

TABLE OF CONTENTS

March 15, 2013 Volume 37, Issue 11

PROPOSED RULES

CAPITAL DEVELOPMENT BOARD
Illinois Energy Conservation Code
71 Ill. Adm. Code 600.....2748

COMMERCE COMMISSION, ILLINOIS
Minimum Safety Standards for Transportation of Gas and for Gas Pipeline Facilities
83 Ill. Adm. Code 590.....2753

EMERGENCY MANAGEMENT AGENCY, ILLINOIS
Individual and Family Grant Program (Repealer)
29 Ill. Adm. Code 410.....2757
Public Disaster Assistance Program (Repealer)
29 Ill. Adm. Code 420.....2766
Medical Use of Radioactive Material
32 Ill. Adm. Code 335.....2775
Accrediting Persons in the Practice of Medical Radiation Technology
32 Ill. Adm. Code 401.....2783
Standards for Selection of Contractors
32 Ill. Adm. Code 605.....2807
Registration of Low-Level Radioactive Waste Generators
32 Ill. Adm. Code 620.....2831

NATURAL RESOURCES, DEPARTMENT OF
Grant Review and Processing Fees
17 Ill. Adm. Code 3000.....2843

POLLUTION CONTROL BOARD
Water Use Designations and Site-Specific Water Quality Standards
35 Ill. Adm. Code 303.....2851

ADOPTED RULES

COMMERCE COMMISSION, ILLINOIS
Guidelines for Land and Right-of-Way Acquisitions
83 Ill. Adm. Code 300.....2864

COUNCIL ON DEVELOPMENTAL DISABILITIES, ILLINOIS
Access to Public Records (Repealer)
2 Ill. Adm. Code 2905.....2871
Access to Records of the Illinois Council on Developmental Disabilities
2 Ill. Adm. Code 2905.....2873

INSURANCE, DEPARTMENT OF
Preferred Provider Programs
50 Ill. Adm. Code 2051.....2895

LAW ENFORCEMENT TRAINING AND STANDARDS BOARD, ILLINOIS

Intern Training Program	
20 Ill. Adm. Code 1725.....	3051
NATURAL RESOURCES, DEPARTMENT OF	
General Hunting and Trapping on Department-Owned or –Managed Sites	
17 Ill. Adm. Code 510.....	3068
OFFICE OF THE COMPTROLLER	
Office of the Comptroller Standard Procurement	
44 Ill. Adm. Code 1120.....	3075
POLLUTION CONTROL BOARD	
Hazardous Waste Management System: General	
35 Ill. Adm. Code 720.....	3180
Identification and Listing of Hazardous Waste	
35 Ill. Adm. Code 721.....	3213
Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities	
35 Ill. Adm. Code 726.....	3249
PUBLIC HEALTH, DEPARTMENT OF	
Structural Pest Control Code	
77 Ill. Adm. Code 830.....	3288
SECRETARY OF STATE	
Illinois Safety Responsibility Law	
92 Ill. Adm. Code 1070.....	3319
SECOND NOTICES RECEIVED	
JOINT COMMITTEE ON ADMINISTRATIVE RULES	
Second Notices Received.....	3329
EXECUTIVE ORDERS AND PROCLAMATIONS	
EXECUTIVE ORDERS	
Executive Order Creating the Steering Committee For the Millennium Reserve	
2013-3.....	3330
PROCLAMATIONS	
Arts in Education Spring Celebration Months	
2013-51.....	3335
Emergency Medicine Day	
2013-52.....	3335
Fellowship Chicago Day	
2013-53.....	3337
Youth Art Month	
2013-54.....	3337
Kenny McReynolds Day	
2013-55.....	3338
Certified Government Financial Manager Month	
2013-56.....	3339
Electrical Safety Month	

2013-57.....	3340
Fabry Disease Awareness Month	
2013-58.....	3341
Illinois Arts Education Week	
2013-59.....	3342
Kidney Cancer Awareness Month	
2013-60.....	3343
Look Up! Pay It Forward Day	
2013-61.....	3345
Medical Biller's Day	
2013-62.....	3345
Overdose Awareness Day	
2013-63.....	3346
Sarcoidosis Awareness Month	
2013-64.....	3347
The Year of Homeownership	
2013-65.....	3348
American Eagle Day	
2013-66.....	3349
Colorectal Cancer Awareness Month	
2013-67.....	3350
Preeclampsia Awareness Day	
2013-68.....	3352
Dandy-Walker Syndrome and Hydrocephalus Awareness Month	
2013-69.....	3353
Day of Remembrance and Recognition	
2013-70.....	3353
Gastroschisis Awareness Day	
2013-71.....	3354
Illinois Black Chamber of Commerce Day	
2013-72.....	3355
Occupational Health and Safety Month	
2013-73.....	3356
Pediatric Stroke Awareness Month	
2013-74.....	3357
Consumer Driven Health Improvement Week	
2013-75.....	3358
Health Care Workers Week	
2013-76.....	3359
National Limb Loss Awareness Month	
2013-77.....	3359
World TB Day	
2013-78.....	3360

INTRODUCTION

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

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

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

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

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2013

Issue#	Rules Due Date	Date of Issue
1	December 26, 2012	January 4, 2013
2	December 31, 2012	January 11, 2013
3	January 7, 2013	January 18, 2013
4	January 14, 2013	January 25, 2013
5	January 22, 2013	February 1, 2013
6	January 28, 2013	February 8, 2013
7	February 4, 2013	February 15, 2013
8	February 11, 2013	February 22, 2013
9	February 19, 2013	March 1, 2013
10	February 25, 2013	March 8, 2013
11	March 4, 2013	March 15, 2013
12	March 11, 2013	March 22, 2013
13	March 18, 2013	March 29, 2013
14	March 25, 2013	April 5, 2013
15	April 1, 2013	April 12, 2013
16	April 8, 2013	April 19, 2013
17	April 15, 2013	April 26, 2013
18	April 22, 2013	May 3, 2013
19	April 29, 2013	May 10, 2013
20	May 6, 2013	May 17, 2013

21	May 13, 2013	May 24, 2013
22	May 20, 2013	May 31, 2013
23	May 28, 2013	June 7, 2013
24	June 3, 2013	June 14, 2013
25	June 10, 2013	June 21, 2013
26	June 17, 2013	June 28, 2013
27	June 24, 2013	July 5, 2013
28	July 1, 2013	July 12, 2013
29	July 8, 2013	July 19, 2013
30	July 15, 2013	July 26, 2013
31	July 22, 2013	August 2, 2013
32	July 29, 2013	August 9, 2013
33	August 5, 2013	August 16, 2013
34	August 12, 2013	August 23, 2013
35	August 19, 2013	August 30, 2013
36	August 26, 2013	September 6, 2013
37	September 3, 2013	September 13, 2013
38	September 9, 2013	September 20, 2013
39	September 16, 2013	September 27, 2013
40	September 23, 2013	October 4, 2013
41	September 30, 2013	October 11, 2013
42	October 7, 2013	October 18, 2013
43	October 15, 2013	October 25, 2013
44	October 21, 2013	November 1, 2013
45	October 28, 2013	November 8, 2013
46	November 4, 2013	November 15, 2013
47	November 12, 2013	November 22, 2013
48	November 18, 2013	December 2, 2013
49	November 25, 2013	December 6, 2013
50	December 2, 2013	December 13, 2013
51	December 9, 2013	December 20, 2013
52	December 16, 2013	December 27, 2013

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Illinois Energy Conservation Code
- 2) Code Citation: 71 Ill. Adm. Code 600
- 3) Section Number: 600.120 Proposed Action: Amendment
- 4) Statutory Authority: Implementing and authorized by the Capital Development Board Act [20 ILCS 3105] and the Energy Efficient Commercial Building Act [20 ILCS 3125]
- 5) A Complete Description of the Subjects and Issues involved: The proposed amendment increases the number of persons representing the residential contracting industry on the Illinois Energy Conservation Advisory Council from one to two. The additional member changes the quorum requirements and provides an even number of members on the Council. These issues are addressed by this amendment by revising the quorum requirement from six to seven members and only having the Chair vote to break a tie vote or to establish a quorum.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(6)].
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views or arguments concerning this proposed rulemaking in writing for a period of 45 days following publication of this Notice in the *Illinois Register*. All comments must be in writing and should be addressed to:

Lisa Mattingly

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENT

Administrator of Professional Services
Capital Development Board
401 S. Spring Street – 3rd Floor Stratton Building
Springfield, Illinois 62706

Telephone: 217/524-6408
E-Mail: lisa.mattingly@illinois.gov
Facsimile: 217/524-4208

Comments submitted by small business should be identified as such.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of Professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: The need for this rulemaking was not known at the time the agendas were submitted.

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

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 71: PUBLIC BUILDINGS, FACILITIES, AND REAL PROPERTY
CHAPTER I: CAPITAL DEVELOPMENT BOARD
SUBCHAPTER d: ENERGY CODES

PART 600
ILLINOIS ENERGY CONSERVATION CODE

SUBPART A: GENERAL

Section	
600.100	Definitions
600.110	Adoption and Modification of the Code
600.120	Illinois Energy Conservation Advisory Council
600.130	Revisions to the Code

SUBPART B: STATE FUNDED FACILITIES

Section	
600.200	Standards for State Funded Facilities
600.210	Request for Variance
600.220	Compliance

SUBPART C: PRIVATELY FUNDED COMMERCIAL FACILITIES

Section	
600.300	Standards for Privately Funded Commercial Facilities
600.310	Exemptions
600.320	Local Jurisdiction
600.330	Compliance
600.340	Application to Home Rule Units

SUBPART D: RESIDENTIAL BUILDINGS

Section	
600.400	Standards for Residential Buildings
600.410	Exemptions
600.420	Local Jurisdiction
600.430	Compliance
600.440	Application to Home Rule Units

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENT

600.APPENDIX A Supplanted and Additional 2012 International Energy Conservation Code Sections

AUTHORITY: Implementing and authorized by the Capital Development Board Act [20 ILCS 3105] and the Energy Efficient Building Act [20 ILCS 3125].

SOURCE: Adopted by emergency rulemaking at 28 Ill. Reg. 11355, effective July 26, 2004, for a maximum of 150 days; emergency rules expired December 22, 2004; adopted at 29 Ill. Reg. 777, effective January 1, 2005; new Part adopted by emergency rulemaking at 29 Ill. Reg. 5736, effective April 8, 2005, for a maximum of 150 days; emergency expired September 4, 2005; emergency rulemaking repealed at 29 Ill. Reg. 6093, effective April 18, 2005, for a maximum of 150 days; emergency expired September 14, 2005; old Part repealed at 29 Ill. Reg. 16414 and new Part adopted at 29 Ill. Reg. 14790, effective April 8, 2006; amended at 31 Ill. Reg. 14422, effective October 9, 2007; emergency amendment at 33 Ill. Reg. 12407, effective August 18, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 16702, effective November 23, 2009; emergency rulemaking at 34 Ill. Reg. 2582, effective January 29, 2010, for a maximum of 150 days; emergency expired June 27, 2010; amended at 34 Ill. Reg. 11398, effective July 26, 2010; amended at 37 Ill. Reg. 789, effective January 11, 2013; amended at 37 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 600.120 Illinois Energy Conservation Advisory Council

- a) The Executive Director of the Capital Development Board shall appoint an Advisory Council. The Council shall be composed of the Executive Director or his or her authorized representative, who shall serve as Chairman ex-officio, and ~~1140~~ additional members appointed by the Executive Director. The appointed members shall consist of 1 person representing the Department of Commerce and Economic Opportunity; ~~2 persons~~~~1 person~~ representing the residential construction contracting industry; 2 licensed architects; 1 licensed mechanical engineer; 1 licensed electrical engineer; 2 persons representing local code officials; and 2 persons representing the construction contracting industry. Members of the Council shall be appointed for 4 year terms. The members appointed by the Executive Director shall serve for the term of their appointments and may be reappointed upon expiration of the term. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall be appointed for the remainder of the term.

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENT

- b) The Council shall meet as frequently as the Chairman deems necessary, but at least once each year. Additional meetings may be called by the Chairman or by 3 members of the Council upon delivery of 10 days' written notice to the mailing address of each member of the Council. ~~Seven~~Six members of the Council shall constitute a quorum. The Chairman shall only vote to break a tie or when necessary to establish a quorum.
- c) The purpose of the Council shall be to recommend modifications to the Illinois Energy Conservation Code.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Minimum Safety Standards for Transportation of Gas and for Gas Pipeline Facilities
- 2) Code Citation: 83 Ill. Adm. Code 590
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
590.10	Amendment
590.20	New Section
- 4) Statutory Authority: Implementing and authorized by Section 3 of the Illinois Gas Pipeline Safety Act [220 ILCS 20/3]
- 5) A Complete Description of the Subjects and Issues Involved: The Illinois Commerce Commission (Commission) has adopted 83 Ill. Adm. Code 590, "Minimum Safety Standards for Transportation of Gas and for Gas Pipeline Facilities," to incorporate by reference certain federal safety standards. This complies with Section 3 of the Illinois Gas Pipeline Safety Act [220 ILCS 20/3], which requires the Commission's rules to be as inclusive and as stringent as the Federal safety standards and compatible with the Federal safety standards.

Since the last amendment of Part 590 in 2011, the United States Department of Transportation (USDOT) completed rulemakings that amended its safety standards that the Commission has incorporated by reference in Part 590. The draft amendments will increase the number of sections of the federal rules that are incorporated by reference, which is necessary in order to comply with Section 3 of the Illinois Gas Pipeline Safety Act. The draft amendments will update the Commission's rules to incorporate the federal rules as of January 1, 2013, to account for all USDOT rulemaking action that became effective since the last Commission amendment of Part 590 in 2011. The draft amendments will also require regulated entities to submit copies of reports that the entities submit to the federal Pipeline and Hazardous Materials Safety Administration pursuant to 49 CFR 191.11, 191.12, 191.13 and 191.25.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: These proposed amendments neither create nor expand any State mandate on units of local government, school districts, or community college districts.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed, within 45 days after the date of this issue of the *Illinois Register* in Docket 13-0146, with:
- Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701
- 217/782-7434
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: These amendments will affect any subject jurisdictional entities that are also small businesses as defined in the Illinois Administrative Procedure Act. These amendments will not affect any small municipalities or not for profit corporations that are not otherwise jurisdictional entities.
- B) Reporting, bookkeeping or other procedures required for compliance: Reporting and filing
- C) Types of Professional skills necessary for compliance: Managerial skills
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The Commission did not anticipate the need for this amendment at that time.

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER d: GAS UTILITIESPART 590
MINIMUM SAFETY STANDARDS FOR TRANSPORTATION
OF GAS AND FOR GAS PIPELINE FACILITIES

Section

590.10

Standards

590.20Submission of Federal Reports to the Commission

AUTHORITY: Implementing and authorized by Section 3 of the Illinois Gas Pipeline Safety Act [220 ILCS 20/3].

SOURCE: Filed effective November 28, 1977; amended at 3 Ill. Reg. 5, p. 761, effective February 3, 1979; amended at 3 Ill. Reg. 11, p. 25, effective March 17, 1979; amended at 4 Ill. Reg. 1, p. 23, effective January 1, 1980; amended at 5 Ill. Reg. 6778, effective June 16, 1981; rules repealed, new rules adopted and codified at 7 Ill. Reg. 12858, effective September 16, 1983; amended at 8 Ill. Reg. 13195, effective July 16, 1984; amended at 10 Ill. Reg. 19405, effective November 15, 1986; amended at 11 Ill. Reg. 11733, effective July 1, 1987; amended at 12 Ill. Reg. 11707, effective July 15, 1988; recodified from 92 Ill. Adm. Code 1800 at 12 Ill. Reg. 12997; amended at 13 Ill. Reg. 16968, effective November 1, 1989; amended at 14 Ill. Reg. 10018, effective June 15, 1990; amended at 17 Ill. Reg. 12291, effective July 15, 1993; amended at 18 Ill. Reg. 11518, effective July 25, 1994; amended at 19 Ill. Reg. 13549, effective October 1, 1995; amended at 21 Ill. Reg. 8906, effective July 1, 1997; amended at 23 Ill. Reg. 11872, effective October 1, 1999; amended at 25 Ill. Reg. 11355, effective September 1, 2001; amended at 27 Ill. Reg. 12385, effective August 1, 2003; amended at 29 Ill. Reg. 11808, effective August 1, 2005; amended at 31 Ill. Reg. 11562, effective August 1, 2007; amended at 33 Ill. Reg. 12224, effective August 15, 2009; amended at 35 Ill. Reg. 14414, effective August 15, 2011; amended at 37 Ill. Reg. _____, effective _____.

Section 590.10 Standards

- a) The Illinois Commerce Commission adopts the standards contained in 49 CFR 191.1, 191.3, 191.5, 191.7, 191.9, 191.11, 191.12, 191.13, 191.15, 191.17, 191.22, 191.23, 191.25, 192, 193 and 199 as of January 1, ~~2013~~2014, as its minimum safety standards for the transportation of gas and for gas pipeline facilities.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

b) No later amendment or editions are incorporated by this Part.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 590.20 Submission of Federal Reports to the Commission

Each person who engages in the transportation of gas or who owns or operates pipeline facilities shall file with the Commission any report filed with the federal Pipeline and Hazardous Materials Safety Administration pursuant to 49 CFR 191.11, 191.12, 191.13 and 191.25.

(Source: Added at 37 Ill. Reg. _____, effective _____)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Individual and Family Grant Program
- 2) Code Citation: 29 Ill. Adm. Code 410
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
410.10	Repealed
410.20	Repealed
410.30	Repealed
410.40	Repealed
410.50	Repealed
410.60	Repealed
- 4) Statutory Authority: Implementing and authorized by Federal Emergency Management Agency Regulations (44 CFR 205.54, April 12, 1982) and the Illinois Emergency Services and Disaster Agency Act of 1975 (Ill. Rev. Stat. 1981, ch. 127, par. 1105 (f)(7))
- 5) A Complete Description of the Subjects and Issues Involved: The Agency is proposing to repeal 29 Ill. Adm. Code 410, Individual and Family Grant Program, which was last amended on March 31, 1983. The Individual and Family Grant (IFG) Program no longer exists within the State. The IFG Program was once administered by the State so a rule was adopted that guided the administration of the Program. The IFG Program was replaced by the Other Needs Assistance (ONA) Program which is now administered by FEMA. Since the ONA Program is not administered by the State, there is no need for a State rule on the program.
- 6) Published studies or reports, and sources of underlying data used to compose this rulemaking, in accordance with 1 Ill Adm. Code 100.355: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: The requirements imposed by the

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED REPEALER

proposed rulemaking are not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.

- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. The Agency will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

Traci Burton
Paralegal Assistant
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, Illinois 62704

217/785-9860 (voice)
217/782-6133 (TDD)

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities or not for profit corporations affected: This does not affect any of the listed entities.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of Professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2013

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

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED REPEALER

TITLE 29: EMERGENCY SERVICES, DISASTERS, AND CIVIL DEFENSE

CHAPTER I: EMERGENCY MANAGEMENT AGENCY
SUBCHAPTER d: STATE EMERGENCY RESPONSE

PART 410

INDIVIDUAL AND FAMILY GRANT PROGRAM (REPEALED)

Section

- 410.10 Statutory Authority
- 410.20 Purpose
- 410.30 Definitions
- 410.40 Organization and Administration
- 410.50 Eligibility for Assistance
- 410.60 Funding

AUTHORITY: Implementing and authorized by Federal Emergency Management Agency Regulations (44 CFR 205.54, April 12, 1982) and the Illinois Emergency Services and Disaster Agency Act of 1975 (Ill. Rev. Stat. 1981, ch. 127, par. 1105 (f)(7)).

SOURCE: Adopted and codified at 7 Ill. Reg. 5185, effective March 31, 1983; repealed at 37 Ill. Reg. _____, effective _____.

Section 410.10 Statutory Authority

This Part is promulgated under the authority of Federal Emergency Management Agency Regulations (44 CFR 205.54, April 12, 1982) and the Illinois Emergency Services and Disaster Agency Act of 1975 (Ill. Rev. Stat. 1981, ch. 127, par. 1105 (f)(7)).

Section 410.20 Purpose

It is the purpose of this Part to establish policy to implement an individual and family grant program intended to meet the serious needs and necessary expenses of disaster victims for whom assistance from other means is either unavailable or inadequate.

Section 410.30 Definitions

"Administrative Panel" means a group of three State employees, representatives from the Emergency Services and Disaster Agency and the Department of Public

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED REPEALER

Aid, which has the responsibility for determining eligibility for a grant and the grant amount.

"Appeals Coordinator" means the State appointed person, not involved in the initial decision-making on the case, with the responsibility for the decision on appeals.

"Family" means a social unit living together and comprised of husband and wife and dependents, if any, or a household comprised of an unmarried person living with a dependent son, stepson, daughter, stepdaughter or a dependent descendant of a son or daughter.

"Grant Coordinating Officer" means the State official assigned management responsibility for the Individual and Family Grant Program.

"Individual" means a person who is not a member of a family, as defined in this Section.

"Maximum Standard Personal Property Values" means a listing of current prices of various items calculated by the Department of Public Aid.

"Necessary expense" means the cost of an item or service essential to an individual or family to prevent, mitigate or overcome a disaster-related hardship, injury or adverse condition.

"Project Application" means the form used by an individual or family to apply for Federal disaster assistance under the Individual and Family Grant Program.

"Serious need" means the requirement for an item or service essential to an individual or family to prevent, mitigate or overcome a disaster-related hardship, injury or adverse condition.

"State Coordinating Officer" means the individual appointed by the Governor to coordinate State and local disaster assistance efforts with those of the Federal Government.

"The State" means the State of Illinois.

Section 410.40 Organization and Administration

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED REPEALER

- a) Delegation of Responsibility
- 1) The State Coordinating Officer shall be the Governor's authorized representative for the implementation of the Individual and Family Grant Program.
 - 2) The State shall publicize the availability of the Individual and Family Grant Program to potential applicants.
 - 3) The State shall be responsible for interviewing applicants, receiving applications, and establishing case files.
 - 4) The State shall staff the Federal/State Disaster Assistance Centers for the purpose of accepting grant applications.
 - 5) The State shall be responsible for the verification of the necessary expenses and serious needs for which grant assistance has been requested.
 - 6) An Administrative Panel shall review each application and determine eligibility and grant amount. Criteria for eligibility determination is set forth in Section 410.50. Grant amount will be based on Maximum Standard Personal Property Values.
 - 7) The State shall notify every applicant by letter of the eligibility determination made on their application.
 - 8) The Appeals Coordinator shall consider each appeal within fifteen calendar days of receipt. Documentation provided by the applicant-appellant will be reviewed to determine if the applicant-appellant has, subsequent to denial by the Administrative Panel, demonstrated compliance with the requirements of Section 410.50. All determinations by the Appeals Coordinator will be final.
- b) Time Limitations
- 1) Applications will be accepted for 60 days following the date on which the major disaster was declared.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED REPEALER

- 2) Applications filed after the 60 day filing period, but within 90 days following the date on which the major disaster was declared, will be reviewed by the Grant Coordinating Officer. The review will center on documentation provided by the applicant indicating the applicant's inability to apply within the specified time frame due to circumstances either unavoidable to or beyond the control of the applicant, such as in cases where the applicant is physically unable to apply or to examine the damage because of illness or injury, or because the disaster itself has kept the applicant out of the disaster area. If it is determined that good cause existed for the late filing, the application will be accepted and the case file documented as to the reason for acceptance. If such a determination cannot be made, the application will be rejected.

Section 410.50 Eligibility for Assistance

- a) Eligibility Requirements
 - 1) The applicant must certify that:
 - A) Application has been made to all available governmental disaster assistance programs for assistance to meet the necessary expense or serious need, and that neither the applicant nor any of the applicant's family has been determined to be qualified for such assistance or, for demonstrated reasons, any assistance received has not satisfied any such necessary expense or serious need;
 - B) With respect to the specific necessary expense or serious need or portion thereof for which application is made, neither the applicant, nor any member of the applicant's family, has previously received or refused assistance from other means;
 - C) Should the applicant receive a grant and assistance from other means later becomes available to meet the necessary expense or serious need, the applicant shall refund to the State that part of the grant for which financial assistance from other means has been received. If the applicant does not spend the grant for the identified needs, a refund must also be made.
 - 2) Applicants who incurred a necessary expense or serious need in the major

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED REPEALER

disaster area may be eligible for assistance under paragraph (a)(1) of this Section without regard to their alienage, residency in the major disaster area, or residency within the State in which the major disaster has been declared.

- 3) Applicants must comply with time limitations as set forth in Section 410.40(b).
 - 4) In lieu of a formal application to the Small Business Administration (SBA) for disaster loan assistance, applicants may be considered to have been denied such assistance if they are able to certify that they:
 - A) Suffered only personal property damage, or
 - B) Are unemployed, or
 - C) Derive more than 50 percent of their income from Social Security or public income assistance payments.
 - 5) Farmers, ranchers and persons engaged in aquaculture must apply to Farmers Home Administration (FmHA) or SBA and obtain a denial of such assistance from either FmHA or SBA before they may be considered eligible for grant assistance. If applicants have been denied such loan assistance because, in FmHA's determination, they are able to obtain necessary credit from other sources, they will be considered ineligible for grant assistance for those items or services for which assistance may be provided by the FmHA's Emergency Loan Program.
- b) Eligible Categories
- 1) Assistance may be made available to meet necessary expenses or serious needs by providing essential items or services in certain categories, as follows:
 - A) Medical and dental
 - B) Housing
 - C) Personal property

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED REPEALER

- D) Public/Private transportation
 - E) Funeral expenses
 - F) Flood insurance
 - G) Hazard minimization measures
 - H) Cost of damage estimates
- 2) Assistance may be made available to meet necessary expenses or serious needs in other categories, as determined by the State and consistent with Federal law and regulation.
- c) Ineligible Categories
- 1) Assistance will not be made available for any item or service in the following categories:
 - A) Business loans, including farm businesses, or self-employment,
 - B) Improvements or additions to real or personal property,
 - C) Landscaping,
 - D) Real or personal property used exclusively for recreation,
 - E) Financial obligations incurred prior to the disaster.
 - 2) Assistance may also be denied for any other category which is deemed by the State not to fall within the definition of "necessary expense or serious need".
- d) Multiple Ownership
- 1) Assistance shall be made available to grant applicants claiming multiple ownership of a non-public facility that provides service to more than one individual or family. Prior to the issuance of the grant, all applicants must

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED REPEALER

agree to joint ownership of the non-public facility and verify that:

- A) All applicants have a common necessary expense or serious need:
 - B) Any assistance provided under a project application is taken into consideration when determining whether a need exists; and
 - C) All applicants have jointly applied for assistance from other government programs such as SBA Disaster Loan Program and have been determined not to be qualified for such assistance.
- 2) Each qualified applicant may receive a separate grant if the cost of repairing or replacing the non-public facility exceeds the maximum grant available to an individual or family as set forth at 44 CFR 205.54 (April 12, 1982).
 - 3) The grant recipients may combine their grant funds to repair or replace the non-public facility.

Section 410.60 Funding

Following an emergency declaration by the Governor and a major disaster declaration by the President, as provided for at 42 U.S.C.A. 5141 (1981), State and Federal disaster assistance programs will be made available to disaster victims suffering loss or damage in the designated disaster area. The Individual and Family Grant Program, authorized by the Disaster Relief Act of 1974, 42 U.S.C.A. 5178 (1981), is designed to aid those disaster victims whose necessary expenses or serious needs cannot be met by governmental programs or from other sources. The program is administered by the State of Illinois, and is seventy-five percent Federally funded and twenty-five percent State funded.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Public Disaster Assistance Program
- 2) Code Citation: 29 Ill. Adm. Code 420
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
420.10	Repealed
420.20	Repealed
420.30	Repealed
420.40	Repealed
420.50	Repealed
420.60	Repealed
- 4) Statutory Authority: Implementing the Disaster Relief Act of 1974, (42 USCA 5121 et seq. (1983) and Section 5(f)(7) of the Illinois Emergency Services and Disaster Agency Act of 1975 (Ill Rev. Stat. 1981, ch. 127, par. 1105(f)(7)) and authorized by Section 7(c)(1) of the Illinois Emergency Services and Disaster Agency Act of 1975 (Ill. Rev. Stat. 1981, ch. 127, par. 1107 (c)(1))
- 5) A Complete Description of the Subjects and Issues Involved: The Agency is proposing to repeal this Part, which was last amended on August 31, 1983. The Public Assistance (PA) Program provides Federal disaster assistance to states, local governments and certain private non-profit organizations for debris removal, emergency protective measures and the permanent restoration of public facilities as a result of a major disaster or emergency declaration made by the President of the United States. The PA Program is jointly administered by the Federal Emergency Management Agency (FEMA) and Illinois Emergency Management Agency (IEMA) under Federal statute, regulation and policy that has evolved over the past 20+ years. Most of the terminology and grant process has changed since the Part was originally implemented and the Part is no longer applicable or necessary to administer the PA Program.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking, in accordance with 1 Ill Adm. Code 100.355: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED REPEALER

- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. The Agency will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:
- Traci Burton
Paralegal Assistant
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, Illinois 62704
- 217/785-9860 (voice)
217/782-6133 (TDD)
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities or not for profit corporations affected: This rulemaking does not affect these entities.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of Professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2013

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

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED REPEALER

TITLE 29: EMERGENCY SERVICES, DISASTERS, AND CIVIL DEFENSE
CHAPTER I: EMERGENCY MANAGEMENT AGENCY
SUBCHAPTER d: STATE EMERGENCY RESPONSE

PART 420

PUBLIC DISASTER ASSISTANCE PROGRAM (REPEALED)

Section

420.10	Statutory Authority
420.20	Purpose
420.30	Definitions
420.40	Program Operations
420.50	Applicability/Eligibility
420.60	Funding Options

AUTHORITY: Implementing the Disaster Relief Act of 1974, (42 U.S.C.A. 5121 et seq. (1983) and Section 5(f)(7) of the Illinois Emergency Services and Disaster Agency Act of 1975 (Ill. Rev. Stat. 1981, ch. 127, par. 1105(f)(7)) and authorized by Section 7(c)(1) of the Illinois Emergency Services and Disaster Agency Act of 1975 (Ill. Rev. Stat. 1981, ch. 127, par. 1107 (c)(1)).

SOURCE: Adopted and codified at 7 Ill. Reg. 11214; effective August 31, 1983; repealed at 37 Ill. Reg. _____, effective _____.

Section 420.10 Statutory Authority

This Part is promulgated under the authority of the Disaster Relief Act of 1974, 42 U.S.C.A. 5121 et seq. (1983) and the Illinois Emergency Services and Disaster Agency Act of 1975 (Ill. Rev. Stat. 1981, ch. 127, par. 1105(f)(7) and 1107 (c)(1)).

Section 420.20 Purpose

The purpose of this Part is to establish policy for implementation of a public assistance program intended to supplement the efforts and available resources of State and local governments in disaster relief efforts, as described generally in the Disaster Relief Act of 1974, and specifically at 42 U.S.C.A. 5121, 5122, 5141, 5143, 5146, 5151, 5172, 5173, 5176, and 5189 (1983).

Section 420.30 Definitions

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED REPEALER

"Advance of funds" means a sum of money provided to a State, local government, or other Federal agency prior to audit and/or final settlement of its claim.

"Applicant" means the State, local government, or eligible private nonprofit facility submitting a project application or request for direct Federal assistance or on whose behalf the Governor's Authorized Representative takes such action.

"Applicant's agent" means the person designated by the applicant to act on its behalf in transactions with the State and Federal government.

"Damage Survey Report (DSR)" means a report of damages or requirements caused by major disaster or emergency including location, description and estimate of costs to perform required work.

"Eligible private nonprofit facility" means an interested private organization or entity requesting assistance for private nonprofit educational, utility, emergency, medical, and custodial care facilities which may request the State or local government, as the applicant, to submit the project application on its behalf and to provide administrative support, including advances of funds, summary of documentation, and voucher for payment.

"Eligible Cost" means the cost of work performed on projects approved by FEMA.

"Eligible facility" means a damaged building, structure, or system, the repair of which is eligible for Federal financial assistance under 44 CFR 205.73, September 12, 1980.

"Emergency" means any of the various types of natural disasters included in the definition of a "major disaster" which requires Federal emergency assistance to supplement State and local efforts to save lives and protect property, public health and safety or to avert or lessen the threat of a disaster.

"Emergency work" means that work which must be done immediately to save lives and to protect property and public health and safety, or to avert or lessen the threat of a major disaster.

"FEMA" means the Federal Emergency Management Agency.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED REPEALER

"Final Inspection" means the examination of the actual work performed under the project, to ensure that all standards have been met in accordance with the approved project application.

"Governor's Authorized Representative (GAR)" means the State official designated by the Governor with the responsibility to coordinate and supervise the State disaster assistance program and to execute on behalf of the State all necessary documents for disaster assistance.

"IESDA" means the Illinois Emergency Services and Disaster Agency.

"Local Government" means any county, city, village, town, district, or other political subdivision of any state, any Indian tribe or authorized tribal organization, or Alaska native village or organization, and includes any rural community or unincorporated town or village or any other public entity for which an application for assistance is made by state or political subdivision thereof. (42 U.S.C.A. 5122 (1983))

"Major Disaster" means any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought, fire, explosion, or other catastrophe in any part of the United States which, in the determination of the President causes damage of sufficient severity and magnitude to warrant major disaster assistance above and beyond emergency services by the Federal Government to supplement the efforts and available resources of states, local governments, and private relief organizations in alleviating the damage, loss, hardship or suffering caused thereby. (42 U.S.C.A. 5122 (1983))

"Memorandum of Understanding" means an agreement between the applicant and the State describing audit procedures and cost-sharing arrangements.

"Permanent work" means the restorative work that must be done, through repairs or replacement, to restore an eligible facility on the basis of its predisaster design in conformity with current applicable codes, specifications and standards.

"Political Subdivision" means any county, city, village, or incorporated town. (Ill. Rev. Stat. 1981, ch. 127, par. 1104(f))

"Project application" means the applicant's formal request for approval of disaster

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED REPEALER

repair and recovery work.

"Standards" means codes, specifications, and standards which were in general use and locally enforced at the time of the major disaster, plus those additional standards or deviations authorized or prescribed by the Associate Director of FEMA as provided at 44 CFR 205.111(q), Aug. 6, 1980.

"State audit" means the examination by the State, after final inspection, of documentation compiled by the applicant in support of its claim for Federal reimbursement of disaster repair and recovery work.

Section 420.40 Program Operations

- a) When a disaster threatens or occurs, and it appears that the capabilities of State and local forces may be insufficient to alleviate the resulting damage, loss, hardship, suffering, and to protect life and property, the Governor shall gather all data needed to make an informed decision whether or not a request that the President declare a major disaster or an emergency is justified.
- b) It shall be the responsibility of local officials, in areas affected by a disaster, to cooperate fully and promptly with IESDA in gathering information needed by the Governor to assess the severity of the situation. Local governments should be prepared to provide:
 - 1) Fiscal records of work already completed,
 - 2) Maps of damage sites,
 - 3) Photos of damages,
 - 4) Costs incurred by the community in coping with the disaster, and
 - 5) Any bids or estimates of costs to repair, rebuild and/or recover.
- c) Should the circumstances warrant a request for a presidential declaration, IESDA, in coordination with other State and local officials, shall:
 - 1) Advise the FEMA Regional Office of the State's intention to request a declaration,

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED REPEALER

- 2) Consult with the FEMA Regional Director on the availability of Federal disaster assistance,
 - 3) Survey the affected areas, jointly with FEMA regional disaster specialists, to determine the extent of damage, and prepare estimates of the types and extent of Federal disaster assistance required.
- d) The Governor's request shall be based upon his finding that the situation is of such severity and magnitude that effective response is beyond the capabilities of the State and the affected local governments and that Federal assistance is necessary. The request must also contain a certification by the Governor of an expenditure of State and local funds within State and local financial capabilities for disaster relief, and an estimate of the extent and nature of Federal assistance required for each of the affected counties and the State.
- e) In conjunction with the request, the Governor shall implement the Illinois Comprehensive Disaster Response Plan as provided at Ill. Rev. Stat. 1981, ch. 127, par. 1108(a)(11) which calls for a coordinated response by State agencies who can respond with technical assistance, equipment, and manpower as specified in the Plan.
- f) Should the President declare a major disaster or an emergency, FEMA and IESDA personnel will conduct briefings for local officials to inform them of the types of assistance available and the means by which funds are provided for eligible disaster assistance projects.
- g) Following the briefings, Federal and State engineers shall prepare Damage Survey Reports to document disaster damage and provide FEMA with a recommended scope of work and estimated costs. Such Damage Survey Reports shall be prepared in the presence of the principal executive officer of the affected political subdivision or his designee, and shall be signed by that official at the time of preparation.
- h) Based upon the Damage Survey Reports, a Project Application shall be prepared by FEMA for each eligible project applicant. A copy of the Project Application shall be provided to the applicant by IESDA, which shall act on behalf of the applicant in all subsequent correspondence or communication with FEMA.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED REPEALER

- i) Advances of funds against the amount of Federal share approved in the Project Application shall periodically be provided to IESDA by FEMA, which shall deposit such funds in the State Treasury and promptly pay said funds, pursuant to available appropriations, via state warrant to the applicant.
- j) Applicants shall cooperate with IESDA in closeout procedures, which in the case of Small Project Grants, Section 420.60(d), shall include completion of the Small Project Summary and, if necessary, the Alternate Work form. Closeout procedures for Categorical Grants, Section 420.60(a), will include Final Inspections and State audit.
- k) Costs of the State audit shall be shared in the following manner: one-half by the State, and one-half by the project applicant. The applicant must sign a Memorandum of Understanding, describing audit procedures and cost-sharing arrangements, prior to commencement of the State audit.

Section 420.50 Applicability/Eligibility

- a) Application for Assistance
 - 1) A Project Application, accompanied by supporting documentation, must be submitted by an eligible applicant through IESDA to the FEMA Regional Director for approval.
 - 2) The Project Application must be submitted to the FEMA Regional Director within 90 days of the date of the President's declaration of a major disaster or within 30 days of the President's declaration of an emergency.
- b) An applicant for assistance for repair or restoration of damaged public or private nonprofit facilities shall purchase and maintain such insurance as may be available and necessary to protect such facilities against future loss. In addition, the applicant must comply with regulations for hazard mitigation (44 CFR 205 Subpart M, November 8, 1979), environmental protection (44 CFR 10, June 18, 1980), flood plain management (44 CFR 9, September 9, 1980), and flood insurance (44 CFR 205 Subpart K, June 3, 1980) as a condition for receiving Federal disaster assistance.

Section 420.60 Funding Options

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED REPEALER

- a) Categorical grants shall generally be used as the basis of Federal reimbursement, and must be used for facilities under construction, or for private nonprofit facilities. Under a categorical grant, the work shall be performed as approved in the Project Application and as specified on the DSR's. Reimbursement to the applicant is limited to the actual cost of performing work as previously approved by the FEMA Regional Director in the Project Application. Reimbursement shall not exceed the net eligible cost of restoring a facility, based upon the predisaster design of the facility and on current applicable construction standards.
- b) Grants-in-lieu are a type of categorical grant which may be used to provide a larger, more elaborate, or an equivalent facility that as a minimum replaces the design or capacity of the public facility damaged or destroyed by the disaster. The facility to which the grant-in-lieu is applied must be restored to its predisaster capacity, and must serve the same purpose as the damaged facility.
- c) Flexible funding grants may be used in cases where the estimated cost of permanently repairing, restoring, reconstructing, or replacing all of the applicant's damaged public facilities exceeds \$25,000. The applicant receives a grant equal to 90 percent of the Federal estimate of the permanent work. This grant allows the applicant to choose either to restore the damaged facility or to build new public facilities for other purposes. The applicant must declare the election of flexible funding, through the GAR, to the FEMA Regional Director before the Project Application is approved, as provided at 44 CFR 205.113(b)(2)(ii), August 6, 1980. Flexible funding grants cannot be approved for private nonprofit facilities.
- d) Small project grants may be used when the Federal estimate of an applicant's eligible costs for restoration of damaged or destroyed facilities, plus debris removal and emergency protective work total less than \$25,000. Small project grants may not be approved for private nonprofit facilities, as provided at 44 CFR 205.113(b)(3)(iii), August 6, 1980.
- e) Federal reimbursement under any of the above funding options shall not exceed 100 percent of the applicant's actual costs, and may be reduced in accordance with Federal restrictions.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Medical Use of Radioactive Material
- 2) Code Citation: 32 Ill. Adm. Code 335
- 3) Section Number: 335.5010 Proposed Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by Section 10 of the Radiation Protection Act of 1990 [420 ILCS 40/10]
- 5) A Complete Description of the Subjects and Issues Involved: Recently, the Agency has received reports from licensees of cases in which sodium iodide I-131 was administered to patients who were subsequently found to be pregnant at the time of administration. Sodium iodide I-131, even in microcurie quantities, can have deleterious effects on the thyroid of a fetus. The Agency is proposing this amendment so that prior to any administration of quantities greater than 1.11 MBq (30 µCi) of sodium iodide I-131 to a female capable of childbirth, the licensee shall conduct a pregnancy test and obtain those results to determine pregnancy. If the delay caused by conducting a pregnancy test would jeopardize the patient's health, the test may be forgone provided it is noted by the authorized user on the written directive required by 32 Ill. Adm. Code 335.1110.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking, in accordance with 1 Ill Adm. Code 100.355: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENT

period of 45 days following publication of this notice. The Agency will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

Traci Burton
Paralegal Assistant
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, Illinois 62704

217/785-9860 (voice)
217/782-6133 (TDD)

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities or not-for-profit corporations affected: All medical facilities providing sodium iodide I-131 studies/treatments requiring a written directive will be affected. This will include not for profit and government operated medical facilities.
 - B) Reporting, bookkeeping or other procedures required for compliance: One additional record is required for this test. The record of the test in section 335.5010(b) shall contain the patient's name/identification number if one has been assigned, the type of test performed, results of the test, the date of the test and the date the results became available if different from the test date and the identity of the licensee's staff administering the test.
 - C) Types of Professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2013

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

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENT

TITLE 32: ENERGY

CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY
SUBCHAPTER b: RADIATION PROTECTION

PART 335

MEDICAL USE OF RADIOACTIVE MATERIAL

SUBPART A: GENERAL INFORMATION

Section

- 335.10 Purpose and Scope
- 335.15 Incorporations by Reference
- 335.20 Definitions
- 335.30 License Required
- 335.40 License Amendments
- 335.50 Written Directives (Repealed)
- 335.60 Provisions for the Protection of Human Research Subjects

SUBPART B: GENERAL ADMINISTRATIVE REQUIREMENTS

Section

- 335.1010 ALARA Program (Repealed)
- 335.1020 Radiation Safety Officer (Repealed)
- 335.1030 Radiation Safety Committee (Repealed)
- 335.1040 Authorities and Responsibilities for the Radiation Protection Program
- 335.1050 Supervision
- 335.1060 Authorized User and Visiting Authorized User
- 335.1070 Mobile Nuclear Medicine Service Administrative Requirements (Repealed)
- 335.1080 Report and Notification of a Medical Event
- 335.1090 Materials Authorized for Medical Use (Repealed)
- 335.1100 Report and Notification of a Dose to an Embryo/Fetus or a Nursing Child
- 335.1110 Written Directives
- 335.1120 Procedures for Administrations Requiring a Written Directive

SUBPART C: GENERAL TECHNICAL REQUIREMENTS

Section

- 335.2010 Possession, Use and Calibration of Instruments Used to Measure the Activity of Unsealed Radioactive Material

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENT

- 335.2020 Possession, Calibration and Check of Survey Instruments (Repealed)
335.2030 Assay of Radiopharmaceutical Dosages
335.2040 Authorization for Calibration, Transmission, Attenuation Correction and Reference Sources
335.2050 Requirements for Possession of Sealed Sources (Repealed)
335.2060 Labeling and Use of Vials and Syringes
335.2070 Vial Shields and Vial Shield Labels (Repealed)
335.2080 Monitoring for Contamination and Ambient Radiation Dose Rate
335.2090 Safety Instructions for Patients Not Hospitalized and Containing Therapeutic Doses of Radiopharmaceuticals or Permanent Implants (Repealed)
335.2100 Admission of Patients Being Treated with Radiopharmaceuticals or Permanent Implants (Repealed)
335.2110 Release of Individuals Containing Unsealed Radioactive Material or Implants Containing Radioactive Material
335.2120 Mobile Medical Service Requirements
335.2130 Storage of Volatiles and Gases (Repealed)
335.2140 Other Medical Uses of Radioactive Material or Radiation from Radioactive Material (Emerging Technologies)

SUBPART D: UNSEALED RADIOACTIVE MATERIAL FOR UPTAKE, DILUTION AND EXCRETION STUDIES – WRITTEN DIRECTIVE NOT REQUIRED

Section

- 335.3010 Use of Unsealed Radioactive Material for Uptake, Dilution and Excretion Studies for Which a Written Directive is Not Required

SUBPART E: UNSEALED RADIOACTIVE MATERIAL FOR IMAGING AND LOCALIZATION STUDIES FOR WHICH A WRITTEN DIRECTIVE IS NOT REQUIRED

Section

- 335.4010 Use of Unsealed Radioactive Material for Imaging and Localization Studies for Which a Written Directive is Not Required
335.4020 Permissible Concentrations of Molybdenum-99, Strontium-82 and Strontium-85
335.4030 Control of Aerosols and Gases (Repealed)

SUBPART F: UNSEALED RADIOACTIVE MATERIAL – WRITTEN DIRECTIVE REQUIRED

Section

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENT

- 335.5010 Use of Unsealed Radioactive Material for Which a Written Directive is Required
- 335.5020 Safety Instruction
- 335.5030 Safety Precautions

SUBPART G: SEALED SOURCES FOR DIAGNOSIS

- Section
- 335.6010 Use of Sealed Sources for Diagnosis

SUBPART H: MANUAL BRACHYTHERAPY

- Section
- 335.7010 Use of Sealed Sources for Manual Brachytherapy
- 335.7020 Safety Instruction
- 335.7030 Safety Precautions
- 335.7040 Accountability and Security of Brachytherapy Sources
- 335.7050 Discharge of Patients Treated With Temporary Implants (Repealed)
- 335.7060 Surveys After Source Implant and Removal
- 335.7070 Calibration Measurements of Brachytherapy Sources
- 335.7080 Decay of Brachytherapy Sources
- 335.7090 Therapy-related Computer Systems for Manual Brachytherapy

SUBPART I: REMOTE AFTERLOADER UNITS, INTRAVASCULAR
BRACHYTHERAPY UNITS, TELETHERAPY UNITS AND
GAMMA STEREOTACTIC RADIOSURGERY UNITS

- Section
- 335.8010 Use of a Sealed Source in Remote Afterloader Units, Intravascular Brachytherapy Units, Teletherapy Units or Gamma Stereotactic Radiosurgery Units
- 335.8020 Installation, Maintenance, Adjustment and Repair
- 335.8030 Amendments to Teletherapy Licenses (Repealed)
- 335.8040 Safety Procedures and Instructions for Remote Afterloader Units, Intravascular Brachytherapy Units, Teletherapy Units and Gamma Stereotactic Radiosurgery Units
- 335.8050 Safety Precautions for Remote Afterloader Units, Teletherapy Units and Gamma Stereotactic Radiosurgery Units
- 335.8060 Radiation Monitoring Device for Teletherapy Units and Gamma Stereotactic Radiosurgery Units
- 335.8070 Viewing System for Teletherapy (Repealed)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENT

335.8080	Dosimetry Equipment
335.8090	Full Calibration Measurements for Teletherapy
335.8100	Periodic Spot-Checks for Teletherapy
335.8110	Radiation Monitoring
335.8120	Safety Checks for Teletherapy Facilities (Repealed)
335.8130	Modification of Teletherapy Unit or Room Before Beginning a Treatment Program (Repealed)
335.8140	Reports of Teletherapy Monitoring, Checks, Tests and Measurements (Repealed)
335.8150	5-Year Inspection for Teletherapy and Gamma Stereotactic Radiosurgery Units
335.8160	Full Calibration Measurements on Remote Afterloader Units
335.8170	Periodic Spot-Checks for Remote Afterloader Units
335.8180	Monitoring of Patients and Human Research Subjects Treated with a Remote Afterloader Unit or Intravascular Brachytherapy Unit
335.8190	Full Calibration Measurements on Gamma Stereotactic Radiosurgery Units
335.8200	Periodic Spot-Checks for Gamma Stereotactic Radiosurgery Units
335.8210	Additional Technical Requirements for Mobile Remote Afterloader Units
335.8220	Additional Technical Requirements for Intravascular Brachytherapy Units
335.8230	Therapy-related Computer Systems for Remote Afterloader Units, Intravascular Brachytherapy Units, Teletherapy Units and Gamma Stereotactic Units

SUBPART J: TRAINING AND EXPERIENCE REQUIREMENTS

Section	
335.9010	Radiation Safety Officer
335.9020	Training for Experienced Radiation Safety Officer (Repealed)
335.9030	Training for Uptake, Dilution or Excretion Studies
335.9040	Training for Imaging and Localization Studies
335.9050	Training for Use of Unsealed Radioactive Material for Which a Written Directive is Required
335.9060	Training for the Oral Administration of Sodium Iodide I-131 Requiring a Written Directive in Quantities Less Than or Equal to 1.22 GBq (33 mCi)
335.9070	Training for the Oral Administration of Sodium Iodide I-131 Requiring a Written Directive in Quantities Greater Than 1.22 GBq (33 mCi)
335.9080	Training for the Parenteral Administration of Unsealed Radioactive Material Requiring a Written Directive
335.9090	Training for Therapeutic Use of Colloidal Chromic Phosphorus-32 Labeled Phosphate Compound or Gold-198 (Repealed)
335.9100	Training for Use of Manual Brachytherapy Sources
335.9120	Training for Ophthalmic Use of Strontium-90

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENT

- 335.9130 Training for Use of Sealed Sources for Diagnosis
 335.9140 Training for Use of Remote Afterloader Units, Intravascular Brachytherapy Units, Teletherapy Units and Gamma Stereotactic Radiosurgery Units
 335.9150 Training for Authorized Medical Physicist
 335.9160 Training for Experienced Radiation Safety Officer, Authorized Medical Physicist or Authorized User
 335.9170 Physician Training in a 3-Month Program (Repealed)
 335.9180 Recentness of Training
 335.9190 Resolution of Conflicting Requirements During Transition Period

335.APPENDIX A List of Specialty Board Certifications Accepted by the Agency Until October 24, 2007 (Repealed)

AUTHORITY: Implementing and authorized by Section 10 of the Radiation Protection Act of 1990 [420 ILCS 40/10].

