove particulate contaminants. Acrylamide has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. Sufficiently large doses of acrylamide are known to cause neurological injury. USEPA ~~U.S.--EPA~~ has set the drinking water standard for acrylamide using a treatment technique to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. This treatment technique limits the amount of acrylamide in the polymer and the amount of the polymer which may be added to drinking water to remove particulates. Drinking water systems which comply with this treatment technique have little to no risk and are considered safe with respect to acrylamide.

24) Alachlor. The United States Environmental Protection Agency (USEPA ~~U.S.--EPA~~) sets drinking water standards and has determined that alachlor is a health concern at certain levels of exposure. This organic chemical is a widely used pesticide. When soil and climatic conditions are favorable, alachlor may get into drinking water by runoff into surface water or by leaching into ground water. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA ~~U.S.--EPA~~ has set the drinking water standard for alachlor at 0.002 parts per million (ppm) to reduce the risk of

cancer or other adverse health effects which have been observed in laboratory animals. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to alachlor.

25) Aldicarb. The United States Environmental Protection Agency (USEPA ~~U.S.--EPA~~) sets drinking water standards and has determined that aldicarb is a health concern at certain levels of exposure. Aldicarb is a widely used pesticide. Under certain soil and climatic conditions (e.g., sandy soil and high rainfall), aldicarb may leach into groundwater after normal agricultural applications to crops such as potatoes or peanuts or may enter drinking water supplies as a result of surface runoff. This chemical has been shown to damage the nervous system in laboratory animals such as rats and dogs exposed to high levels. USEPA ~~U.S.--EPA~~ has set the drinking water standard for aldicarb at 0.003 parts per million (ppm) to reduce the risk of adverse health effects. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to aldicarb.

26) Aldicarb sulfoxide. The United States Environmental Protection Agency (USEPA ~~U.S.--EPA~~) sets drinking water standards and has determined that aldicarb sulfoxide is a health concern at certain levels of exposure. Aldicarb is a widely used pesticide. Aldicarb sulfoxide in groundwater is primarily a breakdown product of aldicarb. Under certain soil and climatic conditions (e.g., sandy soil and high rainfall), aldicarb sulfoxide may leach into groundwater after normal agricultural applications to crops such as potatoes or peanuts or may enter drinking water supplies as a result of surface runoff. This chemical has been shown to damage the nervous system in laboratory animals such as rate and dogs exposed to high levels. USEPA ~~U.S.--EPA~~ has set the drinking water standard for aldicarb sulfoxide at 0.004 parts per million (ppm) to reduce the risk of adverse health effects. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to aldicarb sulfoxide.

27) Aldicarb sulfone. The United States Environmental Protection Agency (USEPA ~~U.S.--EPA~~) sets drinking water standards and has determined that aldicarb sulfone is a health concern at certain levels of exposure. Aldicarb is a widely used pesticide. Aldicarb sulfone in groundwater is primarily a breakdown product of aldicarb. Under certain soil and climatic conditions (e.g., sandy soil and high rainfall), aldicarb sulfone may leach into groundwater after normal agricultural applications to crops such as potatoes or peanuts or may enter drinking water supplies as a result of surface runoff. This chemical has been shown to damage the nervous system in laboratory animals such as rats and dogs exposed to high levels. USEPA ~~U.S.--EPA~~ has set the drinking water standard for aldicarb sulfone at 0.0002 parts per million (ppm) to reduce the risk of adverse health effects. Drinking water that meets this standard is associated with little to none of

this risk and is considered safe with respect to aldicarb sulfone.

28) Atrazine. The United States Environmental Protection Agency (USEPA ~~U.S.--EPA~~) sets drinking water standards and has determined that atrazine is a health concern at certain levels of exposure. This organic chemical is a herbicide. When soil and climatic conditions are favorable, atrazine may get into drinking water by runoff into surface water or by leaching into ground water. This chemical has been shown to affect offspring of rats and the hearts ~~heart~~ of dogs. USEPA ~~U.S.--EPA~~ has set the drinking water standard for atrazine at 0.003 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA ~~U.S.--EPA~~ standard is associated with little to none of this risk and is considered safe with respect to atrazine.

29) Carbofuran. The United States Environmental Protection Agency (USEPA ~~U.S.~~-EPA) sets drinking water standards and has determined that carbofuran is a health concern at certain levels of exposure. This organic chemical is a pesticide. When soil and climatic conditions are favorable, carbofuran may get into drinking water by runoff into surface water or by leaching into ground water. This chemical has been shown to damage the nervous and reproductive systems of laboratory animals such as rats and mice exposed at high levels over their lifetimes. Some humans who were exposed to relatively large amounts of this chemical during their working careers also suffered damage to the nervous system. Effects on the nervous system are generally rapidly reversible. USEPA ~~U.S.-EPA~~ has set the drinking water standard for carbofuran at 0.04 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA ~~U.S.--EPA~~ standard is associated with little to none of this risk and is considered safe with respect to carbofuran.

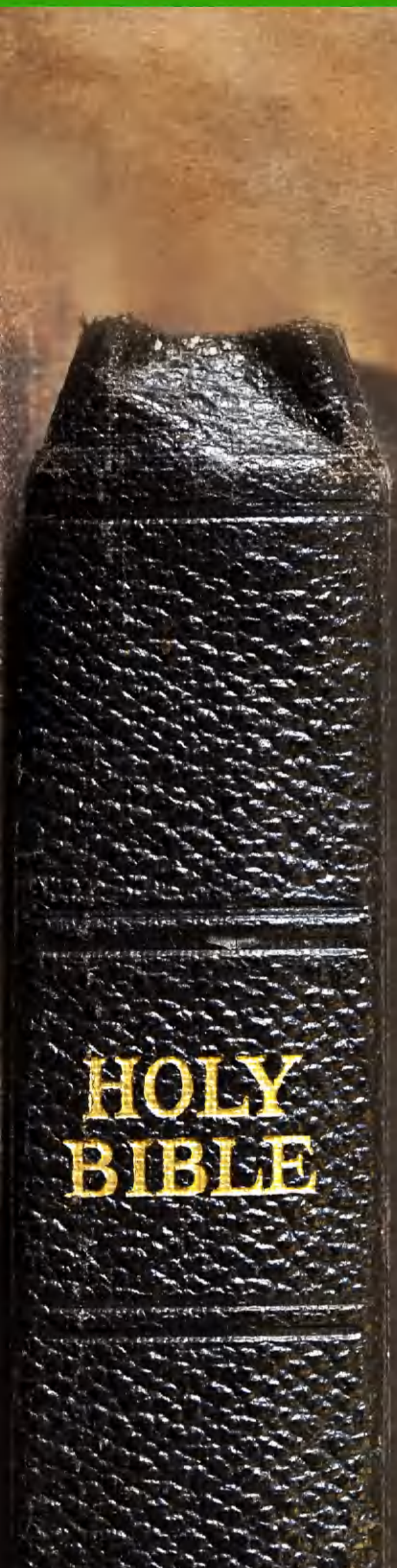
30) Chlordane. The United States Environmental Protection Agency (USEPA ~~U.S.-EPA~~) sets drinking water standards and has determined that chlordane is a health concern at certain levels of exposure. This organic chemical is a pesticide used to control termites. Chlordane is not very mobile in soils. It usually gets into drinking water after application near water supply intakes or wells. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA ~~U.S.--EPA~~ has set the drinking water standard for chlordane at 0.002 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water that meets the USEPA ~~U.S.~~-EPA standard is associated with little to none of this risk and is considered safe with respect to chlordane.

31) Dibromochloropropane (DBCP). The United States Environmental Protection Agency (USEPA ~~U.S.-EPA~~) sets drinking water standards and has determined that DBCP is a health concern at certain levels of exposure. This organic chemical was once a popular pesticide. When soil and climatic conditions are favorable, DBCP may get into drinking water by runoff into surface water or by leaching into ground water. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA ~~U.S.-EPA~~ has set the drinking water standard for DBCP at 0.0002 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water that meets the USEPA ~~U.S.-EPA~~ standard is associated with little to none of this risk and is considered safe with respect to DBCP.

32) o-Dichlorobenzene. The United States Environmental Protection Agency (USEPA ~~U.S.~~-EPA) sets drinking water standards and has determined that o-dichlorobenzene is a health concern at certain levels of exposure. This organic chemical is used as a solvent in the production of pesticides and dyes. It generally gets into water by improper waste disposal. This chemical has been shown to damage the liver, kidney and the blood cells of laboratory animals such as rates and mice exposed to high levels during their lifetimes. Some industrial workers who were exposed to relatively large amounts of this chemical during working careers also suffered damage to the liver, nervous system, and circulatory system. USEPA ~~U.S.-EPA~~ has set the drinking water standard for o-dichlorobenzene at 0.6 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA ~~U.S.-EPA~~ standard is associated with little to none of this risk and is considered safe with respect to o-dichlorobenzene.

33) cis-1,2-Dichloroethylene. The United States Environmental Protection Agency (USEPA ~~U.S.~~-EPA) establishes drinking water standards and has determined that cis-1,2-dichloroethylene is a health concern at certain levels of exposure. This organic chemical is used as a solvent and intermediate in chemical production. It generally gets into water by improper waste disposal. This chemical has been shown to damage the liver, nervous system, and circulatory system of laboratory animals such as rats and mice when exposed at high levels over their lifetimes. Some humans who were exposed to relatively large amount of this chemical also suffered damage to the nervous system. USEPA ~~U.S.--EPA~~ has set the drinking water standard for cis-1,2-dichloroethylene at 0.07 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA ~~U.S.-EPA~~ standard is associated with little to none of this risk and is considered safe with respect to cis-1,2-dichloroethylene.

34) trans-1,2-Dichloroethylene. The United States Environmental Protection Agency (USEPA ~~U.S.--EPA~~) establishes drinking water



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laboratory animals. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to EDB.

40) Heptachlor. This contaminant is subject to an a "additional State requirement". The supplier shall give the following notice if the level exceeds the Section 611.311 MCL. If the level exceeds the Section 611.310 MCL, but not that of Section 611.311, the supplier shall give a general notice under Section 611.854.
The United States Environmental Protection Agency (USEPA ~~U.S.--EPA~~) sets drinking water standards and has determined that heptachlor is a health concern at certain levels of exposure. This organic chemical was once a popular pesticide. When soil and climatic conditions are favorable, heptachlor may get into drinking water by runoff into surface water or by leaching into ground water. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA ~~U.S.--EPA~~ has set the drinking water standards for heptachlor at 0.0004 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to heptachlor.

41) Heptachlor epoxide. This contaminant is subject to an a "additional State requirement". The supplier shall give the following notice if the level exceeds the Section 611.311 MCL. If the level exceeds the Section 611.310 MCL, but not that of Section 611.311, the supplier shall give a general notice under Section 611.854.
The United States Environmental Protection Agency (USEPA ~~U.S.--EPA~~) sets drinking water standards and has determined that heptachlor epoxide is a health concern at certain levels of exposure. This organic chemical was once a popular pesticide. When soil and climatic conditions are favorable, heptachlor expoxide may get into drinking water by runoff into surface water or by leaching into ground water. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA ~~U.S.--~~EPA has set the drinking water standards for heptachlor epoxide at 0.0002 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to heptachlor epoxide.

42) Lindane. The United States Environmental Protection Agency (USEPA ~~U.S.--~~EPA) sets drinking water standards and has determined that lindane is a health concern at certain levels of exposure. This

organic chemical is used as a pesticide. When soil and climatic conditions are favorable, lindane may get into drinking water by runoff into surface water or by leaching into ground water. This chemical has been shown to damage the liver, kidney, nervous system, and immune system of laboratory animals such as rats, mice and dogs exposed at high levels during their lifetimes. Some humans who were exposed to relatively large amounts of this chemical also suffered damage to the nervous system and circulatory system. USEPA ~~U.S.--EPA~~ has established the drinking water standard for lindane at 0.0002 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA ~~U.S.--EPA~~ standard is associated with little to none of this risk and is considered safe with respect to lindane.

43) Methoxychlor. The United States Environmental Protection Agency (USEPA ~~U.S.~~-EPA) sets drinking water standards and has determined that methoxychlor is a health concern at certain levels of exposure. This organic chemical is used as a pesticide. When soil and climatic conditions are favorable, methoxychlor may get into drinking water by runoff into surface water or by leaching into ground water. This chemical has been shown to damage the liver, kidney, nervous system, and reproductive system of laboratory animals such as rats exposed at high levels during their lifetimes. It has also been shown to produce growth retardation in rats. USEPA ~~U.S.--EPA~~ has set the drinking water standard for methoxychlor at 0.04 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA ~~U.S.--EPA~~ standard is associated with little to none of this risk and is considered safe with respect to methoxychlor.

44) Monochlorobenzene. The United States Environmental Protection Agency (USEPA ~~U.S.--EPA~~) sets drinking water standards and has determined that monochlorobenzene is a health concern at certain levels of exposure. This organic chemical is used as a solvent. It generally gets into water by improper waste disposal. This chemical has been shown to damage the liver, kidney and nervous system of laboratory animals such as rats and mice exposed to high levels during their lifetimes. USEPA ~~U.S.--EPA~~ has set the drinking water standard for monochlorobenzene at 0.1 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA ~~U.S.--EPA~~ standard is associated with little to none of this risk and is considered safe with respect to monochlorobenzene.