SOURCE: Adopted at 15 Ill. Reg. 10763, effective July 15, 1991; emergency amendment at 17 Ill. Reg. 9099, effective June 8, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 7308, effective May 2, 1994; emergency amendment at 26 Ill. Reg. 4434, effective March 8, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10517, effective July 1, 2002; amended at 27 Ill. Reg. 10057, effective June 30, 2003; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 30 Ill. Reg. 9029, effective April 28, 2006; amended at 32 Ill. Reg. 9247, effective June 13, 2008; amended at 35 Ill. Reg. 884, effective December 30, 2010; amended at 37 Ill. Reg. _____, effective _____.

SUBPART F: UNSEALED RADIOACTIVE
 MATERIAL – WRITTEN DIRECTIVE REQUIRED

Section 335.5010 Use of Unsealed Radioactive Material for Which a Written Directive is Required

a) A licensee may use any unsealed radioactive material prepared for medical use and for which a written directive is required that is:

1)a) Obtained from a person specified in Section 335.30 or equivalent U.S. Nuclear Regulatory Commission or Agreement State requirements;

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENT

- ~~2)b)~~ Excluding production of PET radionuclides, prepared by an authorized nuclear pharmacist, a physician who is an authorized user and who meets the requirements specified in Section 335.9040 or a combination of ~~Sections~~Section 335.9050 and ~~subsection~~335.9040(c)(1)(B)(vii) or an individual under the supervision of either as specified in Section 335.1050; or
- ~~3)e)~~ Obtained from and prepared by an Agency, U.S. Nuclear Regulatory Commission or Agreement State licensee for use in research in accordance with a protocol accepted by FDA; or
- ~~4)d)~~ Prepared by the licensee for use in research in accordance with an application or a protocol accepted by FDA.
- b) Prior to any administration of quantities greater than 1.11 MBq (30 µCi) of sodium iodide I-131 to a female capable of childbirth, the licensee shall conduct a pregnancy test and obtain those results to determine pregnancy. If the delay caused by conducting a pregnancy test would jeopardize the patient's health, the test may be forgone provided that action is noted by the authorized user on the written directive required by Section 335.1110. The written directive must also indicate the patient was informed of the decision to forego the pregnancy test or the reason for omission of the patient notification. Nothing in this Section relieves the licensee from meeting the requirements of Section 335.1100 regarding reporting of exposures to a fetus/embryo.
- c) Records of the pregnancy test in subsection (b) shall contain the patient's name, identification number if one has been assigned, type of test performed, results of the test, date of the test, date the results became available if different from the test date, and identity of the licensee's staff administering the test.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Accrediting Persons in the Practice of Medical Radiation Technology
- 2) Code Citation: 32 Ill. Adm. Code 401
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
401.20	Amendment
401.30	Amendment
401.40	Amendment
401.50	Amendment
401.70	Amendment
401.100	Amendment
401.140	Amendment
401.APPENDIX D	New Section
401.APPENDIX E	New Section
- 4) Statutory Authority: Implementing and authorized by Sections 5, 6, 7 and 36 of the Radiation Protection Act of 1990 [420 ILCS 40/5, 6, 7 and 36]
- 5) A Complete Description of the Subjects and Issues Involved: The Agency is proposing the following changes to Part 401:

In Section 401.20, advanced practice nurse, authorized user, CT, PET, physician assistant, portable x-ray service provider, SPECT, and a new accreditation category, the Nuclear Medicine Advanced Associate (NMAA) are now defined. Four more organizations have now achieved RCEEM (recognized continuing education evaluating mechanism) status and been added. The limited diagnostic radiographer definition has also been expanded to prohibit any of these individuals from performing any radiographic exams for a portable x-ray service provider.

Under the Section 401.30, the Agency is proposing to exempt the following individuals from the Agency's radiography accreditation requirement and allow a physician assistant or advanced practice nurse, under the direct or personal supervision of a licensed practitioner, to perform interventional fluoroscopic procedures; allow an accredited nuclear medicine technologist to perform CT radiographic exams as part of a PET/CT or SPECT/CT combination exam; and allow an accredited nuclear medicine technologist or radiation therapist who is also certified in CT by the American Registry of Radiologic Technologists (ARRT) to perform CT radiographic exams.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

In Section 401.40(e) and (f), the requirement for a letter of agreement/delegation for both the radiologist assistant and nuclear medicine advanced associated is now specified by rule as part of the application process.

A new accreditation category for the Nuclear Medicine Advanced Associate (NMAA) has been added and the required examination and continuing education requirement for renewal specified.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking, in accordance with 1 Ill. Adm. Code 100.355: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. The Agency will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

Traci Burton
Paralegal Assistant
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, Illinois 62704

(217) 785-9860 (voice)
(217) 782-6133 (TDD)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities or not for profit corporations affected: The Agency does not believe these amendments will affect small municipalities. Small businesses and not-for-profit corporations (hospitals) may be affected by the changes regarding the exemptions for CT.
- B) Reporting, bookkeeping or other procedures required for compliance: In Section 401.40(e) and (f), the requirement for a letter of agreement/delegation for both the radiologist assistant and nuclear medicine advanced associated is now specified by rule as part of the application process.
- C) Types of Professional skills necessary for compliance: In Section 401.30, an accredited nuclear medicine technologist will be allowed to perform CT radiographic exams as part of a PET/CT or SPECT/CT combination exam and an accredited nuclear medicine technologist or radiation therapist who is also certified in CT by the American Registry of Radiologic Technologists (ARRT) will be allowed to perform CT radiographic exams.

14) Regulatory Agenda on which this rulemaking was summarized: January 2013

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

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

TITLE 32: ENERGY

CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY
SUBCHAPTER b: RADIATION PROTECTION

PART 401

ACCREDITING PERSONS IN THE PRACTICE OF
MEDICAL RADIATION TECHNOLOGY

Section

401.10	Policy and Scope
401.20	Definitions
401.30	Exemptions
401.40	Application for Accreditation
401.50	Categories of Accreditation
401.60	Examination Requirements (Repealed)
401.70	Examination Requirements
401.80	Approved Program (Repealed)
401.90	Student-in-Training in Limited Diagnostic Radiography
401.100	Initial Issuance of Accreditation
401.110	Duration of Accreditation (Repealed)
401.120	Suspension, Revocation and Denial of Accreditation
401.130	Fees
401.140	Requirements for Renewal of Accreditation
401.150	Reciprocity (Repealed)
401.160	Additional Requirements for Radiographers Performing Mammography (Repealed)
401.170	Civil Penalties
401.APPENDIX A	Limited Diagnostic Radiography Procedures by Type of Limited Accreditation
401.APPENDIX B	Example Topics Directly Related to Radiologic Sciences (Repealed)
401.APPENDIX C	Minimum Training Requirements for Radiographers Performing Mammography (Repealed)
401.APPENDIX D	Example Letter of Agreement for Radiologist Assistant
401.APPENDIX E	Example Letter of Agreement for Nuclear Medicine Advanced Associate

AUTHORITY: Implementing and authorized by Sections 5, 6, 7 and 36 of the Radiation Protection Act of 1990 [420 ILCS 40/5, 6, 7 and 36].

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

SOURCE: Adopted at 7 Ill. Reg. 17318, effective January 1, 1984; emergency amendment at 8 Ill. Reg. 17584, effective September 12, 1984, for a maximum of 150 days; amended at 9 Ill. Reg. 2499, effective February 13, 1985; amended at 10 Ill. Reg. 13259, effective July 28, 1986; amended at 10 Ill. Reg. 21086, effective January 1, 1987; amended at 11 Ill. Reg. 15623, effective September 11, 1987; emergency amendment at 11 Ill. Reg. 19797, effective November 24, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 7603, effective April 18, 1988; amended at 12 Ill. Reg. 18164, effective January 1, 1989; amended at 13 Ill. Reg. 15005, effective September 11, 1989; amended at 14 Ill. Reg. 15341, effective September 4, 1990; amended at 15 Ill. Reg. 7054, effective April 29, 1991; amended at 16 Ill. Reg. 9115, effective June 2, 1992; amended at 20 Ill. Reg. 12595, effective September 6, 1996; amended at 21 Ill. Reg. 13587, effective September 25, 1997; amended at 23 Ill. Reg. 324, effective January 1, 1999; amended at 24 Ill. Reg. 18239, effective December 1, 2000; amended at 27 Ill. Reg. 3471, effective February 17, 2003; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 31 Ill. Reg. 11622, effective July 26, 2007; amended at 37 Ill. Reg. _____, effective _____.

Section 401.20 Definitions

As used in this Part, the following definitions shall apply:

"Accreditation" – The process by which the Illinois Emergency Management Agency grants permission to persons meeting the requirements of the Act and the Agency's rules and regulations to engage in the practice of administering radiation to human beings. [420 ILCS 40/4]

"ACRRT" – American Chiropractic Registry of Radiologic Technologists, 52 W Colfax Street, Palatine, Illinois 60067-5048, Phone (847) 705-1178, website: www.acrrt.com.

"Act" – The Radiation Protection Act of 1990 [420 ILCS 40].

~~"Administers Ionizing Radiation" – see "Applies Ionizing Radiation"~~

"Advanced Practice Nurse" – A person who practices in accordance with the provisions set forth for advanced practice nurses in the Nurse Practice Act [225 ILCS 65].

"Agency" – The Illinois Emergency Management Agency.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

"Applies Ionizing Radiation" or "Administers Ionizing Radiation" – The acts of using ionizing radiation for diagnostic or therapeutic purposes. Specifically included are those tasks that have a direct impact on the radiation burden of the patient, which if performed improperly would result in the re-administration of radiation.

"Approved Program" – A formal education program in the respective discipline of radiography, nuclear medicine technology or radiation therapy that is accredited by one or more of the following:

Joint Review Committee on Education in Radiologic Technology

Joint Review Committee on Educational Programs in Nuclear Medicine
Technology~~Techology~~

Regional Institutional Accrediting Agencies

Conjoint Secretariat on the Canadian Medical Association

Australian Institute of Radiography.

"ARRT" – The American Registry of Radiologic Technologists, 1255 Northland Drive, St. Paul MN 55120-1155, Phone (651) 687-0048, website: www.rrt.org.

"Authorized User" – A licensed practitioner who is identified as an authorized user on a license or equivalent permit issued by the Agency, Nuclear Regulatory Commission or Agreement State that is authorized to permit the medical use of radioactive material.

"Board" – The Radiologic Technologist Accreditation Advisory Board (RTAAB).

"Bone Densitometer" – An x-radiation producing device that is manufactured specifically for, and limited to, bone densitometry.

"Bone Densitometry" – The science and art of applying x-radiation to human beings for determination of site specific bone density.

"Category A Credit" – An activity that qualifies as a continuing education activity as defined in this Part.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

"CBRPA" – Certification Board for Radiology Practitioner Assistants, [225 Dupont Street, P.O. Box 1626, Lander WY 82520, Phone \(307\) 335-5201+074-E 2750 N, Ogden UT 84414-2741, Phone \(801\) 782-8671](#), website: www.cbrpa.org.

"Chiropractic Radiographer" – A person other than a licensed practitioner who performs medical radiation procedures and applies x-radiation to the human body for diagnostic evaluation of skeletal anatomy, while under the general supervision of a licensed chiropractor.

"Chiropractic Radiography" – The science and art of applying x-radiation to human beings for diagnostic purposes in Chiropractic.

"Continuing Education Activity" – A learning activity that is planned, organized and administered to enhance the professional knowledge and skills underlying professional performance that a technologist uses to provide services for patients, the public or the medical profession. In order to qualify as continuing education, the activity must be planned, be organized and provide sufficient depth and scope of a subject area.

"Continuing Education Credit" or "CE Credit" – Unit of measurement for continuing education activities. One continuing education credit is awarded for one contact hour (50 minutes). Activities longer than one hour are assigned whole or partial credits based on the 50-minute hour. Educational activities of 30-49 minutes of duration will be awarded one-half of one CE credit. Activities that last less than 30 minutes will receive no credit.

"Credentialing" – Any process whereby a State government or non-governmental agency or association grants recognition to an individual who meets certain predetermined qualifications.

"CT" or "Computed Tomography" – The production of a tomogram by the acquisition and computer processing of x-ray transmission data.

"Director" – The Director of the Illinois Emergency Management Agency.

"Ionizing Radiation" – Gamma rays, and x-rays, alpha and beta particles, high speed electrons, neutrons, protons, and other nuclear particles; but not sound or radio waves, or visible, infrared or ultraviolet light.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

"In vitro" – Isolated from the living organism.

"In vivo" – Occurring within the living organism.

"Licensed Practitioner" – A person licensed or otherwise authorized by law to practice medicine, dentistry, osteopathy, chiropractic or podiatry.

"Limited Diagnostic Radiographer" – A person, other than a licensed practitioner, who, while under the general supervision of a licensed practitioner, applies x-radiation for diagnostic purposes. Radiographic procedures are limited to one or more of the following anatomical regions: chest, extremities, skull/sinus or spine. However, a limited diagnostic radiographer may not perform any radiographic exam for a portable x-ray service provider.

AGENCY NOTE: Specific radiographic examinations appropriate to each type of limited radiography accreditation may be found in Appendix A ~~of this Part.~~

"Medical Radiation Technology" – The science and art of performing medical radiation procedures involving the application of ionizing radiation to human beings for diagnostic and therapeutic purposes. The five specialized disciplines of Medical Radiation Technology are Medical Radiography, Nuclear Medicine Technology, Radiation Therapy Technology, Chiropractic Radiography, and Radiologist Assistant.

"Medical Radiographer" – A person, other than a licensed practitioner, who, while under general supervision of a licensed practitioner, applies x-radiation to any part of the human body and who, in conjunction with radiation studies, may administer contrast agents and related drugs for diagnostic purposes.

"Medical Radiography" – The science and art of applying x-radiation to human beings for diagnostic purposes.

"NMTCB" – Nuclear Medicine Technology Certification Board, 3558 Habersham At Northlake, Building I, Tucker GA 30084-4009~~2970 Clairmont Road, Suite 935, Atlanta GA 30329~~, Phone (404) 315-1739, website: www.nmtcb.org.

"Nuclear Medicine Advanced Associate" – A person, other than a licensed practitioner, who, as a nuclear medicine technologist with advanced training and certifications, performs a variety of activities under the direct, general or personal

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

supervision of a licensed practitioner, who is also an authorized user of radioactive materials, in the areas of patient care, patient management, clinical imaging and invasive or therapeutic procedures. A Nuclear Medicine Advanced Associate may not make diagnoses or prescribe medications or therapies.

"Nuclear Medicine Technologist" – A person, other than a licensed practitioner, who administers radiopharmaceuticals and related drugs to human beings for diagnostic purposes, performs in vivo and in vitro detection and measurement of radioactivity and administers radiopharmaceuticals to human beings for therapeutic purposes. A nuclear medicine technologist may perform such procedures only while under the general supervision of a licensed practitioner who is licensed to possess and use radioactive materials.

"Nuclear Medicine Technology" – The science and art of in vivo and in vitro detection and measurement of radioactivity and the administration of radiopharmaceuticals to human beings for diagnostic and therapeutic purposes.

"PET" or "Positron Emission Tomography" – A nuclear medicine imaging technique that produces a three-dimensional image of functional processes in the body by detecting pairs of gamma rays emitted indirectly by a positron-emitting radionuclide.

"Physician Assistant" – A person who practices in accordance with the provisions set forth in the Physician Assistant Practice Act of 1987 [225 ILCS 95].

"Portable X-Ray Service Provider" – A registrant who, under a physician's authorization, provides diagnostic x-ray procedures with hand-held or mobile radiographic equipment in a patient's place of residence.

"Radiation Therapist" – A person, other than a licensed practitioner, who performs procedures and applies ionizing radiation emitted from x-ray machines, particle accelerators, or sealed radioactive sources to human beings for therapeutic purposes while under the general supervision of a licensed practitioner who is licensed, as required, to possess and use radioactive materials.

"Radiation Therapy Technology" – The science and art of applying ionizing radiation emitted from x-ray machines, particle accelerators and sealed radioactive sources to human beings for therapeutic purposes.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

"Radiologist Assistant" – A person, other than a licensed practitioner, who, as a medical radiographer with advanced-level training and certification, performs a variety of activities under the direct, general or personal supervision of a radiologist, certified by the American Board of Radiology or the American Osteopathic Board of Radiology, in the areas of patient care, patient management, clinical imaging and interventional procedures. The Radiologist Assistant may not interpret images, make diagnoses or prescribe medications or therapies.

"Recognized Continuing Education Evaluation Mechanism" or "RCEEM" – A mechanism for evaluating the content, quality and integrity of an educational activity. The evaluation shall include a review of educational objectives, content selection, faculty qualifications, and educational methods and materials. Among the requirements for qualification as an RCEEM, an organization shall be national in scope, non-profit, radiology based and willing to evaluate the CE activity developed by any technologist within a given discipline. Organizations with current RCEEM status include:

American College of Radiology

American Healthcare Radiology Administrators

American Institute of Ultrasound in Medicine

[American Roentgen Ray Society](#)

[American Society of Nuclear Cardiology](#)

American Society of Radiologic Technologists

[Association of Vascular and Interventional Radiographers](#)

Canadian Association of Medical Radiation Technologists

[Medical Dosimetrist Certification Board](#)

Radiological Society of North America

Society of Diagnostic Medical Sonography

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

Section for Magnetic Resonance Technologist of the International Society
for Magnetic Resonance in Medicine

Society of Nuclear Medicine Technologist Section

Society of Vascular Ultrasound.

"SPECT" or "Single Photon Emission Computed Tomography" – A nuclear
medicine tomographic imaging technique using gamma rays.

"Supervision" – Responsibility for, and control of, quality, radiation safety and protection, and technical aspects of the application of ionizing radiation to human beings for diagnostic and/or therapeutic purposes. For purposes of this Part, supervision shall consist of one of the following:

Personal – The required individual must be in attendance in the room during the performance of the procedure.

Direct – The required individual must be present in at least an adjacent area and immediately available to furnish assistance and direction throughout the performance of the procedure.

General – The procedure is furnished under the overall direction and control of a licensed practitioner whose presence is not required during the performance of the procedure.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 401.30 Exemptions

- a) Nothing in the Act or this Part shall be construed to limit or affect in any respect, the practice of persons properly licensed under other statutes or regulations with respect to their professions.
- b) The Agency shall, upon application therefor or upon its own initiative, grant such exemptions or exceptions from the requirements ~~of this Part~~ as it determines are authorized by law and will not result in a hazard to public health and safety.
- c) Exemptions shall include:

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 1) A student enrolled in an approved program applicable to his/her profession who, as a part of his/her course of study, applies ionizing radiation to human beings while under the direct supervision of a licensed practitioner or medical radiation technologist who holds active status accreditation.
- 2) A person registered with the Agency as a student-in-training in limited diagnostic radiography pursuant to Section 401.90 ~~of this Part~~ who, as a student, applies ionizing radiation to human beings while under the personal supervision of a licensed practitioner or an accredited medical, chiropractic, or appropriately qualified limited diagnostic radiographer. The procedures performed shall be limited to the procedures listed in Appendix A ~~of this Part~~ and applicable to the particular status condition of limited diagnostic radiography for which the student is registered. This exemption shall only apply to individuals who are registered with the Agency and shall only apply for 16 months.
- 3) *A person licensed to practice a treatment of human ailments by virtue of the Medical Practice Act of 1987 [225 ILCS 60], the Illinois Dental Practice Act [225 ILCS 25], or the Podiatric Medical Practice Act of 1987 [225 ILCS 100]. [420 ILCS 40/5]*
- 4) A person employed as a dental assistant who performs dental radiography for a licensed dentist.
- 5) A technician, nurse or other assistant who performs radiography under the general supervision of a person licensed under the Podiatric Medical Practice Act of 1987.
- 6) A person who holds Conditional Accreditation Type II issued in accordance with Section 401.100(d) ~~of this Part~~ during such time as that person is under the personal supervision of a licensed practitioner or medical radiation technologist who holds active status accreditation for purposes of being instructed in the use of equipment and/or procedures other than those for which the person is currently accredited. This exemption is specific to the facility at which the accreditation is valid.
- 7) A nurse, technician, or other assistant who, under the general supervision of a person licensed under the Medical Practice Act of 1987, administers

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

radiation to human beings, but only when such administration is performed on employees of a business at a medical facility owned and operated by that business.

- 8) A nurse, technician, or other assistant who, under the general supervision of a person licensed under the Medical Practice Act of 1987, performs bone densitometry.
- 9) A physician assistant or advanced practice nurse who, under the personal or direct supervision of a licensed practitioner, performs interventional fluoroscopic procedures.
- 10) An accredited nuclear medicine technologist who performs CT radiographic exams as part of a PET/CT or SPECT/CT combination exam.
- 11) An accredited nuclear medicine technologist or radiation therapist who, certified in CT by ARRT, performs CT radiographic exams.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 401.40 Application for Accreditation

- a) Any person applying to the Agency for initial accreditation or renewal of accreditation shall:
 - 1) submit a complete and legible application form;
 - 2) pay the appropriate application fee in accordance with Section 401.130 ~~of this Part~~; and
 - 3) provide evidence that he/she has met the requirements for the given category and status of accreditation that is sought.
- b) Persons applying for Active Status Accreditation shall submit evidence of registration, Board certification, or other examination as appropriate pursuant to Section 401.70 ~~of this Part~~.
- c) Persons applying for accreditation in Limited Diagnostic Radiography (i.e., limited-chest, limited-extremities, limited-skull and sinuses and limited-spine)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

shall submit evidence that they have passed the required examinations as specified in Section 401.70(b)(6) ~~of this Part.~~

- d) Persons applying for Temporary Accreditation shall submit evidence of graduation from an approved program.
- e) Persons applying for accreditation as a radiologist assistant shall submit a letter of agreement/delegation from a radiologist certified by the American Board of Radiology or the American Osteopathic Board of Radiology. An example letter may be found in Appendix D.
- f) Persons applying for accreditation as a nuclear medicine advanced associate shall submit a letter of agreement/delegation from a licensed practitioner who is also an authorized user. An example letter may be found in Appendix E.
- ~~g)~~e) Application fees required by this Part are nonrefundable.
- ~~h)~~f) Accreditation shall be valid for a specified period of time and shall entitle the individual to privileges consistent with the category and status of accreditation indicated unless the accreditation is suspended or revoked in accordance with Section 401.120 ~~of this Part.~~
- ~~i)~~g) The Agency shall refuse to issue or renew accreditation to any individual if the Agency has evidence that the applicant is delinquent in the repayment of an educational loan guaranteed by the Illinois Student Assistance Commission, as set forth in Section 80 of the Nuclear Safety Law of 2004 [20 ILCS 3310/80].
- ~~j)~~h) The Agency shall refuse to issue or renew accreditation to any individual if the Agency has evidence that the applicant is delinquent in the payment of child support orders pursuant to the provisions and procedures set forth in Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65].

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 401.50 Categories of Accreditation

The Agency shall accredit persons in the practice of Medical Radiation Technology in one or more of these specific categories:

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- a) Medical Radiography;
- b) Nuclear Medicine Technology;
- c) Radiation Therapy Technology;
- d) Chiropractic Radiography;
- e) Limited Diagnostic Radiography; ~~and~~
- f) Radiologist Assistant; ~~and-~~
- g) Nuclear Medicine Advanced Associate.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 401.70 Examination Requirements

- a) Persons who seek active or limited accreditation in medical radiation technology shall pass the appropriate examination as specified in subsection (b) ~~of this Section.~~
- b) Examinations appropriate to category of accreditation are as follows:
 - 1) Medical Radiography
The American Registry of Radiologic Technologists (R) (ARRT)
 - 2) Nuclear Medicine Technology
 - A) The American Registry of Radiologic Technologists (N) (ARRT)
 - B) The Nuclear Medicine Technology Certification Board (NMTCB)
 - C) The American Society of Clinical Pathologists (NM) (ASCP)
 - 3) Radiation Therapy Technology
The American Registry of Radiologic Technologists (T) (ARRT)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

4) Chiropractic Radiography

American Chiropractic Registry of Radiologic Technologists (ACRRT), provided that the examination was administered after June 30, 1984

5) Radiologist Assistant

A) The American Registry of Radiologic Technologists (RRA) (ARRT)

B) Certification Board for Radiology Practitioner Assistants (RPA) (CBRPA)

6) Nuclear Medicine Advanced Associate

The Nuclear Medicine Technologist Certification Board (NMAA) (NMTCB)

7) Limited Diagnostic Radiography

The American Registry of Radiologic Technologists (ARRT) Examination for the Limited Scope of Practice in Radiography

A) The exam will cover general radiography topics and, depending on the type of limited radiography sought, specific questions related to radiography of the chest, extremities, skull/sinus or spine.

B) All exams shall be scheduled through the Agency.

C) The passing score shall be 65 percent for any combination of sections of the exam.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 401.100 Initial Issuance of Accreditation

a) The Agency shall issue and recognize the following types of accreditation:

1) Active Status Accreditation for persons who have passed an examination

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

as indicated in Section 401.70(b)~~-of this Part.~~

- 2) Temporary accreditation for persons who have completed an approved program in medical radiography, nuclear medicine technology or radiation therapy technology and are eligible for the examination specified in Section 401.70(b)~~-of this Part.~~ Temporary Accreditation shall convey the same rights as the Active Status Accreditation for which the individual is awaiting examination.
 - 3) Conditional Accreditation Type I for persons in a category of medical radiation technology upon determining that community hardship exists. When making a determination of the existence of community hardship, the Agency will consult Health Systems Agencies or County or Local Health Departments and will evaluate the availability of alternative radiology services and trained personnel.
 - 4) Conditional Accreditation Type II for persons who, 24 months prior to July 1, 1989, were employed in medical radiation technology and who otherwise did not meet the qualifications for accreditation. Issuance shall be contingent upon submission of a written Statement of Assurance that the person is competent to apply ionizing radiation to human beings. A Statement of Assurance submitted to the Agency in accordance with this Section shall specify the nature of the equipment and procedures the individual is competent to utilize. The Statement of Assurance shall be provided by a licensed practitioner under whose general supervision the individual is employed or has been employed. Conditional accreditation issued pursuant to this Section shall be specific to the procedures and equipment indicated in the Statement of Assurance. The Agency shall not issue Conditional Accreditation Type II as provided by this Section after September 7, 1990. However, Conditional Accreditation Type II issued on or before September 7, 1990, is renewable in accordance with Section 401.140~~-of this Part.~~
 - 5) Limited Diagnostic Radiography Accreditation for persons who have passed examinations as indicated in Section 401.70(b)~~(76)-of this Part.~~
- b) All persons who have received accreditation from the Agency, pursuant to the terms of this Section, shall promptly notify the Agency of any permanent or temporary change in their designated mailing address and of any change in name

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

due to marriage or for any other reason. Notification to the Agency shall be made in writing, by telephone or electronically through the Agency's Internet Web Site. Failure of the accredited individual to forward such information to the Agency, as required by this subsection (b), shall not be considered to be a valid cause for delaying any subsequent administrative proceeding involving the particular accredited individual nor excuse the accredited individual from complying with any other legal obligations from the laws and rules administered by the Agency.

- c) The duration of issuance of Active Status, Temporary (nonrenewable), Conditional Type I, Conditional Type II or Limited Diagnostic Radiography Accreditation shall be 2 years.
- d) The expiration date of a renewed accreditation that has been renewed on or before the expiration of the previous accreditation shall be 2 years from the expiration date of the previous accreditation. For renewal of accreditation that has lapsed, the expiration shall be 2 years from the last day of the month in which the application for renewal is processed.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 401.140 Requirements for Renewal of Accreditation

- a) Prerequisites
 - 1) An individual shall make application for renewal of accreditation on or before the expiration date of the accreditation. Accreditation shall lapse if not renewed within this time period. An individual may not legally perform medical radiation technology without valid accreditation, or without the expressed approval of the Agency during such time as an application may be pending. Such approval shall be limited to the applicant who meets all requirements for accreditation and requires additional time for the filing of continuing education records, or is undergoing an Agency audit of continuing education records.
 - 2) Each applicant shall submit a complete and legible application with the fee for renewal of accreditation in accordance with Section 401.130 ~~of this Part~~. Submission of a timely and sufficient application for renewal shall hold the prior accreditation valid until such time as the Agency acts to grant or deny renewal of accreditation. The Agency will grant or deny

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

renewal of accreditation within 90 days after receipt of application for renewal or the expiration date of the current accreditation, whichever is later.

- b) Continuing Education Requirements
All applicants for renewal of accreditation shall have participated in an approved program that includes the amount of continuing education as indicated in subsection (b)(1)-~~of this Section~~:

- 1) The required effort in continuing education credits for each category of medical radiation technology is as follows:

A)	Medical Radiology	24 CE credits
B)	Nuclear Medicine Technology	24 CE credits
C)	Radiation Therapy Technology	24 CE credits
D)	Chiropractic Radiology	24 CE credits
E)	Limited Diagnostic Radiography	12 CE credits
F)	Radiologist Assistant	50 CE credits
G)	<u>Nuclear Medicine Advanced Associate</u>	<u>48 CE credits</u>

- 2) The options for meeting the CE requirements are:

- A) A continuing education activity approved by the Agency. Relevant CE activities will be approved if submitted 30 days in advance, with appropriate documentation consisting of:
- i) The Agency's CE approved request form,
 - ii) Course Outline,
 - iii) Course Objectives, and
 - iv) Instructor's curriculum vitae.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- B) Category A Activities – A continuing education activity that meets one of the following criteria:
- i) Activities approved by an RCEEM.
 - ii) Approved academic courses offered by a post-secondary educational institution that are relevant to the radiologic sciences and/or patient care. Courses in the biologic sciences, physical sciences, communication (verbal and written), mathematics, computers, management or education methodology are considered relevant. Credit will be awarded at the rate of 12 CE credits for each academic quarter or 16 CE credits for each academic semester credit.
 - iii) Advanced Life Support, or Instructor or Instructor Trainer CPR certification through the Heart Association or the Red Cross will be awarded 6 CE credits.

AGENCY NOTE: Illinois is currently approved as meeting ARRT CE criteria. As such, technologists accredited by the Agency may count all Agency approved CE activities as Category A.

- C) Technologists may also meet CE requirements (24 credits) by passing an additional primary or post-primary (advance level) exam, approved or acceptable to ARRT. A listing of approved or acceptable exams is available from ARRT or the Agency.
- 3) Individual courses may be applicable to more than one category of accreditation.
- 4) All technologists accredited by the Agency are required to maintain proof of participation in CE activities. This proof may be in the form of a certificate or an itemized list from an ARRT approved record keeping mechanism. All documentation shall include:
- A) name of participant,
 - B) dates of attendance,

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- C) title and content of the activity,
 - D) number of contact hours for the activity,
 - E) name of the sponsor,
 - F) signature of the instructor or an authorized representative of the sponsor issuing the documentation, and
 - G) a reference number if the activity has been approved by an RCEEM or the Agency.
- 5) Technologists seeking renewal will be required to attest that they have acquired the required number of CE credits. Within 30 days after receipt of this attestation, the Agency may perform an audit in which the individual will be asked to provide copies of documentation of CE. Failure to respond to the Agency's audit request and/or failure to provide acceptable documentation may result in a refusal to renew accreditation as provided in Section 401.120(a)(14) ~~of this Part.~~
- 6) Technologists who are registered with ARRT, NMTCB, or CBRPA and who are in compliance with CE requirements or on CE probation at the time of renewal with the Agency will be considered in compliance with the CE requirements ~~of this Part.~~
- c) Nonrenewal of Accreditation
- 1) The Agency shall not renew an individual's accreditation if he/she fails to present satisfactory evidence that he/she possesses the necessary qualifications for accreditation, and that he/she has participated in an approved continuing education program in accordance with this Part.
 - 2) If the Agency does not find satisfactory evidence that the individual meets these requirements, the Agency shall, within 90 days after receipt of the application for renewal of accreditation or the expiration date of the current accreditation, whichever is later, send the individual a Notice of Intent Not to Renew Accreditation. This notice shall include the areas of deficiency and the individual's rights as set forth in this Section.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 3) The individual, at any time while an application is pending, may submit additional information to the Agency in order to establish that the identified areas of deficiency have been met or corrected.
- 4) If the applicant does not provide additional information to the Agency within the time frame specified in the Notice of Intent Not to Renew Accreditation, the Agency shall issue a Notice of Accreditation Denied.
- 5) An individual's current credential shall be invalid as of the date of his/her receipt of a Notice of Accreditation Denied pursuant to subsection (c)(4) ~~of this Section~~. After the Agency has sent the Notice of Accreditation Denied, the individual may request a hearing within 30 days in accordance with 32 Ill. Adm. Code 200.70. The individual shall have the burden of proof in accordance with 32 Ill. Adm. Code 200.150.
- 6) If an individual's accreditation is not renewed, he/she shall have the right at any time to submit an application for renewal of accreditation. The application shall be reviewed and processed in accordance with the requirements of this Section, except that an individual may not legally apply ionizing radiation to human beings until and unless the Agency has acted to grant the application for renewal of accreditation.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

Section 401.APPENDIX D Example Letter of Agreement for Radiologist Assistant

Technologist Accreditation Program
Illinois Emergency Management Agency
1035 Outer Park Dr.
Springfield IL 62704

Re: (Name of Applicant)

To whom it may concern:

This letter is to serve as acknowledgement that (Name of Applicant) will be employed by (Name of Radiology Group or Facility) under my supervision. (Name of Applicant) will, as a radiologist assistant, perform a variety of activities in the areas of patient care, patient management, clinical imaging and interventional procedures. It is also recognized that (he/she) may not interpret images, make diagnosis or prescribe medications or therapies.

I am a radiologist, licensed by the State of Illinois as a physician, and certified by the American Board of Radiology or the American Osteopathic Board of Radiology (select the appropriate Board).

Sincerely,

Physician's Name (Typed)

(Source: Added at 37 Ill. Reg. _____, effective _____)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

Section 401.APPENDIX E Example Letter of Agreement for Nuclear Medicine Advanced Associate

Technologist Accreditation Program
Illinois Emergency Management Agency
1035 Outer Park Dr.
Springfield IL 62704

Re: (Name of Applicant)

To whom it may concern:

This letter is to serve as acknowledgement that (Name of Applicant) will be employed by (Name of Radiology Group or Facility) under my supervision. (Name of Applicant) will, as a nuclear medicine advanced associate, perform a variety of activities in the areas of patient care, patient management, clinical imaging and interventional procedures. It is also recognized that (he/she) may not interpret images, make diagnosis or prescribe medications or therapies.

I am a physician, licensed by the State of Illinois, whose name appears as an authorized user on Radioactive Materials License (License Number) issued by the Illinois Emergency Management Agency.

Sincerely,

Physician's Name (Typed)

(Source: Added at 37 Ill. Reg. _____, effective _____)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Standards for Selection of Contractors
- 2) Code Citation: 32 Ill. Adm. Code 605
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
605.10	Amendment
605.20	Amendment
605.30	Amendment
605.40	Amendment
605.50	Amendment
605.60	Amendment
605.70	Amendment
605.80	Amendment
605.90	Amendment
605.100	Amendment
605.110	Amendment
605.120	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 5 of the Illinois Low-Level Radioactive Waste Management Act [420 ILCS 20/5]
- 5) A Complete Description of the Subjects and Issues Involved: The Agency is proposing this rulemaking changes all references of "Department" or the "Illinois Department of Nuclear Safety" to "Agency" or "Illinois Emergency Management Agency" pursuant to Executive Order #12 (2003) and to make other general updates.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking, in accordance with 1 Ill. Adm. Code 100.355: No
- 7) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand, or modify

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

their activities in such a way as to necessitate additional expenditures from local revenues.

- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. The Agency will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

Traci Burton
Paralegal Assistant
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, Illinois 62704

217/785-9860 (voice)

217/782-6133 (TDD)

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities or not for profit corporations affected: The Agency believes this proposed rulemaking will have no direct impact on small businesses, small municipalities or not-for-profit corporations.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2013

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

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

TITLE 32: ENERGY

CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY
SUBCHAPTER d: LOW LEVEL RADIOACTIVE WASTE/TRANSPORTATION

PART 605

STANDARDS FOR SELECTION OF CONTRACTORS

Section

605.10	Scope
605.20	Number of Contractors; Use of Subcontractors
605.30	Financial Integrity
605.40	Experience of the Firm; Performance History Requirements
605.50	Management Qualifications of the Firm
605.60	Qualifications of the Employees of the Firm
605.70	Socioeconomic Merit of Proposal
605.80	Method of Disposal
605.90	Procedures for Soliciting Proposals
605.100	Waiver of Requirements
605.110	Verification of Statements; Material False Statements
605.120	Performance Guaranty

AUTHORITY: Implementing and authorized by Section 5 of the Illinois Low-Level Radioactive Waste Management Act [420 ILCS 20/5].

SOURCE: Adopted at 12 Ill. Reg. 4176, effective February 4, 1988; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 37 Ill. Reg. _____, effective _____.

Section 605.10 Scope

This Part sets out the standards the [Illinois Emergency Management Agency \(Agency\) Director of the Department of Nuclear Safety \(Director\)](#) will use when selecting a contractor for the design, development, construction, operation, and closure of the low-level radioactive waste disposal facility envisioned by the Illinois Low-Level Radioactive Waste Management Act- (The Act) [420 ILCS 20]. (Ill. Rev. Stat. 1985, ch. 111-1/2, pars. 241-et seq.) The [Agency Department of Nuclear Safety \(Department\)](#) will issue a Request for Proposals for the project. It is the intent of the [Agency Department](#) that the project will be awarded to the proposer whose proposal, based on the standards ~~of this Part~~, will result in a low-level radioactive waste disposal facility that furthers the interests of the State of Illinois, as stated in Section 2 of the

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

~~Illinois Low-Level Radioactive Waste Management~~ Act. Illinois is a member of the Central Midwest Interstate Low-Level Radioactive Waste Compact, and has been designated as the host state for a regional low-level radioactive waste disposal facility. Therefore, when selecting the proposal ~~that~~which will suit Illinois' needs, the ~~Agency~~Director will also evaluate the proposal with respect to implementation of policies and recommendations adopted by the Central Midwest Interstate Low-Level Radioactive Waste Compact Commission, to the extent that those policies and recommendations are not inconsistent with Illinois standards ~~as~~ expressed by the ~~Illinois Low-Level Radioactive Waste Management~~ Act and 32 Ill. Adm. Code 340, 341, 400, and 601.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 605.20 Number of Contractors; Use of Subcontractors

- a) The ~~Agency~~Director shall initiate contract negotiations with the single proposer or joint venture that has submitted the overall contract proposal ~~that~~which best conforms to the standards specified in this Part. However, if, based on the criteria stated in this Part, the ~~Agency~~Director determines that none of the proposals submitted will serve the interests of the State of Illinois, as stated in Section 2 of the ~~Illinois Low-Level Radioactive Waste Management~~ Act, the ~~Agency~~Director shall not be required to accept any of the proposals. A time limit of ~~one hundred and eighty (180)~~ days has been established as the allowable negotiation period. If the negotiations are not completed within this period, the ~~Agency~~Director may extend the negotiation period with the selected proposer. Furthermore, if a contract cannot be negotiated with the first proposer selected, the ~~Agency~~Director may either initiate contract negotiations with another proposer or reissue the Request for Proposals. The ~~Agency~~Director reserves the right to terminate negotiations prior to the end of the negotiation period or extend ~~the~~ negotiations ~~thereafter~~.
- b) When evaluating proposals, the ~~Agency~~Director shall consider the proposed use of subcontractors and consultants. Specifically, the ~~Agency~~Director shall determine, based on the criteria set out in this Part, whether the proposed use of subcontractors and consultants will further the interests of the State of Illinois, as stated in Section 2 of the ~~Illinois Low-Level Radioactive Waste Management~~ Act. The ~~Agency~~Director shall not select any proposal ~~that~~which calls for the subcontracting of facility operation. Subcontractors will be evaluated against the same standards as contractors, but only to the extent that ~~thesueh~~ standards apply to the specific responsibilities assigned to the subcontractor as set out in the proposal.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 605.30 Financial Integrity

- a) The proposer who is selected to be contractor shall establish that it has the financial resources necessary to design, develop, construct, operate, and close the low-level radioactive waste disposal facility. In addition, the proposer must have resources sufficient to meet the contractor's obligations regarding closure and post-closure (32 Ill. Adm. Code 601.300—601.320). Further, because it is likely that the low-level waste disposal facility will receive mixed waste (i.e., waste that has both radioactive and hazardous components), when evaluating the financial integrity of the proposers, the [Agency Director](#) shall establish whether the firm is capable of meeting the financial requirements of 35 Ill. Adm. Code 724. Specifically, the [Agency Director](#) shall negotiate a contract only with a proposer that is capable of meeting either of the following two financial tests:

- 1) Test One: The proposer must have:
 - A) Two of the following three ratios:
 - i) a ratio of total liabilities to net worth less than 2.0;
 - ii) a ratio of the sum of net income plus depreciation, depletion and amortization to total liabilities greater than 0.1;
 - iii) a ratio of current assets to current liabilities greater than 1.5; and
 - B) Net working capital and tangible net worth each at least six times the sum of the closure and post-closure costs estimates contained in the proposal; and
 - C) Tangible net worth of at least \$10 million; and
 - D) Assets in the United States amounting to at least 90 percent of its total assets or at least six times the sum of the closure and post-closure estimates contained in the proposal.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 2) Test Two: The proposer must have:
 - A) A current rating for its most recent bond issuance of AAA, AA, A or BBB as issued by Standard and Poor or Aaa, Aa, A or Baa as issued by Moody; and
 - B) Tangible net worth at least six times the sum of the closure and post-closure cost estimates contained in the proposal; and
 - C) Tangible net worth of at least \$10 million; and
 - D) Assets located in the United States amounting to at least 90 percent of its total assets or at least six times the sum of the closure and post-closure cost estimates contained in the proposal.

- b) When evaluating whether a proposer is capable of satisfying the financial requirements of 32 Ill. Adm. Code 601.~~300~~–601.320, the [Agency Director](#) shall consider:
 - 1) The proposer's current assets and liabilities;
 - 2) The proposer's short-term and long-term debt;
 - 3) The proposer's credit rating;
 - 4) The most recent Form 10K and all Form 10Qs since the last 10K that the proposer (or if more than one firm is proposing, all proposers) has filed with the United States Securities and Exchange Commission;
 - 5) If proposer has not filed a Form 10K with the United States Securities and Exchange Commission, audited financial statements for the past three fiscal years and quarterly financial reports for the past ~~two~~2 years;
 - 6) Court decisions, decrees or agreements that have been issued or that are pending ~~and that, which~~ could adversely affect the financial well-being of the company;
 - 7) Whether the proposer has ever initiated bankruptcy proceedings, either

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

voluntary or involuntary, as well as the time and performance of the proposer since the proceedings; and

- 8) Any additional information provided by proposer.
- c) When determining whether a proposer is capable of satisfying the financial requirements of 32 Ill. Adm. Code 601.300, ~~601.320~~, the Agency Director shall apply the accounting standards of the Financial Accounting ~~Standards~~ Standard Board (FASB), ~~of the American Institute of Certified Public Accountants, certified as of June 1, 1987, exclusive of subsequent amendments or editions.~~

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 605.40 Experience of the Firm; Performance History Requirements

- a) The Agency Director shall select as contractor a proposer who has demonstrated an ability to design, develop, construct, operate, and close a low-level radioactive waste disposal facility ~~that which~~ incorporates the best available management technologies that are economically reasonable, technologically feasible and environmentally sound. ~~the best available management technologies which are economically reasonable, technologically feasible and environmentally sound. (Section 6 of The Act)~~ When evaluating whether a proposer has demonstrated this ability, the Agency Director shall evaluate the proposer's experience developing and operating a low-level radioactive waste storage, treatment, or disposal facility. If a proposer does not have experience in both the development and operation of a low-level radioactive waste disposal facility, the Agency Director shall evaluate the proposer's experience as either a low-level radioactive waste disposal facility developer or as a disposal facility operator, or the proposer's experience in radioactive materials management, hazardous materials management, nuclear fuel cycle facility design, construction, or operation, or other related experience presented by the proposer.
- b) The proposer shall provide a complete performance history of its activities as described in subsection (a). When evaluating the proposer's experience, the Agency Director shall consider for each project:
- 1) general information about the project, including:
 - A) the facility and its location;

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- B) the capacity of the facility;
 - C) the actual performance of the facility;
 - D) the type of storage, treatment or disposal method used;
 - E) the proposer's role in the project (i.e., design, construction, operation);
 - F) project ~~initiation~~initiation and completion dates;
 - G) current facility status; and, if closed, the reason for closure;
 - H) the proposer's client;
 - I) current facility manager business address and phone;
- 2) the complexity and scope of the previous project, such as, but not limited to, the previous projects' budget, duration, staffing and regulatory complexity;
 - 3) the success of the project, i.e., whether the proposer met the objectives of the project in a timely manner, without exceeding anticipated costs and in a manner consistent with regulatory requirements, as well as whether the client was satisfied with the proposer's performance;
 - 4) whether the proposer has ever forfeited a performance bond or neglected to fulfill contract responsibilities;
 - 5) whether the proposer has ever initiated or defended litigation arising from the activities, as described in the performance history, as well as the nature and outcome of ~~the~~such litigation;
 - 6) the proposer's history with respect to licensing and regulatory compliance, including any record of safety violations or other compliance problems; and
 - 7) any other information provided by the proposer.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 605.50 Management Qualifications of the Firm

The [Agency Director](#) shall select as a contractor a proposer who possesses and will apply the project management resources, procedures, and expertise necessary to assure that the low-level radioactive waste disposal facility will be designed, developed, constructed, operated, and closed according to the schedule contained in the proposal. To evaluate whether a proposer meets the requisite management qualifications, the [Agency Director](#) will review the proposed system of management and cost and quality control, the proposer's record of experience and expertise in managing projects of similar magnitude and scope, ~~and~~ the proposed project schedules and resources dedicated to accomplishment of each task, ~~and~~ the proposed system of quality control checks, financial controls, cost accounting procedures, and efficient use of time and personnel, by evaluating such things as the proposer's schedule of completion against statutory deadlines and also by examining the proposer's estimated costs. The [Agency Director](#) will also review the organizational chart submitted by the proposer, which shall identify the key management positions in the project, the responsibilities assigned to each position, the chain of responsibility in the project management team, and the procedures that would be used to assure accountability and control of all phases of the project. In addition, the [Agency Director](#) shall consider any other information provided by the proposer.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 605.60 Qualifications of the Employees of the Firm

- a) Because the contractor and its subcontractors will be responsible for performing a variety of activities, as set forth in this Part and [32 Ill. Adm. Code Part 601](#), ranging from designing a facility to negotiating plans for impact assistance with local governments, when selecting a contractor to design, develop, construct, operate and close a low-level radioactive waste disposal facility, the [Agency Director](#) will only select a proposer that has or will obtain a qualified staff ~~that which~~ will be assigned to the project and ~~that which~~ meets the requirements ~~of this Section listed below~~. The employee qualifications ~~listed in this Section below~~ are minimum requirements for the contractor and must be met collectively by the contractor's staff; the qualifications need not be met by a single individual.

- 1) Project Manager

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- A) The contractor selected shall have an identified individual (or individuals) who will act as Project Manager for the designing, development, construction, operation, and closure of the low-level radioactive waste disposal facility.
- B) The Project Manager will be required to work with the [Agency Department](#) to ensure that the project is proceeding in accordance with the provisions of the contract and in accordance with the requirements of the [Illinois Low-Level Radioactive Waste Management Act](#).
- C) The Project Manager will also be responsible for organizing, managing, and coordinating the staff of both the contractor and the subcontractors. To assure that the Project Manager is capable of fulfilling these responsibilities, the Project Manager must have previous managerial experience on a project of similar magnitude and complexity (i.e., project of similar budget, duration, staffing, and regulatory complexity). The Project Manager must have been manager of a project [that which](#) involved supervision of at least 30 professional (engineering or other technical) employees. Additionally, the Project Manager must be familiar with federal, state and local requirements applicable to radioactive or hazardous waste disposal, or with radioactive materials licensing. The Project Manager's familiarity with these regulatory requirements shall have been obtained through involvement on previous projects.
- 2) Senior Project Engineer. The Senior Project Engineer will be responsible for approving all engineering plans, designs, drawings, reports, specifications and other engineering documents on behalf of the contractor. Therefore, the Senior Project Engineer shall:
- A) Be a [Registered](#) Professional Engineer [licensed](#)~~registered~~ in Illinois by the Department of [Financial and Professional Regulation](#)~~Registration and Education~~ in accordance with [the](#)The Illinois Professional Engineering [Practice Act of 1989 \[225 ILCS 325\]](#)(Ill. Rev. Stat. 1985, ch. 111, pars. 5101 et seq.); or be a [Registered](#) Professional Engineer [licensed](#) in another state and be eligible for reciprocal [licensureregistration](#) within six months; and

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- B) Have been a senior engineer on at least ~~two~~ other engineering projects of similar complexity and magnitude as the proposed project (i.e., project of similar budget, duration, staffing and regulatory complexity). Preference will be given to proposers who designate as a senior engineer an individual who has worked on a project for the design, development, or remediation of a radioactive waste disposal facility.
- 3) Mechanical Engineer. If the proposer's plan requires the services of a mechanical engineer, the mechanical engineer shall:
- A) Be a ~~Registered~~ Professional Engineer ~~licensed~~~~registered~~ in Illinois by the Department of ~~Financial and Professional Regulation~~~~Registration and Education~~ in accordance with ~~the~~~~The~~ Illinois Professional Engineering ~~Practice~~ Act ~~of 1989~~; or be a ~~Registered~~ Professional Engineer ~~licensed~~ in another state and be eligible for reciprocal ~~licensure~~~~registration~~ within six months; or
- B) Have a degree in mechanical engineering and at least five years experience as a mechanical engineer.
- 4) Geotechnical or Civil Engineer. The geotechnical or civil engineer shall:
- A) Be a ~~Registered~~ Professional Engineer ~~licensed~~~~registered~~ in Illinois by the Department of ~~Financial and Professional Regulation~~~~Registration and Education~~ in accordance with ~~the~~~~The~~ Professional Engineering ~~Practice~~ Act ~~of 1989~~; or be a Registered Professional Engineer in another state and be eligible for reciprocal ~~licensure~~~~registration~~ within six months; or
- B) Have a degree in geotechnical or civil engineering and at least five years experience as a geotechnical or civil engineer.
- 5) Structural Engineer. The Structural Engineer will be responsible for designing structural components of the facility. To be able to accomplish this task, the structural engineer will have to be knowledgeable in reinforced concrete design and construction. At a minimum, the individual identified to perform these responsibilities shall:

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- A) Be a ~~Registered~~ Structural Engineer ~~licensed~~~~registered~~ in Illinois by the Department of ~~Financial and Professional Regulation~~~~Registration and Education~~ in accordance with ~~the~~The Structural Engineering ~~Practice Act of 1989 [225 ILCS 340](Ill. Rev. Stat. 1985, ch. 111, pars. 6501 et seq.);~~ or be a Registered Structural Engineer ~~licensed~~ in another state and be eligible for reciprocal ~~licensure~~~~registration~~ within six months; and
- B) Shall have at least ~~10~~ten years of experience in reinforced concrete design and construction.
- 6) Geohydrologist. The proposer selected as contractor shall have a geohydrologist knowledgeable in geologic interpretation and hydraulic transport of contaminants through soil or other porous material. The geohydrologist shall either:
- A) Hold a Master's Degree in geology or hydrogeology; and have at least five years experience as a hydrogeologist; or
- B) Hold a Bachelor's degree in geology; and have at least eight years of experience as hydrogeologist.
- 7) Environmental Scientist. The proposer selected as contractor shall have an environmental scientist who:
- A) ~~Hold~~holds an advanced degree (Ph.D., M.A.; or M.S.) in Environmental Science or related natural or physical science; and
- B) Has at least five years experience in evaluation and mitigation of environmental impacts.
- 8) Health Physicists
- A) During the design, development and planning of operation of a low-level radioactive waste disposal facility, the full time services of a health physicist will be required to establish compliance with the requirements of 32 Ill. Adm. Code 310, 330, 341, 400; and 601. The health physicist will be responsible for developing and

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

implementing an environmental monitoring plan, preparing an emergency response plan, and assisting the contractor in the design and development of a disposal facility ~~that which~~ incorporates the best available management technologies that are economically reasonable, technologically feasible and environmentally sound. ~~the best available technology which is economically reasonable, technologically feasible and environmentally sound.~~ (Section 6 of The Act) In order to assure that the health physicist available to the contractor is competent to fulfill these responsibilities, the contractor selected must have a health physicist whose services will be dedicated to the project and who meets one of the following:

- i) Is certified by the American Board of Health Physics, 1313 Dolley Madison Blvd., Suite 402, McLean VA 22101, 800 W. Parkdrive, Suite 400, McLean, Va., 22102, in accordance with that ~~organization's~~ organizations standards for certification in effect in November 2011. A copy of these standards is available from the Agency in effect on January 1, 1988. A copy of these standards is available from the Department;
 - ii) Holds a Doctorate (Ph.D.) in health physics, medical radiological physics or physics, and has at least three years of applied radiation protection experience; or
 - iii) Holds a Master's (M.S., M.A.) degree in health physics; or physics; and has at least five years of applied radiation protection experience.
- B) Operation. During the operation of the low-level radioactive waste disposal facility, health physicists will be needed to conduct personnel monitoring, perform environmental monitoring, inspect packages received for disposal, and perform the responsibilities of a Radiation Safety Officer. In order to assure that the health physicists available to the contractor are capable of performing duties necessary to establish compliance with the requirements of 32 Ill. Adm. Code 340 and 601, the contractor selected must have health physicists whose services will be dedicated, i.e., a full-time

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

employee on site, to the operation of the low-level radioactive waste disposal facility. In addition, the health physicists must either:

- i) Be certified by the American Board of Health Physics, [1313 Dolley Madison Blvd., Suite 402, McLean VA 22101800](#), ~~W. Parkdrive, Suite 400, McLean, Va., 22102~~, in accordance with that ~~organization's~~ ~~organizations~~ standards for certification in effect in November 2011. A copy of these standards is available from the Agency; in effect on January 1, 1988. A copy of these standards is available from the Department;
 - ii) Hold a Doctorate (Ph.D.) in health physics, physics, or natural or physical science; and have at least three years of applied radiation protection experience;
 - iii) Hold a Master's (M.S., M.A.) degree in health physics, physics, or natural or physical science; and have at least five years of applied radiation protection experience; or
 - iv) Hold a Bachelor's (B.S., B.A.) degree in health physics, physics, or natural or physical science; and have at least eight years of applied radiation protection experience.
- 9) Radiochemist. The contractor will be required to operate an onsite radiochemistry laboratory. This laboratory will be used to analyze incoming radioactive materials, as well as samples obtained in the process of environmental monitoring. The radiochemist will be responsible for managing this laboratory and performing chemical analyses. In order to ensure that the contractor will be able to fulfill its obligation to provide radiochemistry support services, the proposer selected must have a radiochemist who:
- A) Holds an advanced degree (Ph.D., M.A., M.S.) in radiochemistry or chemistry; and
 - B) Has at least five years experience working in a radiochemistry laboratory.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 10) Community Liaison. The community liaison will be responsible for involving all segments of the public in the decision making surrounding the development, operation, closure, and post-closure phases of the facility and will also be responsible for establishing a long-term local citizens' advisory group. To ensure that the community liaison is capable of fulfilling these responsibilities, the proposer selected must have a community liaison who will be assigned to this project and who either has:
- A) An advanced degree (Ph.D., M.S., M.A.) in public administration or a related field, e.g., public affairs, or technology and public policy, and a minimum of three years experience in conducting public participation programs, particularly those involving the siting of locally controversial land uses, such as prisons or landfills; or
 - B) A Bachelor's degree (B.A., B.S.) in public administration or a related field and a minimum of five years experience in conducting public participation programs, particularly those involving the siting of locally controversial land uses.
- 11) Support Services
- A) Comptroller – The contractor shall dedicate to the project the full-time services of a comptroller experienced in managing projects of similar budget size and complexity of the proposed project. The comptroller shall hold a degree in accounting and shall have at least five years experience.
 - B) Information Management Services Staff. The contractor will be responsible for developing and maintaining computerized record keeping systems ~~that track~~~~which tracks~~ generators, container contents, shippers, dates, certifications, treatments, package characteristics, special disposal requirements and location of containers in disposal units. These computerized record keeping systems must be compatible with the ~~Agency's~~~~Department's~~ systems. To ensure that the contractor is capable of fulfilling this responsibility, the proposer shall have an information management specialist who has training in the development and maintenance of

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

~~a mainframe~~ computer ~~systemssystem~~. The information management specialist shall hold a Bachelor's or graduate level degree in computer science or information management and shall have at least three years of computer programming experience.

- b) The ~~AgencyDirector~~ shall evaluate the qualifications of any other project staff identified by the proposer in its proposal. When determining whether ~~thesuch~~ staff is qualified to perform the responsibilities ~~as~~ identified in the proposal, the ~~AgencyDirector~~ will evaluate staff qualifications as characterized by the proposer in the proposal. In addition, the ~~AgencyDirector~~ will evaluate the qualifications specified by the proposer for positions ~~thatwhich~~ have been identified but not yet filled in order to determine whether the proposer anticipates filling vacant positions with individuals competent to perform assigned tasks. The ~~AgencyDirector~~ also will evaluate the proposer's procedures for hiring qualified replacements when the identified ~~staff leavesstaff leave~~ the employ of the proposer.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 605.70 Socioeconomic Merit of Proposal

The proposer who is selected to be contractor for the design, development, construction, operation, and closure of the low-level radioactive waste disposal facility will be required to develop a plan ~~thatwhich~~, if executed, would assure that the community hosting a low-level radioactive waste disposal facility would realize benefits. In order to ensure that the contractor selected is capable of developing such a plan, the ~~AgencyDirector~~ will evaluate the proposed plan for identifying and addressing local concerns, providing public information and a forum for public involvement, and designing and negotiating programs for incentives and compensation to the host community.

- a) Public Information Plan. The ~~AgencyDirector~~ shall evaluate the proposer's public information plan by establishing whether the plan contains the following:
- 1) A program for explaining both the potential risks and benefits associated with low-level radioactive waste disposal and the proposer's approach for minimizing the risks;
 - 2) A method for effectively identifying all interested or potentially affected parties; and

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

3) A plan for development and distribution of sufficient, accurate, and understandable informational materials to permit and encourage public participation in the site development process.

b) Local Involvement Plan. The [Agency Director](#) shall evaluate the local involvement plan to establish that the proposer selected as contractor is capable of and willing to ascertain and respond to the matters of particular concern to each county or municipality [that which](#) has been selected as a potential host community. When evaluating the adequacy of local involvement plans, the [Agency Director](#) will review:

1) The proposer's plan for:

- A) Guaranteeing the property value of land contiguous to the facility;
- B) Establishing or encouraging compatible economic or other activities in the vicinity of the facility;
- C) Preserving the local revenue attributable to property taxes on the land [that which](#) will be used for the facility;
- D) Preparing an economic and community development plan;
- E) Providing local residents with appropriate training and jobs at the facility;
- F) Procuring goods and services locally;
- G) Assuring procedures for local oversight of and participation in facility operation and development, including independent or cooperative monitoring and access to information regarding facility operations;
- H) Assuring that third party liability and remedial action funds are available to meet reasonably foreseeable contingencies as described in the plan required under Section 605.80(b)(5);
- I) Guaranteeing that the selling price of local produce is not

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

adversely affected due to the presence of the disposal facility;

- J) Enhancing the human and natural environment in the vicinity of the facility by establishing recreational facilities, wildlife preserves, natural areas or similar land uses;
 - K) Employing ~~a substantial number (approximately 100) of~~ permanent and seasonal workers in professional, clerical, skilled or semi-skilled positions, with employment efforts directed at hiring local residents;
 - L) Soliciting input from local officials regarding concerns associated with hosting the disposal facility; and
 - M) Accommodating other requests and responding to other concerns that may be raised by the counties and municipalities where the alternative sites will be located.
- 2) The proposer's plan for addressing technical matters of local concern, including the following:
- A) Facility design;
 - B) Facility construction schedules, plans and procedures;
 - C) Facility operating procedures;
 - D) Monitoring systems and procedures;
 - E) Emergency, remedial action and closure plans;
 - F) Long-term care and maintenance plans;
 - G) Control and routing of transport of low-level radioactive waste to the facility; and
 - H) Solicitation of input from local officials regarding technical and procedural concerns associated with design, construction, operation, monitoring; and closing a low-level radioactive waste

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

disposal facility.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 605.80 Method of Disposal

The [Agency Director](#) shall select as a contractor a proposer who is capable of designing, constructing, operating, and closing a low-level radioactive waste disposal facility that does not incorporate the use of shallow land burial or deep well injection and that will further the objective of providing *for the management of these wastes in the safest manner possible and in a manner that creates the least risk to human health and the environment of Illinois* [\[420 ILCS 20/\(Section 2\(b\) of The Act\)\]](#). For purposes of this Section, shallow land burial has the same definition ~~ascribed in as in the Illinois Low-Level Radioactive Waste Management Act (~~ Section 3 of ~~the~~The Act). The [Agency Director](#) will establish whether a proposer is capable of designing ~~the such a~~ facility by evaluating a reference facility design submitted by the proposer as part of its proposal. The reference facility design shall briefly and concisely describe for consideration by the [Agency Director](#) the proposer's concept of the best available technology that is economically reasonable, technologically feasible, and environmentally sound for the disposal of low-level radioactive waste. The reference facility design ~~shall need~~ include schematic drawings and narrative descriptions only in sufficient detail to permit an evaluation by the [Agency Department](#) of the technical merit of the design and the knowledge and expertise of the proposer. The reference facility design shall specifically address the role and performance of the engineered features in enhancing long-term isolation, monitoring, retrievability, or remedial action and minimizing exposure to personnel. Reference facility designs shall be evaluated according to the following criteria:

- a) Disposal Facility Design
 - 1) To determine whether the proposer has demonstrated an ability to meet the design constraints of 32 Ill. Adm. Code 601 and the ~~time constraints of the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021(b), as amended by P.L. 99-240 (1985)), and the Illinois Low-Level Radioactive Waste Management Act~~, the [Agency Director](#) will request each proposer to submit a reference facility design.
 - 2) To make this determination, the [Agency Director](#) will then evaluate the reference design to determine whether the proposer has applied the following criteria:

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- A) Incorporation of multiple engineered features to provide structural integrity, prevent release of material from engineered containment, and provide radiation shielding;
 - B) Incorporation of design elements that reduce the amount of waste on site and not permanently disposed of and that minimize the time waste is held on site prior to disposal;
 - C) Promotion of worker safety, including minimization of worker radiation dose to as low as is reasonably achievable;
 - D) Disposal capacity sufficient to accommodate the anticipated waste volume;
 - E) Ability of the facility to accommodate waste thatwhich is of unusual volume or shape;
 - F) Ability of the facility to accommodate mixed waste (i.e., waste thatwhich has both radioactive and chemically hazardous components); and
 - G) Flexibility to accommodate waste streams and volumes not currently identified.
- b) Operating Plan. When evaluating the proposer's operating plan, the AgencyDirector will evaluate the adequacy of the proposer's procedures for:
- 1) Inspection of packages;
 - 2) Treatment of wastes for disposal;
 - 3) Personnel monitoring;
 - 4) Environmental monitoring, specifically monitoring of air, groundwater, and soil;
 - 5) Contingency planning;
 - 6) Maintaining records of the source and type of waste received for disposal;

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

and

7) Continual in situ testing of the design and construction of disposal units, research and development of improved methods of disposal, and application of those methods.

c) Closure Plan. The [AgencyDirector](#) will evaluate the adequacy of the proposer's plan for satisfying the closure requirements of 32 Ill. Adm. Code ~~601.150, 601.160, 601.220, 601.250, and 601.260.~~

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 605.90 Procedures for Soliciting Proposals

- a) The [AgencyDepartment](#) shall issue a Request for Proposals for contractors to design, develop, construct, operate, and close a low-level radioactive waste disposal facility.
- b) The deadline for receiving proposals shall be no earlier than 60 days from the date that the proposal announcement is first published in the official state newspaper.
- c) All proposals received by the [AgencyDepartment](#) by the submission date set forth in ~~the~~[this](#) Request for Proposals will be catalogued and distributed by the [AgencyDepartment](#) for review and evaluation. All proposals will then be reviewed by the [AgencyDirector](#), [Agencydepartmental](#) staff, and such experts outside the [AgencyDepartment](#) as ~~the Director~~ may ~~be needed~~[designate](#). Following the receipt of proposals, the [AgencyDirector](#) will review all proposals with respect to completeness and conformance with the instructions and requirements specifically indicated in ~~the~~[this](#) Request for Proposals. Proposals that are deemed incomplete or non-conforming with instructions and requirements of the Request for Proposals may not be given further evaluation. The [AgencyDirector](#) reserves the right to reject any or all proposals and to waive any irregularity, variance, or informality, whether technical or substantive in nature. All proposals will be equally evaluated with respect to the completeness of the data provided, the support for the performance claims made, and the criteria established for evaluation in the Request for Proposals according to the ~~Illinois Low-Level Radioactive Waste Management~~ Act; and ~~related~~ rules ~~promulgated pursuant thereto~~.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- d) The Agency Director shall reject, without consideration of the merits, any proposal ~~that~~which is not accompanied by an acceptable ~~one million dollar (\$1,000,000.00)~~ proposal guaranty. The proposal guaranty is acceptable if it is in any of the following forms:
- 1) A certified check, drawn on a solvent commercial bank or trust company to the order of the Illinois Emergency Management Agency~~Department of Nuclear Safety~~;
 - 2) A bank check, drawn on a solvent commercial bank or trust company, to the order of the Illinois Emergency Management Agency~~Department of Nuclear Safety~~;
 - 3) An irrevocable letter of credit issued by a solvent commercial bank or trust company; or
 - 4) A bond executed by a corporate surety company authorized to do business in the State of Illinois.
- e) All proposal guaranties shall:
- 1) Be valid for at least 180 days from the proposal submission date;
 - 2) Be extended at the Agency's Director's request for an additional period, up to 365 days, without cost to the Agency~~Department~~. The Agency Director would request that proposal guarantees be extended if either:
 - A) No proposer was selected as a contractor within the 180 day period; or
 - B) A proposer was selected, but contract negotiations were not completed within the 180 day period.
 - 3) Be returned, within ~~five~~5 business days after execution of a contract for the design, development, construction, operation, and closure of the low-level radioactive waste disposal facility.
- f) Failure of a successful proposer to execute the contract as proposed in ~~the~~his response to the Request for Proposals and file acceptable bonds within 45 days

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

after the contract has been mailed to ~~the proposer~~ ~~him~~ shall be just cause for cancellation of the award and the forfeiture of the proposal guaranty ~~that which~~ shall become the property of the ~~Agency~~ ~~Department~~, not as a penalty, but in liquidation of the damages sustained. If the contract is not executed by the ~~Agency~~ ~~Department~~ within 30 days following receipt from the proposer of the executed contracts and bonds, the proposer shall have the right to withdraw ~~the~~ ~~his~~ proposal without penalty.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 605.100 Waiver of Requirements

The ~~Agency~~ ~~Director~~ shall waive any requirement ~~of this Part~~ if the specific objective the requirement is intended to achieve has been met or exceeded by an alternative ~~that which~~ does not fulfill the requirement itself.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 605.110 Verification of Statements; Material False Statements

- a) When evaluating proposals, the ~~Agency~~ ~~Director~~ may request and consider the advice and knowledge of others, such as representatives of local government, other state agencies and technical ~~engineering~~ consultants, in order to verify the validity of statements made in the proposal and to evaluate the proposer's efforts to satisfy the standards ~~of this Part~~.
- b) The ~~Agency~~ ~~Director~~ shall not select as contractor any proposer who submits a proposal ~~that which~~ contains material false statements or material omissions. A false statement or omission is material if it prevents the ~~Agency~~ ~~Director~~ from making an informed and accurate assessment of the proposer's ability to meet the criteria ~~of this Part~~.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 605.120 Performance Guaranty

The successful proposer, at the time of the execution of the contract, shall deposit with the ~~Agency~~ ~~Department~~ a performance guaranty in a form acceptable to the ~~Agency~~ ~~Department~~ for the full amount of the contract. The performance guaranty shall be acceptable to the

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

[AgencyDepartment](#) if it is of a type listed in Section 605.90(c). At the contractor's request, the amount of the performance guarantee shall be reevaluated and adjusted to reflect the costs of performing remaining contract obligations, upon the submission of application, the granting of licensing, the completion of construction, and the acceptance of waste for disposal. Guaranty amounts will be forfeited by the contractor if the contractor fails to perform its obligations as specified in the terms of the contract. Any guaranty amounts not forfeited before the first disposal module shall be released by the [AgencyDepartment](#) upon closure of the first disposal module.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Registration of Low-Level Radioactive Waste Generators
- 2) Code Citation: 32 Ill. Adm. Code 620
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
620.10	Amendment
620.20	Amendment
620.25	Amendment
620.30	Amendment
620.35	Amendment
620.40	Amendment
620.50	Amendment
620.60	Amendment
620.70	Amendment
620.80	Amendment
620.90	Repeal
- 4) Statutory Authority: Implementing and authorized by Sections 4, 13 and 17 of the Illinois Low-Level Radioactive Waste Management Act [420 ILCS 20/4]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking changes all references of "Department" or the "Illinois Department of Nuclear Safety" to "Agency" or "Illinois Emergency Management Agency" pursuant to Executive Order #12 (2003), remove historical fee information, and to make other general updates.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking, in accordance with 1 Ill. Adm. Code 100.355: No
- 7) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand, or modify

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

their activities in such a way as to necessitate additional expenditures from local revenues.

- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. The Agency will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

Traci Burton
Paralegal Assistant
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, Illinois 62704

(217) 785-9860 (voice)

(217) 782-6133 (TDD)

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities or not for profit corporations affected: The Agency believes that this rulemaking will have no direct impact on small businesses or not-for-profit corporations.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2013

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

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

TITLE 32: ENERGY

CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY
SUBCHAPTER d: LOW LEVEL RADIOACTIVE WASTE/TRANSPORTATION

PART 620

REGISTRATION OF LOW-LEVEL RADIOACTIVE WASTE GENERATORS

Section

620.10	Definitions
620.20	Generator Registration
620.25	Broker Registration
620.30	Filing Of Annual Report by Generators
620.35	Filing of Annual Reports by Brokers
620.40	Payment of Fees for Waste Storage
620.50	Payment of Fees for Waste Shipped
620.60	Payment of Fees – Small Generators
620.70	Payment of Fees – Nuclear Power Reactors
620.80	Non-Compliance with Registration and Filing of Reports
620.90	Deposit of Fees <u>(Repealed)</u>

AUTHORITY: Implementing and authorized by Sections 4, 13 and 17 of the Illinois Low-Level Radioactive Waste Management Act [420 ILCS 20/4, 13 and 17].

SOURCE: Emergency rule at 8 Ill. Reg. 18519, effective September 20, 1984, for a maximum of 150 days; adopted at 9 Ill. Reg. 2287, effective January 31, 1985; Emergency amendment at 9 Ill. Reg. 17433, effective October 25, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 7818, effective April 29, 1986; Emergency amendment at 10 Ill. Reg. 21956, effective December 26, 1986, for a maximum of 150 days; adopted at 11 Ill. Reg. 7646, effective April 9, 1987; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 37 Ill. Reg. _____, effective _____.

Section 620.10 Definitions

As used in this Part, the following definitions shall apply:

"Act" means the Illinois Low-Level Radioactive Waste Management Act ~~(The Act)~~, [420 ILCS 20] ~~(Ill. Rev. Stat. 1986 Supp., ch. 111½, pars. 241-1 et seq.)~~.

"Agency" means the Illinois Emergency Management Agency.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

"Broker" means any person who takes possession of low-level radioactive waste solely for purposes of consolidation and shipment.

~~*"Department" means the Department of Nuclear Safety.*~~

"Disposal" means the isolation of waste from the biosphere in a permanent facility designed for that purpose.

"Generator" means any person who produces or possesses low-level radioactive waste in the course of or incident to manufacturing, power generation, processing, medical diagnosis and treatment, research, education or other activity.

"Low-Level Radioactive Waste" or "Waste" means radioactive waste not classified as high-level radioactive waste, transuranic waste, spent nuclear fuel or byproduct material as defined in ~~section~~Section 11e(2) of the Atomic Energy Act of 1954 (42 ~~USC~~U.S.C. 2014).

"Person" means an individual, corporation, business enterprise or other legal entity either public or private and any legal successor, representative, agent or agency of that individual, corporation, business enterprise, or legal entity.

"Storage" means the holding of waste for treatment or disposal for a period of ~~24~~twenty-four hours or more.

"Treatment" means any method, technique or process, including storage for radioactive decay, designed to change the physical, chemical or biological characteristics or composition of any waste in order to render the waste safer for transport, storage or disposal, ~~amenable~~amendable to recovery, convertible to another usable material or reduced in volume. (Section 3 of the Act)

~~*"Waste" See: "Low-Level Radioactive Waste".*~~

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 620.20 Generator Registration

~~*All generators shall register with the Agency within 60 days after commencement of producing*~~

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

or possessing any quantity of low-level radioactive waste in Illinois. Registration shall be on a form developed by the Agency and shall include:

- a) name, address, officers and contact information for the generator;
- b) radioactive materials license numbers and issuing agency;
- c) the types and amounts of wastes produced or possessed and to be produced or possessed; and (Section 4(a) of the Act)
- d) a description of the activities that produce low-level radioactive waste.

~~All generators shall register with the Department within 60 days of commencement of producing or possessing any quantity of low-level radioactive waste in Illinois. Registration shall be on a form developed by the Department and shall include: (Supp. Ill. Rev. Stat., 1983, ch. 111½, par. 241-4(a)).~~

- a) ~~name, address and officers of the generator, and~~
- b) ~~the types and amount of wastes produced or possessed and to be produced or possessed.~~

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 620.25 Broker Registration

All brokers shall register within 60 days *after* taking possession of any low-level radioactive waste. Registration shall be on a form developed by the Agency and shall include:

- a) the name, address, officers and contact information for the broker;
- b) the radioactive materials license numbers and issuing agency;
- c) the types and amounts of waste possessed or to be possessed by the broker; and (Section 4(a) of the Act)
- d) a description of activities conducted by the broker.

~~All existing brokers shall register with the Department within 180 days of the effective~~

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

date of the amendatory Act of 1986. (The Act) (Ill. Rev. Stat. 1986 Supp., ch. 111½, par. 241-4(a)). New brokers shall register within 60 days of taking possession of any low-level radioactive waste or 180 days after the effective date of the amendatory Act, whichever is later. Registration shall be on a form developed by the Department and shall include:

- a) the name, address, and officers of the broker,*
- b) the type and amount of low-level radioactive waste received by the broker for purposes of consolidation and shipment, and*
- c) the name and address of each low-level radioactive waste generator from whom low-level radioactive waste has been received by the broker.*

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 620.30 Filing Of Annual Report by Generators

Each generator who has generated any low level waste during a given calendar year shall file an annual report with the AgencyDepartment. ~~For the calendar year 1984, the annual report shall be submitted by March 1, 1985. For subsequent years, The~~the annual report shall be submitted by February 1 ~~as required by Ill. Rev. Stat 1986 Supp., Ch. 111½, par. 241-4(b).~~ This report shall be on a form developed by the AgencyDepartment and shall include:

- a) the name, address and contact information forofficers of the generator;~~;~~
- b) the types and amounts of waste produced or possessed during the prior calendar year;~~the types and amounts of waste produced or possessed during the prior calendar year,~~
- c) the types and amounts of waste expected to be produced or possessed in the future;~~the types and amounts of waste expected to be produced or possessed during the next calendar year,~~
- d) waste stored during the prior calendar year, including types and amounts;~~waste stored during the prior calendar year, including types and amounts,~~
- e) waste shipped during the prior calendar year, including types, amounts and,~~dates,~~ destination, and means of shipment,

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- ~~f) whether reports were filed with the Department and fees paid to the Department during the prior calendar year for waste stored;~~
- ~~g) whether reports were filed with the Department and fees paid to the Department during the prior calendar year for waste shipped;~~
- ~~h) whether any additional waste was stored and not reported to the Department;~~
- ~~i) whether any additional waste was shipped and not reported to the Department;~~
- ~~fj) methods used to manage these wastes;~~methods used to treat, store, and dispose of waste;~~~~
- ~~gk) technological feasibility, economic reasonableness and environmental soundness of alternative treatment, storage and disposal methods.~~technological feasibility, economic reasonableness and environmental soundness of alternative treatment, storage and disposal methods;~~~~
- ~~l) name and address of broker(s) used, and~~
- ~~m) the names of such disposal sites if direct shipments to disposal sites were made.~~

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 620.35 Filing of Annual Reports by Brokers

Each broker who has taken possession of any low-level radioactive waste generated in Illinois during a given calendar year shall file an annual report with the Agency~~Department~~. ~~The first annual report shall be for calendar year 1986, and shall be submitted by February 1, 1987 or 45 days after registering with the Department, whichever is later. For subsequent years, the annual report shall be submitted by February 1. This report shall be on a form developed by the Agency~~Department~~ or; by electronic means (e.g. computer diskette, on-line computer communication) that are compatible with the Agency's~~Department's~~ computer capabilities. The report shall include:~~

- a) the name, address and contact information for~~officers of~~ the broker.
- b) for waste shipped to disposal sites outside Illinois during the prior year, the

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

disposal manifest information kept pursuant to 32 Ill. Adm. Code ~~340.1180340.3110~~. The original generator name and address and waste volume for each generator must be given for each shipment.

- c) for waste permanently disposed of in Illinois during the prior year, in addition to the manifest information described in subsection (b), the types, amounts, dates disposed of and disposal ~~methods~~method(s).
- d) for each shipment of waste received, the name and address of the generator from whom the waste was received and the volume and type of waste received.
- e) for waste shipped for storage or treatment, the name and address of the entity to whom the waste is shipped and the volume and type of waste shipped.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 620.40 Payment of Fees for Waste Storage

- a) Generators ~~that~~which have stored any quantity of waste for shipment at a later date shall pay a fee to the Agency annually. The fee shall be in the amount of \$3 per cubic foot of all waste stored for shipment. Department in accordance with the following:
 - 1) ~~For waste stored between September 8, 1984, and December 31, 1984, for shipment at a later date, a fee shall be paid to the Department by no later than January 31, 1985. The fee shall be in the amount of \$2 per cubic foot of all such waste stored for shipment.~~
 - 2) ~~For waste stored on or after January 1, 1985, but before October 1, 1985, for shipment at a later date, fees shall be paid to the Department quarterly by any generator which has stored 100 cubic feet or more of waste during the prior quarter or since filing its last report with the Department. These fees shall be paid by May 1, August 1 and November 1, 1985. A fee shall be paid by February 1, 1986 by any generator which has stored less than 100 cubic feet of waste during this period. The fee shall be in the amount of \$2 per cubic foot of all such waste stored for shipment.~~
 - 3) ~~For waste stored between October 1, 1985, and December 31, 1985, for shipment at a later date, a fee shall be paid to the Department by no later~~

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

~~than February 1, 1986. The fee shall be in the amount of \$3 per cubic foot of all such waste stored during this period.~~

- 4) ~~For waste stored on or after January 1, 1986, for shipment at a later date, a fee shall be paid to the Department annually by no later than February 1 of the subsequent calendar year. The fee shall be in the amount of \$3 per cubic foot of all such waste stored for shipment.~~

- b) The fee shall be calculated and invoiced by the Agency based on the Annual Survey submitted by the generator accompanied by a completed form prescribed by the Department that which identifies the types and amounts of waste stored during that period. Generators shall be responsible for reporting and paying all fees due and owing in accordance with this Section, except as provided in Sections 620.60 and 620.70.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 620.50 Payment of Fees for Waste Shipped

- a) Generators ~~that which~~ have shipped any quantity of waste for storage, disposal or treatment shall pay a fee to the Agency annually. The fee shall be in the amount of \$3 per cubic foot for waste that has been shipped, except that no fee shall be assessed if a fee has already been paid to the Agency for storage of that waste in accordance with Section 620.40.~~Department in accordance with the following:~~
- 1) ~~For waste shipped between December 13, 1983 and September 7, 1984, a fee shall be paid to the Department by no later than December 1, 1984. The fee for all such waste shipped between December 13, 1983 and September 7, 1984 shall be in the amount of \$1 per cubic foot of waste shipped.~~
- 2) ~~For waste shipped between September 8, 1984 and December 31, 1984, a fee shall be paid to the Department by no later than February 1, 1985. The fee shall be in the amount of \$1 per cubic foot for waste which had been stored prior to September 8, 1984. The fee shall be in the amount of \$2 per cubic foot for waste which had not been stored prior to September 8, 1984, except that no fee shall be assessed if a fee has already been paid to the Department for storage of that waste in accordance with Section 620.40.~~

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 3) ~~For waste shipped on or after January 1, 1985, but before October 1, 1985, fees shall be paid to the Department quarterly by any generator which has shipped 100 cubic feet or more of waste during the prior quarter or since filing its last report with the Department. These fees shall be paid by May 1, August 1 and November 1 1985. A fee shall be paid by February 1, 1986, by any generator which has shipped less than 100 cubic feet of waste during this period. The fee shall be in the amount of \$1 per cubic foot for waste which has been stored prior to September 7, 1984. The fee shall be in the amount of \$2 per cubic foot for waste which has not been stored prior to September 7, 1984, except that no fee shall be assessed if a fee has already been paid to the Department for storage of that waste in accordance with Section 620.40.~~
 - 4) ~~For waste shipped between October 1, 1985, and December 31, 1985, a fee shall be paid to the Department by no later than February 1, 1986. The fee shall be in the amount of \$1 per cubic foot for waste which had been stored prior to September 7, 1984. The fee shall be in the amount of \$2 per cubic foot for waste which had been stored between September 7, 1984, and October 1, 1985. The fee shall be in the amount of \$3 per cubic foot for waste which has been stored on or after October 1, 1985, except that no fee shall be assessed if a fee has already been paid to the Department for storage of that waste in accordance with Section 620.40.~~
 - 5) ~~For waste shipped on or after January 1, 1986, a fee shall be paid to the Department annually by no later than February 1 of the subsequent calendar year. The fee shall be in the amount of \$1 per cubic foot for waste which had been stored prior to September 7, 1984. The fee shall be in the amount of \$2 per cubic foot for waste which had been stored between September 7, 1984, and October 1, 1985. The fee shall be in the amount of \$3 per cubic foot for waste which had been stored on or after October 1, 1985, except that no fee shall be assessed if a fee has already been paid to the Department for storage of that waste in accordance with Section 620.40.~~
- b) The fee shall be calculated and invoiced by the Agency based on the Annual Survey submitted by the generator~~The fee shall be accompanied by a completed form prescribed by the Department~~ that~~which~~ identifies the types and amount of waste shipped during that period. Generators shall be responsible for reporting

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

and paying all fees due and owing in accordance with this Section, except as provided in Sections 620.60 and 620.70.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 620.60 Payment of Fees – Small Generators

~~Any~~ ~~Effective October 1, 1985,~~ any generator of low-level radioactive waste ~~that~~ ~~which~~ was not subject to fees in the amount of at least \$50 for waste stored and shipped during a given calendar year in accordance with ~~Sections~~ ~~Section~~ 620.40 and 620.50; shall pay a fee in the amount of \$50 for that calendar year to the ~~Agency~~ ~~Department~~. ~~The~~ ~~Such~~ fee shall be payable when invoiced by the Agency annually by February 1 of the subsequent calendar year.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 620.70 Payment of Fees – Nuclear Power Reactors

In lieu of the fees specified in Sections 620.40, 620.50 and 620.60, ~~Effective January 1, 1986,~~ the owner of any nuclear power reactor in Illinois for which an operating license has been issued by the Nuclear Regulatory Commission shall be required to pay an annual fee of \$30,000 per operating reactor ~~\$90,000~~ for the treatment, storage and disposal of low-level radioactive waste. Such fees shall be due and payable on July ~~January~~ 1st of each year, ~~beginning January 1, 1986.~~ ~~(P.A. 84-496, effective October 1, 1985.)~~

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 620.80 Non-Compliance with Registration and Filing of Reports

If any person fails or refuses to register with the ~~Agency~~ ~~Department~~, to file required reports with the ~~Agency~~ ~~Department~~, or to pay the required fees, the ~~Agency~~ ~~Department~~ shall notify the person by registered mail that he ~~or she~~ has ~~thirty~~ ~~(30)~~ days to respond, after which the ~~Agency~~ ~~may~~ ~~Department~~ ~~will~~ refer the case to the Attorney General. *Any person failing to pay the fees shall be liable to a civil penalty not to exceed four times the amount of the fees not paid.* ~~(Section 17(b) of the Act)~~ ~~(Ill. Rev. Stat., 1984 Supp., ch. 111½, par. 241-17(c)).~~

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 620.90 Deposit of Fees (Repealed)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

~~The Department shall deposit 80% of all fees collected under this Part in the State Treasury to the credit of the Low Level Radioactive Waste Facility Development and Operation Fund. The Department shall deposit 20% of all such fees collected in the State Treasury to the credit of the Low Level Radioactive Waste Facility Closure, Post-Closure Care and Compensation Fund.~~

(Source: Repealed at 37 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Grant Review and Processing Fees
- 2) Code Citation: 17 Ill. Adm. Code 3000
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
3000.10	New Section
3000.20	New Section
3000.30	New Section
3000.40	New Section
3000.50	New Section
3000.60	New Section
3000.70	New Section
- 4) Statutory Authority: Implementing and authorized by Section 805-70 of the Civil Administrative Code [20 ILCS 805/805-70]; Sections 1.28, 1.29, 1.31 and 1.32 of the Wildlife Code [520 ILCS 5/1.28, 1.29, 1.31 and 1.32]; the Habitat Endowment Act [520 ILCS 25]; and the Illinois Non-Game Wildlife Protection Act [30 ILCS 155]; Sections 8-1, 9-1 and 9-2 of the Snowmobile Registration and Safety Act [625 ILCS 40/8-1, 9-1 and 9-2]; Section 805-325 of the Civil Administrative Code [20 ILCS 805/805-325] and Section 10-1 of the Boat Registration and Safety Act [625 ILCS 45/10-1]; Section 63a36 of the Civil Administrative Code of Illinois [20 ILCS 805/63a36] and Section 2-119 of the Illinois Vehicle Code [625 ILCS 5/2-119]; Section 15 of the Recreational Trails of Illinois Act [20 ILCS 862/15]; Open Land Trust Act [525 ILCS 33]; Park and Recreational Facility Construction Act [30 ILCS 764]; Section 1-25(22) of the Department of Natural Resources Act [20 ILCS 801/1-25(22)]
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being proposed to clarify and explain the Department's Grant Review and Processing Fee. Through this fee, the Department will charge a non-refundable fee to entities applying for grants. The fee indicates that the grant applicant is committed to the grant process and also provides fiscal support to the Department. Grant application fees are limited to capital grant programs (not operational grant programs).
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED RULES

- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking may affect units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:
- George Sisk, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271
- 217/782-1809
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Unless the grant program or grant amount being applied for is excluded by statute or this administrative rule, all units of local government are affected. The exception is the Part local government qualifying as disadvantaged or distressed, as defined and stipulated in a specific grant program statute, are not affected. For grant programs where private individuals/business or not-for-profits are eligible, those private individuals/business or not-for-profits are affected unless the grant program or grant amount requested is excluded by statute or this Part.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2013

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED RULES

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER g: GRANTSPART 3000
GRANT REVIEW AND PROCESSING FEES

Section	
3000.10	Definitions
3000.20	Purpose
3000.30	Eligible and Excluded Grant Programs
3000.40	Application Fee Assessment
3000.50	Submission of Fees
3000.60	Deposit and Disposition of Fees
3000.70	No Refund of Fees for Unsuccessful Grant Applications

AUTHORITY: Implementing and authorized by Section 805-70 of the Civil Administrative Code [20 ILCS 805/805-70]; Sections 1.28, 1.29, 1.31 and 1.32 of the Wildlife Code [520 ILCS 5/1.28, 1.29, 1.31 and 1.32]; the Habitat Endowment Act [520 ILCS 25]; the Illinois Non-Game Wildlife Protection Act [30 ILCS 155]; Sections 8-1, 9-1 and 9-2 of the Snowmobile Registration and Safety Act [625 ILCS 40/8-1, 9-1 and 9-2]; Section 805-325 of the Civil Administrative Code [20 ILCS 805/805-325]; Section 10-1 of the Boat Registration and Safety Act [625 ILCS 45/10-1]; Section 63a36 of the Civil Administrative Code [20 ILCS 805/63a36]; Section 2-119 of the Illinois Vehicle Code [625 ILCS 5/2-119]; Section 15 of the Recreational Trails of Illinois Act [20 ILCS 862/15]; Open Land Trust Act [525 ILCS 33]; Park and Recreational Facility Construction Act [30 ILCS 764]; and Section 1-25(22) of the Department of Natural Resources Act [20 ILCS 801/1-25(7)].

SOURCE: Adopted at 37 Ill. Reg. _____, effective _____.

Section 3000.10 Definitions

Applications – A program specific request for financial assistance submitted by a grantee to the Department for funding consideration. Applications must comply with the requirements of Section 4 of the Illinois Grant Funds Recovery Act [30 ILCS 705/4].

Capital Grants – Grants under which the funds are used by the grantee for the acquisition of lands, development of permanent improvements, enhancement of

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED RULES

habitat, or other permanent or temporary purposes for public use. These grants may be made through advance payments or reimbursements to the grantee and shall comply with the provisions of the Illinois Grant Funds Recovery Act.

Department – The Department of Natural Resources.

Disadvantaged Community – A local government entity meeting the requirements stipulated by classification or definition in specific grant program statutes as disadvantaged for the purposes of grant eligibility.

Eligible Grant Programs – Grants requiring submittal of an application fee upon delivery of the grant application.

Excluded Grant Programs – Grants not requiring submittal of an application fee upon delivery of the grant application.

Grant Applicant – A person, organization or government entity applying to the Department for financial assistance.

Grant Application Fee – A required payment submitted by a grantee in conjunction with a grant application.

Grantee – A person, organization or government entity that receives grant funds.

Grants – Any public funds dispensed by the Department to any person, organization or government entity for obligation, expenditure or use by that person, organization or government entity for a specific purpose or purposes.

Operational Grants – Grants under which the funds are not used by the grantee for the acquisition of lands or development of improvements (including habitat enhancement). Youth and veteran employment grants are considered operational grants. These grants may be through advance payments or reimbursements to the grantee and shall comply with the provision of the Illinois Grant Funds Recovery Act.

Section 3000.20 Purpose

The purpose of this Part is to clarify and explain the Department's grant review and processing fee (hereinafter "grant application fee"). The Department will charge this non-refundable fee to

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED RULES

entities applying for grants. The fee indicates that the grant applicant is committed to the grant process and also provides fiscal support to the Department. Grant application fees are limited to capital grant programs (not operational grant programs).

Section 3000.30 Eligible and Excluded Grant Programs

- a) Grant applications for all Department grant programs, except as excluded by subsection (b), shall include a grant application fee.
- b) The following grants are excluded from the grant application fee requirement:
 - 1) As stated in the authorizing statutes, the Open Space Land Acquisition and Development (OSLAD) and Land and Water Development (LWCF) grant programs;
 - 2) Grants for which the total value of the financial assistance being sought is less than \$10,000;
 - 3) Grants being sought by Disadvantaged Communities, as verified by the Department prior to application;
 - 4) Grants to other State agencies or the federal government;
 - 5) Special Wildlife Funds Grants, as defined in 17 Ill. Adm. Code 3060;
 - 6) Operation grants.

Section 3000.40 Application Fee Assessment

- a) The grant application fee amount shall be calculated as 1% of the total funding assistance requested in the grant application; however, no single application fee shall exceed \$5,000.

EXAMPLES:

A \$200,000 grant application would require a \$2,000 application fee (\$200,000 x 0.01 = \$2,000).

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED RULES

A \$750,000 grant application would require a \$5,000 application fee ($\$750,000 \times 0.01 = \$7,500$, which exceeds the \$5,000 maximum).

- b) Grant application fees shall be rounded up to the nearest whole dollar amount.

EXAMPLE:

A \$54,750 grant application would require a \$548 grant application fee ($\$54,750 \times 0.01 = \547.50 , rounded up to the nearest whole dollar = \$548).

- c) For reimbursement grants, the grant application fee shall not be considered an allowable reimbursement cost and shall not be included in the identified costs of the project.
- d) Instructions will be provided to the grant applicant explaining how the correct grant application fee for the program being applied to is calculated. The applicant will identify the amount of the calculated fee on the application, and the Department will verify this against the submitted fee amount prior to accepting the grant application.

Section 3000.50 Submission of Fees

- a) The required grant application fee is due to the Department immediately upon submittal of the grant application.
- b) Except when possible through electronic fee submittal, the grant applicant shall submit the required grant application fee in the form of a bank draft made payable to the "Illinois Department of Natural Resources".
- 1) If the grant application is submitted as a paper document (hard copy), the grant application fee shall be attached to the application at the time of submittal.
 - 2) If the grant application is submitted electronically, but the Department lacks a means to accept the payment electronically, the grant applicant shall, in advance of the electronic submission, submit a bank draft in the amount of the correct calculated grant application fee. The Department will hold the grant application fee pending receipt of the grant application.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED RULES

If the electronic grant application is not submitted to the Department prior to the grant program application deadline, the application fee will be returned to the grant applicant.

- 3) The grant applicant shall attach the grant application fee bank draft to supporting documentation that clearly identifies the grant program, grant project, grant request amount, and calculated grant application fee due with the application.
- c) Applications submitted without the required grant application fee, or with an incorrect amount, will not be accepted by the Department. These applications may be returned to the grant applicant without consideration and may not be held by the Department while awaiting submittal of the required or correct grant application fee.
- d) Failure of a grant application fee to clear the bank it is drawn against will result in the automatic denial and return of the application to the applicant without consideration.

Section 3000.60 Deposit and Disposition of Fees

- a) Except as otherwise provided in statute or rule, all revenue collected from grant application fees shall be deposited into the Park and Conservation Fund for the furtherance of the Department's grant programs or use by the Department for ordinary and contingent expenses of the Department.
- b) Except as otherwise provided in statute or rule, all revenue collected from the grant application fee for the State Migratory Waterfowl Stamp Fund shall be deposited into the State Migratory Waterfowl Stamp Fund.
- c) Except as otherwise provided in statute or rule, all revenue from the grant application fee for the State Pheasant Fund shall be deposited into the State Pheasant Fund.
- d) Except as otherwise provided in statute or rule, all revenue collected from the grant application fee for the Illinois Habitat Fund shall be deposited into the Illinois Habitat Fund.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED RULES

- e) Except as otherwise provided in statute or rule, all revenue collected from the grant application fee for the State Furbearer Fund shall be deposited into the State Furbearer Fund.
- f) The monies deposited into the Park and Conservation Fund, the State Migratory Waterfowl Stamp Fund, the State Pheasant Fund, the Illinois Habitat Fund, and the State Furbearer Fund under this Section shall not be subject to administrative charges or charge backs unless otherwise provided in the authorizing statute.

Section 3000.70 No Refund of Fees for Unsuccessful Grant Applications

Grant application fees submitted with a grant application will not be refunded by the Department to the grant applicant if the applicant fails to receive the requested grant. Grant application fees are tendered for consideration of the application only and do not imply any promise of financial assistance by the Department.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Water Use Designations and Site-Specific Water Quality Standards

2) Code Citation: 35 Ill. Adm. Code 303

<u>Section Numbers</u> :	<u>Proposed Action</u> :
303.204	Amend
303.220	Amend
303.230	New
303.235	New

4) Statutory Authority: Implementing and authorized by Sections 10 and 27 of the Illinois Environmental Protection Act [415 ILCS 5/10 and 27]

5) A Complete Description of the Subjects and Issues Involved: For a more detailed description, please see the Board's opinion and order of February 21, 2013 in R08-9C. The Board today proposes designations of aquatic life use for the Chicago Area Waterways System (CAWS) and Lower Des Plaines River (LDPR). After reviewing the record and examining the Clean Water Act (CWA) goal of "water quality which provides for the protection and propagation of fish, shellfish, and wildlife. . . ." 33 USC 1251(a)(2), the Board is proposing two aquatic life use designations and has developed definitions of those aquatic life use designations. The Board proposes a CAWS Aquatic Life Use (ALU) A and CAWS and Brandon Pool Aquatic Life Use (ALU) B. Generally CAWS ALU A waters are capable of supporting communities of native fish that are tolerant and moderately tolerant and may include sport fish species such as channel catfish, largemouth bass, bluegill, northern pike and black crappie, and non-game fish species such as the tadpole madtom, spotfin shiner and orangespotted sunfish. CAWS and Brandon Pool ALU B waters are capable of supporting primarily tolerant fish species, such as central mudminnow, golden shiner, bluntnose minnow, yellow bullhead and green sunfish.

The Board proposes as CAWS ALU A waters: Upper North Shore Channel, Lower North Shore Channel, North Branch of the Chicago River, South Branch of the Chicago River, Calumet-Saganashkee (Cal-Sag) Channel, Calumet River, Little Calumet River, Grand Calumet River, Lake Calumet, and Lake Calumet Connecting Channel. The Board proposes as ALU B waters the Chicago Sanitary and Ship Canal and Brandon Pool.

The Board is also proposing language to establish numeric water quality standards for fecal coliform bacteria applicable to Primary Contact Recreation Waters.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking:
- A) Lower Des Plaines River Use Attainability Analysis Final Report. AquaNova International, Ltd. and Hey & Associates, Inc., prepared for Illinois EPA (December 2003).
 - B) Chicago Area Waterway System Use Attainability Analysis Final Report. Camp, Dresser and McKee, prepared for Illinois EPA (August 2007).
 - C) Interim Economic Guidance for Water Quality Standards Workbook (Appendix M to the Water Quality Standards Handbook – Second Edition, EPA -823-B-94-005b). U.S. EPA Office of Water (EPA-823-B-95-002) (March 1995).
 - D) Illinois Sanitary Water Board Rules and Regulations SWB-8 Water Quality Standards, Interstate Waters, Illinois River and Lower Section of Des Plaines River (REF. 348.025 ISWB SWB-8 C.2) (Criteria Adopted December 1, 1966; Implementation Plan Submitted August 10, 1967; Approved by U.S. Dept. of Interior January 27, 1968; Sanitary Water Board Reapproved March 5, 1968).

Illinois Sanitary Water Board Rules and Regulations SWB-15 Water Quality Standards, Interstate Waters, Chicago River and Calumet River System and Calumet Harbor Basin (REF. 348.025 ISWB SWB-15 C.2) (Adopted by Board June 28, 1967; Approved by U.S. Dept. of Interior January 27, 1968; Sanitary Water Board reapproval March 5, 1968).
 - E) Ordinance: Code of Forest Preserve District of Cook County, Title 2: Forest Preserve District Lands and Properties, Chapter 4: Recreation in the Forest Preserve.
 - F) Inventory of Public Access Locations along the Chicago Area Waterway System. Illinois EPA, Bureau of Water (May 15, 2007).
 - G) Description of the Chicago Waterway System: Use Attainability Analysis Study Conducted by Illinois EPA Bureau of Water in Cooperation with MWRDGC. MWRDGC, Research and Development (May 2002).