45) Polychlorinated biphenyls (PCBs). The United States Environmental Protection Agency (USEPA ~~U.S.--EPA~~) sets drinking water standards and has determined that polychlorinated biphenyls (PCBs) are a health concern at certain levels of exposure. These organic chemicals were once widely used in electrical transformers and other industrial equipment. They generally get into drinking water by improper waste disposal or leaking electrical industrial equipment. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes.

Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA ~~U.S.~~-EPA has set the drinking water standard for PCBs at 0.0005 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to PCBs.

46) Pentachlorophenol. The United States Environmental Protection Agency (USEPA ~~U.S.~~-EPA) sets drinking water standards and has determined that pentachlorophenol is a health concern at certain levels of exposure. This organic chemical is widely used as a wood preservative, hervicide, disinfectant, and defoliant. It generally gets into drinking water by runoff into surface water or leaching into groundwater. This chemical has been shown to produce adverse reproductive effects and to damage the liver and kidneys of laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Some humans who were exposed to relatively large amounts of this chemical also suffered damage to the liver and kidneys. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA ~~U.S.~~-EPA has set the drinking water standard for pentachlorophenol at 0.001 parts per million (ppm) to reduce the risk of adverse health effects. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to pentachlorophenol.

47) Styrene. The United States Environmental Protection Agency (USEPA ~~U.S.~~-EPA) sets drinking water standards and has determined that styrene is a health concern at certain levels of exposure. This organic chemical is commonly used to make plastics and is sometimes a component of resins used for drinking water treatment. Styrene may get into drinking water from improper waste disposal. This chemical has been shown to damage the liver and nervous system in laboratory animals when exposed at high levels during their lifetimes. USEPA ~~U.S.~~-EPA has set the drinking water standard for styrene at 0.1 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA ~~U.S.~~-EPA standard is associated with little to none of this risk and is considered safe with respect to styrene.

48) Tetrachloroethylene. The United States Environmental Protection Agency (USEPA ~~U.S.~~-EPA) sets drinking water standards and has determined that tetrachloroethylene is a health concern at certain levels of exposure. This organic chemical has been a popular solvent, particularly for dry cleaning. It generally gets into drinking water by improper waste disposal. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause

cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA ~~U.S.~~-EPA has set the drinking water standard for tetrachloroethylene at 0.005 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to tetrachloroethylene.

49) Toluene. The United States Environmental Protection Agency (USEPA ~~U.S.~~-EPA) sets drinking water standards and has determined that toluene is a health concern at certain levels of exposure. This organic chemical is used as a solvent and in the manufacture of gasoline for airplanes. It generally gets into water by improper waste disposal or leaking underground storage tanks. This chemical has been shown to damage the kidney, nervous system, and circulatory system of laboratory animals such as rats and mice exposed to high levels during their lifetimes. Some industrial workers who were exposed to relatively large amounts of this chemical during working careers also suffered damage to the liver, kidney and nervous system. USEPA ~~U.S.~~-EPA has set the drinking water standard for toluene at 1 part per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA ~~U.S.~~-EPA standard is associated with little to none of this risk and is considered safe with respect to toluene.

50) Toxaphene. The United States Environmental Protection Agency (USEPA ~~U.S.~~-EPA) sets drinking water standards and has determined that toxaphene is a health concern at certain levels of exposure. This organic chemical was once a pesticide widely used on cotton, corn, soybeans, pineapples and other crops. When soil and climatic conditions are favorable, toxaphene may get into drinking water by runoff into surface water or by leaching into ground water. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that caused cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA ~~U.S.~~-EPA has set the drinking water standard for toxaphene at 0.003 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to toxaphene.

51) 2,4,5-TP. The United States Environmental Protection Agency (USEPA ~~U.S.~~-EPA) sets drinking water standards and has determined that 2,4,5-TP is a health concern at certain levels of exposure. This organic chemical is used as a herbicide. When soil and climatic conditions are favorable, 2,4,5-TP may get into drinking water by runoff into surface water or by leaching into ground water. This chemical has been shown to damage the liver and kidney of laboratory animals such as rats and dogs exposed to high levels during their

lifetimes. Some industrial workers who were exposed to relatively large amounts of this chemical during working careers also suffered damage to the nervous system. USEPA ~~U.S.~~-EPA has set the drinking water standard for 2,4,5-TP at 0.05 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA ~~U.S.~~-EPA standard is associated with little to none of this risk and is considered safe with respect to 2,4,5-TP.

52) Xylenes. The United States Environmental Protection Agency (USEPA ~~U.S.~~-EPA) sets drinking water standards and has determined that xylene is a health concern at certain levels of exposure. This organic chemical is used in the manufacture of gasoline for airplanes and as a solvent for pesticides, and as a cleaner and degreaser of metals. It usually gets into water by improper waste disposal. This chemical has been shown to damage the liver, kidney and nervous system of laboratory animals such as rats and dogs exposed to high levels during their lifetimes. Some humans who were exposed to relatively large amounts of this chemical also suffered damage to the nervous system. USEPA ~~U.S.~~-EPA has set the drinking water standard for xylene at 10 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA ~~U.S.~~-EPA standard is associated with little to none of this risk and is considered safe with respect to xylene.

53) Antimony. The United States Environmental Protection Agency (USEPA ~~U.S.~~-EPA) sets drinking water standards and has determined that antimony is a health concern at certain levels of exposure. This inorganic chemical occurs naturally in soils, ground water, and surface water and is often used in the flame retardant industry. It is also used in ceramics and glass, batteries, fireworks, and explosives. It may get into drinking water through natural weathering of rock, industrial production, municipal waste disposal, or manufacturing processes. This chemical has been shown to decrease longevity, and altered blood levels of cholesterol and glucose in laboratory animals such as rats exposed to high levels during their lifetimes. USEPA ~~U.S.~~-EPA has set the drinking water standard for antimony at 0.006 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA ~~U.S.~~--EPA standard is associated with little to none of this risk and is considered safe with respect to antimony.

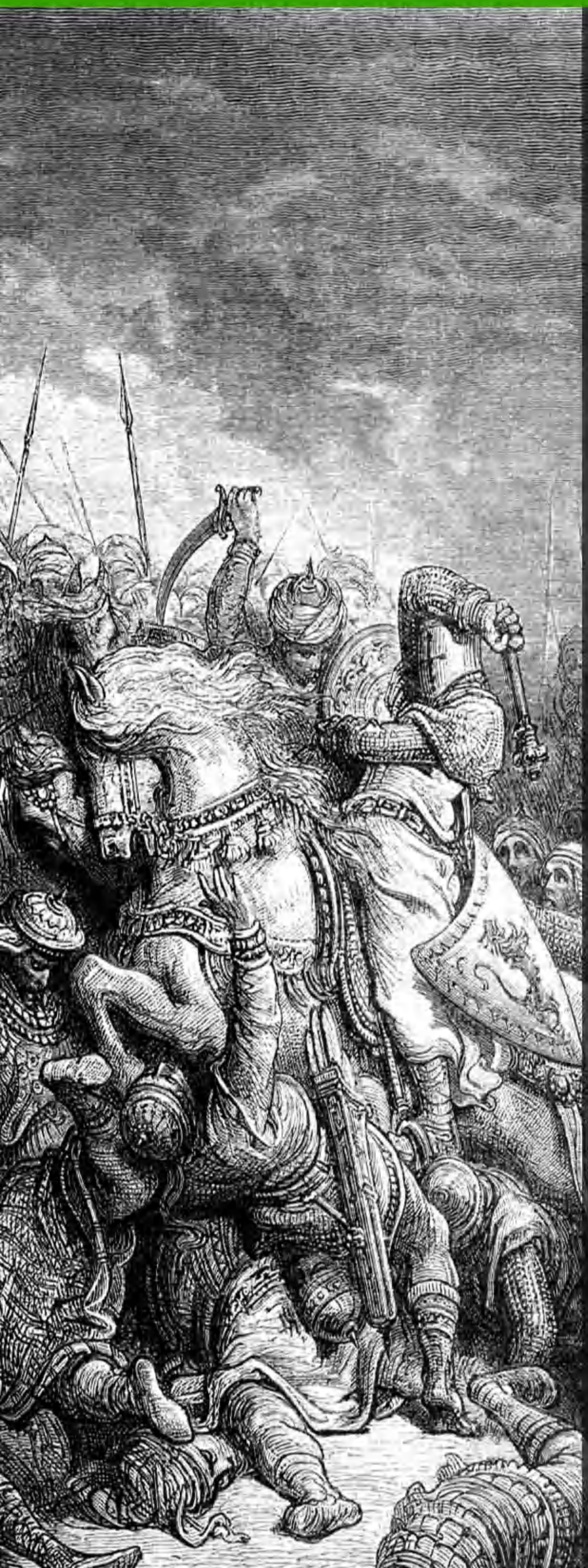
54) Beryllium. The United States Environmental Protection Agency (USEPA ~~U.S.~~--EPA) sets drinking water standards and has determined that beryllium is a health concern at certain levels of exposure. This inorganic chemical occurs naturally in soils, ground water, and surface water and is often used in electrical equipment and electrical components. It generally gets into water from runoff from mining operations, discharge from processing plants, and improper waste disposal. Beryllium compounds have been associated with damage to the bones and lungs and induction of cancer in laboratory animals such as rats and mice when the animals are exposed to high levels during their

lifetimes. There is limited evidence to suggest that beryllium may pose a cancer risk via drinking water exposure. Therefore, USEPA ~~U.S.~~-EPA based the health assessment on noncancer effects with the extra uncertainty factor to account for possible carcinogenicity. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA ~~U.S.~~--EPA has set the drinking water standard for beryllium at 0.004 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA ~~U.S.~~-EPA standard is associated with little to none of this risk and is considered safe with respect to beryllium.

55) Cyanide. The United States Environmental Protection Agency (USEPA ~~U.S.~~--EPA) sets drinking water standards and has determined that cyanide is a health concern at certain levels of exposure. This inorganic chemical is used in electroplating, steel processing, plastics, synthetic fabrics, and fertilizer products. It usually gets into water as a result of improper waste disposal. This chemical has been shown to damage the spleen, brain, and liver of humans fatally poisoned with cyanide. USEPA ~~U.S.~~--EPA has set the drinking water standard for cyanide at 0.2 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA ~~U.S.~~-EPA standard is associated with little to none of this risk and is considered safe with respect to cyanide.

56) Nickel. This subsection corresponds with 40 CFR 141.32(e)(56) marked "reserved" by USEPA. This statement maintains structural consistency with USEPA rules. ~~The United States Environmental Protection Agency (U.S.--EPA) sets drinking water standards and has determined that nickel is a health concern at certain levels of exposure. This inorganic chemical occurs naturally in soils, ground water, and surface water and is often used in electroplating, stainless steel, and alloy products. It generally gets into water from mining and refining operations. This chemical has been shown to damage the heart and liver in laboratory animals when the animals are exposed to high levels over their lifetimes. U.S. EPA has set the drinking water standard at 0.1 parts per million (ppm) for nickel to protect against the risk of these adverse health effects. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to nickel.~~

57) Thallium. The United States Environmental Protection Agency (USEPA ~~U.S.~~--EPA) sets drinking water standards and has determined that thallium is a health concern at certain high levels of exposure. This inorganic chemical occurs naturally in soils, ground water, and surface water and is used in electronics, pharmaceuticals, and the manufacture of glass and alloys. This chemical has been shown to damage the kidney, liver, brain, and intestines of laboratory animals when the animals are exposed to high levels during their lifetimes. USEPA ~~U.S.~~--EPA has set the drinking water standard for thallium at 0.002 parts per million (ppm) to protect against the risk of these



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Drinking water that meets the USEPA ~~U.S.~~-EPA standard is associated with little to none of this risk and is considered safe with respect to diquant.

65) Endothall. The United States Environmental Protection Agency (USEPA ~~U.S.~~-EPA) sets drinking water standards and has determined that endothall is a health concern at certain levels of exposure. This organic chemical is a herbicide used to control terrestrial and aquatic weeds. It may get into drinking water by runoff into surface water. This chemical has been shown to damage the liver, kiney, gastrointestinal tract, and reproductive system of laboratory animals such as rats and mice exposed at high levels over their lifetimes. USEPA ~~U.S.~~-EPA has set the drinking water standard for endothall at 0.1 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA ~~U.S.~~-EPA standard is associated with little to none of this risk and is considered safe with respect to endothall.

66) Endrin. The United States Environmental Protection Agency (USEPA ~~U.S.~~-EPA) sets drinking water standards and has determined that endrin is a health concern at certain levels of exposure. This organic chemical is a pesticide no longer reistered for use in the United States. However, this pesticide is persistent in treated soils and accumulates in sediments and aquatic and terrestrial biota. This chemical has been shown to cause damage to the liver, kidney, and heart in laboratory animals such as rats and mice when the animals are exposed to high levels during their lifetimes. USEPA ~~U.S.~~-EPA has set the drinking water standard for endrin at 0.002 parts per million (ppm) to protect against the risk of these adverse health effects that have been observed in laboratory animals. Drinking water that meets the USEPA ~~U.S.~~-EPA standard is associated with little to none of this risk and is considered safe with respect to endrin.

67) Glyphosate. The United States Environmental Protection Agency (USEPA ~~U.S.~~-EPA) sets drinking water standards and has determined that glyphosate is a health concern at certain levels of exposure. This organic chemical is a herbicide used to control grasses and weeds. It may get into drinking water by runoff into surface water. This chemical has been shown to cause damage to the liver and kidneys in laboratory animals such as rats and mice when the animals are exposed to high levels during their lifetimes. USEPA ~~U.S.~~-EPA has set the drinking water standard for glyphosate at 0.7 parts per million (ppm) to protect against their risk of these adverse health effects. Drinking water that meets the USEPA ~~U.S.~~-EPA standard is associated with little to none of this risk and is considered safe with respect to glyphosate.

68) Hexachlorobenzene. The United States Environmental Protection Agency (USEPA ~~U.S.~~-EPA) sets drinking water standards and has determined that hexachlorobenzene is a health concern at certain levels of exposure. This organic chemical is produced as an impurity in the manufacture of certain solvents and pesticides. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed to high levels during their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA ~~U.S.~~-EPA has set the drinking water standard for hexachlorobenzene at 0.001 parts per million (ppm) to protect against the risk of cancer and other adverse health effects. Drinking water that meets the USEPA ~~U.S.~~-EPA standard is associated with little to none of this risk and is considered safe with respect to hexachlorobenzene.

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69) Hexachlorocyclopentadiene. The United States Environmental Protection Agency (USEPA ~~U.S.~~-EPA) sets drinking water standards and has determined that hexachlorocyclopentadiene is a health concern at certain levels of exposure. This organic chemical is a used as an intermediate in the manufacture of pesticides and flame retardants. It may get into water by discharge from production facilities. This chemical has been shown to damage the kidney and the stomach of laboratory animals when exposed to high levels during their lifetimes. USEPA ~~U.S.~~-EPA has set the drinking water standard for hexachlorocyclopentadiene at 0.05 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA ~~U.S.~~-EPA standard is associated with little to none of this risk and is considered safe with respect to hexachlorocyclopentadiene.

70) Oxamyl. The United States Environmental Protection Agency (USEPA ~~U.S.~~-EPA) sets drinking water standards and has determined that oxamyl is a health concern at certain levels of exposure. This organic chemical is used as a pesticide for the control of insects and other pests. It may get into drinking water by runoff into surface water or leaching into ground-water. This chemical has been shown to damage the kidneys of laboratory animals such as rats when exposed at high levels during their lifetimes. USEPA U.S.-EPA has set the drinking water standard for oxamyl at 0.2 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA ~~U.S.~~-EPA standard is associated with little to none of this risk and is considered safe with respect to oxamyl.

71) Picloram. The United States Environmental Protection Agency (USEPA ~~U.S.~~-EPA) sets drinking water standards and has determined that picloram is a health concern at certain levels of exposure. This organic chemical is used as a pesticide for broadleaf weed control. It may get into drinking water by runoff into surface water or leaching into groundwater as a result of pesticide application and improper waste disposal. This chemical has been shown to cause damage to the kidneys and liver in laboratory animals such as rats when the animals are exposed to high levels during their lifetimes. USEPA ~~U.S.~~-EPA has set the drinking water standard for picloram at 0.5 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA ~~U.S.~~-EPA standard is associated with little to none of this risk and is considered safe

with respect to picloram.

72) Simazine. The United States Environmental Protection Agency (USEPA ~~U.S.--EPA~~) sets drinking water standards and has determined that simazine is a health concern at certain levels of exposure. This organic chemical is a herbicide used to control annual grasses and broadleaf weeds. It may leach into groundwater or run off into surface water after application. This chemical may cause cancer in laboratory animals such as rats and mice when the animals are exposed to high levels during their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA ~~U.S.--EPA~~ has set the drinking water standard for simazine at 0.004 parts per million (ppm) to reduce the risk of cancer or adverse health effects. Drinking water that meets the USEPA ~~U.S.--EPA~~ standard is associated with little to none of this risk and is considered safe with respect to simazine.

73) 1,2,4-Trichlorobenzene. The United States Environmental Protection Agency (USEPA ~~U.S.--EPA~~) sets drinking water standards and has determined that 1,2,4-trichlorobenzene is a health concern at certain levels of exposure. This organic chemical is used as a dye carrier and as a precursor in herbicide manufacture. It generally gets into drinking water by discharge from industrial activities. This chemical has been shown to cause damage to several organs, including the adrenal glands. USEPA ~~U.S.--EPA~~ has set the drinking water standard for 1,2,4-trichlorobenzene at 0.07 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA ~~U.S.--EPA~~ standard is associated with little to none of this risk and is considered safe with respect to 1,2,4-trichlorobenzene.

74) I,I,2-Trichloroethane. The United States Environmental Protection Agency (USEPA ~~U.S.--EPA~~) sets drinking water standards and has determined that 1,1,2-trichloroethane is a health concern at certain levels of exposure. This organic chemical is an intermediate in the production of 1,1-dichloroethylene. It generally gets into water by industrial discharge of wastes. This chemical has been shown to damage the kidney and liver of laboratory animals such as rats exposed to high levels during their lifetimes. USEPA ~~U.S.--EPA~~ has set the drinking water standard for 1,1,2-trichloroethane at 0.005 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA ~~U.S.--EPA~~ standard is associated with little to none of this risk and is considered safe with respect to 1,1,2-trichloroethane.

75) 2,3,7,8-TCDD (dioxin). The United States Environmental Protection Agency (USEPA ~~U.S.--EPA~~) sets drinking water standards and has determined that dioxin is a health concern at certain levels of exposure. This organic chemical is an impurity in the production of some pesticides. It may get into drinking water by industrial discharge of wastes. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed

POLLUTION CONTROL BOARD

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to high levels during their lifetimes. Chew
laboratory animals also may increase the ris
are exposed over long periods of time.
drinking water standard for dioxin at 0.000
(ppm) to protect against the risk of cano
effects. Drinking water that meets the USEP
associated with little to none of this r
with respect to dioxin.

BOARD NOTE: Derived from 40 CFR 141.32(e) (

(Source: Amended at 20 Ill. Reg. OCT 22 1996)

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Section 611.APPENDIX B Percent Inactivation of G. Lamblia Cysts

TABLE 1.1
CT-99.9 FOR 99.9 PERCENT INACTIVATION OF GIARDIA LAMBLIA CYSTS
BY FREE CHLORINE AT 0.5 DEGREES C OR LOWER

These CT values achieve greater than a 99.99 percent inactivation of viruses. CT values between the indicated pH values may be determined by linear interpolation. CT values between the indicated temperatures of different tables may be determined by linear interpolation. If no interpolation is used, use the CT 99.9 value at the lower temperature and at the higher pH.

Free Residual	pH						
	~~less than~~ ~~≤~~6.0	6.5	7.0	7.5	8.0	8.5	~~less than~~ ~~≥~~9.0
(mg/L)							
~~less than~~ ~~≤~~0.41	137	163	195	237	277	329	390
0.6	141	168	200	239	286	342	407
0.8	145	172	205	246	295	354	422
1.0	148	176	210	253	304	365	437
1.2	152	180	215	259	313	376~~276~~	451
1.4	155	184	221	266	321	387	464
1.6	157	189	226	273	329	397	477
1.8	162	193	231	279	338	407	489
2.0	165	197	236	286	346	417	500
2.2	169	201	242	297	353	426	511
2.4	172	205	247	298~~296~~	361	435	522
2.6	175	209	252	304	368	444	533
2.8	178	213	257	310	375	452	543
3.0	181	217	261	316	382	460	552

TABLE 1.2
CT-99.9 FOR 99.9 PERCENT INACTIVATION OF GIARDIA LAMBLIA CYSTS
BY FREE CHLORINE AT 5.0 DEGREES C

These CT values achieve greater than a 99.99 percent inactivation of viruses. CT values between the indicated pH values may be determined by linear interpolation. CT values between the indicated temperatures of different tables may be determined by linear interpolation. If no interpolation is used, use the CT 99.9 value at the lower temperature and at the higher pH.

Free Residual	pH						
	~~less than~~ ~~≤~~6.0	6.5	7.0	7.5	8.0	8.5	~~less than~~ ~~≥~~9.0
(mg/L)							

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~~less than~~ ~~≤~~ 0.4	97	117	139	166	198	236	279
0.6	100	120	143	171	204	244	291
0.8	103	122	146	175	210	252	301
1.0	105	125	149	179	216	260	312
1.2	107	127	152	183	221	267	320
1.4	109	130	155	187	227	274	329
1.6	111	132	158	192	232	281	337
1.8	114	135	162	196	238	287	345
2.0	116	138	165	200	243	294	353
2.2	118	140	169	204	248	300	361
2.4	120	143	172	209	253	306	368
2.6	122	146	175	213	258	312	375
2.8	124	148	178	217	263	318	382
1.0	126	151	182	221	268	324	369

TABLE 1.3
CT-99.9 FOR 99.9 PERCENT INACTIVATION OF GIARDIA LAMBLIA CYSTS
BY FREE CHLORINE AT 10.0 DEGREES C

These CT values achieve greater than a 99.99 percent inactivation of viruses. CT values between the indicated pH values may be determined by linear interpolation. CT values between the indicated temperatures of different tables may be determined by linear interpolation. If no interpolation is used, use the CT 99.9 value at the lower temperature and at the higher pH.

Free Residual	pH						
	~~less than~~ ~~≤~~6.0	6.5	7.0	7.5	8.0	8.5	~~less than~~ ~~≥~~9.0
(mg/L)							
~~less than~~ ~~≤~~ 0.4	73	88	104	125	149	177	209
0.6	75	90	107	128	153	183	218 ~~210~~
0.8	78	92	110	131	158	189	226 ~~220~~
1.0	79	94	112	134	162	195	234
1.2	80	95	114	137	166	200	240
1.4	82	98	116	140	170	206	247
1.6	83	99	119	144	174	211	253
1.8	86	101	122	147	179	215	259
2.0	87	104	124	150	182	221	265
2.2	89	105	127	153	186	225	271
2.4	90	107	129	157	190	230	276
2.6	92	110	131	160	194	234	281
2.8	93	111	134	163	197	239	287
3.0	95	113	137	166	201	243	292

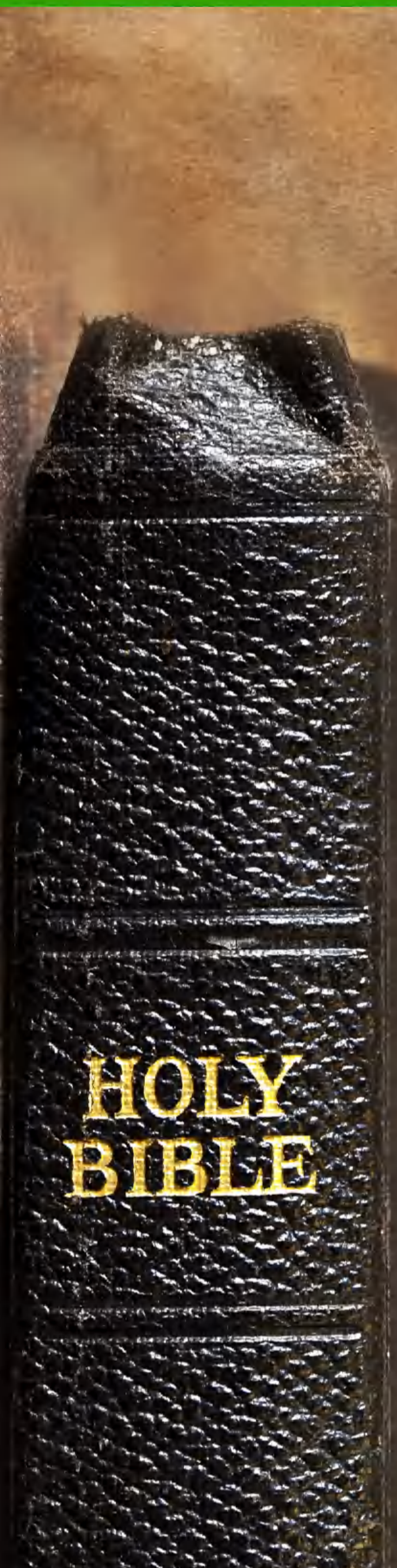

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TABLE 2.1
CT-99.9 FOR 99.9 PERCENT INACTIVATION OF GIARDIA LAMBLIA CYSTS
BY CHLORINE DIOXIDE AND OZONE

These CT values achieve greater than a 99.99 percent inactivation of viruses. CT values between the indicated pH values may be determined by linear interpolation. If no interpolation is used, use the CT[99.9] value at the lower temperature for determining CT[99.9] values between indicated temperatures.

~~less than or equal to~~ ≤1° C	5° C	10° C	15° C	20° C	~~greater than~~ >25° C
Chlorine dioxide	63~~.~~	26~~.~~	23~~.~~	19~~.~~	15~~.~~	11~~.~~
Ozone	2.9	1.9	1.4	0.95	0.72	0.48

TABLE 3.1
CT-99.9 FOR 99.9 PERCENT INACTIVATION OF GIARDIA LAMBLIA CYSTS
BY CHLORAMINES

These values are for pH values of 6 to 9. These CT values may be assumed to achieve greater than a 99.99 percent inactivation of viruses only if chlorine is added and mixed in the water prior to the addition of ammonia. If this condition is not met, the system must demonstrate, based on on-site studies or other information, as approved by the Agency, that the system is achieving at least a 99.99 percent inactivation of viruses. CT values between the indicated temperatures may be determined by linear interpolation. If no interpolation is used, use the CT[99.9] value at the lower temperature for determining CT[99.9] values between indicated temperatures.