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- H) Minutes from the June 23, 2005 Dispersal Barrier Advisory Panel. Philip B. Moy, University of Wisconsin Sea Grant Institute (June 23, 2005).
- I) Chicago Area Waterways Health Precautions Pamphlet. MWRDGC, Illinois Department of Public Health, U.S. EPA, Illinois EPA (October 2003).
- J) Ambient Water Quality Criteria for Bacteria – 1986. U.S. EPA Office of Water (EPA440/5-84-002) (January 1986).
- K) Analysis of Physical Habitat Quality and Limitations to Waterways in the Chicago Area. Center for Applied Bioassessment and Biocriteria, prepared for U.S. EPA Region 5 (2004).
- L) Aquatic Life and Habitat Data Collected in 2006 on the Illinois and Des Plaines Rivers. Midwest Biodiversity Institute, prepared for U.S. EPA Region 5 (2006).
- M) Biological Criteria for the Protection of Aquatic Life: Volume II: Users Manual for Biological and Field Assessment of Ohio Surface Waters. Ohio Environmental Protection Agency, Surface Water Section (Updated January 1, 1988).
- N) Interpreting Illinois Fish-IBI Scores, DRAFT: January 2005. Illinois EPA, Bureau of Water (January 2005).
- O) Quality Criteria for Water 1986 (gold book). U.S. EPA Office of Water (EPA 440/5-86-001) pp. 17-21, 34, 76-79, 168-171 and 253-261 (May 1, 1986).
- P) 2001-2006 Effluent Sample Results for Temperature at Water Reclamation Plants, 2005 and 2006 Water Quality Sample Results for Temperature, pH, Alkalinity and Chloride, and Calculations of H₂CO₃ (soluble CO₂) in Chicago Area Waterways in 2005 and 2006. MWRDGC, Research and Development (June 4, 2007).
- Q) Ambient Water Quality Criteria for Dissolved Oxygen. U.S. EPA Office of Water Regulations and Standards. Criteria and Standards Division. Washington, D.C (EPA 440/5-86-003) (April 1986).

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- R) 1995 Updates: Water Quality Criteria Documents for the Protection of Aquatic Life in Ambient Water. U.S. EPA Office of Water 4301 (EPA-820-B-96-001) (September 1996).
- S) The Metals Translator: Guidance for Calculating A Total Recoverable Permit Limit From A Dissolved Criterion. U.S. EPA Office of Water 4305 (EPA-823-B-96-007) (June 1996).
- T) 2001 Update of Ambient Water Quality Criteria for Cadmium. U.S. EPA Office of Water 4304 (EPA-822-R-01-001) (April 2001).
- U) 2005 and 2006 Water Quality Sample Results for Hardness, Cadmium, Nickel and Zinc and Calculated Compliance Rates with Proposed Chronic Standards for the Respective Metals. MWRDGC, Research and Development (April 25, 2007).
- V) 2005 and 2006 Effluent Sample Results for Hardness and Cadmium at Calumet, North Side, and Stickney Water Reclamation Plants. MWRDGC, Research and Development (May 1, 2007).
- W) Quality Criteria for Water. U.S. EPA (PB-263 943) pp. 152-159 (1976).
- X) Ambient Water Quality for Silver. U.S. EPA Office of Water (EPA 440/5-80-071) (October 1980).
- Y) Derivation of a Colorado State Manganese Table Value Standard for the Protection of Aquatic Life. William A. Stubblefield and James R. Hockett. ENSR Corporation (July 2000).
- Z) Temperature Criteria Options for the Lower Des Plaines River. Chris O. Yoder, Research Director. Midwest Biodiversity Institute, Columbus, Ohio (October 11, 2005).
- AA) Letter from Chris Yoder, Midwest Biodiversity Institute, to Toby Frevert, Illinois EPA Bureau of Water (July 11, 2007).
- BB) 1999 Update of Ambient Water Quality Criteria for Ammonia. U.S. EPA Office of Water (EPA-822-R-99-014) (December 1999).

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- CC) The Upper Illinois Waterway Study Interim Report. 1994 Ichthyoplankton Investigation RM 276.2-321.7. EA Engineering, Science, and Technology, prepared for Commonwealth Edison Co. (April 1995).
- DD) 2004 Lower Des Plaines River Fisheries Investigation RM 274.4-285.5. EA Engineering, Science, and Technology, prepared for Midwest Generation, EME, LLC (November 2005).
- EE) Master Plan North Side Water Reclamation Plant and Surrounding Chicago Waterways, Technical Memorandum 1WQ: Disinfection Evaluation. Consoer Townsend Envirodyne Engineers, Inc., prepared for MWRDGC (August 26, 2005).
- FF) Technical Memorandum 4WQ Supplemental Aeration of the North and South Branches of the Chicago River MWRDGC North Side Water Reclamation Plant, Project No. 04-014-2P. Consoer Townsend Envirodyne Engineers, Inc., prepared for MWRDGC (January 12, 2007).
- GG) Technical Memorandum 5WQ Flow Augmentation of the Upper North Shore Channel MWRDGC North Side Water Reclamation Plant, Project No. 04-014-2P. Consoer Townsend Envirodyne Engineers, Inc., prepared for MWRDGC (January 12, 2007).
- HH) Technical Memorandum 6WQ Flow Augmentation and Supplemental Aeration of the South Fork of the South Branch of the Chicago River MWRDGC North Side Water Reclamation Plant, Project No. 04-014-2P. Consoer Townsend Envirodyne Engineers, Inc., prepared for MWRDGC (January 12, 2007).
- II) Memorandum of Understanding By and Between Midwest Generation LLC and Illinois Environmental Protection Agency, Revised 12/10/2006 3:21:06 PM.
- JJ) -A River is Reborn - Use Attainability Analysis for the Lower Des Plaines River, Illinois. Vladimir Novotny, Neal O'Reilly, Timothy Ehlinger, Toby Frevert and Scott Twait. Water Environment Research, Volume 79, Number 1, pp. 68-80.
- KK) Chicago Area Waterway System Habitat Evaluation And Improvement Study: Habitat Evaluation Report And Habitat Improvement Report, Prepared for the Metropolitan Water Reclamation District of Greater Chicago by LimnoTech.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Statutes and Regulations

- A) Federal Water Pollution Control Act (Clean Water Act) 33 U.S.C. 1251 *et seq.*
- B) Beaches Environmental Assessment and Coastal Health Act 2000 (Beach Act), 33 USC 1313.
- C) Illinois Environmental Protection Act, 415 ILCS 5
- D) 40 CFR Part 131 (Water Quality Standards)
- E) 35 Ill. Adm. Code Subtitle C: Water Pollution

U.S. EPA Guidance Documents

- A) Water Quality Standards Handbook: Second Edition, EPA-823-B-94-005a, U.S. EPA Office of Water (4305)(August 1994).
- B) Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses, PB85-227049, U.S. EPA Office of Research and Development, Environmental Research Laboratories (1985)(reproduced by National Technical Information Service, U.S. Department of Commerce).

Board Opinions

- A) *In the Matter of: Petition of Commonwealth Edison Company for an Adjusted Standard from 35 Ill. Adm. Code 302.211(d) and (e)*, AS_96-10 (October 3, 1996) and (March 16, 2000).
- B) *Commonwealth Edison Company v. Illinois EPA*, PCB 91-29 (Variance – Water) (November 21, 1991).
- C) *In the Matter of: Proposed Determination of No Significant Ecological Damage for the Joliet Generating Station*, PCB 87-93 (November 15, 1989).
- D) *In the Matter of: Water Quality and Effluent Standards Applicable to the Chicago River System and Calumet River System*, R_87-27 (May 19, 1988).

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- E) *Commonwealth Edison Company v. Illinois EPA*, PCB 84-33 (Variance – Water) (December 20, 1984).
- F) *Commonwealth Edison Company v. Illinois EPA*, PCB 78-79 (Variance – Water) (May 25, 1978).
- G) *In the Matter of: Water Quality Standards Revisions*, R72-4 (November 8, 1973).
- H) *In the Matter of: Water Quality Standards Revisions*, R71-14 (Consolidated with R70-8 and R71-20) (March 7, 1972).
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This proposed rulemaking does not create or enlarge a State mandate as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3]
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comments on this proposal for a period of 45 days after the date of publication in the *Illinois Register*. Comments should reference Docket R08-09(C) and be addressed to:

Clerk's Office
Illinois Pollution Control Board
100 W. Randolph St., Suite 11-500
Chicago, IL 60601

Interested persons may request copies of the Board's opinion and order in R08-09(B) by calling the Clerk's office at 312-814-3620, or may download copies from the Board's Web site at www.ipcb.state.il.us.

For more information, contact hearing officer Marie Tipsord at 312/814-4925 or e-mail at tipsorm@ipcb.state.il.us.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: As this rulemaking codifies existing recreational uses for the waterways, there should be no impact on small businesses, small municipalities and not for profit corporations.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2010

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER I: POLLUTION CONTROL BOARDPART 303
WATER USE DESIGNATIONS AND SITE-SPECIFIC
WATER QUALITY STANDARDS

SUBPART A: GENERAL PROVISIONS

Section	
303.100	Scope and Applicability
303.101	Multiple Designations
303.102	Rulemaking Required (Repealed)

SUBPART B: NONSPECIFIC WATER USE DESIGNATIONS

Section	
303.200	Scope and Applicability
303.201	General Use Waters
303.202	Public and Food Processing Water Supplies
303.203	Underground Waters
303.204	Chicago Area Waterway System and Lower Des Plaines River
303.205	Outstanding Resource Waters
303.206	List of Outstanding Resource Waters
303.220	Primary Contact Recreation Waters
303.225	Incidental Contact Recreation Waters
303.227	Non-Contact Recreation Waters and Non-Recreational Waters
<u>303.230</u>	<u>Chicago Area Waterway System Aquatic Life Use A Waters</u>
<u>303.235</u>	<u>Chicago Area Waterway System and Brandon Pool Aquatic Life Use B Waters</u>

SUBPART C: SPECIFIC USE DESIGNATIONS AND SITE
SPECIFIC WATER QUALITY STANDARDS

Section	
303.300	Scope and Applicability
303.301	Organization
303.311	Ohio River Temperature
303.312	Waters Receiving Fluorspar Mine Drainage (Repealed)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 303.321 Wabash River Temperature
- 303.322 Unnamed Tributary of the Vermilion River
- 303.323 Sugar Creek and Its Unnamed Tributary
- 303.326 Unnamed Tributary of Salt Creek, Salt Creek, and Little Wabash River
- 303.331 Mississippi River North Temperature
- 303.341 Mississippi River North Central Temperature
- 303.351 Mississippi River South Central Temperature
- 303.352 Unnamed Tributary of Wood River Creek
- 303.353 Schoenberger Creek; Unnamed Tributary of Cahokia Canal
- 303.361 Mississippi River South Temperature
- 303.400 Bankline Disposal Along the Illinois Waterway/River
- 303.430 Unnamed Tributary to Dutch Creek
- 303.431 Long Point Slough and Its Unnamed Tributary
- 303.441 Secondary Contact Waters (Repealed)
- 303.442 Waters Not Designated for Public Water Supply
- 303.443 Lake Michigan Basin
- 303.444 Salt Creek, Higgins Creek, West Branch of the DuPage River, Des Plaines River
- 303.445 Total Dissolved Solids Water Quality Standard for the Lower Des Plaines River
- 303.446 Boron Water Quality Standard for Segments of the Sangamon River and the Illinois River
- 303.447 Unnamed Tributary of the South Branch Edwards River and South Branch Edwards River
- 303.448 Mud Run Creek

SUBPART D: THERMAL DISCHARGES

- Section
- 303.500 Scope and Applicability
- 303.502 Lake Sangchris Thermal Discharges

- 303.APPENDIX A References to Previous Rules
- 303.APPENDIX B Sources of Codified Sections

AUTHORITY: Implementing Section 13 and authorized by Sections 11(b) and 27 of the Environmental Protection Act [415 ILCS 5/13, 11(b) and 27].

SOURCE: Filed with the Secretary of State January 1, 1978; amended at 2 Ill. Reg. 27, p. 221, effective July 5, 1978; amended at 3 Ill. Reg. 20, p. 95, effective May 17, 1979; amended at 5 Ill. Reg. 11592, effective October 19, 1981; codified at 6 Ill. Reg. 7818; amended at 6 Ill. Reg.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

11161, effective September 7, 1982; amended at 7 Ill. Reg. 8111, effective June 23, 1983; amended in R87-27 at 12 Ill. Reg. 9917, effective May 27, 1988; amended in R87-2 at 13 Ill. Reg. 15649, effective September 22, 1989; amended in R87-36 at 14 Ill. Reg. 9460, effective May 31, 1990; amended in R86-14 at 14 Ill. Reg. 20724, effective December 18, 1990; amended in R89-14(C) at 16 Ill. Reg. 14684, effective September 10, 1992; amended in R92-17 at 18 Ill. Reg. 2981, effective February 14, 1994; amended in R91-23 at 18 Ill. Reg. 13457, effective August 19, 1994; amended in R93-13 at 19 Ill. Reg. 1310, effective January 30, 1995; amended in R95-14 at 20 Ill. Reg. 3534, effective February 8, 1996; amended in R97-25 at 22 Ill. Reg. 1403, effective December 24, 1997; amended in R01-13 at 26 Ill. Reg. 3517, effective February 22, 2002; amended in R03-11 at 28 Ill. Reg. 3071, effective February 4, 2004; amended in R06-24 at 31 Ill. Reg. 4440, effective February 27, 2007; amended in R09-8 at 33 Ill. Reg. 7903, effective May 29, 2009; amended in R09-11 at 33 Ill. Reg. 12258, effective August 11, 2009; amended in R08-9(A) at 35 Ill. Reg. 15078, effective August 23, 2011; amended in R11-18 at 36 Ill. Reg. 18898, effective December 12, 2012; amended in R08-9(C) at 37 Ill. Reg. _____, effective _____.

SUBPART B: NONSPECIFIC WATER USE DESIGNATIONS

Section 303.204 Chicago Area Waterway System and Lower Des Plaines River

The Chicago Area Waterway System and Lower Des Plaines River Waters are designated to protect for primary contact recreation, incidental contact or non-contact recreational uses (except where designated as non-recreational waters), ~~and~~ commercial activity (including navigation and industrial water supply uses), and the highest quality aquatic life and wildlife attainable, limited only by the physical condition of these waters and hydrologic modifications to these waters. These waters are required to meet the secondary contact and indigenous aquatic life standards contained in 35 Ill. Adm. Code 302, Subpart D, but are not required to meet the general use standards or the public and food processing water supply standards of 35 Ill. Adm. Code 302, Subpart B and C, except that the waters designated as Primary Contact Recreation Waters in Section 303.220 must meet the numeric water quality standard for fecal coliform bacteria applicable to protected waters in 35 Ill. Adm. Code 302.209. Designated recreational uses and aquatic life use for each segment of the Chicago Area Waterway System and Lower Des Plaines River are identified in this Subpart.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 303.220 Primary Contact Recreation Waters

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

The following waters are designated as Primary Contact Recreation Waters and must be protected for Primary Contact Recreation uses as defined in 35 Ill. Adm. Code 301.323. These waters must meet the numeric water quality standard for fecal coliform bacteria applicable to protected waters in 35 Ill. Adm. Code 302.209.

- a) Lower North Shore Channel from North Side Water Reclamation Plant to confluence with North Branch of the Chicago River;
- b) North Branch of the Chicago River from its confluence with North Shore Channel to its confluence with South Branch of the Chicago River and Chicago River;
- c) Chicago River;
- d) South Branch of the Chicago River;
- e) Little Calumet River from its confluence with Calumet River and Grand Calumet River to its confluence with ~~Cal~~Calumet-Sag Channel; and
- f) ~~Cal~~Calumet-Sag Channel.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 303.230 Chicago Area Waterway System Aquatic Life Use A Waters

These waters are not presently capable of maintaining a balanced, integrated, adaptive community of warm-water fish and macroinvertebrates due to the unique physical conditions, flow patterns and operational controls necessary to maintain navigational use, flood control and drainage functions of the waterway system. These waters are capable of supporting communities of native fish that are tolerant and moderately tolerant and may include, but are not limited to, sport fish species such as channel catfish, largemouth bass, bluegill, northern pike and black crappie, and non-game fish species such as the tadpole madtom, spotfin shiner and orangespotted sunfish. The following waters are designated as Chicago Area Waterway System Aquatic Life Use A waters and must meet the water quality standards of 35 Ill. Adm. Code 302, Subpart D:

- a) Upper North Shore Channel
- b) Lower North Shore Channel
- c) North Branch of the Chicago River

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- d) South Branch of the Chicago River
- e) Cal-Sag Channel
- f) Calumet River
- g) Little Calumet River
- h) Grand Calumet River
- i) Lake Calumet
- j) Lake Calumet Connecting Channel

(Source: Added at 37 Ill. Reg. _____, effective _____)

Section 303.235 Chicago Area Waterway System and Brandon Pool Aquatic Life Use B Waters

These waters are not presently capable of maintaining a balanced, integrated, adaptive community of warm-water fish and macroinvertebrate community due to irreversible modifications that result in limited physical habitat and stream hydrology. These physical modifications are of long duration and may include artificially constructed channels consisting of vertical sheet-pile, concrete and rip-rap walls designed to support commercial navigation and the conveyance of stormwater and wastewater. These waters are capable of supporting primarily tolerant fish species, which may include but are not limited to central mudminnow, golden shiner, bluntnose minnow, yellow bullhead and green sunfish. The following waters are designated as Chicago Area Waterway System and Brandon Pool Aquatic Life Use B waters and must meet the water quality standards of 35 Ill. Adm. Code 302, Subpart D:

- a) Chicago Sanitary and Ship Canal
- b) Brandon Pool

(Source: Added at 37 Ill. Reg. _____, effective _____)

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Guidelines for Land and Right-of-Way Acquisitions
- 2) Code Citation: 83 Ill. Adm. Code 300
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
300.10	Amended
300.APPENDIX A	Amended
- 4) Statutory Authority: Implementing Sections 8-406, 8-406.1, 8-503, 8-509, and 15-401 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/8-406, 8-406.1, 8-503, 8-509, 15-401, and 10-101]
- 5) Effective Date of Rulemaking: March 1, 2013
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rulemaking, including any material incorporated by reference, is on file in the Commission's Springfield office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: July 20, 2012; 36 Ill. Reg. 10558
- 10) Has JCAR issued a Statement of Objection to this Rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Part 300 prescribes the procedures to be used by regulated entities to acquire property rights and includes a description of proceedings at the Commission related to such property rights acquisition. The amendments include references to Section 8-406.1 of the Public Utilities Act, which was added by P.A. 96-1348. Section 8-406.1 establishes an expedited procedure for the review of certain

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

specified applications for certificates of public convenience and necessity. The amendments also reflect the recent reorganization of the Staff of the Commission.

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

Conrad S. Rubinkowski
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701

217/785-3922

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER b: PROVISIONS APPLICABLE TO
MORE THAN ONE KIND OF UTILITY

PART 300
GUIDELINES FOR LAND AND RIGHT-OF-WAY ACQUISITIONS

Section	
300.10	Certificate of Public Convenience and Necessity
300.20	Informational Packet
300.30	Negotiation of the Acquisition of Land or a Land Right-of-Way Easement
300.40	Application of this Part
300.50	Revocation of Existing Certificate
300.60	Railroad Company (Repealed)
300.70	Variance
300.APPENDIX A	Statement of Information from the Illinois Commerce Commission Concerning Acquisition of Land or Land Rights-of-Way by Illinois Utilities and Common Carriers by Pipeline

AUTHORITY: Implementing Sections 8-406, 8-406.1, 8-503, 8-509, and 15-401 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/8-406, 8-406.1, 8-503, 8-509, 15-401, and 10-101].

SOURCE: Adopted at 7 Ill. Reg. 339, effective December 23, 1982; codified at 8 Ill. Reg. 12182; amended at 21 Ill. Reg. 1659, effective February 1, 1997; amended at 35 Ill. Reg. 8797, effective June 1, 2011; amended at 37 Ill. Reg. 2864, effective March 1, 2013.

Section 300.10 Certificate of Public Convenience and Necessity

- a) This Part shall apply whenever any public utility or common carrier by pipeline seeks to negotiate the acquisition of a land right-of-way easement involving a project which requires a certificate of public convenience and necessity under Section 8-406, [8-406.1](#) or 15-401 of the Public Utilities Act (Act) [220 ILCS 5/8-406, [8-406.1](#) and 15-401] or whenever a public utility or a common carrier by pipeline seeks an order under Section 8-503 of the Act [220 ILCS 5/8-503].
- b) Requirements in this Part for proceedings involving public utilities are equally applicable to common carriers by pipeline.

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 37 Ill. Reg. 2864, effective March 1, 2013)

Section 300.APPENDIX A Statement of Information from the Illinois Commerce Commission Concerning Acquisition of Land or Land Rights-of-Way by Illinois Utilities and Common Carriers by Pipeline

A representative of a public utility or a common carrier by pipeline (collectively the company) is contacting you to negotiate the purchase of property or the acquisition of land or a land right-of-way over or through property that you own, or in which you have an interest as an owner. The company proposes to construct, operate and maintain certain facilities on your land, as set forth in the accompanying letter. The company representative contacting you will further explain the proposed project.

The purpose of this Statement is to provide you with general information regarding the Illinois Commerce Commission's (Commission's) regulatory process governing a company's proposed project, including the procedures that companies must follow before they can exercise the power of eminent domain to acquire land or land rights. Eminent domain is the power of the State, or those to whom the power is delegated by the State, to take private property for public use upon payment of just compensation to the landowner as is determined by the courts. This Statement covers several questions that landowners commonly pose to Commission staff members about proceedings at the Commission that relate to a company's proposed project when a company seeks to place facilities on or near those landowners' property. This Statement, however, is not a legal opinion concerning your rights under the law, or the Commission's rules. It also is not a detailed analysis of the procedures involved. If you have any questions concerning your legal rights, you may wish to consult an attorney.

Requests for a Commission Certificate under
Section 8-406, [8-406.1](#), or 15-401 of the Public Utilities Act

Ordinarily, before constructing major new facilities, a public utility must obtain a certificate of public convenience and necessity from the Commission under Section 8-406 [or 8-406.1](#) of the Public Utilities Act [220 ILCS 5/8-406 [or 8-406.1](#)]. Likewise, a common carrier by pipeline ordinarily must obtain a certificate in good standing from the Commission under Section 15-401 of the Public Utilities Act [220 ILCS 5/15-401] before constructing a pipeline or other facility. In either case, to obtain a certificate, the utility or common carrier files an application with the Commission describing the proposed project. The Commission then initiates a proceeding to consider evidence regarding the application and notifies affected landowners of the date, time and place of the initial hearing regarding the proposed project. If you have concerns

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

about such a proposal, the Commission encourages you to participate in the Commission's certificate proceeding. Changes to a company's proposal are much less likely after the Commission has approved the proposal and issued the company a certificate. Landowners may participate in the proceeding, either through oral or written statements, or by intervening in the proceeding regarding the proposed project, as provided in the Commission's Rules of Practice (83 Ill. Adm. Code 200). In this type of proceeding, the Commission considers such factors as the public need for the proposed project, the type of facilities to be constructed, and the feasibility of the proposed location of the facilities. If the Commission determines that a company has met the requirements for obtaining a certificate and it approves the facility's design and location, it will grant a certificate to the company authorizing construction of the facility and the route that the facility will take across or through property not owned or controlled by the company.

Requests for a Commission Order Under
Section 8-503 of the Public Utilities Act

A company may also seek a Commission Order under Section 8-503 [220 ILCS 5/8-503] authorizing or directing it to construct the proposed project, either in conjunction with its request to obtain a certificate under Section 8-406 or 15-401, or separately. If a company seeks an order pursuant to Section 8-503 in a separate proceeding, the Commission will notify affected landowners of the Section 8-503 proceeding, and affected landowners may participate in this type of proceeding in the same manner as is described above for applications for certificates under Section 8-406 or 15-401. If, at the conclusion of the proceeding, the Commission grants the company's request for an order pursuant to Section 8-503, it will issue an order authorizing the proposed project or directing the company to construct the proposed project, including the specific route of the facility. [If the Commission grants a company's request for a certificate under Section 8-406.1, the Section 8-406.1 order must also contain an order pursuant to Section 8-503 authorizing or directing the construction of the high voltage electric service line.](#)

Requests for Eminent Domain Authority Pursuant to
Section 8-509 of the Public Utilities Act

A company seeking a [certificate under Section 8-406.1](#) or a Commission Order under Section 8-503 may also apply to the Commission for authorization under Section 8-509 [220 ILCS 5/8-509] to use the power of eminent domain through the courts pursuant to the Eminent Domain Act [735 ILCS 30] to acquire the land or land rights necessary for the project. The company may elect to seek Commission authorization pursuant to Section 8-509, either in conjunction with its request for a [certificate under Section 8-406.1](#) or for a Commission Order under Section 8-503, or separately. If the Commission authorizes the use of eminent domain

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

under Section 8-509, and if the company is unable to reach agreement with the landowners to acquire the property interests necessary to complete the proposed project, the company will file a condemnation lawsuit in the circuit court where the property is located in order to obtain the property interests that the project requires. The courts, not the Commission, make the final decision as to whether the company can acquire land or land rights by eminent domain and, if so, the compensation that the company will pay to the landowner.

Attempts by Companies to Acquire Property Rights

Before seeking a Commission Order authorizing or directing a company to construct a project, a company may choose to acquire land or land rights from landowners. A company may seek to purchase land or acquire a right for use of the land. Alternatively, a company may seek to obtain an option to purchase land or land rights at a future date. A company representative will provide affected landowners with information regarding the price and other terms that the company intends to offer for the land or land rights. Such a company uses its own forms for this type of transaction. The Commission does not require a company seeking to acquire land or land rights to use any particular form.

The price and other terms for the land or land rights is a matter of negotiation between each landowner and a company. The Commission does not participate in the negotiation. The Commission also does not establish or approve the negotiated price and other terms for the acquisition of land or land rights. Negotiation involves discussion and bargaining in an effort to reach a mutual agreement. During the negotiations, and at any time, you may be represented by an attorney. However, you are under no obligation to retain anyone to provide legal counsel. Further, you are under no obligation to negotiate or reach an agreement with the company that is seeking to acquire land or land rights. The Commission does not require such a company to obtain by negotiation a fixed amount or percentage of land or land rights necessary for the project before it seeks Commission authorization to acquire land or land rights.

The Commission typically makes its final decision regarding a project's route in certificate proceedings. Once a company obtains a certificate, issues such as the specific route of the project are not typically reconsidered in subsequent Section 8-503 proceedings before the Commission. Once a company obtains a Commission Order pursuant to Section 8-503 for a project, issues such as the specific route of the project will not be reconsidered in subsequent Section 8-509 proceedings before the Commission and in subsequent condemnation proceedings before the courts. You should not delay in taking whatever action that you believe is, or may be, necessary to protect your property interests. If you elect to negotiate with a company, the Commission encourages you or your representative to negotiate vigorously.

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

If you have any questions about this Statement or Commission rules and procedures, please contact:

Director, [Safety & Reliability Energy](#) Division
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, Illinois 62701

Please address specific questions concerning your individual property to the company representative.

(Source: Amended at 37 Ill. Reg. 2864, effective March 1, 2013)

ILLINOIS COUNCIL ON DEVELOPMENTAL DISABILITIES

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Access to Public Records
- 2) Code Citation: 2 Ill. Adm. Code 2905
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
2905.10	Repealed
2905.20	Repealed
2905.100	Repealed
2905.110	Repealed
2905.200	Repealed
2905.210	Repealed
2905.300	Repealed
2905.310	Repealed
2905.400	Repealed
2905.410	Repealed
2905.420	Repealed
- 4) Statutory Authority: [5 ILCS 140], Section 2006 of the Illinois Council on Developmental Disabilities Law [20 ILCS 4010/2006] and Section 5-15 of the Illinois Administrative Procedures Act [5 ILCS 100/5-15]
- 5) Effective Date of Repealer: February 28, 2013
- 6) Does this repealer contain an automatic repeal date? No
- 7) Does this repealer contain incorporations by reference? No
- 8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in the *Illinois Register*: In accordance with Section 5-15 and (b) of the Illinois Administrative Procedures Act there is no public comment period and ICDD can amend its internal rules by filing a certified copy with the Secretary of State.
- 10) Has JCAR issued a Statement of Objection to this rulemaking? There is no second notice JCAR review of this repealer, which governs the internal workings of this agency.

ILLINOIS COUNCIL ON DEVELOPMENTAL DISABILITIES

NOTICE OF ADOPTED REPEALER

- 11) Differences between Proposal and Final Version: This is the final version under Section 5-15 of the IAPA.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? None were needed.
- 13) Will this repealer replace any emergency rulemaking currently in effect? No
- 14) Are there any other proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Repealer: The overall goal of the repeal of Part 2905 and its replacement with new language is to ensure compliance with current FOIA.
- 16) Information and questions regarding this adopted repealer shall be directed to:

Sandy Ryan, Director of Policy and Program
Illinois Council on Developmental Disabilities
100 West Randolph, Suite 10-300
Chicago, Illinois 60601

312/814-2080

ILLINOIS COUNCIL ON DEVELOPMENTAL DISABILITIES

NOTICE OF ADOPTED RULES

- 2) Heading of the Part: Access to Records of the Illinois Council on Developmental Disabilities
- 2) Code Citation: 2 Ill. Adm. Code 2905
- 3) Section Numbers: Adopted Action:
2905.10 New Section
2905.20 New Section
2905.100 New Section
2905.110 New Section
2905.120 New Section
2905.200 New Section
2905.210 New Section
2905.220 New Section
2905.300 New Section
2905.310 New Section
2905.320 New Section
2905.330 New Section
2905.340 New Section
2905.350 New Section
2905.360 New Section
2905.400 New Section
2905.410 New Section
2905.420 New Section
2905.APPENDIX A New Section
- 4) Statutory Authority: [5 ILCS 140/3(h)], [20 ILCS 4010/2006] and [5 ILCS 100/5-15]
- 5) Effective Date of Rules: February 28, 2013
- 6) Does this rule contain an automatic repeal date? No
- 7) Does this rule contain incorporations by reference? No
- 8) A copy of the adopted rule, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in the *Illinois Register*: In accordance with Section 5-15 and (b) of the Illinois Administrative Procedures Act there is no public comment period

ILLINOIS COUNCIL ON DEVELOPMENTAL DISABILITIES

NOTICE OF ADOPTED RULES

and ICDD can amend its internal rules by filing a certified copy with the Secretary of State.

- 10) Has JCAR issued a Statement of Objections to this rule? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were needed
- 13) Will this rule replace any emergency rulemaking currently in effect? No
- 14) Are there any other proposed rules pending on this Part? No
- 15) Summary and Purpose of Rule: The purpose of this rulemaking is to bring ICDD into compliance with the current FOIA and provides specific information regarding making records available for public inspection while protecting legitimate interest in confidentiality.
- 16) Information and questions regarding this adopted rule shall be directed to:

Sandy Ryan, Director of Policy and Program
Illinois Council on Developmental Disabilities
100 West Randolph, Suite 10-600
Chicago, Illinois 60601

312/814-2080

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

ILLINOIS COUNCIL ON DEVELOPMENTAL DISABILITIES

NOTICE OF ADOPTED RULES

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE E: MISCELLANEOUS STATE AGENCIES
CHAPTER L: ILLINOIS COUNCIL ON DEVELOPMENTAL DISABILITIES

PART 2905
ACCESS TO RECORDS OF THE
ILLINOIS COUNCIL ON DEVELOPMENTAL DISABILITIES

SUBPART A: INTRODUCTION

Section	
2905.10	Summary and Purpose
2905.20	Definitions

SUBPART B: CLASSIFICATION OF RECORDS

Section	
2905.100	Records that Will Be Disclosed
2905.110	Records that Will Be Withheld from Disclosure
2905.120	Statutory Exemptions

SUBPART C: PROCEDURES FOR REQUESTING
RECORDS FROM THE AGENCY

Section	
2905.200	Submittal of Requests for Records
2905.210	Information to Be Provided in Requests for Records
2905.220	Requests for Records for Commercial Purposes

SUBPART D: AGENCY RESPONSE TO REQUESTS FOR RECORDS

Section	
2905.300	Timeline for Agency Response
2905.310	Requests for Records that the Agency Considers Unduly Burdensome
2905.320	Requests for Records that Require Electronic Retrieval
2905.330	Denials of Requests for Records
2905.340	Requests for Review of Denials – Public Access Counselor
2905.350	Circuit Court Review
2905.360	Administrative Review

ILLINOIS COUNCIL ON DEVELOPMENTAL DISABILITIES

NOTICE OF ADOPTED RULES

SUBPART E: PROCEDURES FOR PROVIDING RECORDS TO REQUESTERS

Section

2905.400	Inspection of Records
2905.410	Copying of Records; Fees
2905.420	Reduction and Waiver of Fees

2905.APPENDIX A Fee Schedule for Duplication and Certification of Records

AUTHORITY: Implementing and authorized by Section 3(h) of the Freedom of Information Act [5 ILCS 140/3(h)], implementing Section 2006 of the Illinois Council on Developmental Disabilities Law [20 ILCS 4010/2006] and Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].

SOURCE: Adopted at 16 Ill. Reg. 12145, effective July 20, 1992; amended at 31 Ill. Reg. 16815, effective December 14, 2007; old Part repealed at 37 Ill. Reg. 2871, and new Part adopted at 37 Ill. Reg. 2873, effective February 28, 2013.

SUBPART A: INTRODUCTION

Section 2905.10 Summary and Purpose

- a) This Part states the policy of the Illinois Council on Developmental Disabilities (Agency) for making its records available for reasonable public inspection while, at the same time, protecting legitimate interests in confidentiality.
- b) This Part:
 - 1) Establishes the following classifications for records in the Agency's possession:
 - A) Records that shall be disclosed; and
 - B) Records that shall be withheld from disclosure;
 - 2) Contains the procedures by which requesters may obtain records in the Agency's possession; and

ILLINOIS COUNCIL ON DEVELOPMENTAL DISABILITIES

NOTICE OF ADOPTED RULES

- 3) Contains the procedures for claiming and determining that records submitted to the Agency are exempt from disclosure.

Section 2905.20 Definitions

Terms not defined in this Section shall have the same meaning as in the Freedom of Information Act. The following definitions are applicable for purposes of this Part:

"Act" means the Illinois Council on Developmental Disabilities Law [20 ILCS 4010].

"Agency" means the Illinois Council on Developmental Disabilities, as established by the Act.

"Commercial purpose" means the use of any part of a record or records, or information derived from records, in any form for sale, resale, or solicitation or advertisement for sales or services. For purposes of this definition, requests made by news media and non-profit, scientific, or academic organizations shall not be considered to be made for a "commercial purpose" when the principal purpose of the request is:

to access and disseminate information concerning news and current or passing events;

for articles of opinion or features of interest to the public; or

for the purpose of academic, scientific, or public research or education.
(Section 2(c-10) of FOIA)

"Copying" means the reproduction of any record by means of any photographic, electronic, mechanical, or other process, device or means now known or hereafter developed and available to the Agency. (Section 2(d) of FOIA)

"Director" means the Director of the Agency.

"FOIA" means the Freedom of Information Act [5 ILCS 140].

ILLINOIS COUNCIL ON DEVELOPMENTAL DISABILITIES

NOTICE OF ADOPTED RULES

"Freedom of Information Officer" or "FOI Officer" means an individual or individuals responsible for receiving and responding to requests for public records.

"News media" means a newspaper or other periodical issued at regular intervals, news service in paper or electronic form, radio station, television station, television network, community antenna television service, or person or corporation engaged in making news reels or other motion picture news for public showing. (Section 2(f) of FOIA)

"Person" means any individual, corporation, partnership, firm, organization or association, acting individually or as a group. (Section 2(b) of FOIA)

"Private information" means unique identifiers, including a person's Social Security number, driver's license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal email addresses. Private information also includes home address and personal license plates, except as otherwise provided by law or when compiled without possibility of attribution to any person. (Section 2(c-5) of FOIA)

"Public Access Counselor" means an individual appointed to that office by the Attorney General under Section 7 of the Attorney General Act [15 ILCS 205].

"Public body" means all legislative, executive, administrative, or advisory bodies of the State, State universities and colleges, counties, townships, cities, villages, incorporated towns, school districts and all other municipal corporations, boards, bureaus, committees or commissions of this State, any subsidiary bodies of any of the foregoing, including but not limited to committees and subcommittees thereof, and a School Finance Authority created under Article 1E of the School Code [105 ILCS 5]. (Section 2(a) of FOIA)

"Records" means all records, reports, forms, writings, letters, memoranda, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, electronic communications, recorded information and all other documentary materials pertaining to the transaction of public business, regardless of physical form or characteristics, having been prepared by or for, or having been or being used by, received by, in the possession of or under the control of the Agency. (Section 2(c) of FOIA)

ILLINOIS COUNCIL ON DEVELOPMENTAL DISABILITIES

NOTICE OF ADOPTED RULES

"Requester" is any person who has submitted to the Agency a written request, electronically or on paper, for records.

"Unwarranted invasion of personal privacy" means the disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information. (Section 7(1)(c) of FOIA)

SUBPART B: CLASSIFICATION OF RECORDS

Section 2905.100 Records that Will Be Disclosed

Upon request meeting the requirements of this Part, the Agency shall disclose to the requester all records requested except that it shall not disclose certain records as provided in Section 2905.110 or 2905.120. Records covered under this Section shall include, but are not limited to:

- a) *Records of funds. All records relating to the obligation, receipt and use of public funds of the Agency are records subject to inspection and copying by the public. (Section 2.5 of FOIA)*
- b) *Payrolls. Certified payroll records submitted to the Agency under Section 5(a)(2) of the Prevailing Wage Act [820 ILCS 130] are records subject to inspection and copying in accordance with the provisions of FOIA; except that contractors' and employees' addresses, telephone numbers, and Social Security numbers will be redacted by the Agency prior to disclosure. (Section 2.10 of FOIA)*
- c) *Criminal history records. The following documents maintained by the Agency pertaining to criminal history record information are records subject to inspection and copying by the public pursuant to FOIA:*
 - 1) *Court records that are public;*
 - 2) *Records that are otherwise available under State or local law; and*
 - 3) *Records in which the requesting party is the individual identified. (Section 2.15(b) of FOIA)*

ILLINOIS COUNCIL ON DEVELOPMENTAL DISABILITIES

NOTICE OF ADOPTED RULES

- d) *Settlement agreements. All settlement agreements entered into by or on behalf of the Agency are records subject to inspection and copying by the public, provided that information exempt from disclosure under Section 2905.110 or 2905.120 of this Part may be redacted. (Section 2.20 of FOIA)*

Section 2905.110 Records that Will Be Withheld from Disclosure

When a request is made to inspect or copy a record that contains information that is otherwise exempt from disclosure under this Section, but also contains information that is not exempt from disclosure, the Agency shall make the remaining information available for inspection and copying. (Section 7(1) of FOIA)

- a) *Subject to this requirement and Section 7 of FOIA, the following shall be exempt from inspection and copying:*
- 1) *Information specifically prohibited from disclosure by federal or State law or rules and regulations implementing federal or State law; (Section 7(1)(a) of FOIA)*
 - 2) *Private information, unless disclosure is required by another provision of FOIA, a State or federal law or a court order; (Section 7(1)(b) of FOIA)*
 - 3) *Personal information contained within records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information. "Unwarranted invasion of personal privacy" means the disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information. The disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy; (Section 7(1)(c) of FOIA)*
 - 4) *Trade secrets and commercial or financial information obtained from a person or business where the trade secrets or commercial or financial information is furnished under a claim that it is proprietary, privileged or confidential, and that disclosure of the trade secrets or commercial or financial information would cause competitive harm to the person or business, and only insofar as the claim directly applies to the records*

ILLINOIS COUNCIL ON DEVELOPMENTAL DISABILITIES

NOTICE OF ADOPTED RULES

requested. All trade secrets and commercial or financial information obtained by a public body, including a public pension fund, from a private equity fund or a privately held company within the investment portfolio of a private equity fund as a result of either investing or evaluating a potential investment of public funds in a private equity fund. The exemption contained in this subsection (a)(4) does not apply to the aggregate financial performance information of a private equity fund, nor to the identity of the fund's managers or general partners. The exemption contained in this subsection (a)(4) does not apply to the identity of a privately held company within the investment portfolio of a private equity fund, unless the disclosure of the identity of a privately held company may cause competitive harm. Nothing in this subsection (a)(4) shall be construed to prevent a person or business from consenting to disclosure; (Section 7(1)(g) of FOIA)

- 5) *Proposals and bids for any contract, grant, or agreement, including information that if it were disclosed would frustrate procurement or give an advantage to any person proposing to enter into a contract or agreement with the body, until an award or final selection is made. Information prepared by or for the body in preparation of a bid solicitation shall be exempt until an award or final selection is made; (Section 7(1)(h) of FOIA)*
- 6) *Minutes of meetings of public bodies closed to the public as provided in the Open Meetings Act [5 ILCS 120] until the public body makes the minutes available to the public under Section 2.06 of the Open Meetings Act; (Section 7(1)(l) of FOIA)*
- 7) *Communications between the Agency and an attorney or auditor representing the Agency that would not be subject to discovery in litigation, and materials prepared or compiled by or for the Agency in anticipation of a criminal, civil or administrative proceeding upon the request of an attorney advising the Agency, and materials prepared or compiled with respect to internal audits of the Agency; (Section 7(1)(m) of FOIA)*
- 8) *Records relating to the Agency's adjudication of employee grievances or disciplinary cases; however, this exemption shall not extend to the final*

ILLINOIS COUNCIL ON DEVELOPMENTAL DISABILITIES

NOTICE OF ADOPTED RULES

outcome of cases in which discipline is imposed; (Section 7(1)(n) of FOIA)

- 9) *Administrative or technical information associated with automated data processing operations, including but not limited to software, operating protocols, computer program abstracts, file layouts, source listings, object modules, load modules, user guides, documentation pertaining to all logical and physical design of computerized systems, employee manuals, and any other information that, if disclosed, would jeopardize the security of the system or its data or the security of materials exempt under this Section; (Section 7(1)(o) of FOIA)*
- 10) *Test questions, scoring keys, and other examination data used to determine the qualifications of an applicant for a license or employment. (Section 7(1)(q) of FOIA)*
- b) *A record that is not in the possession of the Agency but is in the possession of a party with whom the Agency has contracted to perform a governmental function on behalf of the Agency, and that directly relates to the governmental function and is not otherwise exempt under FOIA, shall be considered a record of the Agency for purposes of Subpart C. (Section 7(2) of FOIA)*

Section 2905.120 Statutory Exemptions

To the extent provided for by the following statutes, the following shall be exempt from inspection and copying:

- a) *All information determined to be confidential under Section 4002 of the Technology Advancement and Development Act [20 ILCS 700].*
- b) *Information prohibited from being disclosed by the Personnel Records Review Act [820 ILCS 40].*

**SUBPART C: PROCEDURES FOR REQUESTING
RECORDS FROM THE AGENCY****Section 2905.200 Submittal of Requests for Records**

ILLINOIS COUNCIL ON DEVELOPMENTAL DISABILITIES

NOTICE OF ADOPTED RULES

- a) Any request for public records should be submitted in writing to the FOI Officer at the Agency.
- b) The Agency has one FOI Officer, located in the Chicago office.
- c) Contact information for the FOI Officer can be found online at www.icdd.state.il.us/foia/contacts.html.
- d) FOIA requests may be submitted via mail, e-mail, fax, or hand delivery. Requests should be mailed or hand delivered to:

The Illinois Council on Developmental Disabilities
100 W. Randolph Street, Suite 10-600
Chicago, Illinois 60601
Attn: FOI Officer

- e) Faxed FOIA requests should be faxed to 312-814-7141, Attn: FOI Officer.

Section 2905.210 Information To Be Provided in Requests for Records

A request for records should include:

- a) The complete name, mailing address and telephone number of the requester;
- b) As specific a description as possible of the records sought. Requests that the Agency considers unduly burdensome or categorical may be denied (see Section 3(g) of FOIA and Section 2905.310 of this Part);
- c) A statement as to the requested medium and format for the Agency to use in providing the records sought (for example, paper, specific types of digital or magnetic media, or videotape);
- d) A statement as to the requested manner for the Agency to use in providing the records sought (for example, inspection at Agency headquarters or providing paper or electronic copies);
- e) A statement as to whether the requester needs certified copies of all or any portion of the records, including reference to the specific documents that require certification; and

ILLINOIS COUNCIL ON DEVELOPMENTAL DISABILITIES

NOTICE OF ADOPTED RULES

- f) A statement as to whether the request is for a commercial purpose.

Section 2905.220 Requests for Records for Commercial Purposes

- a) *It is a violation of FOIA for a person to knowingly obtain a record for a commercial purpose without disclosing that it is for a commercial purpose if requested to do so by the Agency. (Section 3.1(c) of FOIA)*
- b) *The Agency shall respond to a request for records to be used for a commercial purpose within 21 working days after receipt. The response shall:*
- 1) *Provide to the requester an estimate of the time required by the Agency to provide the records requested and an estimate of the fees to be charged, which the Agency may require the person to pay in full before copying the requested documents;*
 - 2) *Deny the request pursuant to one or more of the exemptions set out in Section 2905.110 or 2905.120;*
 - 3) *Notify the requester that the request is unduly burdensome and extend an opportunity to the requester to attempt to reduce the request to manageable proportions; or*
 - 4) *Provide the records requested. (Section 3.1(a) of FOIA)*
- c) *Unless the records are exempt from disclosure, the Agency shall comply with a request within a reasonable period considering the size and complexity of the request, and giving priority to records requested for non-commercial purposes. (Section 3.1(b) of FOIA)*

SUBPART D: AGENCY RESPONSE TO REQUESTS FOR RECORDS

Section 2905.300 Timeline for Agency Response

- a) *Except as stated in subsection (b) or (c), the Agency will respond to any written request for records within 5 business days after its receipt of the request. Failure to comply with a written request, extend the time for response, or deny a request within 5 business days after its receipt shall be considered a denial of the request.*

ILLINOIS COUNCIL ON DEVELOPMENTAL DISABILITIES

NOTICE OF ADOPTED RULES

If the Agency fails to respond to a request within the requisite periods in this subsection (a) but thereafter provides the requester with copies of the requested records, it will not impose a fee for such copies. If the Agency fails to respond to a request received, it will not treat the request as unduly burdensome as provided under Section 2905.310. (Section 3(d) of FOIA) A written request from the Agency to provide additional information shall be considered a response to the FOIA request.

- b) *The time limits prescribed in subsection (a) may be extended for not more than 5 business days from the original due date for any of the following reasons:*
- 1) *The requested records are stored in whole or in part at locations other than the office having charge of the requested records;*
 - 2) *The request requires the collection of a substantial number of specified records;*
 - 3) *The request is couched in categorical terms and requires an extensive search for the records responsive to it;*
 - 4) *The requested records have not been located in the course of routine search and additional efforts are being made to locate them;*
 - 5) *The requested records require examination and evaluation by personnel having the necessary competence and discretion to determine if they are exempt from disclosure under Section 7 or 7.5 of FOIA or should be revealed only with appropriate deletions;*
 - 6) *The request for records cannot be complied with by the Agency within the time limits prescribed by subsection (a) without unduly burdening or interfering with the operations of the Agency; or*
 - 7) *There is a need for consultation, which shall be conducted with all practicable speed, with another public body or among two or more components of a public body having a substantial interest in the determination or in the subject matter of the request. (Section 3(e) of FOIA)*

ILLINOIS COUNCIL ON DEVELOPMENTAL DISABILITIES

NOTICE OF ADOPTED RULES

- c) *The person making a request and the Agency may agree in writing to extend the time for compliance for a period to be determined by the parties. If the requester and the Agency agree to extend the period for compliance, a failure by the Agency to comply with any previous deadlines shall not be treated as a denial of the request for the records. (Section 3(e) of FOIA)*
- d) *When additional time is required for any of the reasons set forth in subsection (b), the Agency will, within 5 business days after receipt of the request, notify the person making the request of the reasons for the extension and the date by which the response will be forthcoming. Failure to respond within the time permitted for extension shall be considered a denial of the request. If the Agency fails to respond to a request within the time permitted for extension but thereafter provides the requester with copies of the requested public records, it may not impose a fee for those copies. If the Agency issues an extension and subsequently fails to respond to the request, it will not treat the request as unduly burdensome under Section 2905.310. (Section 3(f) of FOIA)*

Section 2905.310 Requests for Records that the Agency Considers Unduly Burdensome

- a) *The Agency will fulfill requests calling for all records falling within a category unless compliance with the request would unduly burden the Agency, there is no way to narrow the request, and the burden on the Agency outweighs the public interest in the information. Before invoking this exemption, the Agency will extend to the requester an opportunity to confer with it in an attempt to reduce the request to manageable proportions. (Section 3(g) of FOIA) The amended request must be in writing.*
- b) *If the Agency determines that a request is unduly burdensome, it shall do so in writing, specifying the reasons why it would be unduly burdensome and the extent to which compliance will so burden the operations of the Agency. Such a response shall be treated as a denial of the request for information. (Section 3(g) of FOIA)*
- c) *Repeated requests for records that are unchanged or identical to records previously provided or properly denied under this Part from the same person shall be deemed unduly burdensome. (Section 3(g) of FOIA)*

Section 2905.320 Requests for Records that Require Electronic Retrieval

ILLINOIS COUNCIL ON DEVELOPMENTAL DISABILITIES

NOTICE OF ADOPTED RULES

- a) A request for records that requires electronic retrieval will be treated the same as any other request for records, with the same timeline and extensions as allowed for other records.
- b) The Agency will retrieve and provide electronic records only in a format and medium that is available to the Agency.