~~less than or equal to~~ ≤1° C	5° C	10° C	15° C	20° C	~~greater than~~ ≥25° C
Chloramines	3800~~.~~	2200~~.~~	1850~~.~~	1500~~.~~	1100~~.~~	750~~.~~

BOARD NOTE: Derived from 40 CFR 141.74(b) Tables 1.1 through 3.1 (1995) ~~.~~ as ~~adopted at 54 Fed. Reg. 27526, June 29, 1989.~~

(Source: Amended at 20 Ill. Reg. 14493, effective ~~OCT 2 2 1996~~)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Income Tax

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

3) Section Numbers: 100.2470 — Adopted Action: Amendment

4) Statutory Authority: 35 ILCS 5/1101

5) Effective Date of Amendment(s): October 29, 1996

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

7) Does this amendment contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: October 29, 1996

9) Notice of Proposal Published in Illinois Register: July 26, 1996, 20 Ill. Reg. 9840

10) Has JCAR issued a Statement of Objections to these Amendments? No

11) Differences between proposal and final version: No differences between proposal and final version.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? N/A

13) Will this amendment replace an emergency amendment currently in effect? No

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

Section Numbers	Proposed Action	Illinois Register Citation
100.9710	New Section	7/19/96, 20 Ill. Reg. 9488
100.2580	New Section	9/20/96, 20 Ill. Reg. 12575

15) Summary and Purpose of Amendment(s): Sections 203(a)(2)(N), 203(b)(2)(J), 203(c)(2)(K) and 203(d)(2)(G) of the Illinois Income Tax Act allow the subtraction from federal income in arriving at Illinois base income 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. P.A. 89-460 added additional language to these provisions concerning bond premium amortization. This rulemaking adds to the rule the statutory language added by P.A. 89-460. P.A. 89-460 also added bonds issued by the Southwestern Illinois Development Authority to the list of bonds the interest of which is exempt from Illinois income taxation, and as a

DEPARTMENT OF REVENUE

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result, these bonds are added to subsection (f) of the rule. The rulemaking also corrects some typographical errors and omissions made when the rule was originally adopted.

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

Keith Staats
Associate Chief Counsel (Income Tax)
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-7055

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

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 100
INCOME TAX

SUBPART A: TAX IMPOSED

SUBPART B: CREDITS

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

DEPARTMENT OF REVENUE

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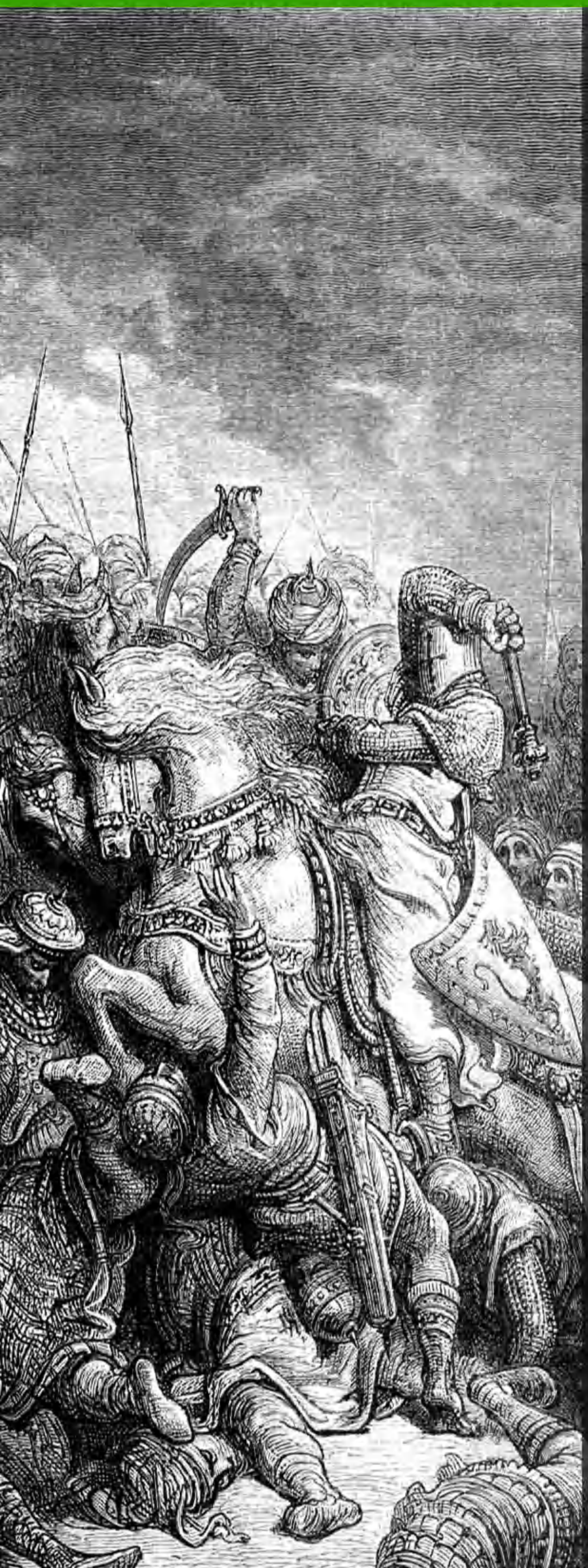

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

SUBPART Z: INVESTIGATIONS AND HEARINGS

SUBPART AA: JUDICIAL REVIEW

SUBPART BB: DEFINITIONS

SUBPART CC: LETTER RULING PROCEDURES

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 5 Ill. Reg. 4617, effective April 14, 1981; amended at 5 Ill. Reg. 4642, 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; codified at 8 Ill. Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended at 10 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

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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 OCT 29 1996.

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 ~~T~~axpayers are entitled to subtract ~~from-adjusted-gross-income~~ *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 amoritization* (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 U.S.C.A. 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 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 U.S.C. Section 3124(a) ~~3124(1)~~. 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 U.S.C.A. Section 3124(a):
   A) Interest on U.S. Treasury bonds, notes, bills, certificates, and savings bonds.
   B) Income from GSA Public Building Trust Participation Certificates: First Series, Series A through E; Second Series, Series F; Third Series, Series G; Fourth Series H and I.

c) Income exempted by reason of other federal statutes. Federal statutes provide exemption from state income taxation with respect to various specifically named types of income. Following is a list (intended to be exhaustive) of exempt income and the specific statutes to which each item relates:
   1) Banks for Cooperatives - Income from notes, debentures, and other obligations issued by Banks for Cooperatives (12 U.S.C.A. 2134).
   2) Commodity Credit Corporation - Interest derived from bonds, notes, debentures, and other similar obligations issued by Commodity Credit Corporation (15 U.S.C.A. 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 U.S.C.A. 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 U.S.C.A. 1825).

   5) Federal Farm Credit Banks - Income from consolidated system-wide notes, bonds, debentures, and other obligations issued jointly and severally under 12 U.S.C.A. 2153 by Banks of the Federal Farm Credit System (12 U.S.C.A. 2023; 12 U.S.C.A. 207; 12 U.S.C.A. 2098; and 12 U.S.C.A. 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 U.S.C.A. 1433).
   7) Federal Intermediate Credit Banks - Income from notes, debentures, bonds, and other obligations issued by Federal Intermediate Credit Banks (12 U.S.C.A. 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 U.S.C.A. 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 U.S.C.A. 1725(e)).
   10) Financing Corporation (FICO) - Income from obligations issued by the Financing Corporation (12 U.S.C.A. 1441(e)(8)).
   11) General Insurance Fund
      A) Interest derived from debentures issued by General Insurance Fund under the War Housing Insurance Law (12 U.S.C.A. 1739(d)); or
      B) Interest derived from debentures issued by General Insurance Fund to acquire rental housing projects (12 U.S.C.A. 1747g(g)); or
      C) Interest derived from Armed Services Housing Mortgage Insurance Debentures issued by the General Insurance Fund (12 U.S.C.A. Section 1748b(f)).
   12) Guam - Interest derived from bonds issued by the government of Guam (48 U.S.C.A. 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 U.S.C.A. 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 U.S.C.A. 1795K(b)).
   15) Production Credit Association - Income from notes, debentures,

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and other obligations issued by Production Credit Association (12 U.S.C.A. 2098).

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

17) Railroad Retirement Act - Annuity and supplemental annuity payments as qualified under the Railroad Retirement Act of 1974 (45 U.S.C.A. 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 U.S.C.A. 352(e)).

19) Resolution Funding Corporation - Interest from obligations issued by the Resolution Funding Corporation (12 U.S.C.A. 1441b(f)(7)(A)).

20) Special Food Service Program - Assistance to children under the Special Food Service Program (42 U.S.C.A. 1760(e)).

21) Student Loan Marketing Association - Interest derived from obligations issued by the Student Loan Marketing Association (20 U.S.C.A. 1087-2(h)(221)).

22) Tennessee Valley Authority - Interest derived from bonds issued by the Tennessee Valley Authority (16 U.S.C.A. 831n-4(d).

23) United States Postal Service - Interest derived from obligations issued by the United States Postal Service (39 U.S.C.A. 2005(d)(4)).

24) Virgin Islands - Interest derived from bonds issued by the Government of the Virgin Islands (48 U.S.C.A. 1574(b)(ii)(A)). This income is not presently included in ~~federal taxable~~ 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.

d) Distributions from money market trusts (mutual funds). Taxpayers may subtract income received from any of the obligations listed in subsections (b) and (c) 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.

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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, 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].

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 and ~~510/15~~].

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 ~~947~~] (transferred from 105 ILCS 5/30-15.18 by P.A. 87-997).

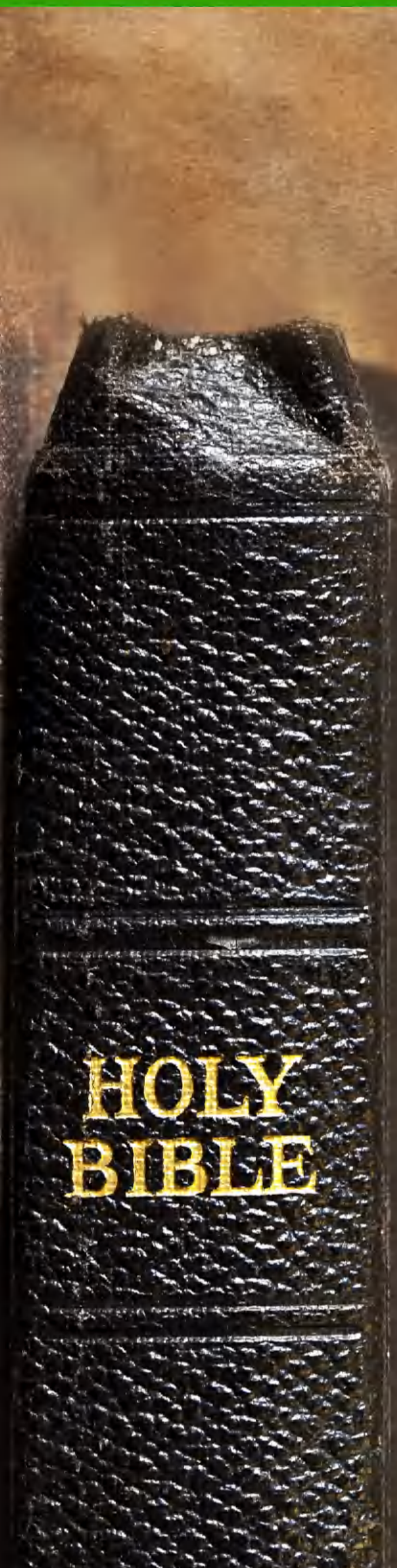
8) Bonds issued by the Illinois Development Finance Authority under the Asbestos Abatement Finance Act [20 ILCS 3510/8].

9) Bonds and notes issued under the Rural Bond Bank Act [30 ILCS 360/3-12].

10) Income earned on investments made pursuant to the Home Ownership Made Easy Program [310 ILCS 55/5.1 ~~55/5~~].

11) Bonds issued pursuant to Sections 7.80 - 7.87 of the Illinois Development Finance Authority Act [20 ILCS 3505/7-86 ~~3505/7-86~~].

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 ILCS 5/30-15.8a].



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1) Heading of the Part: Uniform Penalty and Interest Act

2) Code Citation: 86 Ill. Adm. Code 700

3) Section Numbers: Adopted Action:
700.300 Amendment

4) Statutory Authority: 35 ILCS 735

5) Effective Date of Amendment(s): October 29, 1996

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

7) Does this amendment contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: October 29, 1996

9) Notice of Proposal Published in Illinois Register: July 12, 1996, 20 Ill. Reg. 8981

10) Has JCAR issued a Statement of Objections to these Amendments? No

11) Differences between proposal and final version:

1. In line 74, added a period at the end.

2. In lines 87 and 90, changed "$40" to "$200".

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

13) Will this amendment replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendment(s): This rulemaking updates the Department's Uniform Penalty and Interest Act rules to reflect the modification of the late filing penalty (UPIA Section 3-3) by P.A. 89-379. The rules are amended to explain that effective January 1, 1996 the legislation provided that the late filing penalty became a two tier penalty. The first tier penalty is equal to 2% of the tax required to be shown due on a return up to a maximum of $250 determined without regard to payments or credits. If any return is not filed within 30 days after notice of non-filing issued by the Department, an additional, second tier penalty shall be imposed equal to the greater of $250 or 2% of the tax shown on the return. This additional penalty is capped by law at $5,000.

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

Keith Staats
Associate Chief Counsel (Income Tax)
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
(217) 782-7055

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

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 700
UNIFORM PENALTY AND INTEREST ACT

SUBPART A: SCOPE AND APPLICATION OF THE ACT

Section
700.100 Scope of the Act and this Part
700.110 Application of the Provisions of the Act and this Part

SUBPART B: INTEREST

700.200 Interest Paid and Interest Charged
700.210 Interest Rate Calculation
700.220 Interest Charged Taxpayers
700.230 Interest Paid Taxpayers on Overpayments

SUBPART C: PENALTIES

700.300 Penalty for Late Filing or Failure to File and Penalty for Late Payment of Tax
700.310 Penalty for Failure to File Correct Information Returns
700.320 Penalty for Negligence
700.330 Penalty for Fraud
700.340 Personal Liability Penalty

SUBPART D: REASONABLE CAUSE

700.400 Reasonable Cause

SUBPART E: PAYMENT APPLICATION

700.500 Payment Application

AUTHORITY: Implementing the Uniform Penalty and Interest Act [35 ILCS 735], and authorized by Section 39b3 of the Civil Administrative Code of Illinois [20 ILCS 2502/39b3].

SOURCE: Adopted at 18 Ill. Reg. 1561, effective January 13, 1994; amended at 19 Ill. Reg. 1909, effective February 6, 1995; amended at 20 Ill. Reg. 14632, effective OCT 29 1996.

SUBPART C: PENALTIES

Section 700.300 Penalty for Late Filing or Failure to File and Penalty for Late Payment of Tax

a) Late filing penalty for original returns due prior to January 1, 1996.
A penalty of 5% of the tax required to be shown due on a return shall be imposed for failure to file the tax return on or before the due date prescribed for filing determined with regard for any extension of time for filing (penalty for late filing or nonfiling).
1) *If any unprocessable return is corrected and filed within 21 days after notice by the Department. the late filing or nonfiling penalty shall not apply.* (Section 3-3(a) of the Act). The unprocessable return must have been filed on or before the due date prescribed for filing of that return, with regard for any extension of filing. In other words, a taxpayer may not attempt to avoid the 5% penalty by the late filing of an unprocessable return whioh is then corrected within 21 days of notioe by the Department.
2) A return, for purposes of the imposition of this penalty, is any return required by a tax Act to be filed with the Department that is not an information return as that term is defined in Section 3-4(c) of the Act.
EXAMPLE 1: A withholding agent files Form IL-941 (Employer's Quarterly Illinois Withholding Tax Return) for third quarter 1994 on November 1, 1994. The total Illinois tax withheld is $500,000. The form was due on October 31, 1994. A late payment filing penalty is imposed as follows: Total Illinois tax withheld ($500,000) times the 5% late filing penalty equals $25,000.
EXAMPLE 2: A withholding agent files Form IL-W-3 (Reconciliation of Illinois Income Tax Withheld and Transmittal of Income and Tax Statements) for tax year 1993 on March 1, 1994. The total Illinois tax withheld is $1,000,000. The form was due on February 28, 1994. A late filing penalty is imposed as follows: Total Illinois tax withheld ($1,000,000) times the 5% late filing penalty is $50,000.
3) *If a penalty for late filing or nonfiling is imposed in addition to a penalty for late payment, the total penalty due shall be the sum of the late filing penalty and the applicable late payment penalty* (Section 3-3(a) of the Act).
b) Late filing penalty for original returns due on and after January 1, 1996.
1) *A penalty equal to 2% of the tax required to be shown due on a return, up to a maximum amount of $250, determined without regard to any part of the tax that is paid on time or by any credit that was properly allowable on the date the return was required to be filed, shall be imposed for failure to file the tax return on or before the due date prescribed for filing determined with regard for any extension of time for filing.*

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

Late Payment of Tax

a) Late filing penalty for original returns due prior to January 1, 1996.
A penalty of 5% of the tax required to be shown due on a return shall be imposed for failure to file the tax return on or before the due date prescribed for filing determined with regard for any extension of time for filing (penalty for late filing or nonfiling).
1) *If any unprocessable return is corrected and filed within 21 days after notice by the Department. the late filing or nonfiling penalty shall not apply.* (Section 3-3(a) of the Act). The unprocessable return must have been filed on or before the due date prescribed for filing of that return, with regard for any extension of filing. In other words, a taxpayer may not attempt to avoid the 5% penalty by the late filing of an unprocessable return whioh is then corrected within 21 days of notioe by the Department.
2) A return, for purposes of the imposition of this penalty, is any return required by a tax Act to be filed with the Department that is not an information return as that term is defined in Section 3-4(c) of the Act.
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EXAMPLE 2: A withholding agent files Form IL-W-3 (Reconciliation of Illinois Income Tax Withheld and Transmittal of Income and Tax Statements) for tax year 1993 on March 1, 1994. The total Illinois tax withheld is $1,000,000. The form was due on February 28, 1994. A late filing penalty is imposed as follows: Total Illinois tax withheld ($1,000,000) times the 5% late filing penalty is $50,000.
3) *If a penalty for late filing or nonfiling is imposed in addition to a penalty for late payment, the total penalty due shall be the sum of the late filing penalty and the applicable late payment penalty* (Section 3-3(a) of the Act).
b) Late filing penalty for original returns due on and after January 1, 1996.
1) *A penalty equal to 2% of the tax required to be shown due on a return, up to a maximum amount of $250, determined without regard to any part of the tax that is paid on time or by any credit that was properly allowable on the date the return was required to be filed, shall be imposed for failure to file the tax return on or before the due date prescribed for filing determined with regard for any extension of time for filing.*

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EXAMPLE 1: Your Form ST-1 is due by April 20, but you file it on May 17. The tax shown due on your return is $10,000. You timely paid the full $10,000 in accelerated tax payments. We notify you that you owe a penalty of $200 (2% x $10,000 = $200; $200 is less than $250, therefore you owe $200) and interest because you did not file your return by the April 20 due date. If you do not pay the $200 penalty and interest within 30 days after the date of our notice, additional interest will accrue on the $200 penalty.

EXAMPLE 2: Your Form IL-1040 is due by April 15, but you file it on November 10 (after the extended due date). The tax shown due on your return is $1,500. Your employer withheld $1,200 for Illinois Income Tax, and you timely paid us $400 in estimated tax payments. You have overpaid your tax by $100 ($1,500 - $1,200 - $400 = -$100). We notify you that you owe a penalty of $30 (2% x $1,500 = $30; $30 is less than $250, therefore you owe $30) because you did not file your return by the due date. We reduce your refund by the $30 penalty and issue you a check for $70.

EXAMPLE 3: Your Form RHM-1 is due by September 30, but you do not file it. We send you a notice of nonfiling asking you to respond within 30 days. You file your return 25 days after our notice and pay the total tax due of $18,500. We notify you that you owe a penalty of $250 (2% x $18,500 = $370; $370 is greater than $250, therefore you owe $250) and interest because you did not file your return by the September 30 due date.

EXAMPLE 4: Your Form IL-1120 is due by March 15 but you file it on December 20 (after the extended due date). The income tax shown on the return is $6,000 and the replacement tax shown on the return is $3,125. An Enterprise Zone Investment Credit of $2,000 is claimed against your income tax liability. You have timely paid $7,500 in estimated payments. You have overpaid your tax liability by $375 (($2,000 + $7,500) - ($6,000 + $3,125) = $375). We notify you that you owe a penalty of $182.50 ($9,125 x 2% = $182.50; $182.50 is less than $250, therefore you owe $182.50) because you did not file your return by the due date. We reduce your refund by $182.50 and issue you a check for $192.50.

2) *If any return is not filed within 30 days after notice of nonfiling mailed by the Department to the last known address of the taxpayer contained in Department records, an additional penalty amount shall be imposed equal to the greater of $250 or 2% of the tax shown on the return. However, the additional penalty amount may not exceed $5,000 and is determined without regard to any part of the tax that is paid on the date the return was required to be filed (penalty for late filing or nonfiling)*

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(Section 3-3(a) of the Act).

EXAMPLE: Your Form RHM-1 is due by September 30, but you do not file it. We send you a notice of nonfiling asking you to respond within 30 days. You file your return 45 days after our notice and pay the total tax due of $18,500. You owe a penalty of $250 (2% x $18,500 = $370; $370 is greater than $250, therefore you owe $250) and interest because You did not file your return by the September 30 due date. You also owe an additional penalty of $370 (2% x $18,500 = $370; $370 is greater than $250 and less than $5,000, therefore you owe $370) and interest because you did not respond within 30 days after our notice. Your total penalties for late filing are $620 ($250 + $370 = $620). You will also owe a late payment penalty for not paying your tax by the due date. Interest will continue to accrue on unpaid tax and penalties until you fully pay the total amount you owe.

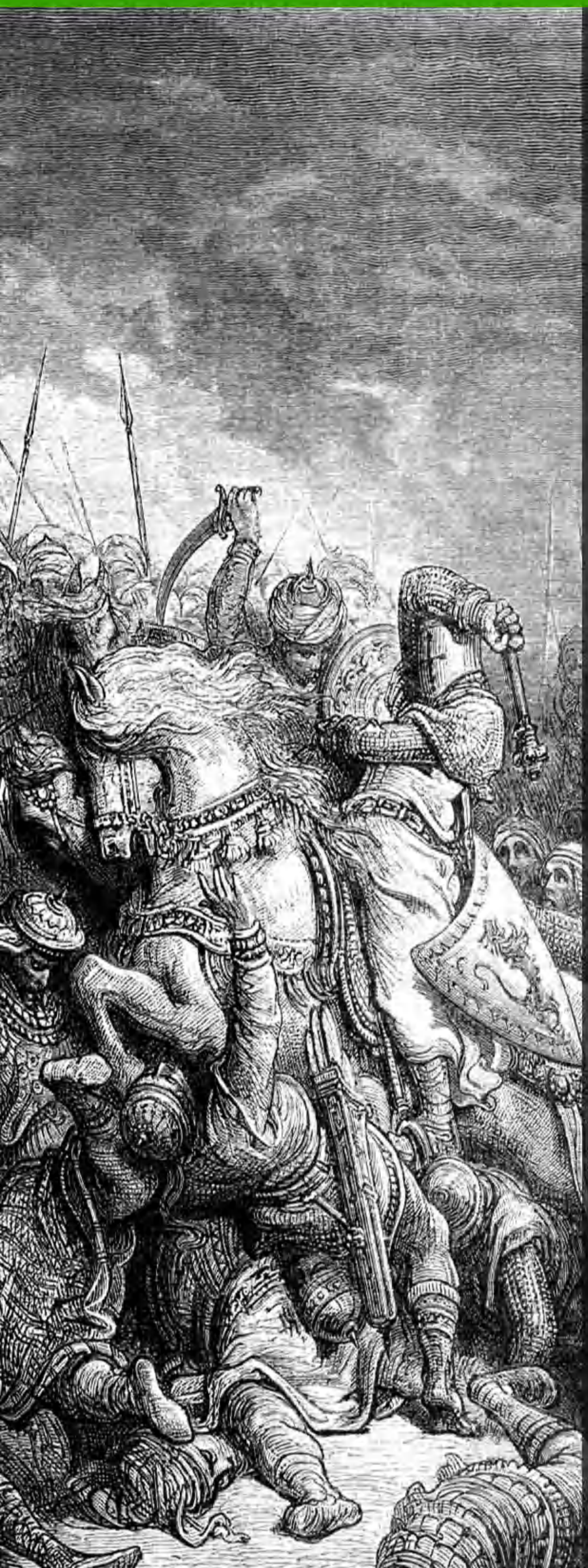
3) If any unprocessable return is corrected and filed within 30 days after notice by the Department, the late filing or nonfiling penalty shall not apply. The unprocessable return must have been filed on or before the due date prescribed for filing of that return, with regard for any extension of filing. In other words, a taxpayer may not attempt to avoid the penalty by the late filing of an unprocessable return which is then corrected within 30 days after notice by the Department.

4) In the case of any type of tax return required to be filed more frequently than annually, when the failure to file the tax return on or before the date prescribed for filing (including any extensions) is shown to be nonfraudulent and no other failure to file has occurred in the two years immediately preceding the failure to file on the prescribed due date, the penalty imposed by Section 3-3(a) shall be abated. This two year "good filing" history abatement is effective for returns due on and after August 18, 1995 (the effective date of P.A. 89-379).

c)b) *A penalty of 15% of the tax shown on the return or the tax required to be shown due on the return shall be imposed for failure to pay:*

1) *the tax shown* due *on the* return *on or before the due* date *prescribed for payment of that tax, an amount of underpayment of estimated tax, or an amount that is reported in an amended return* other *than an amended return timely filed as required by subsection (b) of Section 506 of the Illinois Income Tax Act (penalty for late payment or nonpayment of admitted liability);* or

EXAMPLE 1: Your Form IL-1120 is due by March 15. You timely file your return on March 15, but you only made your first estimated payment of $337.50; you were required to make four estimated payments. The total tax shown due on your return is $1,500. You pay the remaining $1,162.50 you owe with your return. We notify you that you owe a penalty



DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF ADOPTED AMENDMENTS

1)$ Heading of the Part: Procedures of the Department of State Police Merit Board

2) Code Citation: 80 Ill. Adm. Code 150

3) Section Numbers: 150.430 — Adopted Action: Amendment

4) Statutory Authority: [20 ILCS 2610/10].