Section 2905.330 Denials of Requests for Records

- a) The Agency will deny requests for records when:
 - 1) Compliance with the request would unduly burden the Agency, as determined pursuant to Section 2905.310, and the requester has not reduced the request to manageable proportions; or
 - 2) The records are exempt from disclosure pursuant to Section 7 or 7.5 of FOIA or Section 2905.110 or 2905.120 of this Part.
- b) The denial of a request for records must be in writing.
 - 1) The notification shall include a description of the records denied; *the reason for the denial, including a detailed factual basis for the application of any exemption claimed; and the names and titles or positions of each person responsible for the denial* (Section 9(a) of FOIA);
 - 2) *Each notice of denial shall also inform such person of the right to review by the Public Access Counselor and provide the address and phone number for the Public Access Counselor* (Section 9(a) of FOIA); and
 - 3) *When a request for records is denied on the grounds that the records are exempt under Section 7 or 7.5 of FOIA, the notice of denial shall specify the exemption claimed to authorize the denial and the specific reasons for the denial, including a detailed factual basis and a citation to the supporting legal authority* (Section 9(b) of FOIA).
- c) A requester may treat the Agency's failure to respond to a request for records within 5 business days after receipt of the written request as a denial for purposes of the right to review by the Public Access Counselor.

ILLINOIS COUNCIL ON DEVELOPMENTAL DISABILITIES

NOTICE OF ADOPTED RULES

- d) If the Agency has given written notice pursuant to Section 2905.300(d), failure to respond to a written request within the time permitted for extension may be treated as a denial for purposes of the right to review by the Public Access Counselor.
- e) *Any person making a request for records shall be deemed to have exhausted his or her administrative remedies with respect to that request if the Agency fails to act within the time periods provided in Section 2905.300. (Section 9(c) of FOIA)*

Section 2905.340 Requests for Review of Denials – Public Access Counselor

- a) *A person whose request to inspect or copy a record is denied by the Agency may file a request for review with the Public Access Counselor established in the Office of the Attorney General not later than 60 days after the date of the final denial. (Section 9.5(a) of FOIA)*
- b) *If the Agency asserts that the records are exempt under Section 2905.110(a)(4) or (a)(7), it will, within the time periods provided for responding to a request, provide written notice to the requester and the Public Access Counselor of its intent to deny the request in whole or in part. The notice will include:*
 - 1) *A copy of the request for access to records;*
 - 2) *The proposed response from the Agency; and*
 - 3) *A detailed summary of the Agency's basis for asserting the exemption. (Section 9.5(b) of FOIA)*
- c) *Upon receipt of a notice of intent to deny from the Agency, the Public Access Counselor shall determine whether further inquiry is warranted. The Public Access Counselor shall process the notification of intent to deny as detailed in Section 9.5(b) of FOIA. Times for response or compliance by the Agency under Section 2905.300 will be tolled until the Public Access Counselor concludes his or her inquiry. (Section 9.5(b) of FOIA)*
- d) *Within 7 working days after the Agency receives a request for review from the Public Access Counselor, the Agency shall provide copies of records requested and shall otherwise fully cooperate with the Public Access Counselor. (Section 9.5(c) of FOIA)*

ILLINOIS COUNCIL ON DEVELOPMENTAL DISABILITIES

NOTICE OF ADOPTED RULES

- e) *Within 7 working days after it receives a copy of a request for review and request for production of records from the Public Access Counselor, the Agency may, but is not required to, answer the allegations of the request for review. The answer may take the form of a letter, brief, or memorandum. The Public Access Counselor shall forward a copy of the answer to the person submitting the request for review, with any alleged confidential information to which the request pertains redacted from the copy. (Section 9.5(d) of FOIA)*
- f) *The requester may, but is not required to, respond in writing to the answer within 7 working days and shall provide a copy of the response to the Agency. (Section 9.5(d) of FOIA)*
- g) *In addition to the request for review, and the answer and response thereto, if any, a requester or the Agency may furnish affidavits or records concerning any matter germane to the review. (Section 9.5(e) of FOIA)*
- h) *A binding opinion from the Attorney General shall be binding upon both the requester and the Agency, subject to administrative review under Section 2905.360. (Section 9.5(f) of FOIA)*
- i) *If the Attorney General decides to exercise his or her discretion to resolve a request for review by mediation or by a means other than issuance of a binding opinion, the decision not to issue a binding opinion shall not be reviewable. (Section 9.5(f) of FOIA)*
- j) *Upon receipt of a binding opinion concluding that a violation of FOIA has occurred, the Agency shall either take necessary action immediately to comply with the directive of the opinion or shall initiate administrative review under Section 2905.360. If the opinion concludes that no violation of FOIA has occurred, the requester may initiate administrative review under Section 2905.360. (Section 9.5(f) of FOIA)*
- k) *If the Agency discloses records in accordance with an opinion of the Attorney General, the Agency is immune from all liabilities by reason thereof and shall not be liable for penalties under FOIA. (Section 9.5(f) of FOIA)*
- l) *If the requester files suit under Section 2905.350 with respect to the same denial that is the subject of a pending request for review, the requester shall notify the*

ILLINOIS COUNCIL ON DEVELOPMENTAL DISABILITIES

NOTICE OF ADOPTED RULES

Public Access Counselor, and the Public Access Counselor shall so notify the Agency. (Section 9.5(g) of FOIA)

- m) *The Attorney General may also issue advisory opinions to the Agency regarding compliance with FOIA. A review may be initiated upon receipt of a written request from the Director of the Agency, which shall contain sufficient accurate facts from which a determination can be made. The Public Access Counselor may request additional information from the Agency in order to assist in the review. If the Agency relies in good faith on an advisory opinion of the Attorney General in responding to a request, the Agency is not liable for penalties under FOIA, so long as the facts upon which the opinion is based have been fully and fairly disclosed to the Public Access Counselor. (Section 9.5(h) of FOIA)*

Section 2905.350 Circuit Court Review

A requester also has the right to file suit for injunctive or declaratory relief in the Circuit Court for Sangamon County or for the county in which the requester resides, in accordance with the procedures set forth in Section 11 of FOIA.

Section 2905.360 Administrative Review

A binding opinion issued by the Attorney General shall be considered a final decision of an administrative agency, for purposes of administrative review under the Administrative Review Law [735 ILCS 5/Art. III]. An action for administrative review of a binding opinion of the Attorney General shall be commenced in Cook County or Sangamon County. An advisory opinion issued to the Agency shall not be considered a final decision of the Attorney General for purposes of this Section. (Section 11.5 of FOIA)

SUBPART E: PROCEDURES FOR PROVIDING RECORDS TO REQUESTERS

Section 2905.400 Inspection of Records

- a) The Agency may make available records for personal inspection at the Agency's headquarters office located at 830 S. Spring Street, Springfield, Illinois, or at another location agreed to by both the Agency and the requester. No original record shall be removed from State-controlled premises except under constant supervision of the agency responsible for maintaining the record. The Agency may provide records in duplicate forms, including, but not limited to, paper

ILLINOIS COUNCIL ON DEVELOPMENTAL DISABILITIES

NOTICE OF ADOPTED RULES

copies, data processing printouts, videotape, microfilm, audio tape, reel to reel microfilm, photographs, computer disks and diazo.

- b) *When a person requests a copy of a record maintained in an electronic format, the Agency shall furnish it in the electronic format specified by the requester, if feasible. If it is not feasible to furnish the records in the specified electronic format, then the Agency shall furnish it in the format in which it is maintained by the Agency, or in paper format at the option of the requester. (Section 6(a) of FOIA)*
- c) A requester may inspect records by appointment only, scheduled subject to space availability. The Agency will schedule inspection appointments to take place during normal business hours, which are 8:30 a.m. to 5:00 p.m. Monday through Friday, exclusive of State holidays. If the requester must cancel the viewing appointment, the requester shall so inform the Agency as soon as possible before the appointment.
- d) In order to maintain routine Agency operations, the requester may be asked to leave the inspection area for a specified period of time.
- e) The requester will have access only to the designated inspection area.
- f) Requesters shall not be permitted to take briefcases, folders or similar materials into the room where the inspection takes place. An Agency employee may be present during the inspection.
- g) The requester shall segregate and identify the documents to be copied during the course of the inspection.

Section 2905.410 Copying of Records; Fees

- a) In accordance with Section 2905.420, unless a fee is otherwise fixed by statute, the Agency will provide copies of records and certifications of records in accordance with the fee schedule set forth in Appendix A.
- b) *In calculating its actual cost for reproducing records or for the use of the equipment of the Agency to reproduce records, the Agency will not include the costs of any search for and review of the records or other personnel costs associated with reproducing the records. (Section 6(b) of FOIA)*

ILLINOIS COUNCIL ON DEVELOPMENTAL DISABILITIES

NOTICE OF ADOPTED RULES

- c) In order to expedite the copying of records that the Agency cannot copy, due to the volume of the request or the operational needs of the Agency, in the timelines established in Section 2905.300, the requester may provide, at the requester's expense, the copy machine, all necessary materials, and the labor to copy the public records at the Agency headquarters in Section 2905.400, or at another location agreed to by both the Agency and the requester. No original record shall be removed from State-controlled premises except under constant supervision of the agency responsible for maintaining the record.
- d) Copies of records will be provided to the requester only upon payment of any fees due. *The Agency may charge the requester for the actual cost of purchasing the recording medium, whether disc, diskette, tape, or other medium, but the Agency will not charge the requester for the costs of any search for and review of the records or other personnel costs associated with reproducing the records.* (Section 6(a) of FOIA) Payment must be by check or money order sent to the Agency, payable to "Treasurer, State of Illinois".
- e) If a contractor is used to inspect or copy records, the following procedures shall apply:
- 1) The requester, rather than the Agency, must contract with the contractor;
 - 2) The requester is responsible for all fees charged by the contractor;
 - 3) The requester must notify the Agency of the contractor to be used prior to the scheduled on-site inspection or copying;
 - 4) Only Agency personnel may provide records to the contractor;
 - 5) The Agency must have verification that the requester has paid the Agency, if payment is due, for the copying of the records before providing the records to the contractor; and
 - 6) The requester must provide to the Agency the contractor's written agreement to hold the records secure and to copy the records only for the purpose stated by the requester.

Section 2905.420 Reduction and Waiver of Fees

ILLINOIS COUNCIL ON DEVELOPMENTAL DISABILITIES

NOTICE OF ADOPTED RULES

- a) *Fees may be reduced or waived by the Agency if the requester states the specific purpose for the request and indicates that a waiver or reduction of the fee is in the public interest. In making this determination, the Agency will consider the following:*
- 1) *Whether the principal purpose of the request is to disseminate information regarding the health, safety, welfare or legal rights of the general public; and*
 - 2) *Whether the principal purpose of the request is personal or commercial benefit. For purposes of this subsection (a), "commercial benefit" shall not apply to requests made by news media when the principal purpose of the request is to access and disseminate information regarding the health, safety, welfare or legal rights of the general public. (Section 6(c) of FOIA)*
- b) The Agency will provide copies of records without charge to federal, State and municipal agencies, Constitutional officers and members of the General Assembly, and not-for-profit organizations providing evidence of good standing with the Secretary of State's Office.
- c) *Except to the extent that the General Assembly expressly provides, statutory fees applicable to copies of records when furnished in a paper format will not be applicable to those records when furnished to a requester in an electronic format. (Section 6(a) of FOIA)*

ILLINOIS COUNCIL ON DEVELOPMENTAL DISABILITIES

NOTICE OF ADOPTED RULES

Section 2905 APPENDIX A Fee Schedule for Duplication and Certification of Records

TYPE OF DUPLICATION	FEE (PER COPY)
Paper copy from original, up to and including 50 copies of black and white, letter or legal sized copies	No charge
Paper copy from original, in excess of 50 copies of black and white, letter or legal sized copies	\$.15/page
Paper copy from microfilm original	\$.15/page
Microfilm diazo from original	\$.50/diazo
VHS video copy of tape	Actual cost of the reproduction
Audio tape copy of tape	Actual cost of the reproduction
CD ROM disk	Actual cost of the reproduction
Photograph from negative	Actual cost of the reproduction
Blueprints/oversized prints	Actual cost of the reproduction
Paper copies in color or in a size other than letter or legal	Actual cost of the reproduction
Certification fee	\$1.00/record

NOTE: Expense for delivery other than by First Class U.S. Mail must be borne by the requester.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Preferred Provider Programs
- 2) Code Citation: 50 Ill. Adm. Code 2051
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
2051.210	Amendment
2051.220	Amendment
2051.240	Amendment
2051.250	Amendment
2051.260	Amendment
2051.270	Amendment
2051.280	Amendment
2051.285	New Section
2051.290	Amendment
2051.295	New Section
2051.300	Amendment
2051.310	Amendment
2051.315	New Section
2051.320	Amendment
2051.330	Amendment
2051.340	Amendment
2051.350	Amendment
2051.360	Amendment
2051.370	Amendment
2051.APPENDIX A	Amendment
2051.APPENDIX B	Amendment
2051.APPENDIX C	Amendment
2051.APPENDIX D	New Section
2051.APPENDIX E	Renumbered; Amendment
2051.APPENDIX F	Renumbered; Amendment
- 4) Statutory Authority: Implementing 215 ILCS 5/Art. XX½ and 820 ILCS 305, and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/ 401]
- 5) Effective Date of Rulemaking: March 4, 2013
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- 8) A copy of the adopted rulemaking, including any material incorporated by reference, is on file in the principal office of the Department of Insurance and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 36 Ill. Reg. 6356; April 27, 2012
- 10) Has JCAR issued a Statement of Objection to this Rulemaking? No
- 11) Differences between Proposal and Final Version:
 - a) Changed *Illinois Register* volume numbers from 36 to 37 in all source notes.
 - b) Table of contents, line 11 – changed "Payor" to "Provider".
 - c) 2051.210(a), second line – after "programs" added "for health care benefit plans and for the provision of workers' compensation medical benefits by employers".
 - d) 2051.210, definition of "Specialty Preferred Provider Program Administrator", 4th line – after "specialties" added ", including but not limited to ambulance services, durable medical equipment, lab and imaging services, home health services, physical and occupational therapy and pharmacy benefits".
 - e) 2051.220, in the definition of "preferred Provider Arrangements", 2nd line - after "to be charged to beneficiaries" added "or, in the case of workers' compensation preferred provider programs, employers.".
 - f) At the end of 2051.260 added the source note.
 - g) 2051.285(b), 7th line - after "Section 8.1a(c)(2)" added "and Section 8.2(e)".
 - h) 2051.285(c), 5th line - after "requirements" added "consistent with Section 8.1a of the Workers' Compensation Act".
 - i) 2051.285(c), 6th line - changed "at no greater cost to the payor than if" to "by a non-preferred provider in accordance with the fees".
 - j) 2051.285(c), 7th-9th lines deleted.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- k) 2051.285(c), 10th line - deleted "greater than those".
- l) 2051.290(e), 1st line - after "providers" added "licensed to practice medicine in all its branches".
- m) 2051.290(e), 4th line - changed "may" to "shall".
- n) 2051.295, Section header – changed "Payor" to "Provider".
- o) 2051.295(b), 1st line - added "A" before "provision".
- p) 2051.295(e), 1st line – changed "State" to "state".
- q) 2051.295(f), 1st line -- after "providers" added "licensed to practice medicine in all its branches".
- r) 2051.295(f), 2nd line -- deleted "with which the administrator has a written provider contract".
- s) 2051.295(f), 4th line -- change "may" to "shall".
- t) 2051.295(g)(1), 2nd line – after "cause;" added "and".
- u) 2051.295(g)(2), 2nd line – deleted "and".
- v) 2051.295(g)(3) – deleted all text.
- w) 2051.300(d), 3rd line – removed the underscored space before "provider".
- x) 2051.315(a)(5), 4th line – changed "plan" to "WC PPP".
- y) 2051.315(a)(5), 12th line – after "materials," deleted the comma, added "and"; deleted "and benefit cards".
- z) 2051.315(a)(7), 5th line – after "Section 2051.300(d)", added "need to be filed".
- aa) 2051.315(b)(1)(B), 7th line -- change "at no greater cost to the" to "by the non-preferred provider in accordance with the fees".

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- bb) 2051.315(b)(1)(B) -- deleted lines 8-11.
- cc) 2051.315(b)(1)(B) line 12 - deleted "than those".
- dd) 2051.315(b)(1)(B) line 14 -- changed to "employee who violates Section 8.1a(c) and (d) of the Workers' Compensation Act".
- ee) 2051.315(b)(1)(C) line 11 -- changed "willfully chooses to access a" to "employee who violates Section 8.1a(c) and (d) of the Workers' Compensation Act".
- ff) 2051.315(b)(1)(C) line 12 -- deleted "non-preferred provider".
- gg) 2051.315(b)(1)(C) line 15 -- after "Workers' Compensation Act" added "and the Workers' Compensation Medical Fee Schedule".

In Appendix A:

- hh) 6th table, 6th row, 3rd column, 2nd line, after "providers" added "licensed to practice medicine in all its branches".
- ii) 6th table, 6th row, 3rd column, 11th line, changed "may" to "shall".

In Appendix C:

- jj) 3rd table, 6th row, 3rd column, 2nd line, after "providers" add "licensed to practice medicine in all its branches";
- kk) 3rd table, 6th row, 3rd column, 11th line, changed "may" to "shall".

In Appendix D:

- ll) 3rd table, 2nd row, 3rd column, 15th line, replaced all text after "administrators" with "risk bearing entities, and employers or employer groups for the purposes of WC PPPs."
- mm) 4th table, 2nd row, 3rd column, 3rd line, changed "between" to "among".
- nn) 5th table, 2nd row, 3rd column 3, 4th line, changed "beneficiary" to "insured".

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- oo) 5th table, 3rd row, 3rd column, 14th line, after "8.1a(c)(2)" add "and Section 8.2(e)".
- pp) 5th table, 4th row, 3rd column, 12th line, after "requirements" added "consistent with Section 8.1a of the Workers' Compensation Act"; 16th line, after "services" add "by the non-preferred provider in accordance with the fees".
- qq) 5th table, deleted 5th row.
- rr) 6th table, 3rd row, 3rd column, 7th and 8th lines, deleted "copayments, benefit maximums"; 12th and 13th lines, deleted all text after "rates".
- ss) 6th table, 4th row, 3rd column, deleted "when applicable".
- tt) 6th table, 5th row, 3rd column, 6th line, added "the beneficiary's" after "make"; 9th line, changed "insurer" to "payor"; 12th line added "compensability," after "basis, the".
- uu) 6th table, 7th row, 3rd column, 2nd line, after "providers" added "licensed to practice medicine in all its branches"; 4th-6th lines, after "hospital" deleted "with which the administrator has a written provider contract"; 11th line, changed "may" to "shall".
- vv) 6th table, 8th row, column 3, 6th line, after "cause;" added "and"; 9th line, deleted all text after "immediately" except the period.
- ww) 8th table, 6th row, column 3, 3rd line, added "insureds," before "beneficiaries"; 10th line, changed "plan" to "WC PPP" and capitalized "Part"; 35th line, deleted comma and added "and" after "materials"; 36th line, deleted all text after "brochures" except the period.
- xx) 8th table, 13th row, column 3, 7th and 8th lines, replaced all text with "to comply with the Americans With Disabilities Act of 1990".
- yy) 8th table, 14th row, column 3, 15th line, added "to" after "need".
- zz) 8th table, 15th row, column 3, 3rd line, deleted "reasonable".
- aaa) 8th table, 17th row, column 3, changed lines 19-28 to "services established by the Workers' Compensation Fee Schedule. This subsection (b)(1)(B) does not apply".

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

to a covered employee who violates Section 8.1a(c) and (d) of the Workers' Compensation Act";

- bbb) 8th table, 18th row, 3rd column, 29th line, change "willfully" to "violates Section 8.1a(c) and (d) of the Workers' Compensation Act"; delete line 30; change line 31 to "for".
- ccc) 8th table, 22nd row, column 3, 6th line, deleted all text after "service area."
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Due to the passage of PA 97-18 and the addition of Preferred Provider Programs to the Illinois Workers' Compensation Act, this rule requires revision to specifically address those entities wanting to provide a Workers' Compensation Preferred Provider Program to injured workers. Per Section 8.1a of the Workers' Compensation Act, registration and regulation of these entities falls under the jurisdiction of the Department of Insurance.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

Kari Dennison
Department of Insurance
320 West Washington Street
Springfield, Illinois 62767-0001

217/782-1771
Kari.Dennison@illinois.gov

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 INSURANCEPART 2051
PREFERRED PROVIDER PROGRAMS

Section

2051.210	Purpose
2051.220	Definitions
2051.230	Administrators Not to Assume Underwriting Risk
2051.240	Registration, Renewals and Appeals
2051.250	Fees
2051.260	Administrator Requirements
2051.270	Organizational Requirements
2051.280	<u>Health Care Preferred Provider Program Administrator</u> Payor Agreements
<u>2051.285</u>	<u>Workers' Compensation Preferred Provider Program Payor Agreements</u>
2051.290	<u>Health Care Preferred Provider Program Administrator</u> Provider Agreements
<u>2051.295</u>	<u>Workers' Compensation Preferred Provider Program</u> <u>Provider Agreements</u>
2051.300	Requirements for Agreements with Other Administrators
2051.310	<u>Health Care Preferred Provider Program Administrator</u> Network Availability and Adequacy Requirements
<u>2051.315</u>	<u>Workers' Compensation Network Availability and Adequacy Requirements</u>
2051.320	Discounted Health Care Services Plan Requirements
2051.330	Insurer Requirements
2051.340	Fiduciary and Bond Requirements
2051.350	Maintenance of Records
2051.360	Advertising and Solicitation
2051.370	Examination
2051.APPENDIX A	<u>Health Care</u> Preferred Provider <u>Program</u> Administrator Registration Form
2051.APPENDIX B	Discounted Health Care Services Plan Only Registration
2051.APPENDIX C	Insurer Filing Requirements
<u>2051.APPENDIX D</u>	<u>Workers' Compensation Preferred Provider Program Administrator</u> <u>Registration Form</u>
2051.APPENDIX ED	Illinois or NAIC Biographical Affidavit
2051.APPENDIX FE	Preferred Provider Program Administrator Bond/Fiduciary Account Requirement

AUTHORITY: Implementing Article XX½ of the Illinois Insurance Code [215 ILCS 5/Art.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

XX½] and the Workers' Compensation Act [820 ILCS 305], and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401].

SOURCE: Adopted at 20 Ill. Reg. 9960, effective July 15, 1996; expedited correction at 20 Ill. Reg. 13435, effective July 15, 1996; amended at 21 Ill. Reg. 16364, effective December 9, 1997; expedited correction at 22 Ill. Reg. 5126, effective December 9, 1997; old Part repealed at 34 Ill. Reg. 161 and new Part adopted at 34 Ill. Reg. 163, effective December 16, 2009; amended at 37 Ill. Reg. 2895, effective March 4, 2013.

Section 2051.210 Purpose

- a) The purpose of this Part is to implement Article XX½ of the Illinois Insurance Code, which, in part, provides for the regulation of preferred provider programs for health care benefit plans and for the provision of workers' compensation medical benefits by employers, including those programs that provide insureds or beneficiaries access to discounted health care provider fees. This Part defines the authority of an administrator to operate preferred provider programs in this State, establishes criteria for the registration of administrators with the Director of Insurance and establishes appropriate fees for the registration and regulation of programs. This Part also establishes requirements for any person, partnership or corporation engaged in any conduct regulated by the Act, including, but not limited to, administrators, discounted health care services plan administrators, and insurers that, under Sections 370h and 370i of the Act, enters into a preferred provider arrangement or offers a preferred provider program. The entity must comply with this Part when offering incentives to insureds or beneficiaries to utilize the services of contracted providers. This Part does not apply to ~~self-insured employers~~, employee benefit trust funds, other ERISA exempt organizations, self-funded State of Illinois health benefit plans, Medicare approved prescription drug plans or any State of Illinois discount drug program, except as otherwise set forth in this Part.
- b) This Part also implements Section 8.1a of the Workers' Compensation Act [820 ILCS 305], which provides for the regulation of certain preferred provider programs for the provision of health care services to employees under the Workers' Compensation Act. This Part defines the authority of a workers' compensation preferred provider program administrator to operate the preferred provider programs in this State, establishes criteria for the registration of those administrators with the Director of Insurance and establishes appropriate fees for the registration and regulation of the programs. This Part also establishes

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

requirements for any person, partnership or corporation engaged in any conduct regulated by Section 8.1a, including, but not limited to, workers' compensation preferred provider program administrators, employers, including self-funded employers, and insurers that offer a preferred provider program. The entity must comply with this Part when requiring employees to make a choice of a health care services provider from within the preferred provider program under Section 8(a)(4) of the Workers' Compensation Act.

(Source: Amended at 37 Ill. Reg. 2895, effective March 4, 2013)

Section 2051.220 Definitions

"Act" means the Health Care Reimbursement Reform Act of 1985 [215 ILCS 5/Art. XX½].

"Administrator", "Preferred Provider Program Administrator" or "PPP Administrator" means any person, partnership or corporation, other than a risk-bearing entity an insurer, health service corporation, limited health service organization holding a certificate of authority under the Limited Health Service Organization Act [215 ILCS 130], health maintenance organization holding a certificate of authority under the Health Maintenance Organization Act [215 ILCS 125], that arranges, contracts with, or administers contracts with a provider under which whereby insureds or beneficiaries are provided an incentive to use the services of the provider. Administrator also includes any person, partnership or corporation, other than a risk-bearing entity an insurer, health service corporation, limited health service organization holding a certificate of authority under the Limited Health Service Organization Act [215 ILCS 130], health maintenance organization holding a certificate of authority under the Health Maintenance Organization Act [215 ILCS 125], that enters into a contract with another administrator to enroll beneficiaries or insureds in a preferred provider program marketed as an independently identifiable program based on marketing materials or member benefit identification cards. For the purposes of this Part, an employer shall be considered an administrator.

"Administrator Trust Fund" or "ATF" means a special fiduciary account established and maintained by an administrator pursuant to Section 370l of the Act in which contributions and/or premiums are deposited.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

"Advertisement" means any printed or published material, audiovisual material and descriptive literature of the administrator, discounted health care services plan administrator, or private label marketer used in direct mail, newspapers, magazines, radio scripts, television scripts, billboards and similar displays; and any descriptive literature or sales aids of all kinds disseminated by a representative of the administrator, discounted health care services plan administrator, or private label marketer for presentation to the public, including, but not limited to, circulars, leaflets, booklets, depictions, illustrations, form letters and prepared sales presentations.

"Affiliate" ~~An affiliate of, or person "affiliated" with, a specific person~~ means a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the persons specified.

"Beneficiary" means an individual, enrollee, insured, participant or any other person entitled to reimbursement for covered expenses of, or the discounting of provider fees for, health care services under a program in which the beneficiary has an incentive to utilize the services of a provider that has entered into an agreement or arrangement with an administrator pursuant to Section 370g(f) of the Act. Beneficiary, for the purposes of a workers' compensation preferred provider program (WC PPP), shall also include covered employees.

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

"Control", ~~(including the terms "controlling", "controlled by" and "under common control with")~~ means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, the holding of policyholders' proxies, by contract other than a commercial contract for goods or non-management services, or otherwise, unless the power is solely the result of an official position with or corporate office held by the person. Control is presumed to exist if any person, directly or indirectly, owns, controls, holds with the power to vote, or holds shareholders' proxies representing 10% or more of the voting securities of any other person, or holds or controls sufficient policyholders' proxies to elect the majority of the board of directors of the domestic company. This presumption may be rebutted by a showing made to the Director. ~~The Director may determine, after furnishing all persons in interest notice and opportunity to be heard and making specific findings of fact to support that determination, that control exists in fact, notwithstanding the absence of a presumption to that effect.~~

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

"Covered Employee" means an employee or former employee whose employer has established or contracted for an approved WC PPP for the provision of health care services to injured employees in accordance with Section 8.1a of the Workers' Compensation Act.

"Department" means the Illinois Department of Insurance.

"Director" means the Director of the Illinois Department of Insurance.

"Discounted Health Care Services" means health care services provided by health care services providers under a discounted health care services plan when there are no other incentives, such as copayment, coinsurance or any other reimbursement differential, for beneficiaries to utilize the provider.

"Discounted Health Care Services Plan" or "DHCSPP" means a preferred provider program ~~by which~~whereby beneficiaries, in exchange for fees, dues, charges or other consideration, are provided an incentive, in the form of discounted health care services, to use the services of the provider.

"Discounted Health Care Services Plan Administrator" or "DHCSPP Administrator" means ~~an administrator any person, partnership or corporation, other than an insurer, health service corporation, limited health service organization holding a certificate of authority under the Limited Health Service Organization Act, or health maintenance organization holding a certificate of authority under the Health Maintenance Organization Act,~~ that arranges, contracts with, or administers contracts with a provider ~~under which~~whereby insureds or beneficiaries are provided an incentive to use health care services provided by health care services providers under a discounted health care services plan in which there are no other incentives, such as copayment, coinsurance or any other reimbursement differential, for beneficiaries to utilize the provider. DHCSPP administrator~~Discounted Health Care Services Plan Administrator~~ also includes any person, partnership or corporation, other than ~~a risk-bearing entity an insurer, health service corporation, limited health service organization holding a certificate of authority under the Limited Health Service Organization Act, or health maintenance organization holding a certificate of authority under the Health Maintenance Organization Act,~~ that enters into a contract with another DHCSPP administrator to enroll beneficiaries or insureds in a DHCSPP preferred provider

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

~~program~~ marketed as an independently identifiable program based on marketing materials or member benefit identification cards.

"Doing Business As" or "DBA" means the name under which discounted health care services are marketed.

"Economic Evaluation" means any evaluation, as described in Section 8.1a(b) of the Workers' Compensation Act, of a particular physician, provider, medical group or individual practice association based in whole or in part on the economic costs or utilization of services associated with medical care provided or authorized by the physician, provider, medical group or individual practice association. Negotiated rates with a provider are not a form of economic evaluation.

"Emergency Medical Condition" means a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in:

Placing the health of the individual (or, with respect to a pregnant woman, the health of the woman or her unborn child) in serious jeopardy;

Serious impairment to bodily functions; or

*Serious dysfunction of any bodily organ or part. [\[215 ILCS 5/370g\(h\)\]](#)
(See Section [370g\(h\)](#) of the Act.)*

"Employer" means an employer contracting directly with providers, or with multiple WC PPP administrators for the purposes of implementing a preferred provider program under Section 8.1a of the Workers' Compensation Act.

"Exclusive Provider Organization" or "EPO" means any arrangement, other than a health maintenance organization, limited health service organization, voluntary health services plans, or a ~~DHCSP discounted health care services plan~~, under which ~~whereby~~ the beneficiary receives no coverage or benefits when utilizing non-preferred providers, except when such an arrangement is shown to be in the best interest of the beneficiaries and has been expressly approved by the Director in writing. ~~WC PPPs are not a form of EPO.~~

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

"Financial Institution" means a federal or State chartered bank or savings and loan institution.

"Gatekeeper Option" means an option offered by or through a preferred provider program that requires the beneficiary to preselect a particular primary care physician, from a list of participating primary care physicians, who shall coordinate all of the non-emergency primary, specialty, hospital and other health care services, including referrals to other providers, as a condition for receipt of a higher level of benefits or reimbursement level, or both.

"Health Care Preferred Provider Program" or "HC PPP" means a preferred provider program for the provision of health care services provided for health insurance or discounted health care services coverage.

"Health Care Preferred Provider Program Administrator" or "HC PPP Administrator" means an administrator of an HC PPP. HC PPP administrator also includes any person, partnership or corporation, other than a risk-bearing entity, that enters into a contract with another HC PPP administrator to enroll beneficiaries or insureds in an HC PPP marketed as an independently identifiable program based on marketing materials or member benefit identification cards.

"Health Care Services" means health care services or products rendered or sold by a provider within the scope of the provider's license or legal authorization. The term includes, but is not limited to, hospital, medical, surgical, dental, vision and pharmaceutical services or products.

"Health Service Corporation" means a voluntary health service plan and/or a dental service plan licensed under the Voluntary Health Services Plans Act [215 ILCS 165] or the Dental Service Plan Act [215 ILCS 110].

"HMO Act" means the Health Maintenance Organization Act [215 ILCS 125].

"Non-preferred Provider" means any provider that does not have a contractual relationship, directly or indirectly, with the administrator or ~~DHCSP~~discounted health care services plan administrator for the provision of, or discounting of, health care services.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

"Payor" means an entity responsible for bearing the risk of health care services. An administrator ~~other than a self-insured employer implementing a WC PPP~~, is prohibited from being a payor and may not bear or assume any underwriting risk.

"Preferred Provider" means any provider who has entered, either directly or indirectly, into an agreement with an administrator, ~~entity or insurer~~ employer or risk-bearing entity relating to health care services that may be rendered to beneficiaries under a preferred provider program, including providing discounts for health care services.

"Preferred Provider Arrangements" means policies, agreements or arrangements with providers relating to the amounts to be charged to beneficiaries or, in the case of Workers' Compensation preferred provider programs, employers, for health care services that include incentives for the beneficiary to use those services, including discounted health care services.

"Preferred Provider Program" or "PPP" means a system to make preferred provider arrangements available to beneficiaries.

"Primary Care Physician" means a provider who has contracted with an administrator to provide primary care services as defined by the contract and who is a physician licensed to practice medicine in all of its branches who spends a majority of clinical time engaged in general practice or in the practice of internal medicine, pediatrics, gynecology, obstetrics or family practice, or a chiropractic physician licensed to treat human ailments without the use of drugs or operative surgery. (See 77 Ill. Adm. Code 240.20.)

"Primary Treating Physician" means a provider who has contracted with a WC PPP administrator to provide health care services and who is a type of physician licensed to treat the injury experienced by the covered employee. This physician will be responsible for managing the care of the covered employee, including rendering and prescribing treatment.

"Private Label Marketer" means any entity, other than a ~~DHCSP discounted health care services plan~~ administrator, that directly or indirectly contracts with an administrator respecting the marketing or use of a ~~DHCSP discounted health care services plan~~ under a name other than that of the administrator.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

"Provider" means an individual or entity duly licensed or legally authorized to provide health care services.

"Risk-Bearing Entity" means an insurer, health service corporation, limited health service organization holding a certificate of authority under the Limited Health Service Organization Act [215 ILCS 130], or health maintenance organization holding a certificate of authority under the HMO Act.

"Specialty Preferred Provider Program Administrator" or "SPPP Administrator" means an administrator of a preferred provider program for the provision of workers' compensation benefits that contracts with preferred providers for health care services in one or a limited number of health care specialties, including but not limited to ambulance services, durable medical equipment, lab and imaging services, home health services, physical and occupational therapy and pharmacy benefits. SPPP administrators are subject to the requirements of a WC PPP administrator, unless specifically exempted, and must contract with a WC PPP administrator to supplement WC PPPs approved by the Director of Insurance.

"Woman's Principal Health Care Provider" means a physician licensed to practice medicine in all of its branches specializing in obstetrics or gynecology ~~or specializing in family practice~~, as provided by Section 356r of the Code. [215 ILCS 5/356r(c)(1)]

"Workers' Compensation Preferred Provider Program" or "WC PPP" means a preferred provider program for the provision of workers' compensation benefits that meets the requirements of Section 8.1a of the Workers' Compensation Act.

"Workers' Compensation Preferred Provider Program Administrator" or "WC PPP Administrator" means an administrator of a WC PPP.

(Source: Amended at 37 Ill. Reg. 2895, effective March 4, 2013)

Section 2051.240 Registration, Renewals and Appeals

- a) No person, partnership or corporation shall act as an administrator ~~or discounted health care services plan administrator~~ until that person, partnership or corporation has registered with the Director as required by this Section. In addition, all administrators ~~and discounted health care services plan~~

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

~~administrators~~ shall annually renew their registration with the Director as required by this Section.

- b) Upon the filing of an application to register as a preferred provider program administrator and the payment of the registration fee required by Section 2051.250, the Director shall register the applicant if the Director finds that the applicant:
- 1) Has provided a detailed plan of operation;
 - 2) Is competent and trustworthy and intends to act in good faith in the capacity authorized by the license;
 - 3) Has a good business reputation and has had experience, training or education so as to be qualified in the business for which the license is applied for; and
 - 4) Has incorporated under the laws of this State or, if a foreign corporation or limited liability corporation, is authorized to transact business in this State.
- c) A registered administrator ~~or discounted health care services plan administrator~~ may continue to operate if a completed renewal application and the fee required by Section 2051.250 have been filed prior to the renewal date, unless the renewal is denied by the Director.
- d) If a completed renewal application and appropriate fee are not received prior to the renewal date, the registration will automatically expire. An administrator ~~or discounted health care services plan administrator~~ whose registration has expired may not operate in this State until the administrator ~~or discounted health care services plan administrator~~ reapplies and pays the initial registration fee established by Section 2051.250 and the Director registers the administrator ~~or discounted health care services plan administrator~~ as provided by Sections 2051.240 and 2051.250.
- e) The Director may suspend, revoke or refuse to issue or renew an administrator's ~~or discounted health care services plan administrator's~~ registration or may levy a civil penalty, or take any combination of actions, if the applicant:

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- 1) Provides unjust, unfair, inequitable, ambiguous, incorrect, misleading, incomplete, inconsistent, deceptive or materially untrue information, or if the program is administered in a way that is contrary to law or to the public policy of this State;
 - 2) Has violated any insurance laws or any rule, subpoena or Order of the Director or of another state's insurance commissioner;
 - 3) Is registered or attempts to register through misrepresentation or fraud;
 - 4) Improperly withholds, misappropriates or converts any moneys or properties received in the course of doing business;
 - 5) Intentionally misrepresents the terms of an actual or proposed ~~DHCSP discounted health care services plan~~;
 - 6) Has been convicted of a felony;
 - 7) Has admitted or been found to have committed any unfair trade practice or fraud;
 - 8) Uses fraudulent, coercive or dishonest practices, or demonstrates incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this State or elsewhere;
 - 9) Has an administrator's ~~or discounted health care services plan administrator's~~ registration, or its equivalent, denied, suspended or revoked in any other state, province, district or territory;
 - 10) Knowingly contracts with an administrator ~~or discounted health care services plan administrator~~ who is not registered.
- f) If an application for registration or renewal is denied under this Section or if the registration is suspended or revoked, the applicant may appeal that action by requesting a hearing under the terms of Article 10 of the Illinois Administrative Procedure Act [5 ILCS 100/Art. 10] and 50 Ill. Adm. Code 2402. A petition for hearing must be postmarked no later than 30 days after the date of initial denial. A hearing shall be scheduled within 45 days after the petition is filed with the

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

Director. An Order shall be issued by the Director within 60 days after the close of the hearing.

- g) Each administrator ~~and discounted health care services plan administrator~~ must keep current the information required to be disclosed in its registration statements by reporting any change or alteration in existing materials that would have an effect on the operation of the administrator ~~or discounted health care services plan administrator~~, the availability and accessibility of health care, or any parties directly or indirectly contracted with the administrator to the Director within 30 days after the end of the month of each change or addition. All information filed with the Director pursuant to this Part regarding the methods and/or amounts of reimbursement between providers and the administrator under a preferred provider program, or between administrators ~~and/or discounted health care services plan administrators~~, is deemed to be confidential.
- h) For the purposes of a WC PPP, the Director of the Department of Insurance shall make each administrator's filing available to the public upon request. The Director may not publicly disclose any information submitted pursuant to Section 8.1a that is determined by the Director to be confidential, proprietary or trade secret information pursuant to State and federal law.

(Source: Amended at 37 Ill. Reg. 2895, effective March 4, 2013)

Section 2051.250 Fees

On or after January 1, 2010, each new administrator ~~or discounted health care services plan administrator~~ doing business in this State shall pay to the Director an initial registration fee of \$1000. Each administrator ~~or discounted health care services plan administrator~~ doing business in this State shall annually pay to the Director a renewal fee of \$500 in order to maintain the registration.

(Source: Amended at 37 Ill. Reg. 2895, effective March 4, 2013)

Section 2051.260 Administrator Requirements

Each applicant for registration shall file the following information and documents with the Director in the format provided in Appendix A. DHCSP ~~or, for~~ administrators who only administer DHCSPs ~~discounted health care services plans~~, shall instead file in the format

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

provided in Appendix B. WC PPP administrators shall instead file in the format provided in Appendix D.

- a) Organizational requirements identified in Section 2051.270;
- b) Sample copies of all payor and provider agreements identified in Sections 2051.280 and 2051.290, when applicable. If the terms and conditions in an agreement include significant, substantial or material change or additions, the filing of one complete sample of each type of agreement, together with a description of all variable terms and conditions, will satisfy this requirement;
- c) Signed copies of all current administrative agreements with any entity with which the applicant contracts to provide services or to meet the requirements of the Act. Examples of these contracts may include, but are not necessarily limited to, agreements with other administrators ~~and/or discounted health care services plan administrators~~, utilization review organizations, third party administrators, third party prescription program administrators, risk-bearing entities, and employers or employer groups for the purposes of WC PPPs ~~insurers, health maintenance organizations and health service corporations~~. Agreements at a minimum shall contain the following provisions:
 - 1) Network availability and adequacy requirements identified in Section 2051.310 or 2051.315;
 - 2) If applicable, any DHCSP ~~discounted health care services plan~~ beneficiary agreement requirements identified in Section 2051.320;
 - 3) Copies of the preferred provider program disclosure statements required to be furnished to beneficiaries by Section 370m of the Act and illustrative advertising material to be used by the applicant;
 - 4) A description of programs for utilization review, including procedures for timely investigation, resolution of questions concerning medical necessity and appropriateness of medical services and supplies and appeals from beneficiaries and providers as provided by Section 370s of the Act and Section 85 of the Managed Care Reform and Patient Rights Act [215 ILCS 134/85] or, for the purposes of WC PPP, Section 8.7 of the Workers' Compensation Act. Administrators who administer only

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

~~DHCSPs discounted health care services plans~~ need not comply with this ~~subsection requirement~~;

- 5) A description of any fiduciary account established by the administrator, including the location and identification number of the account, established and maintained pursuant to Section 370l of the Act and Section 2051.340 of this Part; and/or a bond in compliance with Section 370l of the Act and Section 2051.340 of this Part. If a bond is submitted, the administrator shall also furnish a certification of the total estimated annual reimbursements under the preferred provider program, supported by the methodology used to arrive at that figure;
 - 6) Administrators may not participate in an exclusive provider organization in this State, except when such an arrangement is shown to be in the best interest of the beneficiaries and has been expressly approved by the Director in writing. This subsection (c)(6) does not apply to administrators offering only ~~DHCSPs discounted health care services plans~~.
 - 7) WC PPP administrators that utilize economic evaluation of their providers shall file a description of any policies and procedures related to the economic evaluation utilized by the program. The filing shall describe how these policies and procedures are used in utilization review, peer review, incentive and penalty programs, and in provider retention and termination decisions.
 - 8) WC PPP administrators shall provide those policies and procedures instituted to insure the employer is providing proper notification to the covered employee in accordance with the form promulgated by the Workers' Compensation Commission.
- d) A listing containing the name, address and FEIN of all entities that private label a ~~DHCSP discounted health care services plan~~ of the administrator, including:
- 1) The name of the private label marketer;
 - 2) Any DBA used by the private label marketer; and
 - 3) All product names used by the private label marketer.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 37 Ill. Reg. 2895, effective March 4, 2013)

Section 2051.270 Organizational Requirements

Upon application for registration, administrators ~~and discounted health care services plan administrators~~ must file the following information:

- a) An organizational chart describing the relationship between the administrator ~~or discounted health care services plan administrator~~, its parent organization and any affiliates, including the state of domicile and the primary business of each entity;
- b) Proof of registration with the Illinois Secretary of State and the company's FEIN;
- c) Names, addresses, official positions and biographical affidavits as prescribed in Appendix ~~ED~~ for the people responsible for the conduct of the affairs of the administrator ~~or discounted health care services plan administrator~~; and
- d) Location of all administrative offices of the administrator located in this State and regular business hours during which offices are open.

(Source: Amended at 37 Ill. Reg. 2895, effective March 4, 2013)

Section 2051.280 Health Care Preferred Provider Program Payor Agreements

Administrators shall file with the Department a sample copy of all payor agreements. WC PPPs are exempt from the requirements of this Section, but must instead comply with the requirements of Section 2051.285. These agreements ~~Any payor agreements between administrators or discounted health care services plan administrators and payors~~ shall contain at a minimum:

- a) Terms requiring and specifying all incentives to be provided to the insured or beneficiary to utilize services of a provider that has entered into an agreement with the administrator;
- b) Terms stating that, whenever an administrator or a preferred provider finds it medically necessary to refer a beneficiary to a non-preferred provider, the payor shall ensure that the beneficiary so referred shall incur no greater out of pocket liability than had the beneficiary received services from a preferred provider. This subsection does not apply to a beneficiary who willfully chooses to access a non-

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

preferred provider for health care services available through the administrator's panel of participating providers. In these circumstances, the contractual requirements for non-preferred provider reimbursements will apply. This subsection does not apply to administrators offering only a DHCSP discounted health care services plan;

- c) Terms requiring that both the payor's and administrator's name and toll-free telephone numbers be contained on all beneficiaries' identification cards;
- d) Terms specifying that only the payor may assume any underwriting risk when that risk is part of the delivery of services.

(Source: Amended at 37 Ill. Reg. 2895, effective March 4, 2013)

Section 2051.285 Workers' Compensation Preferred Provider Program Payor Agreements

Any payor agreements between WC PPP administrators and payors shall contain, at a minimum:

- a) Terms requiring and specifying all incentives to be provided to the insured to utilize services of a provider that has entered into an agreement with the administrator;
- b) Terms stating that, whenever an administrator or a preferred provider finds it medically necessary to refer a beneficiary to a non-preferred provider because the preferred provider program does not contain a provider who can provide the approved treatment, and if the beneficiary has complied with any reasonable pre-authorization requirements, the payor shall ensure that the beneficiary so referred shall incur no greater liability than had the beneficiary received services from a preferred provider, except as provided under Section 8.1a(c)(2) and Section 8.2(e) of the Workers' Compensation Act;
- c) Terms stating that, whenever an administrator or a preferred provider finds it medically necessary to refer a beneficiary to a non-preferred provider because the preferred provider program does not contain a provider who can provide the approved treatment, and if the beneficiary has complied with any reasonable pre-authorization requirements consistent with Section 8.1a of the Workers' Compensation Act, the WC PPP shall ensure that the covered employee will be provided the covered services by a non-preferred provider in accordance with the

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

fees established by the Workers' Compensation Fee Schedule (see 50 Ill. Adm. Code 7110.90 and the WCC website at <https://iwcc.ingenix.com/iwcc.asp>).

(Source: Added at 37 Ill. Reg. 2895, effective March 4, 2013)

Section 2051.290 Health Care Preferred Provider Program Administrator Provider Agreements

Administrators shall file a sample of copy of all provider agreements. WC PPPs are exempt from the requirements of this Section, but must instead comply with the requirements of Section 2051.295. The agreements~~All provider agreements between administrators and providers~~ shall contain, at a minimum:

- a) A provision identifying the specific covered health care services for which the preferred provider will be responsible, including any discount services, copayments, benefit maximums, limitations and exclusions, as well as any discount amount or discounted fee schedule reflecting discounted rates;
- b) A provision requiring the provider to comply with applicable administrative policies and procedures of the administrator including, but not limited to credentialing or recredentialing requirements; and, except for ~~DHCSP discounted health care services plan~~ administrators, utilization review requirements, and referral procedures;
- c) Medical Records
 - 1) A provision requiring that, when payments are due to the provider for services rendered to a beneficiary, the provider must maintain and make medical records available:
 - A) To the administrator and/or insurer for the purpose of determining, on a concurrent or retrospective basis, the medical necessity and appropriateness of care provided to beneficiaries;
 - B) To appropriate State and federal authorities and their agents involved in assessing the accessibility and availability of care or investigating member grievances or complaints; and

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- C) To show compliance with the applicable State and federal laws related to privacy and confidentiality of medical records.
- 2) This subsection (c) does not apply to administrators offering only a ~~DHCSP discounted health care services plan~~;
- d) A provision requiring providers to be licensed by the State, and to notify the administrator immediately whenever there is a change in licensure or certification status;
- e) A provision requiring all physician providers licensed to practice medicine in all its branches to have admitting privileges in at least one hospital with which the administrator has a written provider contract. The administrator shall be notified immediately of any changes in privileges at any hospital or admitting facility. Reasonable exceptions shall may be made for physicians who, because of the type of clinical specialty, or location or type of practice, do not customarily have admitting privileges. This subsection (e) does not apply to administrators offering only ~~DHCSPs discounted health care services plans~~;
- f) A provision describing notification procedures for contract termination. Termination provisions shall require:
- 1) Not less than 30 days prior written notice by either party who wishes to terminate the contract without cause;
 - 2) That the administrator may immediately terminate the provider contract for cause; and
 - 3) If applicable, that a provider, acting as primary care physician under plans requiring a gatekeeper option, must provide the administrator with a list of all patients using that provider as a gatekeeper within 5 working days after the date that the provider either gives or receives notice of termination;
- g) A provision explaining the provider responsibilities for continuation of covered services in the event of contract termination, to the extent that an extension of benefits is required by law or regulation, or that continuation is voluntarily provided by the administrator. This subsection (g) does not apply to administrators offering only a ~~DHCSP discounted health care services plan~~;

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- h) A provision stating that the rights and responsibilities under the contract cannot be sold, leased, assigned, assumed or otherwise delegated by either party without the prior written consent of the other party. ~~The~~ Similarly, the provider's written consent must be obtained for any assignment or assumption of the provider contract whenever an administrator or insurer is bought by another administrator or insurer. A clause within the provider contract allowing assignment will be deemed consent so long as the assignment is in accordance with the terms of the contract. The assignee must comply with all the terms and conditions of the contract being assigned, including all appendices, policies and fee schedules;
- i) A provision stating that the preferred provider has and will maintain adequate professional liability and malpractice coverage, through insurance, self-funding, or other means satisfactory to the administrator. The administrator must be notified within no less than 10 days after the provider's receipt of notice of any reduction or cancellation of the required coverage;
- j) A provision stating that the provider will provide health care services without discrimination against any beneficiary on the basis of participation in the preferred provider program, source of payment, age, sex, ethnicity, religion, sexual preference, health status or disability;
- k) A provision regarding the preferred provider's obligation, if any, to collect applicable copayments, coinsurance and/or deductibles from beneficiaries as provided by the beneficiary's health care services contract, and to provide notice to beneficiaries of their personal financial obligations for non-covered services. This provision shall include any amount of applicable discounts or, alternatively, a fee schedule that reflects any discounted rates. For ~~DHCSPs discounted health care services plans~~ only, a provision that providers may not charge beneficiaries more than any applicable discounted rates in accordance with payment terms and provisions contained in a ~~DHCSP discounted health care services plan~~ agreement signed by a beneficiary;
- l) A provision regarding any obligation to provide covered health services on a 24 hour per day, 7 day per week basis;
- m) A provision clearly describing the administrator's and payor's payment obligations to the provider. For ~~DHCSPs discounted health care services plans~~, neither administrators nor payors may pay providers for health care services provided to beneficiaries. For ~~DHCSPs discounted health care services plans~~, neither

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

administrators nor payors may accept money from a beneficiary for payment to a provider for specific health care services furnished or to be furnished to the beneficiary;

- n) A provision identifying the administrative services, if any, the administrator will perform and the types of information (e.g., financial, enrollment, utilization) that will be submitted to the provider, as well as other information that is accessible to the provider;
- o) A provision obligating the administrator to provide a method for providers to access each payor to obtain benefit information and adequate notice of change in benefits and copayments, and a provision obligating the administrator to provide all of the administrator's operational policies. This subsection ~~(e)~~ does not apply to administrators offering only a DHCSP discounted health care services plan;
- p) A provision identifying applicable internal appeal or arbitration procedures for settling contractual disputes or disagreements between the administrator and preferred provider.