5) Effective Date of Rulemaking: October 25, 1996

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

7) Does this rulemaking contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: July 2, 1996

9) Notice of Proposal Published in Illinois Register: July 19, 1996, 20 Ill. Reg. 9512

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version: Format changes were made in accordance with the suggestions received from the Administrative Code Unit.

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

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: Section 150.220 - Effective with the promotional examination given in September 1996, Special Agents will be on the same promotional list as Troopers. This list will be broken down by Districts instead of Regions.

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

James E. Seiber
Executive Director
3180 Adloff Lane, Suite 100
Springfield, IL 62703
217/786-6240

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF ADOPTED AMENDMENTS

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

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE A: MERIT EMPLOYMENT SYSTEMS
CHAPTER IV: DEPARTMENT OF STATE POLICE MERIT BOARD

PART 150
PROCEDURES OF THE DEPARTMENT OF STATE POLICE MERIT BOARD

SUBPART A: DEFINITIONS

Section
150.10 Definitions

SUBPART B: CERTIFICATION FOR APPOINTMENT

Section
150.210 Qualifications
150.220 Selection Procedures
150.230 Recertification
150.240 Probationary Period

SUBPART C: CLASSIFICATION OF RANKS

Section
150.310 Ranks
150.320 Interdivisional Transfers

SUBPART D: CERTIFICATION FOR PROMOTION

Section
150.410 Board Responsibilities
150.420 Eligibility
150.430 Procedures
150.440 Promotion Probationary Period (Repealed)

SUBPART E: DISCIPLINARY ACTION

Section
150.510 Merit Board Jurisdiction
150.520 Discipline Afforded the Deputy Director
150.530 Notification to Suspended Officer
150.540 Petition for Review
150.550 Form and Content of Petition for Review
150.560 Filing Procedures
150.565 Procedure for Processing Petition for Review
150.570 Director's Review
150.575 Discipline Afforded the Director
150.580 Complaint Procedures
150.585 Scheduling the Hearing

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF ADOPTED AMENDMENTS

150.590 Notification to Officer

SUBPART F: HEARINGS

Section
150.610 Board Docket
150.620 Hearing Officer
150.630 Pre-hearing Conferences
150.640 Motions
150.650 Subpoenas
150.655 Request for Witnesses or Documents
150.660 Evidence Depositions
150.665 Hearing Procedures
150.670 Continuances and Extensions of Time
150.675 Computation of Time
150.680 Decisions of the Board
150.685 Service and Form of Papers

APPENDIX A Vision Standards
APPENDIX B Physical Fitness Standards

AUTHORITY: Implementing Sections 3 through 14 and authorized by Section 8 of the State Police Act [20 ILCS 2610/3 through 14].

SOURCE: Emergency rule adopted at 2 Ill. Reg. 10, p. 206, effective February 24, 1978, for a maximum of 150 days; emergency amendment at 2 Ill. Reg. 32, p. 37, effective July 27, 1978, for a maximum of 150 days; emergency amendments at 2 Ill. Reg. 51, p. 100, effective December 7, 1978, for a maximum of 150 days; adopted at 2 Ill. Reg. 52, p. 422, effective December 25, 1978; amended at 3 Ill. Reg. 47, p. 86, effective November 12, 1979; emergency amendment at 4 Ill. Reg. 6, p. 284, effective February 1, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 2739, effective March 2, 1981; amended at 6 Ill. Reg. 10954, effective August 31, 1982; codified at 7 Ill. Reg. 9900; amended at 7 Ill. Reg. 15018, effective November 2, 1983; emergency amendment at 8 Ill. Reg. 379, effective December 27, 1983, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 3038, effective February 23, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7894, effective May 23, 1984; amended at 9 Ill. Reg. 3721, effective March 13, 1985; amended at 9 Ill. Reg. 14328, effective September 6, 1985; recodified from the Department of Law Enforcement Merit Board to the Department of State Police Merit Board pursuant to Executive Order 85-3, effective July 1, 1985, at 10 Ill. Reg. 3283; amended at 10 Ill. Reg. 17752, effective October 1, 1986; amended at 11 Ill. Reg. 7760, effective April 14, 1987; amended at 11 Ill. Reg. 18303, effective October 26, 1987; amended at 12 Ill. Reg. 1118, effective December 24, 1987; amended at 12 Ill. Reg. 10736, effective June 13, 1988; amended at 13 Ill. Reg. 5201, effective April 3, 1989; emergency amendment at 13 Ill. Reg. 16607, effective September 29, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 19592, effective December 1, 1989; amended at 14 Ill. Reg. 3679, effective February 23, 1990; amended at 15 Ill.

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF ADOPTED AMENDMENTS

Reg. 11007, effective July 15, 1991; amended at 16 Ill. Reg. 11835, effective July 13, 1992; emergency amendment at 16 Ill. Reg. 17372, effective October 29, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 9716, effective June 10, 1993; expedited correction at 17 Ill. Reg. 14684, effective June 10, 1993; amended at 17 Ill. Reg. 21079, effective November 22, 1993; amended at 19 Ill. Reg. 6679, effective May 1, 1995; amended at 19 Ill. Reg. 7970, effective June 1, 1995; amended at 20 Ill. Reg. 404, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 8062, effective June 4, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14640, effective OCT 25 1996.

SUBPART D: CERTIFICATION FOR PROMOTION

Section 150.430 Procedures

a) The Board will provide each officer with official notification announcing the examination and requesting a written response respecting the officer's intention to participate.
b) Candidates for promotion must complete examinations at the time designated by the Board in the official notification. No exceptions will be allowed.
c) Such candidates must have taken the most recent examination offered by the Board to be eligible for certification for promotion. All candidates taking the examination for each rank will be advised of their total promotional score and standing.
d) Promotional Process Components
The total promotional score will consist of combined standardized scores or respective percentage weights of the components designated for each rank:

Components	Sgt, Msg	Lt, Capt, Maj
Written Examination	50% X	X
Performance Appraisal	45% X	X
Seniority in Rank	5 X	X
Assessment Exercise	NA	X

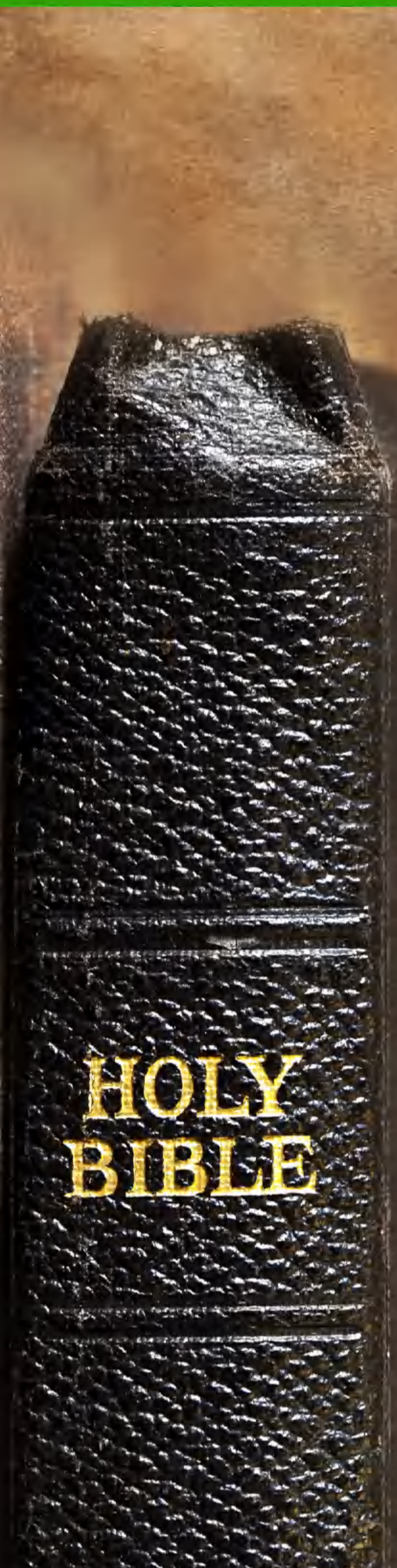
e) Candidates for the ranks of Lieutenant, Captain, and Major will participate in a written examination, and an assessment exercise, as well as receive a performance appraisal, and a seniority score. The combined score will be standardized to a one hundred point scale. The top 65% of all Master Sergeants, Lieutenants, and Captains participating in the total promotional process will be certified by the Board.
f) The Board will certify to the Director the top 65% of those Troopers, Special Agents and Sergeants participating in the total promotional process.

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF ADOPTED AMENDMENTS

g) There will be statewide certification lists for the ranks of Lieutenant, Captain, and Major. The certification lists for Sergeant and Master Sergeant will be according to Districts, as defined jointly by the Illinois State Police and the Illinois State Police Merit Board for promotional purposes and ~~the list for Special Agents to Sergeant will be according to Regions~~.
h) The top ten (10) candidates on each certification list for all ranks are equally eligible for promotion by the Director; however, in the event of a tied score, all candidates obtaining such score shall be equally eligible for promotional consideration. The Director may promote accordingly any one of the eligible candidates in accordance with Equal Employment Opportunity Commission regulations (29 CFR 1600 et seq. (July 1, 1982)) and Illinois Department of Human Rights guidelines.
    1) As promotions are accepted or waived, that candidate with the next highest total promotional score on the list becomes equally eligible for promotion; however, in the event of a tied score, all candidates obtaining such score shall be equally eligible for promotional consideration;
    2) Eligible candidates on the certification list may decline an offer of promotion without losing position on the certification list. In the event of declination, that candidate with the next highest total promotional score becomes equally eligible for promotion; however, in the event of a tied score, all candidates obtaining such score shall be equally eligible for promotional consideration.
i) Upon written notification from the Department to the Board that a candidate on the certification list has been suspended, is on leave of absence, or has applied for disability benefits, the Board will remove the candidate's name from the certification list. The candidate's name will be restored on the list in a position in proper relation to the total promotional scores remaining when the suspension or leave of absence terminates or the disability is removed.
j) The certification list shall remain in force until the new certification list has been established; however, in the event that a certification list becomes exhausted, the Director will file a written request with the Board asking for the certification of additional names on any one list if necessary to fill vacant positions.

(Source: Amended at 20 Ill. Reg. 14640, effective OCT 25 1996)



Know Your Bible

Forgotten Books' Full Membership provides unlimited access to more than 28,000 volumes of Christian literature for $8.99/month

Whereas, SECA represents 16 charitable organizations that provide a wide range of health and human services to communities across Illinois; and

Whereas, the establishment of SECA eliminated multiple appeals to state employees and reduced administrative expenses by consolidating fund-raising efforts; and

Whereas, the employees of the State of Illinois have demonstrated their generosity and concern for others by giving unselfishly to SECA charities for the last several years; and

Whereas, SECA's Kickoff Day was September 16, 1996; and

Whereas, employees of the State of Illinois will again be able to offer their support to SECA during the combined appeal that will run from mid-September through mid-November of this year;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 1996 as SECA MONTH in Illinois and urge the employees of the State of Illinois to continue their generous tradition of contributing to the charitable organizations represented by SECA.

Issued by the Governor October 3, 1996.

Filed by the Secretary of State October 18, 1996.

96-522

AMERICAN-BELGIAN FRIENDSHIP DAY

Whereas, on April 11, 1944, the Engineer Headquarters of the VII Army Corps 3rd Armored and 104th Infantry Divisions and other units liberated the Dora Concentration Camp at Nordhausen; and

Whereas, in 1993, Mme. Claire Materne-Pahaut's history class in Viemme, Belgium, undertook the task of researching and writing the history of Dora, not only to obtain a more personal appreciation of World War II, but also to keep alive the memory of their many countrymen who labored, suffered, and died at Dora; and

Whereas, the work of the Mme. Materne-Pahaut's class culminated with the publication of the book, Dora, the Camp of Silence, which has received a great deal of recognition, including an award from the prestigious King Baudouin Foundation in Brussels; and

Whereas, the students and Mme. Materne-Pahaut have raised money for a trip to Springfield, Illinois, to thank the surviving veterans of the Corps who served in Belgium and liberated Dora;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 29, 1996, as AMERICAN-BELGIAN FRIENDSHIP DAY in Illinois.

Issued by the Governor October 7, 1996.

Filed by the Secretary of State October 18, 1996.

96-523

COUNTRY MUSIC DAY

Whereas, the Illinois Country Music Association (ICMA) was founded to promote country, gospel, bluegrass, and western music in our state; and

Whereas, the ICMA believes in the recognition of musical achievements of Illinois artists and the entertainment of fans; and

Whereas, ICMA is celebrating its anniversary with the Seventh Annual Awards Show on October 13 at the Bloomington High School Auditorium. During the show, the Illinois Country Music Entertainer of the Year will be awarded;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim

October 13, 1996, as COUNTRY MUSIC DAY in Illinois.

Issued by the Governor October 7, 1996.

Filed by the Secretary of State October 18, 1996.

96-524

DR. EMMETT C. BURKE DAY

Whereas, Dr. Emmett C. Burke was a multidimensional man who was an educator, humanitarian, and civic leader; and

Whereas, over the span of 31 years, Dr. Burke taught at Franklin Elementary School and served as Assistant Principal of William Carter Elementary School; and

Whereas, Dr. Emmett C. Burke helped found the Chicago African-American Teachers Association (CATA), to address the concerns of African-American teachers; and

Whereas, Dr. Burke was also an expert in the field of special education. As a result of this expertise, Dr. Burke founded the Black Caucus of the Illinois Council for Exceptional Children; and

Whereas, Dr. Burke was active in many professional, civic, community and social organizations: Ada S. McKinley, Inc.; National Association of Black Professors; National Association for the Advancement of Colored People; Chicago Urban League; Operation Push; South Shore Cultural Center Advisory Council; Washington Park YMCA; United Black Voters of Illinois; and many more; and

Whereas, to recognize Dr. Emmett C. Burke's years of untiring devotion to students, teachers, administrators, and parents, the library of the William Carter Elementary School in Chicago, Illinois, will be named in his memory;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 24, 1996, as DR. EMMETT C. BURKE DAY in Illinois.

Issued by the Governor October 7, 1996.

Filed by the Secretary of State October 18, 1996.

96-525

KEY CLUB WEEK

Whereas, Key Club International, a high school service organization sponsored by Kiwanis International, is comprised of more than 7,000 high school students in approximately 150 schools across the state; and

Whereas, local members are part of an international organization of more than 180,000 students dedicated to serving their homes, schools and communities; and

Whereas, through their service efforts, Key Club members have built better communities while improving their own leadership skills for the future; and

Whereas, Key Club members promote the adoption of higher standards in scholastics, sportsmanship and social contacts; and

Whereas, each member annually performs at least 50 hours of service to his or her home, school and community providing a positive impact on our state and its citizens; and

Whereas, the 1996-97 Key Club International theme and major emphasis program, "Lead the Way - Kids First", challenges Key Club members to provide positive examples and leadership to our state's youngest children;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim

November 3-9, 1996, as KEY CLUB WEEK in Illinois and call upon the officials of this state and all citizens to provide support to the Key Club members who are preparing themselves to be better, more responsible citizens while providing commendable service to their communities.

Issued by the Governor October 7, 1996.

Filed by the Secretary of State October 18, 1996.

96-526
LASALLE BANKS CHICAGO MARATHON WEEK

Whereas, the LaSalle National Bank and 30 other sponsors are supporting the 19th annual LaSalle Banks Chicago Marathon & 5K Run which will be held on October 20, 1996; and

Whereas, more than 16,000 entrants from all over the world will compete in the marathon, 5K run and wheelchair marathon; and

Whereas, approximately 300,000 spectators will line 26.2 miles of the streets of Chicago, from Grant Park to Lincoln Park to South Commons;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 14-20, 1996, as THE LASALLE BANKS CHICAGO MARATHON WEEK in Illinois.

Issued by the Governor October 7, 1996.

Filed by the Secretary of State October 18, 1996.

96-527
QUALITY MONTH

Whereas, in order to foster a competitive market and provide the foundation for a vital and stable Illinois economy, it is paramount that the values and ideas surrounding the concept of Continuous Quality Improvement be heralded as Illinois' first order of business; and

Whereas, the key to providing the highest quality products and services is a continuous process of self evaluation. All organizations, large or small, must strive for and make a commitment to a Continuous Improvement Process so as to improve Illinois' quality of life, to make it a state where organizations want to operate and where its citizens wish to live; and

Whereas, in keeping with the concepts of continuous improvement and quality excellence, the State of Illinois recognizes October as Quality Month and the following organizations for their commitment to The Lincoln Foundation for Business Excellence and to the Continuous Improvement Process:

Advocate Health Care
Amoco Corporation
Arc Ventures L.L.C.
Caterpillar, Inc.
Citibank
Commonwealth Edison Company
Deere & Co.
Deloitte & Touche Consulting Group
First Chicago NBD Corporation
The First National Bank of Chicago
American National Bank
The Grainger Foundation
Price Waterhouse LLP

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 1996 as QUALITY MONTH in Illinois.

Issued by the Governor October 7, 1996.

Filed by the Secretary of State October 18, 1996.

96-528
SLOVENIAN DAY

Whereas, October 26, 1996, Slovenians around the world will celebrate the 78th anniversary of the independence of their European homeland; and

Whereas, 1996 marks the 46th anniversary of the Slovenian Day Festival in Illinois; and

Whereas, Slovenian Day is a celebration of Slovenian artists, folklore, singing, dancing, and crafts; and

Whereas, thousands of Slovenian-Americans have been living in Illinois for generations and have contributed much to the progress and development of the state; and

Whereas, a special independence day program will be shared by all Illinois citizens on October 26, 1996;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 26, 1996, as SLOVENIAN DAY in Illinois.

Issued by the Governor October 7, 1996.

Filed by the Secretary of State October 18, 1996.

96-529
STANDARD MUTUAL INSURANCE COMPANY DAY

Whereas, Standard Mutual Insurance Company was founded in 1921 by Frank Roberts to protect drivers on Illinois highways; and

Whereas, Mark O. Roberts, Sr. joined his father in business in 1934, and served as president from 1953-1992; and

Whereas, Mark O. Roberts, Jr. joined the firm in 1969, becoming the third generation of continuous Roberts' management, and became president in 1992; and

Whereas, Standard Mutual Insurance Company has expanded to include regional offices in Oak Brook, Illinois, Indianapolis, Indiana, and Evansville, Indiana; and

Whereas, Standard Mutual Insurance Company will celebrate its 75th anniversary on November 17, 1996;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 17, 1996, as STANDARD MUTUAL INSURANCE COMPANY DAY in Illinois.

Issued by the Governor October 7, 1996.

Filed by the Secretary of State October 18, 1996.

96-530
VERNON R. LOUCKS, JR. DAY

Whereas, Vernon R. Loucks, Jr. has been instrumental in the development of business relations between the United States and Israel; and

Whereas, Vernon R. Loucks, Jr. is Chairman and Chief Executive Officer of Baxter International Inc. which, through its subsidiaries, is the leading manufacturer and marketer of health-care products, systems and services worldwide; and

Whereas, Mr. Loucks and Baxter International have been trade partners with Israel for 25 years and because of this long-standing relationship, Baxter International is co-sponsoring the U.S.-Israel Healthcare Business Exchange with the American-Israel Chamber of Commerce & Industry in Deerfield, Illinois; and

Whereas, Mr. Loucks has participated in activities such as the Business Council, the Healthcare Leadership Council, the Chicago Commonwealth Club, and the Mid-America Club. For his contributions, Mr. Loucks has received numerous awards, such as the Saint Barnabas Burn Foundations' Distinguished Humanitarian Award and the Alexis de Tocqueville Award for lifetime community service by United Way of Lake County;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 20, 1996, as VERNON R. LOUCKS, JR. DAY in Illinois.

Issued by the Governor October 7, 1996.

Filed by the Secretary of State October 18, 1996.

96-531
WORLD FOOD DAY

Whereas, millions of people throughout the world experience hunger and malnutrition daily; and

Whereas, children suffer the most adverse effects of hunger and malnutrition; and

Whereas, the United States is the world's largest producer and exporter of food and agricultural technology, and it assumes a key role in improving human nutrition among the less developed countries; and

Whereas, Illinois is a national and international leader in food production, food processing, agricultural exports, and related technology, which allows it to contribute significantly to the global food system;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 16, 1996, as WORLD FOOD DAY in Illinois.

Issued by the Governor October 7, 1996.

Filed by the Secretary of State October 18, 1996.

96-532
COMMUNITY COORDINATED CHILD CARE, 25 YEARS FOR CHILDREN DAY

Whereas, Community Coordinated Child Care was established 25 years ago as a non-profit agency to serve the counties of Carroll, DeKalb, Lee, Ogle, and Whiteside; and

Whereas, Community Coordinated Child Care promotes cooperation, coordination and sharing of resources to achieve quality child care services in Carroll, DeKalb, Lee, Ogle, and Whiteside; and

Whereas, Community Coordinated Child Care has emerged as an advocate for children in these counties, the State of Illinois, and nationwide; and

Whereas, Community Coordinated Child Care has implemented programs such as Temporary Child Care, Child and Adult Care Food programs and financial assistance for child care; and

Whereas, Community Coordinated Child Care has provided services such as child care resource and referral, nursing and social work for families and children, as well as parental education through classes, workshops and seminars; and

Whereas, Community Coordinated Child Care has educated child care providers in their community by providing training for caregivers and technical assistance for child care providers and employers, and maintaining a resource library;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 18, 1996, as COMMUNITY COORDINATED CHILD CARE, 25 YEARS FOR CHILDREN DAY in Illinois.

Issued by the Governor October 8, 1996.

Filed by the Secretary of State October 18, 1996.

96-533
FAMILY AND CONSUMER SCIENCES WEEK

Whereas, the American Association of Family and Consumer Sciences (AAFCS) is comprised of elementary, secondary, and post-secondary educators, cooperative extension educators and other professionals in government, business, and non-profit agencies; and

Whereas, AAFCS focuses on an integrative approach to the relationships among individuals, families and communities, as well as the environments in which they function; and

Whereas, the goal of AAFCS is to improve the quality of individual, family and community life through education, research, cooperative programs and public information; and

Whereas, the Illinois Association of Family and Consumer Sciences will hold its annual conference the week of October 20-26, as well as celebrate its 75th anniversary on October 25;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 20-26, 1996, as FAMILY AND CONSUMER SCIENCES WEEK in Illinois.

Issued by the Governor October 8, 1996.

Filed by the Secretary of State October 18, 1996.

96-534
GEORGE KHOURY ASSOCIATION OF BASEBALL LEAGUE, INC. DAY

Whereas, the George Khoury Association of Baseball League, Inc. is one of the oldest youth organizations in the United States; and

Whereas, Khoury Leagues are established throughout Illinois as well as multiple states and in foreign countries; and

Whereas, Khoury League has been an important contributor to the children of the United States, helping foster confidence, team-spirit, and athleticism; and

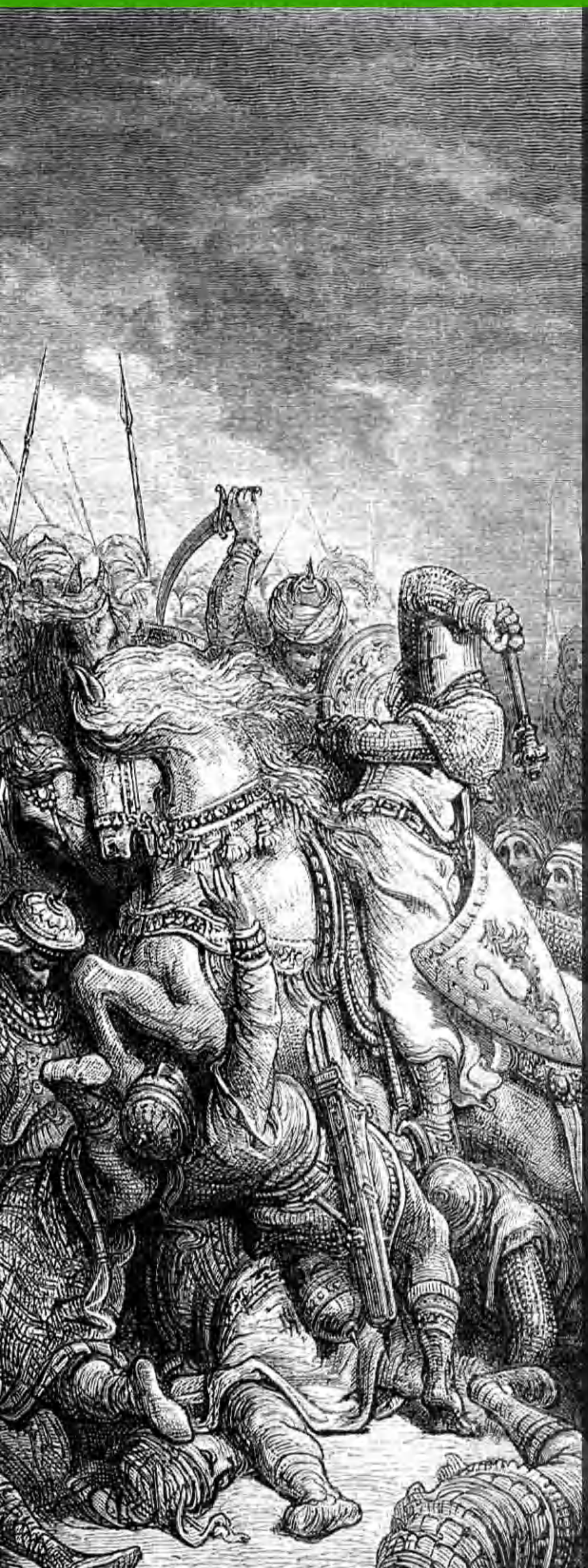
Whereas, Khoury League will celebrate its 60th anniversary with an awards banquet and dinner on November 23, 1996

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 23, 1996, as GEORGE KHOURY ASSOCIATION OF BASEBALL LEAGUE, INC. DAY in Illinois.

Issued by the Governor October 8, 1996.