(Source: Amended at 37 Ill. Reg. 2895, effective March 4, 2013)

Section 2051.295 Workers' Compensation Preferred Provider Program Provider Agreements

All provider agreements between providers and insurers, employers or WC PPP administrators with regard to a WC PPP shall contain, at a minimum:

- a) A provision stating, within the preamble, that the agreement conforms to the requirements of Section 8.1a of the Illinois Workers' Compensation Act;
- b) A provision identifying the specific covered health care services for which the preferred provider will be responsible, including any discount services, limitations and exclusions, as well as any discount amount or discounted fee schedule reflecting discounted rates;
- c) A provision requiring the provider to comply with applicable administrative policies and procedures of the administrator, including, but not limited to, credentialing or recredentialing requirements, utilization review requirements, and referral procedures;

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- d) A provision requiring that, when payments are due to the provider for services rendered to a beneficiary, the provider must maintain and make the beneficiary's medical records available:
- 1) To the administrator and/or payor for the purpose of determining, on a concurrent or retrospective basis, the compensability, medical necessity and appropriateness of care provided to beneficiaries;
 - 2) To appropriate State and federal authorities and their agents involved in assessing the accessibility and availability of care or investigating member grievances or complaints; and
 - 3) To show compliance with the applicable State and federal laws related to privacy and confidentiality of medical records;
- e) A provision requiring providers to be licensed by the state and to notify the administrator immediately whenever there is a change in licensure or certification status;
- f) A provision requiring all physician providers licensed to practice medicine in all its branches to have admitting privileges in at least one hospital. The administrator shall be notified immediately of any changes in privileges at any hospital or admitting facility. Reasonable exceptions shall be made for physicians who, because of the type of clinical specialty or location or type of practice, do not customarily have admitting privileges;
- g) A provision describing notification procedures for contract termination. Termination provisions shall require:
- 1) Not less than 30 days prior written notice by either party who wishes to terminate the contract without cause; and
 - 2) that the administrator may immediately terminate the provider contract for cause;
- h) A provision explaining the provider's responsibilities for continuation of covered services in the event of contract termination, to the extent that an extension of

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

benefits is required by law or regulation or that continuation is voluntarily provided by the administrator;

- i) A provision stating that the rights and responsibilities under the contract cannot be sold, leased, assigned, assumed or otherwise delegated by either party without the prior written consent of the other party. Similarly, the provider's written consent must be obtained for any assignment or assumption of the provider contract whenever an administrator or insurer is bought by another administrator or insurer. A clause within the provider contract allowing assignment will be deemed consent so long as the assignment is in accordance with the terms of the contract. The assignee must comply with all the terms and conditions of the contract being assigned, including all appendices, policies and fee schedules;
- j) A provision stating that the preferred provider has and will maintain adequate professional liability and malpractice coverage, through insurance, self-funding or other means satisfactory to the administrator. The administrator must be notified within no less than 10 days after the preferred provider's receipt of notice of any reduction or cancellation of the required coverage;
- k) A provision stating that the provider will provide health care services without discrimination against any beneficiary on the basis of participation in the preferred provider program, source of payment, age, sex, ethnicity, religion, sexual preference, health status or disability;
- l) A provision regarding the preferred provider's obligation to provide notice to beneficiaries of their personal financial obligations for non-covered services;
- m) A provision that providers may charge covered employees for those services determined to be not compensable under the Workers' Compensation Act;
- n) A provision regarding any obligation to provide covered health services on a 24 hour per day, 7 day per week basis;
- o) A provision clearly describing the administrator's and payor's payment obligations to the provider, including but not limited to the payment of statutory interest on late payments as required in Section 8.2(d)(3) of the Workers' Compensation Act;
- p) A provision identifying the administrative services, if any, the administrator will perform and the types of information (e.g., financial, enrollment, utilization) that

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

will be submitted to the provider, as well as other information that is accessible to the provider;

- q) A provision obligating the administrator to provide a method for providers to access each payor to obtain benefit information and a provision obligating the administrator to provide all of the administrator's operational policies;
- r) A provision identifying applicable internal appeal or arbitration procedures for settling contractual disputes or disagreements between the administrator and preferred provider.

(Source: Added at 37 Ill. Reg. 2895, effective March 4, 2013)

Section 2051.300 Requirements for Agreements with Other Administrators

- a) Before entering into a contract with another administrator ~~or discounted health care services plan administrator~~ to administer programs, policies or subscriber contracts in this State as provided by Section 370i(b)(2) of the Act, an administrator ~~or discounted health care services plan administrator~~ shall perform due diligence to ensure the other entity is properly registered under this Part or otherwise appropriately licensed under the Code.
- b) Any provider contract or preferred provider program that is sold, leased, assigned, assumed or otherwise delegated must have the terms of that transaction affecting the provision of health care services by providers, including any additional discount, repricing or other consideration, clearly described in the contract. The administrator ~~, discounted health care services plan administrator~~ or payor accessing the provider network shall be contractually obligated to comply with all applicable terms, limitations and conditions of the provider network contract, including all appendices, policies and fee schedules. An administrator shall provide to the provider upon request a written or electronic list of all current payors ~~, administrators and discounted health care services plan administrators~~ to which the provider contract or program has been sold, leased, assigned, assumed or otherwise delegated.
- c) An administrator shall approve in writing, prior to use, all advertisements, marketing materials, brochures and if applicable, identification cards used by any other administrator ~~or discounted health care services plan administrator~~ to market, promote, sell or enroll members in its preferred provider program.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- d) No preferred provider program may be sold, leased, assigned, assumed or otherwise delegated to another administrator without the prior written consent of the providers contracting under the program. A clause within the provider contract allowing assignment will be deemed consent so long as the assignment is in accordance with terms of the contract. The assignee must comply with all the terms and conditions of the contract being assigned, including all appendices, policies and fee schedules.

(Source: Amended at 37 Ill. Reg. 2895, effective March 4, 2013)

Section 2051.310 Health Care Preferred Provider Program Administrator Network Availability and Adequacy Requirements

- a) Administrators and insurers must file a description of the services to be offered through the preferred provider program. WC PPPs are exempt from the requirements of this Section, but must instead comply with the requirements of Section 2051.315. The description shall include:
- 1) The method of marketing the program;
 - 2) A geographic map of the area proposed to be served by the program by county and zip code, including marked locations for preferred providers;
 - 3) The names, addresses and specialties of the providers who have entered into preferred provider agreements under the program;
 - 4) The number of beneficiaries anticipated to be covered by the providers listed in subsection (a)(3);
 - 5) An Internet website and toll-free telephone number for beneficiaries and prospective beneficiaries to access regarding up-to-date lists of preferred providers, additional information about the DHCSP discounted health care services plan, as well as any other information necessary to conform to this Part. A plan shall identify specific providers in a beneficiary's area, confirm specific provider participation or provide a listing of preferred providers by mail. Preferred provider lists requested by phone must be sent within 3 working days. The up-to-date provider list applies to all providers that have entered arrangements to provide services under the

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

program either directly, or indirectly through another administrator. Administrators' and insurers' Internet website addresses shall be prominently displayed on all advertisements, marketing materials, brochures, benefit cards and identification cards; and

- 6) A description of how health care services to be rendered under the preferred provider program are reasonably accessible and available to beneficiaries. Standards shall address:
- A) The type of health care services to be provided by the administrator;
 - B) The ratio of providers to beneficiaries, by specialty and including primary care physicians when applicable under the contract, necessary to meet the health care needs and service demands of the currently enrolled population;
 - C) The greatest distance or time that the beneficiary may be required to travel to access:
 - i) Preferred provider hospital services when applicable under the contract;
 - ii) Primary care physician and woman's principal health care provider physician services when applicable under the contract;
 - iii) Any applicable health care service providers;
 - D) Written policies and procedures for determining when the program is closed to new providers desiring to enter into preferred provider arrangements;
 - E) Written policies and procedures for adding providers to meet patient needs based on increases in the number of beneficiaries, changes in the patient to provider ratio, changes in medical and health care capabilities, and increased demand for services;

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- F) The provision of 24 hour, 7 day per week access to network affiliated primary care and woman's principal health care providers. This subsection (a)(6)(F) does not apply to administrators offering only a DHCSP~~discounted health care services plan~~;
- G) The procedures for making referrals within and outside the network. This subsection (a)(6)(G) does not apply to administrators offering only a DHCSP~~discounted health care services plan~~;
- H) A provision ensuring that whenever a beneficiary has made a good faith effort to utilize ~~preferred network~~ providers for a covered service and it is determined the administrator does not have the appropriate preferred providers due to insufficient number, type or distance, the administrator shall ensure, directly or indirectly, by terms contained in the payor contract, that the beneficiary will be provided the covered service at no greater cost to the beneficiary than if the service had been provided by a preferred provider. This subsection (a)(6)(H) does not apply to a beneficiary who willfully chooses to access a non-preferred provider for health care services available through the administrator's panel of participating providers. In these circumstances, the contractual requirements for non-preferred provider reimbursements will apply. This subsection (a)(6)(H) does not apply to administrators offering only a DHCSP~~discounted health care services plan~~;
- I) The procedures for paying benefits when particular physician specialties are not represented within the provider network, or the services of such providers are not available at the time care is sought. In any case in which a beneficiary has made a good faith effort to utilize network providers, by satisfying contractual obligation specified in the benefit contract or certificate, for a covered service and the administrator does not have the appropriate preferred specialty providers (including but not limited to radiologists, anesthesiologists, pathologists and emergency room physicians) under contract due to the inability of the administrator to contract with the specialists, or due to the insufficient number or type of, or travel distance to, specialists, the administrator shall

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

ensure that the beneficiary will be provided the covered service at no greater cost to the beneficiary than if the service had been provided by a preferred provider. This subsection (a)(6)(I) does not apply to a beneficiary who willfully chooses to access a non-preferred provider for health care services available through the administrator's panel of participating providers. In these circumstances, the contractual requirements for non-preferred provider reimbursements will apply. This subsection (a)(6)(I) does not apply to administrators offering only a ~~DHCSP discounted health care services plan~~;

- J) A provision that the beneficiary shall receive emergency care coverage such that payment for this coverage is not dependent upon whether the services are performed by a preferred or non-preferred provider and the coverage shall be at the same benefit level as if the service or treatment had been rendered by a ~~preferred plan~~ provider. For purposes of this subsection (a)(6)(J), "the same benefit level" means that the beneficiary will be provided the covered service at no greater cost to the beneficiary than if the service had been provided by a preferred provider. This subsection (a)(6)(J) does not apply to administrators offering only a ~~DHCSP discounted health care services plan~~;
- K) A limitation that, if the plan provides that the beneficiary will incur a penalty for failing to pre-certify inpatient hospital treatment, the penalty may not exceed \$1,000 per occurrence;
- L) Efforts to address the needs of beneficiaries with limited English proficiency and literacy ~~and/or, with~~ diverse cultural and ethnic backgrounds, and ~~to comply with the Americans With Disabilities Act of 1990 with physical and mental disabilities~~;
- M) A sample beneficiary identification card in conformity with the Uniform Health Care Service Benefits Information Card Act [215 ILCS 139], and the Uniform Prescription Drug Information Card Act [215 ILCS 138] when pharmaceutical services are provided as part of the program's health care services;

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- N) When a gatekeeper option is included as part of the program, a requirement that the administrator make a good faith effort to provide written notice of termination of the gatekeeper to all beneficiaries who are patients seen on a regular basis by the gatekeeper whose contract is terminating. In a gatekeeper option, when a contract termination involves a primary care physician, all beneficiaries who are patients of that primary care physician shall also be notified. This subsection (a)(6)(N) does not apply to administrators offering only a DHCSP discounted health care services plan.
- b) If an administrator is leasing, buying or otherwise using another administrator's or insurer's program, and the required information has previously been filed by the other administrator or insurer, then only the administrative agreement and verification that the providers have consented to the agreement pursuant to Section 2051.300(d) need to be filed. A clause within the provider contract allowing assignment will be deemed consent in the absence of material modification of the provider's obligations under the contract.
- c) Enrollees are not responsible for any costs associated with medical record transmission or duplication in order to have a claim adjudicated. This subsection (c) does not apply to administrators offering only a discounted health care services plan.

(Source: Amended at 37 Ill. Reg. 2895, effective March 4, 2013)

Section 2051.315 Workers' Compensation Network Availability and Adequacy Requirements

- a) WC PPP administrators and insurers must file a description of the services to be offered through a WC PPP. The description shall include:
- 1) The method of marketing the program;
 - 2) A geographic map of the area proposed to be served by the program by county and zip code, including marked locations for preferred providers;
 - 3) The names, addresses and specialties of the providers who have entered into preferred provider agreements under the program;

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- 4) The number of beneficiaries estimated to be covered by the providers listed in subsection (a)(3);
- 5) An Internet website and toll-free telephone number for insureds, beneficiaries and prospective beneficiaries to access up-to-date lists of preferred providers, as well as any other information necessary to conform to this Part. A WC PPP shall identify specific providers in a beneficiary's area, confirm specific provider participation or provide a listing of specific preferred providers in the delivery mode requested by the beneficiary. Preferred provider lists requested by phone must be sent within 3 working days. The up-to-date provider list applies to all providers that have entered arrangements to provide services directly under the program or indirectly through another administrator. WC PPP administrators' and insurers' Internet website addresses shall be prominently displayed on all advertisements, marketing materials and brochures;
- 6) A description of how health care services to be rendered under the preferred provider program are reasonably accessible and available to beneficiaries. Standards shall address:
 - A) The type of health care services to be provided by the administrator;
 - B) The ratio of providers to beneficiaries, by specialty and including primary treating physicians, when applicable under the contract, necessary to meet the health care needs and service demands of the estimated covered employees;
 - C) Written policies and procedures for determining when the program is closed to new providers desiring to enter into preferred provider arrangements;
 - D) Written policies and procedures for adding providers to meet patient needs based on increases in the number of beneficiaries, changes in the patient to provider ratio, changes in medical and health care capabilities, and increased demand for services;

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- E) If applicable, procedures for making referrals within and outside the network;
- F) Efforts to address the needs of beneficiaries with limited English proficiency and literacy and/or diverse cultural and ethnic backgrounds, and to comply with the Americans With Disabilities Act of 1990;
- 7) If a WC PPP administrator is leasing, buying or otherwise using another administrator's or insurer's program and the required information has previously been filed by the other administrator or insurer, only the administrative agreement and verification that the providers have consented to the agreement pursuant to Section 2051.300(d) need to be filed. A clause within the provider contract allowing assignment will be deemed consent in the absence of material modification of the provider's obligations under the contract; and
- 8) A statement that covered employees are not responsible for any costs associated with medical record transmission or duplication in order to have a claim adjudicated.
- b) Additional Requirements

 - 1) WC PPP administrators and insurers must, in addition to those requirements established in subsection (a):

 - A) File a description of how health care services to be rendered under the preferred provider program are reasonably accessible and available to beneficiaries;
 - B) File a provision ensuring that, whenever a covered employee has made a good faith effort to utilize network providers for a covered service and it is determined the administrator does not have the appropriate preferred providers due to insufficient number, type or distance, the administrator shall ensure, directly or indirectly, by terms contained in the payor contract, that the covered employee will be provided the covered services by the non-preferred provider in accordance with the fees established by the Workers' Compensation Fee Schedule. This subsection (b)(1)(B) does not

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

apply to a covered employee who violates Section 8.1a(c) and (d) of the Workers' Compensation Act for health care services available through the administrator's panel of participating providers. In these circumstances, the requirements of Section 8.2 of the Workers' Compensation Act for non-preferred provider reimbursements will apply. This subsection (b)(1)(B) does not apply to SPPP administrators;

- C) File policies and procedures ensuring, directly or indirectly, that, whenever a covered employee has made a good faith effort to utilize network providers for a covered service and it is determined the administrator does not have the appropriate preferred providers due to insufficient number, type or distance, the administrator shall ensure, directly or indirectly, by terms contained in the payor contract, that the covered employee will be provided the covered services as if they been provided by a preferred provider, without any loss of provider choice under Section 8 or 8.1a(c) of the Workers' Compensation Act. This subsection (b)(1)(C) does not apply to a covered employee who violates Section 8.1a(c) and (d) of the Workers' Compensation Act for health care services available through the administrator's panel of preferred providers. In these circumstances, the requirements of Section 8.2 of the Workers' Compensation Act, including the Workers' Compensation Medical Fee Schedule, for non-preferred provider reimbursements will apply. This subsection (b)(1)(C) does not apply to SPPP administrators;
- D) Provide geographical maps indicating primary treating physician and hospital health care services for emergency health care services, within 30 minutes or 15 miles of each covered employee's residence;
- E) Provide geographical maps indicating providers of occupational health services and specialists within 60 minutes or 30 miles of a covered employee's residence;
- F) If the WC PPP administrator believes that, given the facts and circumstances with regard to a portion of its service area (specifically rural areas, including those in which health facilities

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

are located at least 30 miles apart), the accessibility standards set forth in subsections (b)(1)(D) and/or (E) are unreasonably restrictive, the administrator shall include proposed alternative standards in writing in its application or in a notice of program modification. The alternative standards shall provide that all services shall be available and accessible at reasonable times to all covered employees:

G) Coverage Outside the PPP

i) Provide written policy for arranging or approving non-emergency medical care for:

- A covered employee authorized by the employer to temporarily work or travel for work outside the preferred provider program geographic service area when the need for medical care arises;
- A former employee whose employer has ongoing workers' compensation obligations and who permanently resides outside the preferred provider program geographic service area; and
- A covered employee who decides to temporarily reside outside the preferred provider program geographic service area during recovery.

ii) In the written policy, provide covered employees described in subsection (b)(1)(G)(i) with the choice of at least three providers outside the PPP geographic service area who either have been referred by the covered employee's primary treating physician within the PPP or have been selected by the WC PPP administrator. The referred providers shall be located within the access standards described in subsections (b)(1)(D) and (E);

H) For non-emergency services:

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- i) Ensure that an appointment for initial treatment is available within 3 business days after the WC PPP administrator's receipt of a request for treatment within the PPP.
 - ii) For treatment of common injuries experienced by covered employees, based on the type of occupation or industry in which the covered employee is engaged, ensure that an appointment is available within 20 business days after the WC PPP administrator's receipt of a referral to a specialist within the PPP.
- 2) For purposes of subsection (b)(1)(G), nothing precludes a WC PPP administrator from having a written policy that allows a covered employee outside the preferred provider program geographic service area to choose his or her own provider for non-emergency medical care. This Section does not apply to SPPP administrators.

(Source: Added at 37 Ill. Reg. 2895, effective March 4, 2013)

Section 2051.320 Discounted Health Care Services Plan Requirements

- a) A DHCS~~DP~~ discounted health care services plan administrator shall have a written agreement between the administrator and its beneficiaries that specifies the benefits a beneficiary is to receive under the DHCS~~DP~~ discounted health care services plan and that complies with this Section. For insurers offering a DHCS~~DP~~ discounted health care services plan as part of a policy of insurance, the certificate or policy may act as the written agreement.
- b) All agreements between DHCS~~DP~~ discounted health care services plan administrators and beneficiaries shall contain at a minimum:
 - 1) A provision establishing the right of the beneficiary to cancel the plan, in writing, at any time. If a beneficiary cancels within 30 days after the date of receipt of the identification card and other membership materials, the beneficiary will be reimbursed all money paid except any fee authorized by subsection (f);

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- 2) A provision establishing that beneficiaries will have free access to DHCSP ~~discounted health care services plan~~ providers without restrictions such as waiting periods, notification periods, etc. (except for hospital discounts);
 - 3) A provision allowing a beneficiary to modify the method of payment upon request, unless a specific method of payment is stipulated within the agreement. DHCSP ~~Discounted health care services plan~~ administrators must discontinue using any automatic account withdrawals, including, but not limited to, electronic fund transfers and automatic credit card and/or debit card charges, upon receiving a beneficiary's written request to terminate or alter the method of payment;
 - 4) The procedures for filing complaints with the plan and the availability and contact information for the Illinois Department of Insurance. These procedures must contain, at a minimum, a statement that the DHCSP ~~discounted health care services plan~~ shall provide specific contact information for the Department upon request.
- c) If a DHCSP ~~discounted health care services plan~~ cancels a membership for any reason other than nonpayment of charges by the beneficiary, the DHCSP ~~discounted health care services plan~~ shall make a pro rata reimbursement of all periodic charges to the member.
 - d) DHCSP ~~Discounted health care services plan~~ administrators must provide the following disclosures in writing to any prospective beneficiary of a DHCSP ~~discounted health care services plan~~ before purchase, as well as in all beneficiary agreements. If the initial contact with the prospective beneficiary is by telephone, the disclosures shall be made orally and included in the written agreement required by subsection (a). The disclosures shall also be provided on the first page of any advertisements, marketing materials or brochures relating to a DHCSP ~~discounted health care services plan~~ or, if that is not possible, on the first page listing plan information. The following disclosures must be prominently displayed:
 - 1) That it is not insurance;
 - 2) That the plan provides discounts at certain providers for health care services and that the range of discounts will vary depending on the type of provider and service received;

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- 3) That the plan does not make payments directly to the providers of discounted health care services;
 - 4) That the plan beneficiary is obligated to pay for all discounted health care services, but will receive a discount from those providers that have contracted with the DHCSP discounted health care services plan administrator;
 - 5) The DHCSP discounted health care services plan administrator's toll-free telephone number and Internet website where beneficiaries and prospective beneficiaries may obtain additional information about the DHCSP discounted health care services plan and lists of providers participating in the DHCSP discounted health care services plan.
- e) Whenever a DHCSP discounted health care services plan is sold in conjunction with any other product that can be purchased separately, including a policy of insurance, the administrator or DHCSP discounted health care services plan administrator must provide in writing to the beneficiary the charges for the DHCSP discounted health care services plan product.
 - f) Any initial one-time processing, administrative or other such non-regular or periodic charge may not exceed \$30.
 - g) A DHCSP discounted health care services plan administrator shall annually file with the Director a listing of all private label marketers with whom it has a direct or indirect contractual relationship respecting the marketing or use of the administrator's DHCSP discounted health care services plan under a name other than that of the administrator. A DHCSP discounted health care services plan administrator shall inform the Department of any additional private label marketers with whom it contracts and of any cancellation or non-renewal of a contract within 30 days after the execution, cancellation or non-renewal of those contracts. A listing of private label marketers must contain:
 - 1) The name, address and FEIN of the private label marketer;
 - 2) Any DBA used by the private label marketer; and
 - 3) All product names used by the private label marketer.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- h) A ~~DHCSP discounted health care services plan~~ administrator shall ensure that any private label marketer whom it identifies under subsection (g) or with whom it has an obligation to identify under subsection (g):
- 1) Prominently discloses within all description of benefits and member materials the name of the administrator and ~~DHCSP discounted health care services plan~~ administrator whose ~~DHCSP discounted health care services plan~~ is being provided;
 - 2) Prominently discloses within all marketing materials the name of any ~~DHCSP discounted health care services plan~~ administrator whose ~~DHCSP discounted health care services plan~~ is being provided;
 - 3) Prominently discloses the private label marketer's product name and the name or name and logo of available networks on the member's identification card; and
 - 4) Complies with the applicable ~~DHCSP discounted health care services plan~~ administrator provisions of this Part.
- i) A private label marketer that is not identified as such pursuant to subsection (g) must register as a ~~DHCSP discounted health care services plan~~ administrator under this Part.
- j) A ~~DHCSP discounted health care services plan~~ shall identify specific providers in a beneficiary's area, confirm specific provider participation or provide a listing of participating providers by mail. Participating provider lists requested by phone must be sent within 3 working days. Any provider listing must include all participating providers with whom the administrator has contracted either directly or indirectly through another ~~DHCSP discounted health care services plan~~ administrator.

(Source: Amended at 37 Ill. Reg. 2895, effective March 4, 2013)

Section 2051.330 Insurer Requirements

- a) As required by Section 143(1) of the Code and consistent with the requirements of 50 Ill. Adm. Code 916, insurers must file the following compliance documents

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

in the format prescribed in Appendix C each time a policy incorporating a preferred provider arrangement is filed, or when the insurer markets, leases, sells or otherwise issues ~~DHCSPs~~ ~~discounted health care services plans~~ to beneficiaries, either directly or indirectly, independent of insurance coverage:

- 1) Sample copies of all payor agreements as required by Section 2051.280, when applicable, and provider agreements as required by Section 2051.290. If the terms and conditions in the agreements include significant, substantial or material changes or additions, the filing of one complete sample of each type of agreement, together with a description of all variable terms and conditions, will satisfy this requirement;
 - 2) Valid and current signed administrator agreements pursuant to Section 2051.300;
 - 3) Network availability and adequacy requirements pursuant to Section 2051.310; and
 - 4) ~~DHCSPs'~~ ~~Discounted health care services plans~~ requirements pursuant to Section 2051.320, if applicable.
- b) When incorporated in a policy filing, the filing requirements of subsection (a) may be waived if the preferred provider arrangement information had previously been filed and is identified in the subsequent filing.
- c) Any material changes or additions to the preferred provider program filed in accordance with subsection (a) must be reported to the Director within 30 days after the end of the month of each change or addition. The change or addition shall be filed informationally in accordance with Section 143(1) of the Code and consistent with the requirements of 50 Ill. Adm. Code 916. A material change or addition includes any modification of the information required by this Part that has significant effect on the operation of the administrator or ~~DHCSP~~ ~~discounted health care services plan~~ administrator or on the availability and accessibility of health care.
- d) All advertising and solicitation by an insurer regarding a ~~DHCSP~~ ~~discounted health care services plan~~ must comply with the requirements established by Section 2051.360.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- e) Insurers may not market EPO plans in this State, except when such an arrangement is shown to be in the best interest of the beneficiaries and has been expressly approved by the Director in writing.
- f) Insurers offering a ~~DHCSP discounted health care services plan~~ as part of a policy of insurance must set off the ~~DHCSP discounted health care services plan~~ provisions from the insurance coverage and disclose information as required by Section 2051.320(d)(3) through ~~(56)~~.

(Source: Amended at 37 Ill. Reg. 2895, effective March 4, 2013)

Section 2051.340 Fiduciary and Bond Requirements

- a) This Section outlines requirements for administrators who must establish either a bond or a fiduciary account pursuant to Section 370/ of the Act. Administrators who administer only ~~DHCSPs discounted health care services plans~~ need not comply with these requirements because, by definition, they do not handle money for purposes of payment for provider services. Employers and insurers contracting directly with providers or with multiple administrators to implement a WC PPP need not comply with these requirements, as they are exempted by Section 8.1a of the Worker's Compensation Act.
- b) Administrators who establish and maintain a fiduciary account pursuant to Section 370/ of the Act are subject to the following requirements:
 - 1) Monies collected for reimbursement under preferred provider programs that the administrator holds more than 15 days shall be deposited in a special fiduciary account in a financial institution located in this State. The account shall be designated as an Administrator Trust Fund or ATF. All checks drawn on the ATF shall indicate on their face that they are drawn on the ATF of the administrator.
 - 2) An administrator that operates more than one preferred provider program may establish separate fiduciary accounts for each program, or may maintain a consolidated fiduciary account for multiple programs. If a consolidated ATF account is maintained, the administrator's records shall clearly indicate fund deposits and disbursements for each program.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- 3) No disbursement shall be made from the ATF account other than payment for provider services under the preferred provider program operated by the administrator and administrative fees due the administrator pursuant to a written agreement.
- 4) For each preferred provider program for which an ATF is maintained, the balance in the ATF shall at all times be the amount of funds deposited plus accrued interest, if any, less authorized disbursements.
- 5) If the ATF is interest bearing or income producing, the full nature of the account must first be disclosed to the principal, whether insurer or other payor of services under the preferred provider program, on whose behalf the funds are or will be held. At this time the administrator must procure the written consent and authorization from the principal for the investment of money and retention of interest or earnings.
- 6) An administrator may place ATF funds in interest-bearing or income-producing investments and retain the interest or income, providing the administrator obtains the prior written authorization of the principals on whose behalf the funds are to be held. In addition to savings and checking accounts, an administrator may invest in the following:
 - A) Direct obligations of the United States of America or U.S. Government agency securities with maturities of not more than one year;
 - B) Certificates of deposit, with a maturity of not more than one year, issued by the Federal Deposit Insurance Corporation (FDIC) or Federal Savings and Loan Insurance Corporation (FSLIC), so long as any deposit does not exceed the maximum level of insurance protection provided to certificates of deposits held by the institutions;
 - C) Repurchase agreements with financial institutions or government securities dealers recognized as primary dealers by the Federal Reserve System, provided:
 - i) The value of the repurchase agreement is collateralized with assets that are allowable investments for ATF funds;

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- ii) The collateral has a market value at the time the repurchase agreement is entered into at least equal to the value of the repurchase agreement;
 - iii) The repurchase agreement does not exceed 30 days;
 - D) Commercial paper, provided the commercial paper is rated at least P-1 by Moody's Investors Service, Inc. or at least A-1 by Standard & Poor's Corporation;
 - E) Money market funds, provided the money market fund invests exclusively in assets that are allowable investments pursuant to subsections (b)(6)(A) through (D) of this Section for ATF funds;
 - F) Each investment transaction must be made in the name of the administrator's ATF. The administrator must maintain evidence of any such investments. Each investment transaction must flow through the administrator's ATF.
- 7) Recordkeeping
- A) Administrators shall maintain detailed books and records that reflect all transactions involving the receipt and disbursement of funds from the ATF.
 - B) The detailed preparation, journalizing and posting of the books and records must be maintained on a timely basis and all journal entries for receipts and disbursements shall be supported by evidential matter, which must be referenced in the journal entry so that it may be traced for verification. Administrators shall prepare and maintain monthly financial institution account reconciliations of any ATF established by the administrator. The minimum detail required shall be as follows:
 - i) The sources, amounts and dates of monies received and deposited by the administrator.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- ii) The date and person to whom a disbursement is made. If the amount disbursed does not agree with the amount billed or authorized, the administrator shall prepare a written record as to the reason.
 - iii) A description of the disbursement in such detail to identify the source document substantiating the purpose of the disbursement.
- c) An administrator who posts or causes to be posted a bond of indemnity pursuant to Section 370*l* of the Act shall do so subject to the following requirements:
- 1) An administrator who operates more than one preferred provider program subject to the Act may maintain a bond of indemnity for any such programs.
 - 2) The bond shall be held by the Director in favor of the beneficiaries and payors of services under the preferred provider program operated by the administrator. The bond shall be executed by a surety company and payable to any party injured under the terms of the bond.
 - 3) The bond shall be in continuous form and shall be in an amount of not less than 10% of the total estimated annual reimbursements under the preferred provider program covered by the bond. The amount of the bond shall be determined in accordance with the methodology submitted by the administrator pursuant to Section 2051.260(c)(5).
 - 4) The bond shall remain in force and effect until the surety is released from liability by the Director or until the bond is cancelled by the surety. The surety may cancel the bond and be released from further liability under the bond upon 30 days advance written notice to the Director. The cancellation shall not affect any liability incurred or accrued under the bond before the termination of the 30-day period. Upon receipt of any notice of cancellation, the Director shall immediately notify the administrator.

(Source: Amended at 37 Ill. Reg. 2895, effective March 4, 2013)

Section 2051.350 Maintenance of Records

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- a) All administrators ~~and discounted health care services plan administrators~~ shall maintain detailed books and records of all of their transactions as an administrator of preferred provider programs. The records required to be maintained by this Section shall include, but are not limited to:
- 1) Books and records of ATF transactions required by Section 2051.340;
 - 2) Books and records regarding all funds received or disbursed by the administrator ~~or discounted health care services plan administrator~~;
 - 3) All contracts or agreements with providers, insurers or other payors of the services under a PPP preferred provider program; and
 - 4) All documents relating to the administrator's ~~PPP or discounted health care services plan administrator's preferred provider program~~, including but not limited to beneficiary disclosure documents required by Section 370m of the Act, beneficiary complaints and documents relating to the administrator's utilization review program.
- b) Records shall be maintained for at least 3 years after termination of the PPP preferred provider program to which they relate.

(Source: Amended at 37 Ill. Reg. 2895, effective March 4, 2013)

Section 2051.360 Advertising and Solicitation

- a) No administrator ~~or discounted health care services plan administrator~~ or its representative shall cause, or knowingly permit the use of, advertising, solicitation, or any form of evidence of coverage that encourages misrepresentation, or is untrue, misleading or deceptive, unjust, unfair, inequitable, ambiguous, inconsistent, or contrary to law or to the public policy of this State;
- b) No administrator ~~or discounted health care services plan administrator~~ may represent or describe itself in its name, contracts or literature as a "health maintenance organization" or "HMO", nor may it hold itself out or represent itself as being an insurance company, limited health service organization or a health service corporation, unless such is the case;

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- c) No ~~DHCSP discounted health care services plan~~ administrator may use the following terms in its advertisements, marketing material, brochures or ~~DHCSP discounted health care services plan~~ cards: "health plan", "coverage", "copay", "copayments", "deductible", "preexisting conditions", "guaranteed issue", "premium", or other terms in a manner that could reasonably mislead an individual into believing that the product being offered is health insurance;
- d) No ~~DHCSP discounted health care services plan~~ administrator may use language in its advertisements, marketing material, brochures or ~~DHCSP discounted health care services plan~~ cards with respect to being "licensed" or "registered" by the ~~Illinois Department of Insurance~~ in a manner that could mislead an individual into believing that the ~~DHCSP discounted health care services plan~~ is health insurance;
- e) Whether an advertisement has a capacity or tendency to mislead or deceive shall be determined by the Director from the overall impression that the advertisement may be reasonably expected to create upon a person of average education or intelligence within the segment of the public to which it is directed;
- f) If the Director finds that any advertisement of a ~~preferred provider program plan~~ has materially failed to comply with this Part, the Director may, pursuant to the authority in Section 149 of the Code, by Order, require the administrator ~~and discounted health care services plan administrator~~ to publish in the same or similar medium an approved correction or retraction of any untrue, misleading or deceptive statement contained in the advertising. The Director may prohibit the ~~administrator plan~~ from publishing or distributing, or allowing to be published or distributed on its behalf, the advertisement or any new materially revised advertisement without first having filed a copy of the advertisement with the Director 30 days prior to its publication or distribution, or within any shorter period specified in the Order.

(Source: Amended at 37 Ill. Reg. 2895, effective March 4, 2013)

Section 2051.370 Examination

- a) The Director or his or her designee may examine any applicant for registration or any registrant when he or she obtains information that gives him or her reason to believe that the applicant or registrant may be in violation of this Part, or any

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

applicable provision of the Code, when he or she receives a complaint or when the applicant has a history of violations of the Code.

- b) Any administrator ~~or discounted health care services plan administrator~~ being examined shall provide to the Director or his or her designee convenient and free access, at all reasonable hours at their offices, to all books, records, documents and other papers relating to the administrator's business affairs. ~~The Director or his or her designee shall not have access to beneficiary medical records protected under Article VIII, Part 21, of the Code of Civil Procedure titled "Medical Studies" [735 ILCS 5/8-2101 through 2105].~~
- c) The Director or his or her designee may administer oaths and thereafter examine any individual about the business of the administrator ~~or discounted health care services plan administrator~~.
- d) The expenses of examination under this Section shall be assessed against the administrator ~~or discounted health care services plan administrator~~ being examined in accordance with Section 408(3) of the Code.
- e) The examiner designated by the Director shall make a written report if he or she alleges a violation of this Part, any applicable provisions of the Code or any other applicable Part of Title 50 of the Illinois Administrative Code. The report shall be verified by the examiner. The report must be made to the Director within 45 days after the conclusion of the examination. If no report is to be made, the administrator shall be so notified.
- f) If a report is made, the Director shall either deliver a duplicate of the report to the administrator being examined or send the duplicate by certified or registered mail to the administrator's address specified in the records of the Department. The Director shall afford the administrator an opportunity to request a hearing to object to the report. The administrator may request a hearing within 30 days after receipt of the duplicate examination report by giving the Director written notice of the request, together with written objections to the report. Any hearing shall be conducted in accordance with Sections 402 and 403 of the Code and 50 Ill. Adm. Code 2402. The right to hearing is waived if the delivery of the report is refused, the report is otherwise undeliverable to the address on file with the Department or the administrator does not timely request a hearing. After the hearing, or upon expiration of the time period during which an administrator may request a hearing, if the examination reveals that the administrator is operating in violation

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

of any applicable provisions of the Code, any applicable Part of Title 50 of the Illinois Administrative Code or prior Order, the Director, in the written Order, may require the administrator to take action to correct the violation in accordance with the report or examination hearing. If the Director issues an Order, it shall be issued within 90 days after the report is filed, or, if there is a hearing, within 90 days after the conclusion of the hearing. The Order is subject to review under the Administrative Review Law [735 ILCS 5/Art.III].

(Source: Amended at 37 Ill. Reg. 2895, effective March 4, 2013)

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

Section 2051.APPENDIX A Health Care Preferred Provider Program Administrator Registration Form

Name of Firm			Tax # (FEIN)
Business Address (Number, Street, City, State & Zip)			
Phone	Fax	Email Address	
Person Responsible for submitting application:			Phone

FEE REQUIREMENT	REFERENCE	COMMENTS	
Fee Required With Application	50 Ill. Adm. Code 2051.250	Initial registration fee of \$1,000 must be submitted with application for Preferred Program Provider Administrator.	

ADMINISTRATOR REQUIREMENTS	REFERENCE	COMMENTS	REFERENCE Please type or print where the such information is located.
Signed Contracts	50 Ill. Adm. Code 2051.260(c)	Signed copies of all current administrative agreements with any entity with which the applicant contracts to provide services for or meet the requirements of this Act. Examples of these contracts may include, but are not necessarily limited to, agreements with other administrators and/or discounted health care services plan administrators, utilization review	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

		organizations, third party administrators, third party prescription program administrators, insurers, health maintenance organizations and health service corporations.	
Listing of Private Label Entities	50 Ill. Adm. Code 2051.260(d)	A listing containing the name, address and FEIN of all entities that private label a DHCSP discounted health care services plan of the administrator.	

ORGANIZATIONAL REQUIREMENTS	REFERENCE 50 Ill. Adm. Code 2051.270	COMMENTS	REFERENCE Please type or print where the such information is located
Organization Chart	50 Ill. Adm. Code 2051.270(a)	An organizational chart describing the relationship among between the administrator or discounted health care services plan administrator , its parent organization and any affiliates, including the state of domicile and the primary business of each entity.	
Corporation Information	50 Ill. Adm. Code 2051.270(b)	Proof of registration with the Illinois Secretary of State and the company's FEIN.	
Biographical Affidavits	50 Ill. Adm. Code 2051.270(c) Appendix ED	A list of the names, addresses, official positions and biographical affidavits of the persons responsible for the conduct of the affairs of the administrator or	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

		discounted health care services plan administrator (as presented in Appendix ED or the NAIC Biographical Affidavit Form).	
Office Location and Hours	50 Ill. Adm. Code 2051.270(d)	Location of the administrative offices of the administrator located in this State and regular business hours during which offices are open. If administrative offices are not in this State, then the name and address of the Agent for Service of Process filed with the Illinois Secretary of State.	

<u>HEALTH CARE PREFERRED PROVIDER PROGRAM</u> PAYOR AGREEMENTS Each applicant for registration shall file sample copies of all payor agreements, <u>when</u> where -applicable. Agreements at a minimum shall contain the following provisions.	REFERENCE 50 Ill. Adm. Code 2051.280	COMMENTS	REFERENCE Please type or print where thesuch information is located.
Incentives	50 Ill. Adm. Code 2051.280(a)	Terms requiring and specifying all incentives to be provided to the beneficiary to utilize services of a provider that has entered into an agreement with the administrator.	
Out-of-Network	50 Ill. Adm. Code	Terms stating that, whenever	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

Referrals	2051.280(b)	an administrator or a preferred provider finds it medically necessary to refer a beneficiary to a non-preferred provider, the payor shall ensure that the beneficiary so referred shall incur no greater out of pocket liability than had the beneficiary received services from a preferred provider. Subsection (b) does not apply to a beneficiary who willfully chooses to access a non-preferred provider for health care services available through the administrator's panel of participating providers. In these circumstances, the contractual requirements for non-preferred provider reimbursements will apply.	
Identification Card References	50 Ill. Adm. Code 2051.280(c)	Terms requiring that both the payor's and administrator's name and toll-free telephone numbers be contained on the beneficiaries' identification card.	
Prohibition on Administrator Assuming Risk	50 Ill. Adm. Code 2051.280(d)	Terms specifying that only the payor may assume any underwriting risk when that risk is part of the delivery of services.	

<u>HEALTH CARE PREFERRED PROVIDER PROGRAM AGREEMENTS</u>	REFERENCE 50 Ill. Adm. Code 2051.290	COMMENTS	REFERENCE Please type or print where <u>thesuch</u> information is
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DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

<p>Each applicant for registration shall file sample copies of all provider agreements, when applicable. Agreements at a minimum shall contain the following provisions.</p>			located.
<p>Covered Services/Beneficiary Payment Responsibility</p>	<p>50 Ill. Adm. Code 2051.290(a)</p>	<p>A provision identifying the specific covered health care services for which the preferred provider will be responsible including any discount services, copayments, benefit maximums, limitations and exclusions, as well as any discount amount or discounted fee schedule reflecting discounted rates, shall be enumerated.</p>	
<p>Provider Administrative Responsibilities</p>	<p>50 Ill. Adm. Code 2051.290(b)</p>	<p>A provision requiring the provider to comply with applicable administrative policies and procedures of the administrator including, but not limited to credentialing, recredentialing, utilization review requirements and referral procedures where applicable.</p>	
<p>Availability of Medical Records</p>	<p>50 Ill. Adm. Code 2051.290(c)</p>	<p>A provision requiring that when payments are due to the provider for services rendered to a beneficiary, the provider must maintain and make medical records available to the administrator and/or insurer for the purpose of</p>	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

		determining, on a concurrent or retrospective basis, the medical necessity and appropriateness of care provided to beneficiaries. Such medical records must also be made available to appropriate State and federal authorities and their agents involved in assessing the accessibility and availability of care or investigating member grievances or complaints and to comply with the applicable State and federal laws related to privacy and confidentiality of medical records.	
Provider Licensure Requirements	50 Ill. Adm. Code 2051.290(d)	A provision requiring providers to be licensed by the State, and to notify the administrator immediately whenever there is a change in licensure or certification status.	
Hospital Admitting Privileges	50 Ill. Adm. Code 2051.290(e)	A provision requiring all physician providers licensed to practice medicine in all its branches to have admitting privileges in at least one hospital with which the administrator has a written provider contract. The administrator shall be notified immediately of any changes in privileges at any hospital or admitting facility. Reasonable exceptions shall may be made for	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

		<p>physicians who, because of the type of clinical specialty, or location or type of practice, do not customarily have admitting privileges. This does not apply to administrators offering only DHCSPs discounted health care services plans.</p>	
Provider Contract Termination	50 Ill. Adm. Code 2051.290(f)	<p>Termination provisions shall require: (1) Not less than 30 days prior written notice by either party who wishes to terminate the contract without cause; (2) That the administrator may terminate the provider contract for cause immediately; and (3) That the provider acting as primary care physician under plans requiring a gatekeeper option must provide the administrator with a list of all patients using that provider as a gatekeeper within 5 working days after the date that the provider either gives or receives notice of termination.</p>	
Continuation of Services	50 Ill. Adm. Code 2051.290(g)	<p>A provision explaining the provider responsibilities for continuation of covered services in the event of contract termination, to the extent that an extension of benefits is required by law or regulation, or that such continuation is voluntarily provided by the</p>	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

		<p>administrator. This does not apply to administrators offering only a DHCSP discounted health care services plan.</p>	
Delegation of Rights Under the Contract	50 Ill. Adm. Code 2051.290(h)	<p>A provision stating that the rights and responsibilities under the contract cannot be sold, leased, assigned, assumed or otherwise delegated by either party without the prior written consent of the other party. The Similarly, the provider's written consent must be obtained for any assignment or assumption of the provider contract whenever an administrator or insurer is bought by another administrator or insurer. A clause within the provider contract allowing assignment will be deemed consent so long as the assignment is in accordance with the terms of the contract. The assignee must comply with all the terms and conditions of the contract being assigned, including all appendices, policies and fee schedules.</p>	
Liability and Malpractice Coverage	50 Ill. Adm. Code 2051.290(i)	<p>A provision stating that the preferred provider has and will maintain adequate professional liability and malpractice coverage, through insurance, self-funding, or other means</p>	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

		satisfactory to the administrator. The administrator must be notified within no less than ten days after the provider's receipt of notice of any reduction or cancellation of such coverage.	
Non-Discrimination	50 Ill. Adm. Code 2051.290(j)	A provision stating that the provider will provide health care services without discrimination against any beneficiary on the basis of participation in the preferred provider program, source of payment, age, sex, ethnicity, religion, sexual preference, health status or disability.	
Requirement for Provider Collection of Out-of-Pocket Amounts from Beneficiary	50 Ill. Adm. Code 2051.290(k)	A provision regarding the preferred provider's obligation, if any, to collect applicable copayments, coinsurance and/or deductibles from beneficiaries as provided by the beneficiary's health care services contract, and to provide notice to beneficiaries of their personal financial obligations for non-covered services. This provision shall include any amount of applicable discounts or, alternatively, a fee schedule that reflects any discounted rates. For DHCSPs discounted health care services plans only, a provision that providers may	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

		not charge beneficiaries more than any applicable discounted rates in accordance with payment terms and provisions contained in a DHCSP discounted health care services plan agreement signed by a beneficiary.	
24/7 Accessibility	50 Ill. Adm. Code 2051.290(l)	A provision regarding any obligation to provide covered health services on a 24 hour per day, 7 day per week basis.	
Payment Obligations	50 Ill. Adm. Code 2051.290(m)	A provision clearly describing the administrator's and payor's payment obligations to the provider. For DHCSPs discounted health care services plans , neither administrators nor payors may pay providers for health care services provided to beneficiaries. For DHCSPs discounted health care services plans , neither administrators nor payors may accept money from a beneficiary for payment to a provider for specific health care services furnished or to be furnished to the beneficiary.	
Administrative Services	50 Ill. Adm. Code 2051.290(n)	A provision identifying the administrative services, if any, the administrator will perform and the types of information (financial, enrollment and utilization) that will be submitted to the	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

		provider as well as other information that is accessible to the provider.	
Arbitration Procedures	50 Ill. Adm. Code 2051.290(p)	A provision identifying applicable internal appeal or arbitration procedures for settling contractual disputes or disagreements between the administrator and preferred provider.	
ADMINISTRATOR AGREEMENTS Each applicant for registration shall file sample copies of all administrative agreements, when <u>where</u> applicable. Agreements at a minimum shall contain the following provisions.	REFERENCE 50 Ill. Adm. Code 2051.300	COMMENTS	REFERENCE Please type or print where the <u>such</u> information is located.
Due Diligence	50 Ill. Adm. Code 2051.300(a)	Before entering into a contract with another administrator or discounted health care services plan to administer programs, policies or subscriber contracts in this State as provided by 215 ILCS 5/370i(b)(2), an administrator or discounted health care services plan administrator shall perform due diligence to ensure the other entity is properly registered under this Part or otherwise appropriately licensed under the Insurance Code.	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

<p>Terms for the Delegation of Rights Under the Contract</p>	<p>50 Ill. Adm. Code 2051.300(b)</p>	<p>Any provider contract or preferred provider program that is sold, leased, assigned, assumed or otherwise delegated must have the terms of that transaction affecting the provision of health care services by providers, including any additional discount, repricing, or other consideration, clearly described in the contract. The administrator, discounted health care services plan administrator or payor accessing the provider network shall be contractually obligated to comply with all applicable terms, limitations and conditions of the provider network contract, including all appendices, policies and fee schedules. An administrator shall provide to the provider upon request a written or electronic list of all current payors and administrators and discounted health care services plan administrators to which the provider contract or program has been sold, leased, assigned, assumed or otherwise delegated.</p>	
<p>Administrator Marketing</p>	<p>50 Ill. Adm. Code 2051.300(c)</p>	<p>An administrator shall approve in writing prior to</p>	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

Responsibility		use all advertisements, marketing materials, brochures and identification cards used by any other administrator or discounted health care services plan administrator to market, promote, sell or enroll members in its preferred provider program.	
Delegation of Rights Under the Contract	50 Ill. Adm. Code 2051.300(d)	No preferred provider program may be sold, leased, assigned, assumed or otherwise delegated to another administrator without the prior written consent of the providers contracting under the program. A clause within the provider contract allowing assignment will be deemed consent so long as the assignment is in accordance with the terms of the contract. The assignee must comply with all the terms and conditions of the contract being assigned, including all appendices, policies and fee schedules.	