Filed by the Secretary of State October 18, 1996.

96-535
HELEN AND LAWRENCE McTAGGART CONGRATULATED



are dedicated to educating and supporting parents and professionals dealing with Angelman Syndrome; and

Whereas, citizens should be made more aware of Angelman Syndrome so that early diagnosis and intervention becomes a top priority;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim December 24, 1996, as A DAY FOR ANGELS: ANGELMAN SYNDROME AWARENESS DAY in Illinois.

Issued by the Governor October 9, 1996.

Filed by the Secretary of State October 18, 1996.

96-539

COSMETOLOGY MONTH

Whereas, National Cosmetology Month will be observed in our state and across the country during October 1996 by the 34,000 members of the National Cosmetology Association; and

Whereas, the activities of the National Cosmetology Association benefit community charities and enhance the appearance of our nation's greatest wealth, its people; and

Whereas, the best interest of the people will always receive the first consideration in the conduct of this association; and

Whereas, the association continues to maintain the highest professional skill through attendance and study of professional educational programs and through the latest scientific developments, techniques and products which are beneficial for the best interests of the people; and

Whereas, the theme of 1996 National Cosmetology Month, "For Those Who Care" promotes self worth and personal development;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 1996 as COSMETOLOGY MONTH in Illinois.

Issued by the Governor October 9, 1996.

Filed by the Secretary of State October 18, 1996.

96-540

DR. THEODORE CHARLES STONE DAY

Whereas, Dr. Theodore Charles Stone at an early age had to overcome obstacles and learn to be creative in his initiative and commitment to achieve; and

Whereas, Dr. Theodore Charles Stone has been an icon in the music world both here and abroad for many years; and

Whereas, Dr. Theodore Charles Stone has appeared throughout the United States and in several European cities as an accomplished opera singer; and

Whereas, Dr. Theodore Charles Stone has won acclaim from some of the world's recognized music critics for his constant, outstanding performances; and

Whereas, Dr. Theodore Charles Stone's love of music and skill as a performer has led him into many unrelated fields, making him one of Chicago's most versatile personalities; and

Whereas, Dr. Theodore Charles Stone is the former president of the National Association of Negro Musicians, President of the Chicago Music Association and founder of the National Negro Opera Company; and

Whereas, Dr. Theodore Charles Stone is a writer, teacher, promoter,

singer, role model and mentor; and

Whereas, Dr. Theodore Charles Stone was inducted into the Senior Citizens Hall of Fame in 1989;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 10, 1996, as DR. THEODORE CHARLES STONE DAY in Illinois.

Issued by the Governor October 9, 1996.

Filed by the Secretary of State October 18, 1996.

96-541

FAMILY FEDERATION FOR WORLD PEACE DAY

Whereas, that Family Federation for World Peace (FFWP) believes that healthy families are the foundation for healthy, well-adjusted nations because the values that promote peace in the world community are a direct extension of the values that promote peace within individual families; and

Whereas, lessons learned from the family can largely determine how people relate in the global family and how they fulfill their roles as citizens of nations and the world; and

Whereas, the FFWP encourages the responsibility of parents to care for and love their children; to guide them morally, physically, intellectually; and to protect them from abuse and exploitation; and

Whereas, the Family Federation for World Peace will hold its inaugural program in Chicago, Illinois, on October 19, 1996;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 19, 1996, as FAMILY FEDERATION FOR WORLD PEACE DAY in Illinois.

Issued by the Governor October 9, 1996.

Filed by the Secretary of State October 18, 1996.

96-542

RINGLAND-JOHNSON COMMENDED

Whereas, Ringland-Johnson, Inc. was founded in 1946, in Des Moines, Iowa, by Mr. Carroll L. Johnson and Mr. John Ringland; and

Whereas, Ringland-Johnson is a family-run general contractor specializing in commercial, governmental and institutional building construction; and

Whereas, Larry B. Johnson, son of Carroll, joined the company in 1963, and Ringland-Johnson began performing work in Illinois; and

Whereas, the company opened a permanent office in Rockford, Illinois, under the direction of Brent Johnson, son of Larry Johnson and grandson of Carroll L. Johnson; and

Whereas, Ringland-Johnson, Inc. celebrated its 50th anniversary;

Therefore, I, Jim Edgar, Governor of the State of Illinois, commend Ringland-Johnson on this momentous occasion.

Issued by the Governor October 9, 1996.

Filed by the Secretary of State October 18, 1996.

96-543

WORLD POPULATION AWARENESS WEEK

Whereas, the world population is confronted with a number of potentially catastrophic environmental problems; and

Whereas, a rapidly growing population and overconsumption are two of the

major causes behind environmental degradation, ecological deterioration, and resource depletion; and

Whereas, studies show that one-half of the women of reproductive age in developing countries want to limit the size of their families but lack the means or ability to gain access to modern family planning methods; and

Whereas, the global community has for more than 20 years recognized the fundamental right of persons to voluntarily and responsibly determine the number and spacing of their children; and

Whereas, in 1993 the United States Senate enacted legislation proclaiming World Population Awareness Week to call attention to the serious consequences of rapid population growth, and requested that the President issued a resolution acknowledging this event;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 27-November 2, 1996, as WORLD POPULATION AWARENESS WEEK in Illinois and urge all citizens of the state to take cognizance of this event and to participate appropriately in its observance.

Issued by the Governor October 9, 1996.

Filed by the Secretary of State October 18, 1996.

96-544

ALICE AND STAN ANDREWS CONGRATULATED

Whereas, Alice Restarski and Stan Andrews were united in marriage on October 19, 1946, at Holy Trinity Church; and

Whereas, Alice and Stan are the parents of two children, Terrie McKissack and Tom Andrews; and

Whereas, Alice and Stan are grandparents of Chris, Michael, Victoria, Vanessa, Jessica, and Luke; and

Whereas, Stan is a retired CTA bus driver and is a veteran of World War II where he served in the U.S. Army; and

Whereas, Alice is a department manager of Bankers' Life Insurance; and

Whereas, Alice enjoys baking and gardening, and Stan enjoys golfing and gardening; and

Whereas, Alice and Stan will celebrate their 50th wedding anniversary on October 19, 1996;

Therefore, I, Jim Edgar, Governor of the State of Illinois, extend best wishes and sincere congratulations to Alice and Stan Andrews on their golden wedding anniversary.

Issued by the Governor October 10, 1996.

Filed by the Secretary of State October 18, 1996.

96-545

FAMILY PRAYER WEEK

Whereas, it is important for families to unite with each other in order to strengthen moral and spiritual values; and

Whereas, some families choose to unite through prayer and worship; and

Whereas, Louise Kabat, Mother of the Year, requests that a week be designated so that families in Illinois will take time to pray for family unity and moral and spiritual values;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 24-30, 1996, as FAMILY PRAYER WEEK in Illinois.

Issued by the Governor October 10, 1996.

Filed by the Secretary of State October 18, 1996.

96-546

MEXICAN AMERICAN CHAMBER OF COMMERCE DAY

Whereas, the Mexican American Chamber of Commerce of Illinois, Inc. is celebrating its Sixth Annual Awards and Scholarship Celebration Banquet on October 18, 1996, to celebrate the economic contributions and accomplishments of the Mexican-American entrepreneur; and

Whereas, the Mexican American Chamber of Commerce of Illinois, Inc. serves to foster economic business opportunities for the Mexican-American community within the City of Chicago and the State of Illinois; and

Whereas, the Mexican American Chamber of Commerce of Illinois, Inc. will be promoting higher education and providing academic scholarships to deserving youth;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 18, 1996, as MEXICAN AMERICAN CHAMBER OF COMMERCE DAY in Illinois.

Issued by the Governor October 10, 1996.

Filed by the Secretary of State October 18, 1996.

96-547

OSTEOPATHIC MEDICINE WEEK

Whereas, for more than 100 years, the osteopathic medical profession has been dedicated to preserving good health for all Americans; and

Whereas, osteopathic health care is a distinctive branch of mainstream medical care, and Illinois Doctors of Osteopathy are fully licensed physicians who stress the unity of all body systems and emphasize the importance of the musculoskeletal system; and

Whereas, osteopathic physicians and hospitals are concerned with meeting the health needs of the whole person and the whole family and offer preventive medical services; and

Whereas, we should recognize the need for the latest technology and for caring physicians committed to family practice, modern health care, and the entire person in treating illnesses;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 3-9, 1996, as OSTEOPATHIC MEDICINE WEEK in Illinois, in accordance with the national observance.

Issued by the Governor October 10, 1996.

Filed by the Secretary of State October 18, 1996.

96-548

PHANTOM REGIMENT DRUM AND BUGLE CORPS CONGRATULATED

Whereas, the Phantom Regiment Drum and Bugle Corps has been active for 25 years; and

Whereas, the Phantom Regiment Drum and Bugle Corps of Rockford-Loves Park is committed to furthering the talents and interest of young persons in the art of musical marching units; and

Whereas, the Phantom Regiment Drum and Bugle Corps has been an extremely successful organization; and

Whereas, the Phantom Regiment Drum and Bugle Corps tied for first place

in the Drum Corps International World Competition;

Therefore, I, Jim Edgar, Governor of the State of Illinois, extend sincere congratulations to the Phantom Regiment Drum and Bugle Corps on their outstanding performance.

Issued by the Governor October 10, 1996.

Filed by the Secretary of State October 18, 1996.

96-549
STUDENT COUNCIL WEEK

Whereas, student councils across our state encourage students to take on a leadership role among their peers and help them develop skills to prepare for future success; and

Whereas, extra-curricular activities such as student council allow students to maintain an adequate balance between academics and out-of-classroom experiences; and

Whereas, many leaders within our state and nation can trace their roots back to student council throughout their schooling; and

Whereas, the Illinois Association of Student Councils (IASC), working to maintain the integrity of student councils across our state, is holding a convention May 1-3, 1997; and

Whereas, this convention allows student leaders from across the state of Illinois to exchange ideas and experience leadership training; and

Whereas, students leaders, in addition to the IASC, should be commended for their continued hard work and efforts;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 27-May 3, 1997, as STUDENT COUNCIL WEEK in Illinois.

Issued by the Governor October 10, 1996.

Filed by the Secretary of State October 18, 1996.

96-550
UNIVERSITY LABORATORY HIGH SCHOOL DAY

Whereas, University Laboratory High School was established September 12, 1921, in Urbana, Illinois; and

Whereas, University Laboratory High School graduates have grown up to serve their communities in many capacities, such as volunteers, educators, film producers, physicians, mayors, computer programmers, journalists, scientists, artists, entrepreneurs, environmentalists, and federal and circuit court judges; and

Whereas, the more than 3,000 graduates of University High have included three Nobel Prize laureates: Philip W. Anderson, for physics in 1977; Hamilton O. Smith, for medicine in 1978; and James Tobin, for economics in 1981; and two Pulitzer Prize winners: Tina Howe, playwright and George Will, newspaper/magazine columnist; and

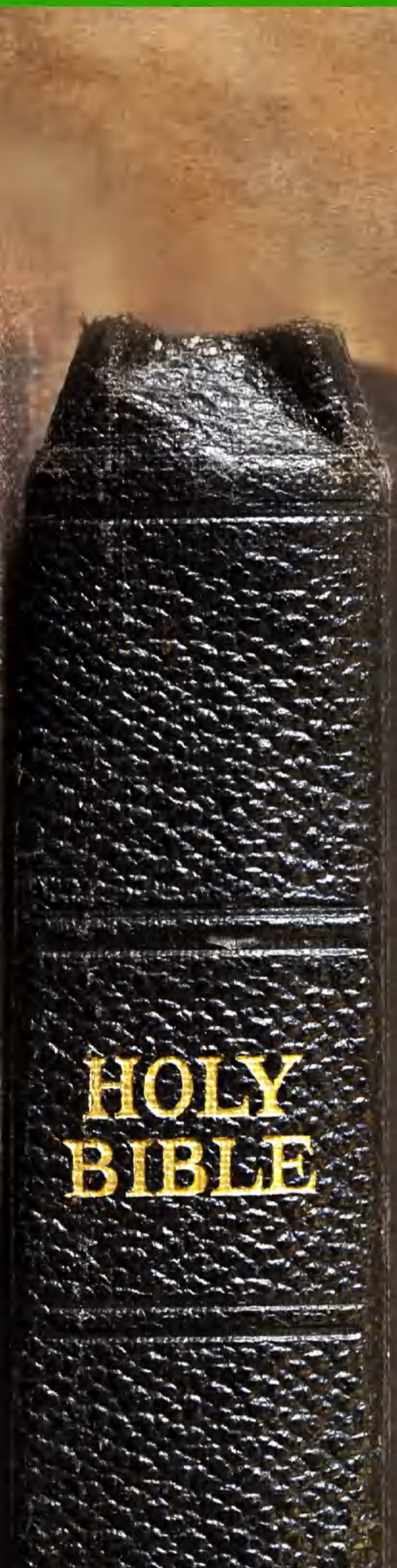
Whereas, serving as the proving ground to "The New Math," Uni students and teachers have helped change state and national curriculums in mathematics; and

Whereas, University Laboratory High School is celebrating its 75th anniversary with a reunion on October 18, 1996;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 18, 1996, as UNIVERSITY LABORATORY HIGH SCHOOL DAY in Illinois.

Issued by the Governor October 10, 1996.

Filed by the Secretary of State October 18, 1996.



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