<p><u>HEALTH CARE PREFERRED PROVIDER PROGRAM</u> NETWORK AVAILABILITY AND ACCESS Each applicant for registration shall file the</p>	<p>REFERENCE 150 Il. Adm. Code 2051.310</p>	<p>COMMENTS</p>	<p>REFERENCE Please type or print where the such information is located.</p>
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DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

following information and documents with the Director			
Method of Marketing	50 Ill. Adm. Code 2051.310(a)(1)	Provide the Department with information relating to the method of marketing the program.	
Geographic Map with Providers Marked	50 Ill. Adm. Code 2051.310(a)(2)	A geographic map of the area proposed to be served by the program by county and zip code, including marked locations of preferred providers.	
List of Providers Names, Addresses and Specialties	50 Ill. Adm. Code 2051.310(a)(3)		
Number of Anticipated Beneficiaries	50 Ill. Adm. Code 2051.310(a)(4)	Members enrolled in the State of Illinois.	
Website and Telephone Number Requirements	50 Ill. Adm. Code 2051.310(a)(5)	An Internet website and toll-free telephone number for beneficiaries and prospective beneficiaries to access regarding up-to-date lists of preferred providers, additional information about the DHCSP discounted health care services plan , as well as any other information necessary to conform to this Part. A plan shall identify specific providers in a beneficiary's area, confirm specific provider participation or provide a listing of preferred providers by mail. Preferred provider lists requested by phone must be sent within 3 working days. The up-to-date provider	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

		list applies to all providers that have entered arrangements to provide services under the program either directly, or indirectly through another administrator. Administrators' and insurers' Internet website addresses shall be prominently displayed on all advertisements, marketing materials, brochures, benefit cards and identification cards.	
Description of Accessibility and Availability of Network	50 Ill. Adm. Code 2051.310(a)(6)		
Type of Services to be Provided	50 Ill. Adm. Code 2051.310(a)(6)(A)	The type of health care services to be provided by the administrator network.	
Ratio of Providers to Beneficiaries	50 Ill. Adm. Code 2051.310(a)(6)(B)	The ratio of providers to beneficiaries by specialty, including primary care physicians, where applicable under the contract, necessary to meet the health care needs and service demands of the currently enrolled population.	
Greatest Travel Distance	50 Ill. Adm. Code 2051.310(a)(6)(C)	The greatest distance or time that the beneficiary must travel to access: (i) Preferred provider hospital services where applicable under the contract; (ii) Primary care <u>physician</u> and woman's principal health care <u>providerphysician</u> services where applicable under the contract; (iii) Any applicable health care service providers.	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

Policies for Closing a Network to New Providers	50 Ill. Adm. Code 2051.310(a)(6)(D)		
Policies for Adding New Providers	50 Ill. Adm. Code 2051.310(a)(6)(E)		
24/7 Network Access	50 Ill. Adm. Code 2051.310(a)(6)(F)	The provision of 24 hour, seven day per week access to network affiliated primary care and woman's principal health care providers. Not applicable to administrators offering only a DHCSP discounted health care services plan .	
Referral Procedures	50 Ill. Adm. Code 2051.310(a)(6)(G)	The procedures for making referrals within and outside the network. Not applicable to administrators offering only a DHCSP discounted health care services plan .	
Inadequate Networks	50 Ill. Adm. Code 2051.310(a)(6)(H)	In any case in which whereby a beneficiary has made a good faith effort to utilize preferred network providers for a covered service and it is determined the administrator does not have the appropriate preferred providers due to insufficient number, type or distance, the administrator shall ensure, directly or indirectly, by terms contained in the payor contract, that the beneficiary will be provided the covered service at no greater cost to the beneficiary than if the service had been provided by a preferred provider. Subsection	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

		(a)(6)(H) does not apply to a beneficiary who willfully chooses to access a non-preferred provider for health care services available through the administrator's panel of participating providers. In these circumstances, the contractual requirements for non-preferred provider reimbursements will apply. Not applicable to administrators offering only a DHCSP discounted health care services plan.	
Special Communication Needs	50 Ill. Adm. Code 2051.310(a)(6)(L)	Efforts to address the needs of beneficiaries with limited English proficiency and illiteracy, with diverse cultural and ethnic backgrounds, and with physical and mental disabilities.	
Identification Card	50 Ill. Adm. Code 2051.310(a)(6)(M)	A sample beneficiary identification card in conformity with the Uniform Health Care Service Benefits Information Card Act [215 ILCS 139], and the Uniform Prescription Drug Information Card Act [215 ILCS 138] when pharmaceutical services are provided as part of the program's health care services.	
Gatekeeper	50 Ill. Adm. Code 2051.310(a)(6)(N)	When a gatekeeper option is included as part of the	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

		<p>program, beneficiaries shall make a good faith effort to provide written notice of termination of a provider to all beneficiaries who are patients seen on a regular basis by a provider whose contract is terminating. When a contract termination involves a primary care physician, in a gatekeeper option, all beneficiaries who are patients of that primary care physician shall also be notified. This does not apply to administrators that only provide DHCSPs discounted health care services plans.</p>	
<p>Medical Record Costs</p>	<p>50 Ill. Adm. Code 2051.310(c)</p>	<p>Enrollees are not responsible for any reasonable costs associated with medical record transmission or duplication in order to have a claim adjudicated.</p>	

<p>DISCOUNTED HEALTH CARE SERVICES PLAN AGREEMENTS Each applicant for registration shall file sample copies of all DHCSP discounted health care services plan agreements, when where applicable. Agreements at a minimum shall contain the following provisions.</p>	<p>REFERENCE 50 Ill. Adm. Code 2051.320</p>	<p>COMMENTS Only those administrators that also provide DHCSP discounted health care services plan benefits must comply with the requirements of Section 2051.320.</p>	<p>REFERENCE Please type or print where the such information is located.</p>
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DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

Written Agreement Required	50 Ill. Adm. Code 2051.320(a)	A DHCSP discounted health care services plan administrator shall have a written agreement between the administrator and its beneficiaries that specifies the benefits a beneficiary is to receive under the DHCSP discounted health care services plan .	
Cancellation Rights	50 Ill. Adm. Code 2051.320(b)(1)	A provision establishing the right for the beneficiary to cancel at any time. If a beneficiary cancels within 30 days after the date of receipt of the identification card and other membership materials, the beneficiary will be reimbursed all money paid except any fee authorized by Section 2051.320(f).	
No Restrictions on Access to Providers	50 Ill. Adm. Code 2051.320(b)(2)	A provision establishing that beneficiaries will have free access to DHCSP discounted health care services plan providers without restrictions to waiting periods, notification periods, etc. (except for hospital discounts).	
Method of Payment	50 Ill. Adm. Code 2051.320(b)(3)	A provision allowing a beneficiary to modify the method of payment upon request, unless a specific method of payment is stipulated within the agreement.	
Electronic Fund Transfer Limitation	50 Ill. Adm. Code 2051.320(b)(3)	DHCSP Discounted health care services plan	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

		administrators may not continue using electronic fund transfers after receiving a beneficiary's written request to terminate electronic fund transfers as a method of payment.	
DOI Complaint Filing	50 Ill. Adm. Code 2051.320(b)(4)	The procedures for filing complaints with the plan and the availability and contact information for the Illinois Department of Insurance. These procedures must contain, at a minimum, a statement that the DHCSP discounted health care services plan shall provide specific contact information for the Department upon request.	
Required Disclosures	50 Ill. Adm. Code 2051.320(d)	DHCSP Discounted health care plan administrators must provide the following disclosures in writing to any prospective beneficiary of a DHCSP discounted health care services plan before purchase as well as in all beneficiary agreements. If the initial contact with the prospective beneficiary is by telephone, the disclosure shall be made orally and included in the written agreement required by Section 2051.320(a). The disclosures shall also be provided on the first page of any advertisements, marketing	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

		materials or brochures relating to a DHCSP discounted health care services plan or if that is not possible, on the first page listing plan information.	
Not an Insurance Policy	50 Ill. Adm. Code 2051.320(d)(1)		
Providers and Services	50 Ill. Adm. Code 2051.320(d)(2)		
The Plan Does Not Make Payments to Providers	50 Ill. Adm. Code 2051.320(d)(3)		
Beneficiary Must Pay for All Discounted Services	50 Ill. Adm. Code 2051.320(d)(4)	The plan beneficiary is obligated to pay for all discounted health care services, but will receive a discount from those providers that have contracted with the DHCSP discounted health care services plan administrator.	
Toll-Free Number and Website Access	50 Ill. Adm. Code 2051.320(d)(5)	The administrator's toll-free telephone number and Internet website page where beneficiaries and prospective beneficiaries may obtain additional information about the DHCSP discounted health care services plan and lists of providers participating in the DHCSP discounted health care services plan .	
Itemized Discounted Health Care Services Plan Costs	50 Ill. Adm. Code 2051.320(e)	Whenever a DHCSP discounted health care services plan is sold in conjunction with any other product that can be purchased separately, including a policy of insurance, the	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

		<p>administrator or DHCSP discounted health care services plan administrator must provide in writing to the beneficiary the charges for the DHCSP discounted health care services plan product.</p>	
Limitation on Fees	50 Ill. Adm. Code 2051.320(f)	Any initial one-time processing, administrative or other such non-regular fee may not exceed \$30.	
Listing of Private Label Marketers	50 Ill. Adm. Code 2051.320(g)	<p>A DHCSP discounted health care service plan administrator shall annually file with the Director a listing of all private label marketers with whom it has a direct or indirect contractual relationship respecting the marketing or use of the administrator's DHCSP discounted health care services plan under a name other than that of the administrator. A DHCSP discounted health care services plan administrator shall inform the Department of any additional private label marketers with whom it contracts and of any cancellation or non-renewal of a contract within 30 days after the execution, cancellation or non-renewal of the contracts. A listing of private label marketers must contain: (1) the name, address</p>	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

		<p>and FEIN of the private label marketer; (2) any DBA used by the private label marketer; and (3) all product names used by the private label marketer.</p>	
<p>Administrator Responsibilities for Private Label Marketers</p>	<p>50 Ill. Adm. Code 2051.320(h)</p>	<p>A DHCSP discounted health care services plan administrator shall ensure that any private label marketer who it identifies under subsection (g) or with whom it has an obligation to identify under subsection (g): (1) prominently discloses within all descriptions of benefits and member materials the name of any administrator and DHCSP discounted health care services plan administrator whose DHCSP discounted health care services plan is being provided; (2) prominently discloses within all marketing materials the name of any DHCSP discounted health care services plan administrator whose DHCSP discounted health care services plan is being provided; (3) prominently discloses the private label marketer's product name and the name or name and logo of available networks on the member's identification card; and (4) complies with the applicable DHCSP discounted</p>	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

		health care services plan administrator provisions of this Part.	
Private Label Marketers Not Identified	50 Ill. Adm. Code 2051.320(i)	A private label marketer that is not identified as such pursuant to subsection (g) must register as a DHCSP discounted health care services plan administrator under this Part.	
Participating Provider Listing	50 Ill. Adm. Code 2051.320(j)	A DHCSP discounted health care services plan shall identify specific providers in a beneficiary's area, confirm specific provider participation or provide a listing of participating providers by mail. Participating provider lists requested by phone must be sent within 3 working days. Any provider listing must include all participating providers with whom the administrator has contracted either directly or indirectly through another DHCSP discounted health care services plan administrator.	

FIDUCIARY AND BONDING REQUIREMENTS	REFERENCE	COMMENTS	REFERENCE
	50 Ill. Adm. Code 2051.340		Please type or print where thesueh information is located.
Holder of Bond	50 Ill. Adm. Code 2051.340(c)(2) <u>and Appendix F</u>	If a bond of indemnity is posted, it shall be held by the Director of Insurance in	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

		favor of the beneficiaries and payors of services under the preferred provider program operated by the administrator.	
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Declaration:

The undersigned declares that the statements made in this application are true, correct and complete to the best of his/her knowledge and belief.

Signature

Date

Print Name and Title

Phone

Please sign and date this form and return it to the Department with your registration fee of \$1,000 for new registrations and any accompanying documents. The check or money order should be payable to the Director of Insurance.

(Source: Amended at 37 Ill. Reg. 2895, effective March 4, 2013)

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

Section 2051.APPENDIX B Discounted Health Care Services Plan Only Registration

Name of Firm			Tax # (FEIN)
Business Address (Number, Street, City, State & Zip)			
Phone	Fax	Email Address	
Person Responsible for submitting application:			Phone

FEE REQUIREMENT	REFERENCE	COMMENTS	
Fee Required With Application	50 Ill. Adm. Code 2051.250	Initial registration fee of \$1,000 must be submitted with application for Preferred Program Provider Administrator.	

ADMINISTRATOR REQUIREMENTS	REFERENCE	COMMENTS	REFERENCE Please type or print where thesueh information is located.
Signed Contracts	50 Ill. Adm. Code 2051.260(c)	Signed copies of all current administrative agreements with any entity with which the applicant contracts to provide services for or meet the requirements of this Act. Examples of these contracts may include, but are not necessarily limited to, agreements with other administrators and/or discounted health care services plan administrators, utilization review organizations, third party	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

		administrators, third party prescription program administrators, insurers, health maintenance organizations and health service corporations.	
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ORGANIZATIONAL REQUIREMENTS	REFERENCE 50 Ill. Adm. Code 2051.270	COMMENTS	REFERENCE Please type or print where thesueh information is located.
Organization Chart	50 Ill. Adm. Code 2051.270(a)	An organizational chart describing the relationship amongbetween the administrator or discounted health care services plan administrator , its parent organization and any affiliates, including the state of domicile and the primary business of each entity.	
Corporation Information	50 Ill. Adm. Code 2051.270(b)	Proof of registration with the Illinois Secretary of State and the company's FEIN.	
Biographical Affidavits	50 Ill. Adm. Code 2051.270(c) Appendix ED	A list of the names, addresses, official positions and biographical affidavits of the persons responsible for the conduct of the affairs of the administrator or discounted health care services plan administrator (as presented in Appendix ED or the NAIC Biographical Affidavit Form).	
Office Location and	50 Ill. Adm. Code	Location of the	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

Hours	2051.270(d)	administrative offices of the administrator located in this State and regular business hours during which offices are open. If administrative offices are not in this State, then the name and address of the Agent for Service of Process filed with the Illinois Secretary of State.	
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<p><u>HEALTH CARE PROVIDER PREFERRED PROGRAM PROVIDER AGREEMENTS</u> Each applicant for registration shall file sample copies of all provider agreements, whenwhere applicable. Agreements at a minimum shall contain the following provisions.</p>	<p>REFERENCE 50 Ill. Adm. Code 2051.290</p>	<p>COMMENTS</p>	<p>REFERENCE Please type or print where thesueh information is located.</p>
Covered Services/Beneficiary Payment Responsibility	50 Ill. Adm. Code 2051.290(a)	A provision identifying the specific covered health care services for which the preferred provider will be responsible including any discount services, copayments, benefit maximums, limitations and exclusions, as well as any discount amount or discounted fee schedule reflecting discounted rates, shall be enumerated.	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

Provider Administrative Responsibilities	50 Ill. Adm. Code 2051.290(b)	A provision requiring the provider to comply with applicable administrative policies and procedures of the administrator including, but not limited to credentialing and recredentialing requirements.	
Provider Licensure Requirements	50 Ill. Adm. Code 2051.290(d)	A provision requiring providers to be licensed by the State, and to notify the administrator immediately whenever there is a change in licensure or certification status.	
Provider Contract Termination	50 Ill. Adm. Code 2051.290(f)	Termination provisions shall require: (1) Not less than 30 days prior written notice by either party who wishes to terminate the contract without cause; (2) That the administrator may terminate the provider contract for cause immediately; and (3) That the provider acting as primary care physician under plans requiring a gatekeeper option must provide the administrator with a list of all patients using that provider as a gatekeeper within 5 working days after the date that the provider either gives or receives notice of termination.	
Delegation of Rights Under the Contract	50 Ill. Adm. Code 2051.290(h)	A provision stating that the rights and responsibilities under the contract cannot be sold, leased, assigned,	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

		<p>assumed or otherwise delegated by either party without the prior written consent of the other party. The Similarly, the provider's written consent must be obtained for any assignment or assumption of the provider contract whenever an administrator or insurer is bought by another administrator or insurer. A clause within the provider contract allowing assignment will be deemed consent so long as the assignment is in accordance with the terms of the contract. The assignee must comply with all the terms and conditions of the contract being assigned, including all appendices, policies and fee schedules.</p>	
Liability and Malpractice Coverage	50 Ill. Adm. Code 2051.290(i)	<p>A provision stating that the preferred provider has and will maintain adequate professional liability and malpractice coverage, through insurance, self-funding, or other means satisfactory to the administrator. The administrator must be notified within no less than ten days after of the <u>preferred</u> provider's receipt of notice of any reduction or cancellation of such coverage.</p>	
Non-Discrimination	50 Ill. Adm. Code	<p>A provision stating that the</p>	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

	2051.290(j)	provider will provide health care services without discrimination against any beneficiary on the basis of participation in the preferred provider program, source of payment, age, sex, ethnicity, religion, sexual preference, health status or disability.	
Requirement for Provider Collection of Out-of-Pocket Amounts from Beneficiary	50 Ill. Adm. Code 2051.290(k)	A provision regarding the preferred provider's obligation, if any, to collect applicable copayments, coinsurance and/or deductibles from beneficiaries as provided by the beneficiary's health care services contract and to provide notice to beneficiaries of their personal financial obligations for non-covered services. This provision shall include any amount of applicable discounts or, alternatively, a fee schedule that reflects any discounted rates. For DHCSPs discounted health care services plans only, a provision that providers may not charge beneficiaries more than any applicable discounted rates in accordance with payment terms and provisions contained in a DHCSP discounted health care services plan agreement signed by a beneficiary.	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

24/7 Accessibility	50 Ill. Adm. Code 2051.290(l)	A provision regarding any obligation to provide covered health services on a 24 hour per day, 7 day per week basis.	
Payment Obligations	50 Ill. Adm. Code 2051.290(m)	A provision clearly describing the administrator's and payor's payment obligations to the provider. For DHCSPs discounted health care services plans , neither administrators nor payors may pay providers for health care services provided to beneficiaries. For DHCSPs discounted health care services plans , neither administrators nor payors may accept money from a beneficiary for payment to a provider for specific health care services furnished or to be furnished to the beneficiary.	
Administrative Services	50 Ill. Adm. Code 2051.290(n)	A provision identifying the administrative services, if any, the administrator will perform and the types of information (financial, enrollment and utilization) that will be submitted to the provider as well as other information that is accessible to the provider.	
Arbitration Procedures	50 Ill. Adm. Code 2051.290(p)	A provision identifying applicable internal appeal or arbitration procedures for settling contractual disputes or disagreements between the	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

		administrator and preferred provider.	
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ADMINISTRATOR AGREEMENTS Each applicant for registration shall file sample copies of all administrative agreements, when <u>where</u> applicable. Agreements at a minimum shall contain the following provisions.	REFERENCE 50 Ill. Adm. Code 2051.300	COMMENTS	REFERENCE Please type or print where the <u>such</u> information is located.
Due Diligence	50 Ill. Adm. Code 2051.300(a)	Before entering into a contract with another administrator or discounted health care services plan administrator to administer programs, policies or subscriber contracts in this State as provided by 215 ILCS 5/370i(b)(2), an administrator or discounted health care services plan administrator shall perform due diligence to ensure the other entity is properly registered under this Part or otherwise appropriately licensed under the Insurance Code.	
Terms for the Delegation of Rights Under the Contract	50 Ill. Adm. Code 2051.300(b)	Any provider contract or preferred provider program that is sold, leased, assigned, assumed or otherwise delegated must have the terms of that transaction affecting the provision of	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

		<p>health care services by providers, including any additional discount, repricing or other consideration, clearly described in the contract. The administrator; discounted health care services plan administrator or payor accessing the provider network shall be contractually obligated to comply with all applicable terms, limitations and conditions of the provider network contract, including all appendices, policies and fee schedules. An administrator shall provide to the provider upon request a written or electronic list of all current payors <u>and</u>; administrators <u>and</u> discounted health care services plan administrators to which the provider contract or program has been sold, leased, assigned, assumed or otherwise delegated.</p>	
<p>Administrator Marketing Responsibility</p>	<p>50 Ill. Adm. Code 2051.300(c)</p>	<p>An administrator shall approve in writing prior to use all advertisements, marketing materials, brochures and identification cards used by any other administrator or discounted health care services plan administrator to market, promote, sell or enroll</p>	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

		members in its preferred provider program.	
Delegation of Rights Under the Contract	50 Ill. Adm. Code 2051.300(d)	No preferred provider program may be sold, leased, assigned, assumed or otherwise delegated to another administrator without the prior written consent of the providers contracting under the program. A clause within the provider contract allowing assignment will be deemed consent so long as the assignment is in accordance with the terms of the contract. The assignee must comply with all the terms and conditions of the contract being assigned, including all appendices, policies and fee schedules.	

<p><u>HEALTH CARE PREFERRED PROVIDER PROGRAM NETWORK AVAILABILITY AND ACCESS</u> Each applicant for registration shall file the following information and documents with the Director.</p>	<p>REFERENCE 50 Ill. Adm. Code 2051.310</p>	<p>COMMENTS</p>	<p>REFERENCE Please type or print where <u>thesueh</u> information is located.</p>
Method of Marketing	50 Ill. Adm. Code 2051.310(a)(1)	Provide the Department with information relating to the method of marketing the program.	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

Geographic Map with Providers Marked	50 Ill Adm. Code 2051.310(a)(2)	A geographic map of the area proposed to be served by the program by county and zip code, including marked locations of preferred providers.	
List of Providers Names, Addresses and Specialties	50 Ill. Adm. Code 2051.310(a)(3)		
Number of Anticipated Beneficiaries	50 Ill. Adm. Code 2051.310(a)(4)	Members enrolled only in the State of Illinois.	
Website and Telephone Number Requirements	50 Ill. Adm. Code 2051.310(a)(5)	An Internet website and toll-free telephone number for beneficiaries and prospective beneficiaries to access regarding up-to-date lists of preferred providers, additional information about the DHCSP discounted health care services plan , as well as any other information necessary to conform to this Part. A plan shall identify specific providers in a beneficiary's area, confirm specific provider participation or provide a listing of preferred providers by mail. Preferred provider lists requested by phone must be sent within 3 working days. The up-to-date provider list applies to all providers that have entered arrangements to provide services under the program either directly, or indirectly through another administrator.	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

		Administrators' and insurers' Internet website addresses shall be prominently displayed on all advertisements, marketing materials, brochures, benefit cards and identification cards.	
Description of Accessibility and Availability of Network	50 Ill. Adm. Code 2051.310(a)(6)		
Type of Services to be Provided	50 Ill. Adm. Code 2051.310(a)(6)(A)	The type of health care services to be provided by the administrator network.	
Ratio of Providers to Beneficiaries	50 Ill. Adm. Code 2051.310(a)(6)(B)	The ratio of providers to beneficiaries by specialty, including primary care physicians, where applicable under the contract, necessary to meet the health care needs and service demands of the currently enrolled population.	
Greatest Travel Distance	50 Ill. Adm. Code 2051.310(a)(6)(C)	The greatest distance or time that the beneficiary must travel to access: (i) Preferred provider hospital services, where applicable under the contract; (ii) Primary care physician and woman's principal health care providerphysician services, where applicable under the contract; (iii) Any applicable health care service providers.	
Policies for Closing a Network to New Providers	50 Ill. Adm. Code 2051.310(a)(6)(D)		
Policies for Adding New Providers	50 Ill. Adm. Code 2051.310(a)(6)(E)		

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

Special Communication Needs	50 Ill. Adm. Code 2051.310(a)(6)(L)	Efforts to address the needs of beneficiaries with limited English proficiency and illiteracy, with diverse cultural and ethnic backgrounds, and with physical and mental disabilities.	
Identification Card	50 Ill. Adm. Code 2051.310(a)(6)(M)	A sample beneficiary identification card in conformity with the Uniform Health Care Service Benefits Information Card Act [215 ILCS 139], and the Uniform Prescription Drug Information Card Act [215 ILCS 138] when pharmaceutical services are provided as part of the program's health care services.	

<p>DISCOUNTED HEALTH CARE SERVICES PLAN AGREEMENTS Each applicant for registration shall file sample copies of all DHCSPdiscounted health care services plan agreements, whenwhere applicable. Agreements at a minimum shall contain the following provisions.</p>	<p>REFERENCE 50 Ill. Adm. Code 2051.320</p>	<p>COMMENTS Only those administrators that also provide DHCSPdiscounted health care services plan benefits must comply with the requirements of Section 2051.320.</p>	<p>REFERENCE Please type or print where theueh information is located.</p>
Written Agreement Required	50 Ill. Adm. Code 2051.320(a)	A DHCSP discounted health care services plan	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

		administrator shall have a written agreement between the administrator and its beneficiaries that specifies the benefits a beneficiary is to receive under the DHCSP discounted health care services plan.	
Cancellation Rights	50 Ill. Adm. Code 2051.320(b)(1)	A provision establishing the right for the beneficiary to cancel at any time. If a beneficiary cancels within 30 days after the date of receipt of the identification card and other membership materials, the beneficiary will be reimbursed all money paid except any fee authorized by Section 2051.320(b)(1).	
No Restrictions on Access to Providers	50 Ill. Adm. Code 2051.320(b)(2)	A provision establishing that beneficiaries will have free access to DHCSP discounted health care services plan providers without restrictions to waiting periods, notification periods, etc. (except for hospital discounts).	
Method of Payment	50 Ill. Adm. Code 2051.320(b)(3)	A provision allowing a beneficiary to modify the method of payment upon request, unless a specific method of payment is stipulated within the agreement.	
Electronic Fund Transfer Limitation	50 Ill. Adm. Code 2051.320(b)(3)	DHCSP Discounted health care services plan administrators may not continue using electronic	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

		fund transfers after receiving a beneficiary's written request to terminate electronic fund transfers as a method of payment.	
DOI Complaint Filing	50 Ill. Adm. Code 2051.320(b)(4)	The procedures for filing complaints with the plan and the availability and contact information for the Illinois Department of Insurance. The procedures must contain, at a minimum, a statement that the DHCSP discounted health care services plan shall provide specific contact information for the Department upon request.	
Required Disclosures	50 Ill. Adm. Code 2051.320(d)	DHCSP Discounted health care services plan administrators must provide the following disclosures in writing to any prospective beneficiary of a DHCSP discounted health care services plan before purchase as well as in all beneficiary agreements. If the initial contact with the prospective beneficiary is by telephone, the disclosure shall be made orally and included in the written agreement required by Section 2051.320(a). The disclosures shall also be provided on the first page of any advertisements, marketing materials or brochures relating to a	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

		DHCSP discounted health care services plan or if that is not possible, on the first page listing plan information.	
Not an Insurance Policy	50 Ill. Adm. Code 2051.320(d)(1)		
Providers and Services	50 Ill. Adm. Code 2051.320(d)(2)		
The Plan Does Not Make Payments to Providers	50 Ill. Adm. Code 2051.320(d)(3)		
Beneficiary Must Pay for All Discounted Services	50 Ill. Adm. Code 2051.320(d)(4)	The plan beneficiary is obligated to pay for all discounted health care services, but will receive a discount from those providers that have contracted with the DHCSP discounted health care services plan administrator.	
Toll-Free Number and Website Access	50 Ill. Adm. Code 2051.320(d)(5)	The DHCSP discounted health care services plan administrator's toll-free telephone number and Internet website page where beneficiaries and prospective beneficiaries may obtain additional information about the DHCSP discounted health care services plan and lists of providers participating in the DHCSP discounted health care services plan .	
Itemized Discounted Health Care Services Plan Costs	50 Ill. Adm. Code 2051.320(e)	Whenever a DHCSP discounted health care services plan is sold in conjunction with any other product that can be	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

		<p>purchased separately including a policy of insurance, the administrator or DHCSP discounted health care services plan administrator must provide in writing to the beneficiary the charges for the DHCSP discounted health care services plan product.</p>	
Limitation on Fees	50 Ill. Adm. Code 2051.320(f)	Any initial one-time processing, administrative or other such non-regular fee may not exceed \$30.	
Listing of Private Label Marketers	50 Ill. Adm. Code 2051.320(g)	<p>A DHCSP discounted health care services plan administrator shall annually file with the Director a listing of all private label marketers with whom it has a direct or indirect contractual relationship respecting the marketing or use of the administrator's administrator DHCSP discounted health services under a name other than that of the administrator. A DHCSP discounted health care services plan administrator shall inform the Department of any additional private label marketers with whom it contracts and of any cancellation or non-renewal of a contract within 30 days after the execution, cancellation or non-renewal of the contracts. A listing of</p>	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

		<p>private label marketers must contain: (1) the name, address and FEIN of the private label marketers; (2) any DBA used by the private label marketer; and (3) all product names used by the private label marketer.</p>	
<p>Administrator Responsibilities for Private Label Marketers</p>	<p>50 Ill. Adm. Code 2051.320(h)</p>	<p>A DHCSPdiscounted health care services plan administrator shall ensure that any private label marketer who it identifies under subsection (g) or with whom it has an obligation to identify under subsection (g): (1) prominently discloses within all descriptions of benefits and member materials the name of any administrator and DHCSPdiscounted health care services plan administrator whose DHCSPdiscounted health care services plan is being provided; (2) prominently discloses within all marketing materials the name of any DHCSPdiscounted health care services plan administrator whose DHCSPdiscounted health care services plan is being provided; (3) prominently discloses the private label marketer's product name and the name or name and logo of available networks on the</p>	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

		member's identification card; and (4) complies with the applicable <u>DHCSP</u> discounted health care services plan administrator provisions of this Part.	
Private Label Marketers Not Identified	50 Ill. Adm. Code 2051.320(i)	A private label marketer that is not identified as such pursuant to subsection (g) must register as a <u>DHCSP</u> discounted health care services plan administrator under this Part.	
Participating Provider Listings	50 Ill. Adm. Code 2051.320(j)	A <u>DHCSP</u> discounted health care services plan shall identify specific providers in a beneficiary's area, confirm specific provider participation or provide a listing of participating providers by mail. Participating provider lists requested by phone must be sent within 3 working days. Any provider listing must include all participating providers with whom the administrator has contracted either directly or indirectly through another <u>DHCSP</u> discounted health care services plan administrator.	

FIDUCIARY AND BONDING REQUIREMENTS	REFERENCE 50 Ill. Adm. Code 2051.340	COMMENTS	REFERENCE Please type or print where <u>thesueh</u> information is located.
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DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

Holder of Bond	50 Ill. Adm. Code 2051.340(c)(2)	If a bond of indemnity is posted, it shall be held by the Director of Insurance in favor of the beneficiaries and payors of services under the preferred provider program operated by the administrator.
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Declaration:

The undersigned declares that the statements made in this application are true, correct and complete to the best of his/her knowledge and belief.

Signature

Date

Print Name and Title

Phone

<p>Please sign and date this form and return it to the Department with your registration fee of \$1,000 for new registrations and any accompanying documents. The check or money order should be payable to the Director of Insurance.</p>
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(Source: Amended at 37 Ill. Reg. 2895, effective March 4, 2013)

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

Section 2051.APPENDIX C Insurer Filing Requirements

Name of Firm			Tax # (FEIN)
Business Address (Number, Street, City, State & Zip)			
Phone	Fax	Email Address	
Person Responsible for submitting application:			Phone

<u>HEALTH CARE PREFERRED PROVIDER PROGRAM</u> PAYOR AGREEMENTS	REFERENCE	COMMENTS	REFERENCE
Each insurer shall file sample copies of all payor agreements, <u>when/where</u> applicable. Agreements at a minimum shall contain the following provisions.	50 Ill. Adm. Code 2051.280		Please type or print where <u>the</u> such information is located.
Incentives	50 Ill. Adm. Code 2051.280(a)	Terms requiring and specifying all incentives to be provided to the beneficiary to utilize services of a preferred provider.	
Out-of-Network Referrals	50 Ill. Adm. Code 2051.280(b)	Terms stating that, whenever an administrator or a preferred provider finds it medically necessary to refer a beneficiary to a non-preferred provider, the payor shall ensure that the beneficiary so referred shall incur no greater out of pocket liability than had the	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

		beneficiary received services from a preferred provider. Subsection (b) does not apply to a beneficiary who willfully chooses to access a non-preferred provider for health care services available through the administrator's panel of participating providers. In these circumstances, the contractual requirements for non-preferred provider reimbursements will apply. Not applicable to administrators offering only a <u>DHCSP discounted health care services plan</u> .	
Identification Card References	50 Ill. Adm. Code 2051.280(c)	Terms requiring that both the payor's and, if applicable, the administrator's name and toll-free telephone numbers be contained on the beneficiaries' identification card.	
Prohibition on Administrator Assuming Risk	50 Ill. Adm. Code 2051.280(d)	Terms specifying that only the payor may assume any underwriting risk when that risk is part of the delivery of services.	

<p><u>HEALTH CARE PREFERRED PROVIDER PROGRAM PROVIDER AGREEMENTS</u> Each insurer shall file sample copies of all</p>	<p>REFERENCE 50 Ill. Adm. Code 2051.290</p>	<p>COMMENTS</p>	<p>REFERENCE Please type or print where <u>the</u> such information is located.</p>
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DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

<p>provider agreements, when/where applicable. Agreements at a minimum shall contain the following provisions.</p>			
<p>Covered Services/Beneficiary Payment Responsibility</p>	<p>50 Ill. Adm. Code 2051.290(a)</p>	<p>A provision identifying the specific covered health care services for which the preferred provider will be responsible including any discount services, copayments, benefit maximums, limitations and exclusions, as well as any discount amount or discounted fee schedule reflecting discounted rates, shall be enumerated.</p>	
<p>Provider Administrative Responsibilities</p>	<p>50 Ill. Adm. Code 2051.290(b)</p>	<p>A provision requiring the provider to comply with applicable administrative policies and procedures of the insurer including, but not limited to credentialing or recredentialing requirements, utilization review requirements, and referral procedures.</p>	
<p>Availability of Medical Records</p>	<p>50 Ill. Adm. Code 2051.290(c)</p>	<p>A provision requiring that when payments are due to the provider for services rendered to a beneficiary, the provider must maintain and make medical records available to the administrator and/or the insurer for the purpose of determining, on a concurrent or retrospective</p>	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

		<p>basis, the medical necessity and appropriateness of care provided to beneficiaries. Such medical records must also be made available to appropriate State and federal authorities and their agents involved in assessing the accessibility and availability of care or investigating member grievances or complaints and to comply with the applicable State and federal laws related to privacy and confidentiality of medical records.</p>	
Provider Licensure Requirements	50 Ill. Adm. Code 2051.290(d)	<p>A provision requiring providers to be licensed by the State, and to notify the insurer immediately whenever there is a change in licensure or certification status.</p>	
Hospital Admitting Privileges	50 Ill. Adm. Code 2051.290(e)	<p>A provision requiring all physician providers <u>licensed to practice medicine in all its branches</u> to have admitting privileges in at least one hospital with which the insurer has a written provider contract. The insurer shall be notified immediately of any changes in privileges at any hospital or admitting facility. Reasonable exceptions <u>shall</u>may be made for physicians who, because of the type of clinical specialty,</p>	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

		or location or type of practice, do not customarily have admitting privileges.	
Provider Contract Termination	50 Ill. Adm. Code 2051.290(f)	Termination provisions shall require: (1) Not less than 30 days prior written notice by either party who wishes to terminate the contract without cause; (2) That the insurer may terminate the provider contract for cause immediately; and (3) That the provider acting as primary care physician under plans requiring a gatekeeper option must provide the administrator with a list of all patients using that provider as a gatekeeper within 5 working days after the date that the provider either gives or receives notice of termination.	
Continuation of Services	50 Ill. Adm. Code 2051.290(g)	A provision explaining the provider responsibilities for continuation of covered services in the event of contract termination, to the extent that an extension of benefits is required by law or regulation, or that such continuation is voluntarily provided by the insurer.	
Delegation of Rights Under the Contract	50 Ill. Adm. Code 2051.290(h)	A provision stating that the rights and responsibilities under the contract cannot be sold, leased, assigned, assumed or otherwise delegated by either party	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

		without the prior written consent of the other party. The Similarly, the provider's written consent must be obtained for any assignment or assumption of the provider contract whenever an administrator or insurer is bought by another administrator or insurer. A clause within the provider contract allowing assignment will be deemed consent so long as the assignment is in accordance with the terms of the contract. The assignee must comply with all the terms and conditions of the contract being assigned, including all appendices, policies and fee schedules.	
Liability and Malpractice Coverage	50 Ill. Adm. Code 2051.290(i)	A provision stating that the preferred provider has and will maintain adequate professional liability and malpractice coverage, through insurance, self-funding, or other means satisfactory to the insurer. The insurer must be notified within no less than ten days of the preferred provider's receipt of notice of any reduction or cancellation of such coverage.	
Non-Discrimination	50 Ill. Adm. Code 2051.290(j)	A provision stating that the provider will provide health care services without discrimination against any	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

		beneficiary on the basis of participation in the preferred provider program, source of payment, age, sex, ethnicity, religion, sexual preference, health status or disability.	
Requirement for Provider Collection of Out-of-Pocket Amounts from Beneficiary	50 Ill. Adm. Code 2051.290(k)	A provision regarding the preferred provider's obligation, if any, to collect applicable copayments, coinsurance and/or deductibles from beneficiaries as provided by the beneficiary's health care services contract, and to provide notice to beneficiaries of their personal financial obligations for non-covered services. This provision shall include any amount of applicable discounts or, alternatively, a fee schedule that reflects any discounted rates. For <u>DHCSPs</u> discounted health care services plans only, a provision that providers may not charge beneficiaries more than any applicable discounted rates in accordance with payment terms and provisions contained in a <u>DHCSP</u> discounted health care services plan agreement signed by a beneficiary.	
24/7 Accessibility	50 Ill. Adm. Code 2051.290(l)	A provision regarding any obligation to provide	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

		covered health services on a 24 hour per day, 7 day per week basis.	
Payment Obligations	50 Ill. Adm. Code 2051.290(m)	A provision clearly describing the insurer's payment obligations to the provider. For DHCSPs discounted health care services plans , payors may not pay providers for health care services provided to beneficiaries. Payors may not accept money from a beneficiary for payment to a provider for specific health care services furnished or to be furnished to the beneficiary.	
Administrative Services	50 Ill. Adm. Code 2051.290(n)	A provision identifying the administrative services, if any, the insurer will perform and the types of information (financial, enrollment and utilization) that will be submitted to the provider as well as other information that is accessible to the provider.	
Payor Access	50 Ill. Adm. Code 2051.290(o)	A provision obligating the insurer to provide a method for providers to obtain initial information and adequate notice of change in benefits and copayments, and a provision obligating the insurer to provide all of the insurer's operational policies.	
Arbitration Procedures	50 Ill. Adm. Code 2051.290(p)	A provision identifying applicable internal appeal or	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

		arbitration procedures for settling contractual disputes or disagreements between the insurer and preferred provider.	
<p>ADMINISTRATOR AGREEMENTS Each insurer shall file sample copies of all administrative agreements, <u>when/where</u> applicable. Agreements at a minimum shall contain the following provisions.</p>	<p>REFERENCE 50 Ill. Adm. Code 2051.300</p>	<p>COMMENTS</p>	<p>REFERENCE Please type or print where <u>thesueh</u> information is located.</p>
Due Diligence	50 Ill. Adm. Code 2051.300(a)	Before entering into a contract with an administrator or discounted health care services plan administrator to administer programs, policies or subscriber contracts in this State as provided by 215 ILCS 5/370i(b)(2), an administrator or discounted health care services plan administrator shall perform due diligence to ensure the other entity is properly registered under this Part or otherwise appropriately licensed under the Insurance Code.	
Terms for the Delegation of Rights Under the Contract	50 Ill. Adm. Code 2051.300(b)	Any provider contract or preferred provider program that is sold, leased, assigned, assumed or otherwise delegated must have the terms of that transaction affecting	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

		<p>the provision of health care services by providers, including any additional discount, repricing, or other consideration, clearly described in the contract. The administrator, discounted health care services plan administrator or payor accessing the such provider network shall be contractually obligated to comply with all applicable terms, limitations and conditions of the provider network contract, including all appendices, policies and fee schedules. An administrator shall provide to the provider upon request a written or electronic list of all current payors, administrators and discounted health care services plan administrators to which the provider contract or program has been sold, leased, assigned, assumed or otherwise delegated.</p>	
<p>Administrator Marketing Responsibility</p>	<p>50 Ill. Adm. Code 2051.300(c)</p>	<p>An insurer shall approve in writing prior to use all advertisements, marketing materials, brochures and identification cards used by any administrator, discounted health care services plan administrator or other insurer to market, promote, sell or enroll members in its preferred provider program.</p>	
<p>Delegation of Rights</p>	<p>50 Ill. Adm. Code</p>	<p>No preferred provider</p>	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

Under the Contract	2051.300(d)	program may be sold, leased, assigned, assumed or otherwise delegated to an administrator without the prior written consent of the providers contracting under the program. A clause within the provider contract allowing assignment will be deemed consent so long as the assignment is in accordance with the terms of the contract. The assignee must comply with all the terms and conditions of the contract being assigned, including all appendices, policies and fee schedules.	
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<p><u>HEALTH CARE PREFERRED PROVIDER PROGRAM NETWORK</u> AVAILABILITY AND ACCESS Each insurer shall file the following information and documents with the Director.</p>	<p>REFERENCE 50 Ill. Adm. Code 2051.310</p>	<p>COMMENTS</p>	<p>REFERENCE Please type or print where <u>the</u> such-information is located.</p>
Method of Marketing	50 Ill. Adm. Code 2051.310(a)(1)	Provide the Department with information relating to the method of marketing the program.	
Geographic Map with Providers Marked	50 Ill. Adm. Code 2051.310(a)(2)	A geographic map of the area proposed to be served by the program by county and zip code, including marked locations of preferred	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

		providers.	
List of Providers Names, Addresses and Specialties	50 Ill. Adm. Code 2051.310(a)(3)		
Number of Anticipated Beneficiaries	50 Ill. Adm. Code 2051.310(a)(4)	Members enrolled in the State of Illinois.	
Website and Telephone Number Requirements	50 Ill. Adm. Code 2051.310(a)(5)	An Internet website and toll-free telephone number for beneficiaries and prospective beneficiaries to access regarding up-to-date lists of preferred providers, additional information about the DHCSP discounted health care services plan , as well as any other information necessary to conform to this Part. The insurer shall identify specific providers in the beneficiary's area, confirm specific provider participation or provide a listing of preferred providers by mail. Preferred provider lists requested by phone must be sent within 3 working days. The up-to-date provider list applies to all providers that have entered arrangements to provide services under the program, either directly or indirectly, through an administrator. Insurers' Internet website addresses shall be prominently displayed on all advertisements, marketing materials, brochures, benefit cards and identification	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

		cards.	
Description of Accessibility and Availability of Network	50 Ill. Adm. Code 2051.310(a)(6)		
Type of Services to be Provided	50 Ill. Adm. Code 2051.310(a)(6)(A)	The type of health care services to be provided by the insurer's network.	
Ratio of Providers to Beneficiaries	50 Ill. Adm. Code 2051.310(a)(6)(B)	The ratio of providers to beneficiaries by specialty, including primary care physicians, where applicable under the contract, necessary to meet the health care needs and service demands of the currently enrolled population.	
Greatest Travel Distance	50 Ill. Adm. Code 2051.310(a)(6)(C)	The greatest distance or time that the beneficiary must travel to access: (i) Preferred provider hospital services where applicable under the contract; (ii) Primary care <u>physician</u> and woman's principal health care <u>provider</u> physician services where applicable under the contract; (iii) Any applicable health care service providers.	
Policies for Closing a Network to New Providers	50 Ill. Adm. Code 2051.310(a)(6)(D)		
Policies for Adding New Providers	50 Ill. Adm. Code 2051.310(a)(6)(E)		
24/7 Network Access	50 Ill. Adm. Code 2051.310(a)(6)(F)	The provision of 24 hour, seven day per week access to network affiliated primary care and woman's principal health care providers.	
Referral Procedures	50 Ill. Adm. Code	The procedures for making	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

	2051.310(a)(6)(G)	referrals within and outside the network.	
Inadequate Networks	50 Ill. Adm. Code 2051.310(a)(6)(H)	In any case whereby a beneficiary has made a good faith effort to utilize preferred network providers for a covered service and it is determined the insurer does not have the appropriate preferred providers due to insufficient number, type or distance, the insurer shall ensure, directly or indirectly, by terms contained in the payor contract, that the beneficiary will be provided the covered service at no greater cost to the beneficiary than if the service had been provided by a preferred provider. Subsection (a)(6)(H) does not apply to a beneficiary who willfully chooses to access a non-preferred provider for health care services available through the administrator's panel of participating providers. In these circumstances, the contractual requirements for non-preferred provider reimbursements will apply. Not applicable to administrators offering only a DHCSP discounted health care services plan .	
Lack of Specialty Providers	50 Ill. Adm. Code 2051.310(a)(6)(I)	The procedures for paying benefits when particular	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

		<p>physician specialties are not represented within the provider network, or the services of such providers are not available at the time care is sought. In any case where a beneficiary has made a good faith effort to utilize network providers, by satisfying contractual obligation as specified in the benefit contract or certificate, for a covered service and the insurer does not have the appropriate preferred specialty providers (including but not limited to radiologists, anesthesiologists, pathologists and emergency room physicians) under contract due to the inability of the insurer to contract with such specialists, the insurer shall ensure that the beneficiary will be provided the covered service at no greater cost to the beneficiary than if the service had been provided by a preferred provider.</p>	
<p>Special Communication Needs</p>	<p>50 Ill. Adm. Code 2051.310(a)(6)(L)</p>	<p>Efforts to address the needs of beneficiaries with limited English proficiency and illiteracy, with diverse cultural and ethnic backgrounds, and with physical and mental disabilities.</p>	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

Identification Card	50 Ill. Adm. Code 2051.310(a)(6)(M)	A sample beneficiary identification card in conformity with the Uniform Health Care Service Benefits Information Card Act [215 ILCS 139], and the Uniform Prescription Drug Information Card Act [215 ILCS 138] when pharmaceutical services are provided as part of the program's health care services.	
Gatekeeper	50 Ill. Adm. Code 2051.310(a)(6)(N)	When a gatekeeper option is included as part of the program, insurers shall make a good faith effort to provide written notice of termination of a provider to all beneficiaries who are patients seen on a regular basis by a provider whose contract is terminating. Where a contract termination involves a primary care physician, in a gatekeeper option, all beneficiaries who are patients of that primary care physician shall also be notified.	
Medical Record Costs	50 Ill. Adm. Code 2051.310(c)	Enrollees are not responsible for any reasonable costs associated with medical record transmission or duplication in order to have a claim adjudicated.	

DISCOUNTED HEALTH CARE	REFERENCE 50 Ill. Adm. Code	COMMENTS Only insurers that also	REFERENCE Please type or
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DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

<p>SERVICES PLAN AGREEMENTS (IF APPLICABLE) Each insurer shall file sample copies of all DHCSP discounted health care services plan agreements, when<u>where</u> applicable. Agreements at a minimum shall contain the following provisions.</p>	2051.320	provide DHCSP discounted health care services plan benefits must comply with the requirements of Section 2051.320.	print where <u>the</u> such information is located.
Written Agreement Required	50 Ill. Adm. Code 2051.320(a)	An insurer shall have a written agreement with its beneficiaries that specifies the benefits a beneficiary is to receive under the DHCSP discounted health care services plan , if any.	
Cancellation Rights	50 Ill. Adm. Code 2051.320(b)(1)	A provision establishing the right for the beneficiary to cancel the discount benefits at any time. If a beneficiary cancels within 30 days after the date of receipt of the identification card and other membership materials, the beneficiary will be reimbursed all money paid except any fee authorized by Section 2051.320(f).	
No Restrictions on Access to Providers	50 Ill. Adm. Code 2051.320(b)(2)	A provision establishing that beneficiaries will have free access to DHCSP discounted health care services plan providers without restrictions to waiting periods, notification periods, etc. (except for hospital	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

		discounts).	
Method of Payment	50 Ill. Adm. Code 2051.320(b)(3)	A provision allowing a beneficiary to modify the method of payment upon request, unless a specific method of payment is stipulated within the agreement.	
Electronic Fund Transfer Limitation	50 Ill. Adm. Code 2051.320(b)(3)	Insurers offering a DHCSP discounted health care services plan may not continue using electronic fund transfers after receiving a beneficiary's written request to terminate electronic fund transfers as a method of payment.	
DOI Complaint Filing	50 Ill. Adm. Code 2051.320(b)(4)	The procedures for filing complaints with the plan and the availability and contact information for the Illinois Department of Insurance. These procedures must contain, at minimum, a statement that the DHCSP discounted health care services plan shall provide specific contact information for the Department upon request.	
Required Disclosures	50 Ill. Adm. Code 2051.320(d)	Insurers must provide the following disclosures as part of a policy of insurance, these disclosures must be included in the policy and certificate of coverage and must be specifically identified with and applicable to the DHCSP discounted health care	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

		services plan portion of the policy.	
Not an Insurance Policy	50 Ill. Adm. Code 2051.320(d)(1)		
Limitation on Providers and Services	50 Ill. Adm. Code 2051.320(d)(2)		
The Plan Does Not Make Payments to Providers	50 Ill. Adm. Code 2051.320(d)(3)		
Beneficiary Must Pay for All Discounted Services	50 Ill. Adm. Code 2051.320(d)(4)	The plan beneficiary is obligated to pay for all discounted health care services, but will receive a discount from those providers that have contracted with the insurer to provide health care service discounts.	
Toll-Free Telephone Number and Website Access	50 Ill. Adm. Code 2051.320(d)(5)	The insurer's toll-free telephone number and Internet website page where beneficiaries and prospective beneficiaries may obtain additional information about the DHCSP discounted health care services plan and lists of providers participating in the DHCSP discounted health care services plan .	
Itemized Discounted Health Care Services Plan Costs	50 Ill. Adm. Code 2051.320(e)	Whenever a DHCSP discounted health care services plan is sold in conjunction with any other product that can be purchased separately, including a policy of insurance, the insurer must provide in writing to the beneficiary the charges for the DHCSP discounted health care services plan product.	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

Limitation on Fees	50 Ill. Adm. Code 2051.320(f)	Any initial one-time processing, administrative or other such non-regular fee may not exceed \$30.	
Listing of Private Label Marketers	50 Ill. Adm. Code 2051.320(g)	A DHCSP discounted health care services plan administrator shall annually file with the Director a listing of all private label marketers with whom it has a direct or indirect contractual relationship respecting the marketing or use of the administrator's DHCSP discounted health care services plan under a name other than that of the administrator. A DHCSP discounted health care services plan administrator shall inform the Department of any additional private label marketers with whom it contracts and of any cancellation or non-renewal of a contract within 30 days after the execution, cancellation or non-renewal of the contracts. A listing of private label marketers must contain: (1) the name, address and FEIN of the private label marketers; (2) any DBA used by the private label marketer; and (3) all product names used by the private label marketer.	
Administrator Responsibilities for	50 Ill. Adm. Code 2051.320(h)	A DHCSP discounted health care services plan	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

Private Label Marketers		<p>administrator shall ensure that any private label marketer who it identifies under subsection (g) or with whom it has an obligation to identify under subsection (g): (1) prominently discloses within all descriptions of benefits and member materials the name of any administrator and discounted health care services plan administrator whose DHCSP discounted health care services plan is being provided; (2) prominently discloses within all marketing materials the name of any discounted health care services plan administrator whose DHCSP discounted health care services plan is being provided; (3) prominently discloses the private label marketer's product name and the name or name and logo of available networks on the member's identification card; and (4) complies with the applicable DHCSP discounted health care services plan administrator provisions of this Part.</p>	
Private Label Marketers Not Identified	50 Ill. Adm. Code 2051.320(i)	A private label marketer that is not identified as such pursuant to subsection (g) must register as a DHCSP discounted health care	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

		services plan administrator under this Part.	
Participating Provider Listings	50 Ill. Adm. Code 2051.320(j)	A DHCSP discounted health care services plan shall identify specific providers in a beneficiary's area, confirm specific provider participation or provide a listing of participating providers by mail. Participating provider lists requested by phone must be sent within 3 working days. Any provider listing must include all participating providers with whom the administrator has contracted either directly or indirectly through another DHCSP discounted health care services plan administrator.	

INSURER REQUIREMENTS Each insurer shall file sample copies of all DHCSP discounted health care services plan agreements, when where applicable. Agreements at a minimum shall contain the following provisions.	REFERENCE 50 Ill. Adm. Code 2051.330	COMMENTS	REFERENCE Identify the previous filing information in the this space below.
Waiver of filing requirements	50 Ill. Adm. Code 2051.330(b)	When incorporated in a policy filing, the filing requirements for Section 2051.330(a) may be waived if the preferred provider arrangement information had	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

		previously been filed and is identified in the subsequent filing.	
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Declaration:

The undersigned declares that the statements made in this application are true, correct and complete to the best of his/her knowledge and belief.

Signature

Date

Print Name and Title

Phone

<p>Please sign and date this form and return it to the Department with your registration fee of \$1,000 for new registrations and any accompanying documents. The check or money order should be payable to the Director of Insurance.</p>
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(Source: Amended at 37 Ill. Reg. 2895, effective March 4, 2013)

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

Section 2051.APPENDIX D Workers' Compensation Preferred Provider Program Administrator Registration Form

<u>Name of Firm</u>			<u>Tax # (FEIN)</u>
<u>Business Address (Number, Street, City, State & Zip)</u>			
<u>Phone</u>	<u>Fax</u>	<u>Email Address</u>	
<u>Person Responsible for submitting application:</u>			<u>Phone</u>

<u>FEE REQUIREMENT</u>	<u>REFERENCE</u>	<u>COMMENTS</u>	
<u>Fee Required With Application</u>	<u>50 Ill. Adm. Code 2051.250</u>	<u>Initial registration fee of \$1,000 must be submitted with application for preferred program provider administrator.</u>	

<u>ADMINISTRATOR REQUIREMENTS</u>	<u>REFERENCE</u>	<u>COMMENTS</u>	<u>REFERENCE</u> <u>Please type or print where the information is located.</u>
<u>Signed Contracts</u>	<u>50 Ill. Adm. Code 2051.260(c)</u>	<u>Signed copies of all current administrative agreements with any entity with which the applicant contracts to provide services for or meet the requirements of the Act. Examples of these contracts may include, but are not necessarily limited to, agreements with other administrators, utilization review organizations, third party administrators, third party prescription program administrators, risk bearing</u>	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

		<u>entities, and employers or employer groups for the purposes of WC PPPs.</u>	
<u>Economic Evaluation</u>	<u>50 Ill. Adm. Code 2051.260(c)(7)</u>	<u>WC PPP administrators that utilize economic evaluation of their providers shall file a description of any policies and procedures related to the economic evaluation utilized by the program.</u>	
<u>Employee Notification</u>	<u>50 Ill. Adm. Code 2051.260(c)(8)</u>	<u>WC PPP administrators shall provide those policies and procedures instituted to insure the employer is providing proper notification to the covered employee in accordance with the form promulgated by the Workers' Compensation Commission.</u>	

<u>ORGANIZATIONAL REQUIREMENTS</u>	<u>REFERENCE</u> <u>50 Ill. Adm. Code 2051.270</u>	<u>COMMENTS</u>	<u>REFERENCE</u> <u>Please type or print where the information is located</u>
<u>Organization Chart</u>	<u>50 Ill. Adm. Code 2051.270(a)</u>	<u>An organizational chart describing the relationship among the administrator, its parent organization and any affiliates, including the state of domicile and the primary business of each entity.</u>	
<u>Corporation Information</u>	<u>50 Ill. Adm. Code 2051.270(b)</u>	<u>Proof of registration with the Illinois Secretary of State and the company's FEIN.</u>	
<u>Biographical Affidavits</u>	<u>50 Ill. Adm. Code 2051.270(c)</u> <u>Appendix E</u>	<u>A list of the names, addresses, official positions and biographical affidavits of the persons responsible</u>	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

		<u>for the conduct of the affairs of the administrator (as presented in Appendix E or the NAIC Biographical Affidavit Form).</u>	
<u>Office Location and Hours</u>	<u>50 Ill. Adm. Code 2051.270(d)</u>	<u>Location of the administrative offices of the administrator located in this State and regular business hours during which offices are open. If administrative offices are not in this State, then the name and address of the agent for service of process filed with the Illinois Secretary of State.</u>	

<u>WORKERS' COMPENSATION PREFERRED PROVIDER PROGRAM PAYOR AGREEMENTS</u> <u>Each applicant for registration shall file sample copies of all payor agreements, when applicable. Agreements at a minimum shall contain the following provisions.</u>	<u>REFERENCE</u> <u>50 Ill. Adm. Code 2051.285</u>	<u>COMMENTS</u>	<u>REFERENCE</u> <u>Please type or print where the information is located.</u>
<u>Incentives</u>	<u>50 Ill. Adm. Code 2051.285(a)</u>	<u>Terms requiring and specifying all incentives to be provided to the insured to utilize services of a provider that has entered into an agreement with the administrator.</u>	
<u>Out-of-Network</u>	<u>50 Ill. Adm. Code</u>	<u>Terms stating that, whenever</u>	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

<p><u>Referrals – Beneficiary</u></p>	<p><u>2051.285(b)</u></p>	<p><u>an administrator or a preferred provider finds it medically necessary to refer a beneficiary to a non-preferred provider, the payor shall ensure that the beneficiary so referred shall incur no greater liability than had the beneficiary received services from a preferred provider, except as provided pursuant to Section 8.1a(c)(2) and Section 8.2(e) of the Workers' Compensation Act.</u></p>	
<p><u>Out of Network Referrals – Payor</u></p>	<p><u>50 Ill. Adm. Code 2051.285(c)</u></p>	<p><u>Terms stating that, whenever an administrator or a preferred provider finds it medically necessary to refer a beneficiary to a non-preferred provider because the PPP does not contain a provider who can provide the approved treatment, and if the beneficiary has complied with any reasonable pre-authorization requirements consistent with Section 8.1a of the Workers' Compensation Act, the WC PPP shall ensure that the covered employee will be provided the covered services by the non-preferred provider in accordance with the fees at not greater cost to the payor than if the services had been provided by a preferred provider. In these</u></p>	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

		<u>instances, the administrator shall be responsible for the payment of any additional amounts otherwise due to the non-preferred provider.</u>	
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<u>WORKERS' COMPENSATION PREFERRED PROVIDER PROGRAM PROVIDER AGREEMENTS</u> Each applicant for registration shall file sample copies of all provider agreements, <u>when applicable.</u> Agreements at a minimum shall contain the following provisions.	<u>REFERENCE</u> 50 Ill. Adm. Code 2051.295	<u>COMMENTS</u>	<u>REFERENCE</u> Please type or print where the information is located.
<u>Compliance with Workers' Compensation Act</u>	50 Ill. Adm. Code 2051.295(a)	<u>A provision stating, within the preamble, that the agreement conforms to the requirements of Section 8.1a of the Workers' Compensation Act [820 ILCS 305/8.1a].</u>	
<u>Covered Services/Beneficiary Payment Responsibility</u>	50 Ill. Adm. Code 2051.295(b)	<u>A provision identifying the specific covered health care services for which the preferred provider will be responsible, including any discount services, limitations and exclusions, as well as any discount amount or discounted fee schedule reflecting discounted rates.</u>	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

<u>Provider Administrative Responsibilities</u>	<u>50 Ill. Adm. Code 2051.295(c)</u>	<u>A provision requiring the provider to comply with applicable administrative policies and procedures of the Administrator, including, but not limited to, credentialing, recredentialing, utilization review requirements and referral procedures.</u>	
<u>Availability of Medical Records</u>	<u>50 Ill. Adm. Code 2051.295(d)</u>	<u>A provision requiring that, when payments are due to the provider for services rendered to a beneficiary, the provider must maintain and make the beneficiary's medical records available to the administrator and/or payor for the purpose of determining, on a concurrent or retrospective basis, the compensability, medical necessity and appropriateness of care provided to beneficiaries. The medical records must also be made available to appropriate State and federal authorities and their agents involved in assessing the accessibility and availability of care or investigating member grievances or complaints and to comply with the applicable State and federal laws related to privacy and confidentiality of medical records.</u>	
<u>Provider Licensure Requirements</u>	<u>50 Ill. Adm. Code 2051.295(e)</u>	<u>A provision requiring providers to be licensed by</u>	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

		<u>the state and to notify the administrator immediately whenever there is a change in licensure or certification status.</u>	
<u>Hospital Admitting Privileges</u>	<u>50 Ill. Adm. Code 2051.295(f)</u>	<u>A provision requiring all physician providers licensed to practice medicine in all its branches to have admitting privileges in at least one hospital. The administrator shall be notified immediately of any changes in privileges at any hospital or admitting facility. Reasonable exceptions shall be made for physicians who, because of the type of clinical specialty, or location or type of practice, do not customarily have admitting privileges.</u>	
<u>Provider Contract Termination</u>	<u>50 Ill. Adm. Code 2051.295(g)</u>	<u>Termination provisions shall require: (1) Not less than 30 days prior written notice by either party who wishes to terminate the contract without cause; and (2) That the administrator may terminate the provider contract for cause immediately.</u>	
<u>Continuation of Services</u>	<u>50 Ill. Adm. Code 2051.295(h)</u>	<u>A provision explaining the provider responsibilities for continuation of covered services in the event of contract termination, to the extent that an extension of benefits is required by law or regulation, or that the</u>	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

		<u>continuation is voluntarily provided by the administrator.</u>	
<u>Delegation of Rights Under the Contract</u>	<u>50 Ill. Adm. Code 2051.295(i)</u>	<u>A provision stating that the rights and responsibilities under the contract cannot be sold, leased, assigned, assumed or otherwise delegated by either party without the prior written consent of the other party. The provider's written consent must be obtained for any assignment or assumption of the provider contract whenever an administrator or insurer is bought by another administrator or insurer. A clause within the provider contract allowing assignment will be deemed consent so long as the assignment is in accordance with the terms of the contract. The assignee must comply with all the terms and conditions of the contract being assigned, including all appendices, policies and fee schedules.</u>	
<u>Liability and Malpractice Coverage</u>	<u>50 Ill. Adm. Code 2051.295(j)</u>	<u>A provision stating that the preferred provider has and will maintain adequate professional liability and malpractice coverage, through insurance, self-funding, or other means satisfactory to the administrator. The</u>	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

		<u>administrator must be notified within no less than ten days after the preferred provider's receipt of notice of any reduction or cancellation of the coverage.</u>	
<u>Non-Discrimination</u>	<u>50 Ill. Adm. Code 2051.295(k)</u>	<u>A provision stating that the provider will provide health care services without discrimination against any beneficiary on the basis of participation in the PPP, source of payment, age, sex, ethnicity, religion, sexual preference, health status or disability.</u>	
<u>Requirement for Provider Notification of Beneficiaries Personal Financial Obligations for Non-Covered Services</u>	<u>50 Ill. Adm. Code 2051.295(l)</u>	<u>A provision regarding the preferred provider's obligation to provide notice to beneficiaries of their personal financial obligations for non-covered services.</u>	
<u>Services Determined Not Compensable under Workers' Compensation Act</u>	<u>50 Ill. Adm. Code 2051.295(m)</u>	<u>A provision that providers may charge covered employees for those services determined to be not compensable under the Workers' Compensation Act.</u>	
<u>24/7 Accessibility</u>	<u>50 Ill. Adm. Code 2051.295(n)</u>	<u>A provision regarding any obligation to provide covered health care services on a 24 hour per day, 7 day per week basis.</u>	
<u>Payment Obligations</u>	<u>50 Ill. Adm. Code 2051.295(o)</u>	<u>A provision clearly describing the administrator's and payor's payment obligations to the provider, including but not limited to the payment of statutory</u>	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

		<u>interest on late payments as required in Section 8.2(d)(3) of the Workers' Compensation Act.</u>	
<u>Administrative Services</u>	<u>50 Ill. Adm. Code 2051.295(p)</u>	<u>A provision identifying the administrative services, if any, the administrator will perform and the types of information (financial, enrollment and utilization) that will be submitted to the provider, as well as other information that is accessible to the provider.</u>	
<u>Administrator Responsibilities</u>	<u>50 Ill. Adm. Code 2051.295(q)</u>	<u>A provision obligating the administrator to provide a method for providers to access each payor to obtain benefit information and a provision obligating the administrator to provide all of the administrator's operational policies.</u>	
<u>Arbitration Procedures</u>	<u>50 Ill. Adm. Code 2051.295(r)</u>	<u>A provision identifying applicable internal appeal or arbitration procedures for settling contractual disputes or disagreements between the administrator and preferred provider.</u>	

<u>ADMINISTRATOR AGREEMENTS</u> Each applicant for registration shall file sample copies of all administrative agreements, when applicable. Agreements	<u>REFERENCE</u> 50 Ill. Adm. Code 2051.300	<u>COMMENTS</u>	<u>REFERENCE</u> Please type or print where the information is located.
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DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

<u>at a minimum shall contain the following provisions.</u>			
<u>Due Diligence</u>	<u>50 Ill. Adm. Code 2051.300(a)</u>	<u>Before entering into a contract with another administrator to administer programs, policies or subscriber contracts in this State, as provided by 215 ILCS 5/370i(b)(2), an administrator shall perform due diligence to ensure the other entity is properly registered under this Part or otherwise appropriately licensed under the Insurance Code.</u>	
<u>Terms for the Delegation of Rights Under the Contract</u>	<u>50 Ill. Adm. Code 2051.300(b)</u>	<u>Any provider contract or PPP that is sold, leased, assigned, assumed or otherwise delegated must have the terms of that transaction affecting the provision of health care services by providers, including any additional discount, repricing, or other consideration, clearly described in the contract. The administrator or payor accessing the provider network shall be contractually obligated to comply with all applicable terms, limitations and conditions of the provider network contract, including all appendices, policies and fee schedules. An</u>	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

		<u>administrator shall provide to the provider upon request a written or electronic list of all current payors and administrators to which the provider contract or program has been sold, leased, assigned, assumed or otherwise delegated.</u>	
<u>Administrator Marketing Responsibility</u>	<u>50 Ill. Adm. Code 2051.300(c)</u>	<u>An administrator shall approve in writing prior to use all advertisements, marketing materials, brochures and, if applicable, identification cards used by any other administrator to market, promote, sell or enroll members in its PPP.</u>	
<u>Delegation of Rights Under the Contract</u>	<u>50 Ill. Adm. Code 2051.300(d)</u>	<u>No preferred provider program may be sold, leased, assigned, assumed or otherwise delegated to another administrator without the prior written consent of the providers contracting under the program. A clause within the provider contract allowing assignment will be deemed consent so long as the assignment is in accordance with the terms of the contract. The assignee must comply with all the terms and conditions of the contract being assigned, including all appendices, policies and fee schedules.</u>	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

<p style="text-align: center;"><u>WORKERS' COMPENSATION NETWORK AVAILABILITY AND ACCESS</u> Each applicant for registration shall file the following information and documents with the Director.</p>	<p style="text-align: center;"><u>REFERENCE</u> 50 Ill. Adm. Code 2051.315</p>	<p style="text-align: center;"><u>COMMENTS</u></p>	<p style="text-align: center;"><u>REFERENCE</u> Please type or print where the information is located.</p>
<p><u>Method of Marketing</u></p>	<p>50 Ill. Adm. Code 2051.315(a)(1)</p>	<p>Provide the Department with information relating to the method of marketing the program.</p>	
<p><u>Geographic Map with Providers Marked</u></p>	<p>50 Ill. Adm. Code 2051.315(a)(2)</p>	<p>A geographic map of the area proposed to be served by the program by county and zip code, including marked locations of preferred providers.</p>	
<p><u>List of Providers Names, Addresses and Specialties</u></p>	<p>50 Ill. Adm. Code 2051.315(a)(3)</p>		
<p><u>Number of Estimated Beneficiaries</u></p>	<p>50 Ill. Adm. Code 2051.315(a)(4)</p>	<p>Covered employees in the State of Illinois.</p>	
<p><u>Website and Telephone Number Requirements</u></p>	<p>50 Ill. Adm. Code 2051.315(a)(5)</p>	<p>An Internet website and toll-free telephone number for insureds, beneficiaries and prospective beneficiaries to access regarding up-to-date lists of preferred providers, as well as any other information necessary to conform to this Part. A WC PPP shall identify specific providers in a beneficiary's area, confirm</p>	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

		<p><u>specific provider participation or provide a listing of preferred providers in the delivery mode requested by the beneficiary. Preferred provider lists requested by phone must be sent within 3 working days. The up-to-date provider list applies to all providers that have entered arrangements to provide services under the program either directly or indirectly through another administrator. Administrators', WC PPP administrators' and insurers' Internet website addresses shall be prominently displayed on all advertisements, marketing materials and brochures.</u></p>	
<u>Description of Accessibility and Availability of Network</u>	<u>50 Ill. Adm. Code 2051.315(a)(6)</u>		
<u>Type of Services to be Provided</u>	<u>50 Ill. Adm. Code 2051.315(a)(6)(A)</u>	<u>The type of health care services to be provided by the administrator network.</u>	
<u>Ratio of Providers to Beneficiaries</u>	<u>50 Ill. Adm. Code 2051.315(a)(6)(B)</u>	<u>The ratio of providers to beneficiaries by specialty, including primary treating physicians, when applicable under the contract, necessary to meet the health care needs and service demands of the estimated covered</u>	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

		<u>employees.</u>	
<u>Policies for Closing a Network to New Providers</u>	<u>50 Ill. Adm. Code 2051.315(a)(6)(C)</u>		
<u>Policies for Adding New Providers</u>	<u>50 Ill. Adm. Code 2051.315(a)(6)(D)</u>		
<u>Referral Procedures</u>	<u>50 Ill. Adm. Code 2051.315(a)(6)(E)</u>	<u>The procedures for making referrals within and outside the network.</u>	
<u>Special Communication Needs</u>	<u>50 Ill. Adm. Code 2051.315(a)(6)(F)</u>	<u>Efforts to address the needs of beneficiaries with limited English proficiency and illiteracy, with diverse cultural and ethnic backgrounds and to comply with the Americans With Disabilities Act of 1990.</u>	
<u>Utilization of Another Administrator's or Insurer's PPP</u>	<u>50 Ill. Adm. Code 2051.315(a)(7)</u>	<u>If a WC PPP administrator is leasing, buying or otherwise using another administrator's or insurer's program, and the required information has previously been filed by the other administrator or insurer, then only the administrative agreement and verification that the providers have consented to the agreement pursuant to Section 2051.300(d) need to be filed. A clause within the provider contract allowing assignment will be deemed consent in the absence of material modification of the provider's obligations</u>	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

		<u>under the contract.</u>	
<u>Medical Record Costs</u>	<u>50 Ill. Adm. Code 2051.315(a)(8)</u>	<u>Covered employees are not responsible for any costs associated with medical record transmission or duplication in order to have a claim adjudicated.</u>	
<u>Description of Reasonably Accessible and Available</u>	<u>50 Ill. Adm. Code 2051.315(b)(1)(A)</u>	<u>A description of how health care services to be rendered under the preferred provider program are reasonably accessible and available to beneficiaries.</u>	
<u>Good Faith Effort – Payor</u>	<u>50 Ill. Adm. Code 2051.315(b)(1)(B)</u>	<u>A provision ensuring that, whenever a covered employee has made a good faith effort to utilize network providers for a covered service and it is determined the administrator does not have the appropriate preferred providers due to insufficient number, type or distance, the administrator shall ensure, directly or indirectly, by terms contained in the payor contract, that the covered employee will be provided the covered services established by the Workers' Compensation Fee Schedule. This subsection (b)(1)(B) does not apply to a covered employee who violates</u>	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

		<p><u>Section 8.1a(c) and (d) of the Workers' Compensation Act for health care services available through the administrator's panel of participating providers. In these circumstances, the requirement of Section 8.2 of the Workers' Compensation Act for non-preferred provider reimbursements will apply. Subsection (b)(1)(B) does not apply to SPPP administrators.</u></p>	
<p><u>Good Faith Effort – Beneficiary</u></p>	<p><u>50 Ill. Adm. Code 2051.315(b)(1)(C)</u></p>	<p><u>Policies and procedures ensuring, directly or indirectly, that, whenever a covered employee has made a good faith effort to utilize network providers for a covered service and it is determined the administrator does not have the appropriate preferred providers due to insufficient number, type or distance, the administrator shall ensure, directly or indirectly, by terms contained in the payor contract, that the covered employee will be provided the covered services as if they had been provided by a preferred provider, without any loss of provider choice</u></p>	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

		<p><u>under Section 8 or 8.1a(c) of the Workers' Compensation Act. Subsection (b)(1)(C) does not apply to a covered employee who violates Section 8.1a(c) and (d) of the Workers' Compensation Act for health care services available through the administrator's plan of preferred providers. In these circumstances, the requirements of Section 8.2 of the Workers' Compensation Act for non-preferred provider reimbursements will apply. Subsection (b)(1)(C) does not apply to SPPP administrators.</u></p>	
<p><u>Geographic Maps – Primary Treating Physician and Hospital Health Care Services for Emergency Health Care Services</u></p>	<p><u>50 Ill. Adm. Code 2051.315(b)(1)(D)</u></p>	<p><u>Geographic maps indicating primary treating physician and hospital health care services for emergency health care services within 30 minutes or 15 miles of each covered employee's residence.</u></p>	
<p><u>Geographic Maps</u></p>	<p><u>50 Ill. Adm. Code 2051.315(b)(1)(E)</u></p>	<p><u>Geographic maps indicating providers of occupational health services and specialists within 60 minutes or 30 miles of a covered employee's residence.</u></p>	
<p><u>Rural Areas Service</u></p>	<p><u>50 Ill. Adm. Code</u></p>	<p><u>If the WC PPP</u></p>	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

<u>Area Alternative Standard</u>	<u>2051.315(b)(1)(F)</u>	<u>administrator believes that, given the facts and circumstances with regard to a portion of its service area (specifically rural areas, including those in which health facilities are located at least 30 miles apart), the accessibility standards set forth in subsections (b)(1)(D) and (E) are unreasonably restrictive, the WC PPP administrator shall include proposed alternative standards in writing in its application or in a notice of program modification. The alternative standards shall provide that all services shall be available and accessible at a reasonable time to all covered employees.</u>	
<u>Coverage Outside the WC PPP</u>	<u>50 Ill. Adm. Code 2051.315(b)(1)(G)</u>	<u>Written policy for arranging or approving non-emergency medical care for covered employees outside the WC PPP service area.</u>	
<u>Accessibility Standards for Coverage Outside the WC PPP</u>	<u>50 Ill. Adm. Code 2051.315(b)(1)(G)(ii)</u>	<u>Coverage for covered employees outside the WC PPP service area shall be located within the accessibility standards described in subsections (b)(1)(D) and (E).</u>	
<u>Appointment Standards – Initial</u>	<u>50 Ill. Adm. Code 2051.315(b)(1)(H)(i)</u>	<u>Ensure appointments for initial treatment is</u>	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

		<u>available within 3 business days after the WC PPP administrator's receipt of a request for treatment within the PPP.</u>	
<u>Appointment Standards – Specialists</u>	<u>50 Ill. Adm. Code 2051.315(b)(1)(H)(ii)</u>	<u>Ensure covered employees an appointment within 20 business days after the WC PPP administrator's receipt of a referral to a specialist within the PPP.</u>	

<u>FIDUCIARY AND BONDING REQUIREMENTS</u>	<u>REFERENCE</u> <u>50 Ill. Adm. Code</u> <u>2051.340</u>	<u>COMMENTS</u>	<u>REFERENCE</u> <u>Please type or print where the information is located.</u>
<u>Holder of Bond</u>	<u>50 Ill. Adm. Code</u> <u>2051.340(c)(2)</u> <u>Appendix F</u>	<u>If a bond of indemnity is posted, it shall be held by the Director of Insurance in favor of the beneficiaries and payors of services under the PPP operated by the administrator.</u>	

Declaration:

The undersigned declares that the statements made in this application are true, correct and complete to the best of his/her knowledge and belief.

Signature

Date

Print Name and Title

Phone

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

Please sign and date this form and return it to the Department with your registration fee of \$1,000 for new registrations and any accompanying documents. The check or money order should be payable to the Director of Insurance.

(Source: Added at 37 Ill. Reg. 2895, effective March 4, 2013)

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

Section 2051.APPENDIX ~~ED~~ Illinois or NAIC Biographical Affidavit

Full name and address of company (do not use group name)

In connection with the above-named company, I herewith make representations and supply information about myself as hereinafter set forth. (Attach addendum or separate sheet if space hereon is insufficient to answer any question fully.) If answer is "No" or "None", so state.

1. Affiant's full name (initials not acceptable)

2a. Have you ever had your name changed? ____ If yes, give the reason for the change

2b. Give other names used at any time

3. Affiant's Social Security

4. Date and place of birth

5. Affiant's business address

Business Telephone #

6. List your residences for the last 10 years starting with your current address, giving:

Date

Address

City and State

7. Education: List dates, names, locations and degrees

College: _____

Graduate Studies: _____

Others: _____

8. List memberships in Professional Societies and Associations

9. Present or proposed positions with the applicant company

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

10. List complete employment record (up to and including present jobs, positions, directorates or officerships) for the past 20 years, giving:

Dates	Employer and Address	Title
<hr/>		
<hr/>		

Please circle one

11. May present employer be contacted? Yes No May former employers be contacted? Yes No

12a. Have you ever been in a position which required a fidelity bond? _____ If any claims were made on the bond, give details.

12b. Have you ever been denied an individual or position schedule fidelity bond, or had a bond cancelled or revoked? _____ If yes, give details.

13. List any professional, occupational, and vocational licenses issued by any public or governmental licensing agency or regulatory authority which you presently hold or have held in the past (state date, license issued, issuer of license, date terminated, reasons for termination.)

14. During the last 10 years, have you ever been refused a professional, occupational or vocational license by any public or governmental licensing agency or regulatory authority, or has any such license held by you ever been suspended or revoked? _____ If yes, give details.

15. List any administrators, insurers or HMOs in which you control directly or indirectly or own legally or beneficially 10% or more of the outstanding stock (in voting power).

If any of the stock is pledged or hypothecated in any way, give details.

16. Will you or members of your immediate family subscribe to or own, beneficially or of record, shares of stock of the applicant administrator or its affiliates? _____ If any of the shares of stock are pledged or hypothecated in any way, give details.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

17. Have you ever been adjudged bankrupt? _____

18. Have you ever been convicted or had a sentence imposed or suspended or had pronouncement of a sentence suspended or been pardoned for conviction of or pleaded guilty or nolo contendere to any information or an indictment charging any felony or charging a misdemeanor involving embezzlement, theft, larceny, or mail fraud, or charging a violation of any corporate securities statute or any insurance law, or have you been the subject of any disciplinary proceedings of any federal or state regulatory agency? _____
If yes, give details _____

19. Has any company been so charged, allegedly as a result of any action or conduct on your part? _____ If yes, give details.

20. Have you ever been an officer, director, trustee, investment committee member, key employee, or controlling stockholder of any insurer, HMO or administrator which, while you occupied any such position or capacity with respect to it, became insolvent or was placed under supervision or in receivership, rehabilitation, liquidation or conservatorship? _____

21. Has the certificate of authority or license to do business of any insurance company or registration of any administrator of which you were an officer or director or key management person ever been suspended, revoked or denied while you occupied such position? _____
If yes, give details. _____

Declaration

Dated and signed this _____ day of _____ at _____

I hereby certify under penalty of perjury that I am acting on my own behalf and that the foregoing statements are true and correct to the best of my knowledge and belief.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

State of _____

County of _____

Personally appeared before me the above named _____ personally known to me who being duly sworn deposes and says that he executed the above instrument and that the statements and answers contained therein are true and correct to the best of his knowledge and belief.

Subscribed and sworn to before me this _____ day of _____ 20 ____

(Notary Public)

(SEAL)

My commission expires

Important Notice: Disclosure of this information is required under Illinois Department of Insurance Rules.

NAIC BIOGRAPHICAL AFFIDAVIT

Applicant Name: _____

NAIC No: _____

FEIN: _____

To the extent permitted by law, this affidavit will be kept confidential by the state insurance regulatory authority.

(Print or Type)

Full Name, Address and telephone number of the present or proposed entity under which this biographical statement is being required (Do Not Use Group Names).

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

In connection with the above-named entity, I herewith make representations and supply information about myself as hereinafter set forth. (Attach addendum or separate sheet if space hereon is insufficient to answer any question fully.) IF ANSWER IS "NO" OR "NONE", SO STATE.

- 1. a. Affiant's Full Name (Initials Not Acceptable). _____
- b. Maiden Name (if applicable). _____
- 2. a. Have you ever had your name changed? If yes, give the reason for the change and provide the full names.

- b. Other names used at any time (including aliases).

- 3. a. Are you a citizen of the United States? _____
- b. Are you a citizen of any other country, if so, what country? _____

4. Affiant's Occupation or Profession. _____

5. Affiant's business address. _____
Business telephone. _____

6. Education and Training:

<u>College/ University</u>	<u>City/ State</u>	<u>Dates Attended (MM/YY)</u>	<u>Degree Obtained</u>
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Graduate Studies: College/ University City/ State Dates Attended (MM/YY) Degree Obtained

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

Other Training: Name City/ State Dates Attended (MM/YY) Degree/Certification Obtained

(Note: If affiant attended a foreign school, please provide full address and telephone number of the college/university. If applicable, provide the foreign student Identification Number in the space provided in the Biographical Affidavit Supplemental Information.)

7. List of memberships in professional societies and associations.

<u>Name of</u> <u>Society/Association</u>	<u>Contact Name</u>	<u>Address of</u> <u>Society/Association</u>	<u>Telephone Number</u> <u>of Society/Association</u>
--	---------------------	---	--

8. Present or proposed position with the applicant entity.

9. List complete employment record for the past 20 years, whether compensated or otherwise (up to and including present jobs, positions, partnerships, owner of an entity, administrator, manager, operator, directorates or officerships). Please list the most recent first. Attach additional pages if the space provided is insufficient. It is only necessary to provide telephone numbers and supervisory information for the past 10 years.

Beginning/Ending

Dates (MM/YY) _____ - _____ Employer's Name _____

Address _____ City _____ State/Province _____

Country _____ Postal Code _____ Phone _____

Offices/Positions Held _____

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

Supervisor/Contact _____

Beginning/Ending

Dates (MM/YY) _____ - _____ Employer's Name _____

Address _____ City _____ State/Province _____

Country _____ Postal Code _____ Phone _____

Offices/Positions Held _____

Supervisor/Contact _____

Beginning/Ending

Dates (MM/YY) _____ - _____ Employer's Name _____

Address _____ City _____ State/Province _____

Country _____ Postal Code _____ Phone _____

Offices/Positions Held _____

Supervisor/Contact _____

Beginning/Ending

Dates (MM/YY) _____ - _____ Employer's Name _____

Address _____ City _____ State/Province _____

Country _____ Postal Code _____ Phone _____

Offices/Positions Held _____

Supervisor/Contact _____

10. a. Have you ever been in a position which required a fidelity bond? _____

If any claims were made on the bond, give details.

b. Have you ever been denied an individual or position schedule fidelity bond, or had a bond canceled or revoked? _____ If yes, give details.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- 11. List any professional, occupational and vocational licenses (including licenses to sell securities) issued by any public or governmental licensing agency or regulatory authority or licensing authority that you presently hold or have held in the past. For any non-insurance regulatory issuer, identify and provide the name, address and telephone number of the licensing authority or regulatory body having jurisdiction over the licenses issued. Attach additional pages if the space provided is insufficient.

Organization/Issuer of License _____

Address _____ City _____

State/Province _____ Country _____

Postal Code _____

License Type _____ License # _____ Date Issued (MM/YY) _____

Date Expired (MM/YY) _____ Reason for Termination _____

Non-insurance Regulatory Phone Number (if known) _____

Organization/Issuer of License _____

Address _____ City _____

State/Province _____ Country _____

Postal Code _____

License Type _____ License # _____ Date Issued (MM/YY) _____

Date Expired (MM/YY) _____ Reason for Termination _____

Non-insurance Regulatory Phone Number (if known) _____

- 12. In responding to the following, if the record has been sealed or expunged, and the affiant has personally verified that the record was sealed or expunged, an affiant may respond "no" to the question. Have you ever:
 - a. Been refused an occupational, professional, or vocational license or permit by any regulatory authority, or any public administrative, or governmental licensing agency? _____

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- b. Had any occupational, professional, or vocational license or permit you hold or have held, been subject to any judicial, administrative, regulatory, or disciplinary action? _____
- c. Been placed on probation or had a fine levied against you or your occupational, professional, or vocational license or permit in any judicial, administrative, regulatory, or disciplinary action? _____
- d. Been charged with, or indicted for, any criminal offenses other than civil traffic offenses? _____
- e. Pled guilty, or nolo contendere, or been convicted of, any criminal offenses other than civil traffic offenses? _____
- f. Had adjudication of guilt withheld, had a sentence imposed or suspended, had pronouncement of a sentence suspended, or been pardoned, fined, or placed on probation, for any criminal offenses other than civil traffic offenses?

- g. Been subject to a cease and desist letter or order, or enjoined, either temporarily or permanently, in any judicial, administrative, regulatory, or disciplinary action, from violating any federal, state law or law of another country regulating the business of insurance, securities or banking, or from carrying out any particular practice or practices in the course of the business of insurance, securities or banking? _____
- h. Been, within the last 10 years, a party to any civil action involving dishonesty, breach of trust, or a financial dispute? _____
- i. Had a finding made by the Comptroller of any state or the Federal Government that you have violated any provisions of small loan laws, banking or trust company laws, or credit union laws, or that you have violated any rule or regulation lawfully made by the Comptroller of any state or the Federal Government? _____
- j. Had a lien; or foreclosure action filed against you or any entity while you were associated with that entity? _____

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

If the response to any question above is answered "Yes", please provide details including dates, locations, disposition, etc. Attach a copy of the complaint and filed adjudication or settlement as appropriate.

- 13. List any entity subject to regulation by an insurance regulatory authority that you control directly or indirectly. The term "control" (including the terms "controlling", "controlled by" and "under common control with") means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract other than a commercial contract for goods or non-management services, or otherwise, unless the power is the result of an official position with or corporate office held by the person. Control shall be presumed to exist if any person, directly or indirectly, owns, controls, holds with the power to vote, or holds proxies representing, 10% or more of the voting securities of any other person.

If any of the stock is pledged or hypothecated in any way, give details.

- 14. Do [Will] you or members of your immediate family individually or cumulatively subscribe to or own, beneficially or of record, 10% or more of the outstanding shares of stock of any entity subject to regulation by an insurance regulatory authority, or its affiliates? An "affiliate" of, or person "affiliated" with, a specific person, is a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified. If the answer is "Yes", please identify the company or companies in which the cumulative stock holdings represent 10% or more of the outstanding voting securities.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

If any of the shares of stock are pledged or hypothecated in any way, give details.

15. Have you ever been adjudged a bankrupt? ____ If yes, provide details

16. To your knowledge has any company or entity for which you were an officer or director, trustee, investment committee member, key management employee or controlling stockholder, had any of the following events occur while you served in such capacity? If yes, please indicate and give details. When responding to questions (b) and (c) affiant should also include any events within 12 months after his or her departure from the entity.

- a. Been refused a permit, license, or certificate of authority by any regulatory authority, or Governmental-licensing agency?
- b. Had its permit, license, or certificate of authority suspended, revoked, canceled, non-renewed, or subjected to any judicial, administrative, regulatory, or disciplinary action (including rehabilitation, liquidation, receivership, conservatorship, federal bankruptcy proceeding, state insolvency, supervision or any other similar proceeding)?
- c. Been placed on probation or had a fine levied against it or against its permit, license, or certificate of authority in any civil, criminal, administrative, regulatory, or disciplinary action?

Note: If an affiant has any doubt about the accuracy of an answer, the question should be answered in the positive and an explanation provided.

Dated and signed this ____ day of _____, 20__ at _____

I hereby certify under penalty of perjury that I am acting on my own behalf, and that the foregoing statements are true and correct to the best of my knowledge and belief.

(Signature of Affiant) _____
Date

State of _____ County of _____

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

The foregoing instrument was acknowledged before me this _____ day of _____ ,
20 ____ By _____,

who is personally known to me, or

who produced the following identification:

[SEAL]

Notary Public

Printed Notary Name

My Commission Expires

(Source: Appendix E renumbered from Appendix D and amended at 37 Ill. Reg. 2895, effective March 4, 2013)

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

Section 2051.APPENDIX ~~FE~~ Preferred Provider Program Administrator Bond/Fiduciary Account Requirement**Preferred Provider Program Administrator Bond**

Illinois Department of
Insurance
320 W. Washington Street
Springfield, IL 62767-0001

Instructions:

Bond/Fiduciary Account Requirement: Registrations of Preferred Provider Program Administrators who will handle money for purposes of payment for ~~providers'~~ providers services must be accompanied by:

1. A surety bond in an amount equal to not less than 10% of the total estimated annual reimbursements under the program. **If more than one program is administered, separate bonds may be ~~posted~~ posed for each program or one bond of indemnity may be posted for all. Administrators posting a bond or bonds must also submit certification of the total estimated annual reimbursements under the Preferred Provider Program (or programs if separate bonds are posted), supported by methodology used to arrive at such figures.**

The surety bonds must contain:

- The name of the principal as it appears on the registration form;
 - The principal's address as it appears on the registration from;
 - The surety company's name and company number;
 - The bond number;
 - Original signatures of the Illinois resident agent, principal, the surety company's officer or attorney-in-fact.
2. Or, **in lieu of bond**, the Preferred Provider Program Administrator may establish one or more fiduciary accounts, separate and apart from any and all other accounts, for the receipt and disbursement of funds for reimbursement of providers of services under the program.

Location of Account:

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

Account Identification No. _____

(In the event that both bonds and fiduciary accounts are established, disclose information about both as requested above.)

Bonds	Methodology	Fiduciary Accounts	Loc/ID#

(Do not write in these spaces.)

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS



Preferred Provider Program Administrator Bond

Illinois Department of Insurance
320 W. Washington Street
Springfield, IL 62767-0001

Co. Code No. _____

Bond No. _____

KNOW ALL MEN BY THESE PRESENTS, THAT I/WE _____
of _____, a Preferred Provider

Program Administrator, as principal and _____
a company duly authorized to transact surety business in the State of Illinois, as Surety, are held and firmly bound unto the People of the State of Illinois and Payable to any party injured under the terms and conditions of this bond, in the full and penal sum of _____ (\$ _____) dollars lawful money of the United States of America, for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH that the above bounded Principal is now or is about to register in order to engage or continue in the business of a Preferred Provider Program Administrator, as provided by the Illinois Insurance Code, as amended.

NOW, THEREFORE, if the said Principal shall, while this bond is in force and effect make a full accounting and due payment to the person or company entitled thereto of funds coming into his possession as an incident to Preferred Provider Program Administrator transactions, and shall comply with all the provisions of Article XX½ of the Illinois Insurance Code, as amended; then this obligation shall be null and void; otherwise to remain in full force and effect.

PROVIDED, HOWEVER, that this bond shall be continuous in form and may be terminated by the Surety, upon its giving 30 days notice of its intention of termination, such notice to be filed with the Director, Department of Insurance, Springfield, Illinois.

IN WITNESS WHEREOF, the said principal has hereunto set his hand and seal, and the said surety has caused these presents to be signed by its duly authorized officers and its corporate seal to be hereto affixed this _____ day of _____, 20____.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

Countersigned by:

(Signature of Appointed Illinois Producer)

(Bonding Company)

At _____, Illinois

(Signature of Company Officer)

(Signature of Attorney-in-Fact)

*(Signature of Principal)-Social
Security #

*If a Corporation, signature and social
security number of an officer

Important Notice Under the Illinois Compiled Statutes insurance laws, disclosure of this information is voluntary; however, failure to comply may result in this form not being processed. This form has been approved by the Forms Management Center.

(Source: Appendix F renumbered from Appendix E and amended at 37 Ill. Reg. _____, effective March 4, 2013)

ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD

NOTICE OF ADOPTED RULES

- 1) Heading of Part: Intern Training Program
- 2) Code Citation: 20 Ill. Admin. Code 1725
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1725.101	New Section
1725.102	New Section
1725.103	New Section
1725.104	New Section
1725.105	New Section
1725.201	New Section
1725.202	New Section
1725.203	New Section
1725.204	New Section
1725.205	New Section
1725.206	New Section
1725.207	New Section
1725.208	New Section
1725.209	New Section
1725.301	New Section
1725.302	New Section
1725.303	New Section
1725.304	New Section
1725.305	New Section
1725.306	New Section
1725.307	New Section
1725.308	New Section
1725.309	New Section
1725.310	New Section
1725.311	New Section
1725.312	New Section
1725.Appendix A	New Section
- 4) Statutory Authority: Implementing 50 ILCS 708 (Law Enforcement Intern Training Act). Rulemaking is authorized by 50 ILCS 708/30
- 5) Effective Date of Rulemaking: February 26, 2013
- 6) Does this rulemaking contain an automatic repeal date: No

ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD

NOTICE OF ADOPTED RULES

- 7) Does this rulemaking contain incorporations by reference: No
- 8) A copy of the adopted rulemaking, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 36 Ill. Reg. 5077; April 6, 2012
- 10) Has JCAR issued a Statement of Objection to this Rulemaking: Yes
- 11) Differences between Proposal and Final Version: No substantive changes; various nonsubstantive changes were made to language and formatting.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR: Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect: No
- 14) Are there any other proposed rulemakings pending on this Part: No
- 15) Summary and Purpose of Rulemaking: The proposed amendments are necessary to guide implementation of 50 ILCS 708, which requires that the Illinois Law Enforcement Training and Standards Board provide for entrance requirements for civilians who seek admission to basic law enforcement training courses and eligibility to take the State Certification Examination to become a law enforcement officer.
- 16) Information and questions regarding these adopted rules shall be directed to:

Kevin T. McClain, Director
Illinois Law Enforcement Training and Standards Board
4500 South Sixth Street Road, Room 173
Springfield, IL 62703-6617

217/782-4540

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

ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD

NOTICE OF ADOPTED RULES

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER V: ILLINOIS LAW ENFORCEMENT TRAINING STANDARDS BOARD

PART 1725
INTERN TRAINING PROGRAM

SUBPART A: GENERAL PROVISIONS

Section	
1725.101	Purpose and Scope
1725.102	Definitions
1725.103	Veracity of Information
1725.104	Confidentiality of Information
1725.105	Board Review of Curriculum

SUBPART B: ELIGIBILITY REQUIREMENTS

Section	
1725.201	Participation in the Program
1725.202	Minimum Background Requirements
1725.203	Cognitive Testing
1725.204	Psychological Testing
1725.205	Background Investigation
1725.206	Drug Testing
1725.207	Wellness Standards
1725.208	Cooperation with the Board
1725.209	Financial Responsibility

SUBPART C: ADMISSION AND COMPLETION REQUIREMENTS

Section	
1725.301	Application
1725.302	Filing Date of Application
1725.303	Failure to Provide a Complete Application or Additional Information
1725.304	Board Review of Application
1725.305	Signatures on the Application
1725.306	Final Board Decision
1725.307	Training Standards
1725.308	Minimum Curriculum Requirements

ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD

NOTICE OF ADOPTED RULES

- 1725.309 Certification of Facilities
- 1725.310 Standards and Requirements
- 1725.311 Minimum Requirements of the Intern
- 1725.312 Procedures for the Administration of the Law Enforcement Intern Certification Examination

1725.APPENDIX A Physical Fitness Standards

AUTHORITY: Implementing the Law Enforcement Intern Training Act [50 ILCS 708] and authorized by Section 10 of the Illinois Police Training Act [50 ILCS 705/10].

SOURCE: Adopted at 37 Ill. Reg. 3051, effective February 26, 2013.

SUBPART A: GENERAL PROVISIONS

Section 1725.101 Purpose and Scope

Unless otherwise indicated, this Part sets forth the general requirements and procedures that are applicable for the training of all interns.

Section 1725.102 Definitions

The definitions of terms used in this Part are the same as those found in the Illinois Police Training Act [50 ILCS 705]. The following terms are defined for purposes of this Part:

"Act" means the Law Enforcement Intern Training Act [50 ILCS 708].

"Applicant" means a person who has applied for admission to the Intern Training Program.

"Application" means the application process, including, but not limited to, those tests and procedures set forth by the Board and set forth in the Act.

"Board" means the Illinois Law Enforcement Training and Standards Board.

"Certified Law Enforcement Intern" means a graduate law enforcement intern who has successfully completed the law enforcement Intern Training Program and the State Certification Examination.

ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD

NOTICE OF ADOPTED RULES

"Executive Director" means the Executive Director of the Illinois Law Enforcement Training and Standards Board.

"Graduate Law Enforcement Intern" means a civilian who has successfully completed the law enforcement Intern Training Program but has not passed the State Certification Examination.

"Intern" means an individual who has applied for, has been admitted into and is currently enrolled in the Intern Training Program.

"POWER test" means the physical fitness standards established pursuant to 20 Ill. Adm. Code 1720.30(h).

"Program" means the Intern Training Program.

Section 1725.103 Veracity of Information

No person shall make any false or misleading statement, representation or certification of any record, report or any other document filed with the Board or required by the Board. In the event records, reports or other documents are determined to be not in compliance with this Section, the Board may take appropriate action, including, but not limited to, disqualifying, dismissing or prosecuting that person.

Section 1725.104 Confidentiality of Information

- a) Claims of confidentiality must be asserted, at the time of submission, by stamping the words "Confidential Business Information" on each page containing that information. No confidential information will be submitted to parties involved in litigation without subpoenas.
- b) Claims of confidentiality will be denied with respect to name and address of any person who receives funding and financial data submitted to the Board in order to implement the program.
- c) Notwithstanding the provisions of subsection (a), the Board will adhere to the provisions of the Freedom of Information Act [5 ILCS 140]. Personal and private information may be acquired from the Board with the signed consent of the interested person.

ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD

NOTICE OF ADOPTED RULES

Section 1725.105 Board Review of Curriculum

The Board will be responsible for annually reviewing the curriculum of the Intern Training Program. The Board shall, as changes in the law or training techniques occur, make modifications to the Program.

SUBPART B: ELIGIBILITY REQUIREMENTS

Section 1725.201 Participation in the Program

To be eligible to participate in the Intern Training Program, a person must meet the requirements set forth in the Intern Training Act and this Part.

Section 1725.202 Minimum Background Requirements

- a) The Board will establish minimum criteria and standards for all Program applicants. Minimum criteria include completion of an associate's degree, no conviction for a felony or crime of moral turpitude, U.S. citizenship, Illinois residency and possession of a Firearm Owner's Identification card.
- b) The Board will establish minimum testing requirements that shall be considered as a whole in determining the eligibility of a person to enter the Program. The minimum testing will include, but not be limited to, the following:
 - 1) Cognitive testing;
 - 2) Psychological testing;
 - 3) Background investigation;
 - 4) Drug testing;
 - 5) POWER test.
- c) The Board will interview and evaluate each applicant for the Program after the person has successfully met the testing criteria established in subsection (b).
- d) In addition to the provisions of this Section, the Board will determine whether the person has met the requirements set forth in Section 15 of the Act.

ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD

NOTICE OF ADOPTED RULES

Section 1725.203 Cognitive Testing

- a) The Board will establish minimum testing applicant requirements for cognitive testing.
- b) Cognitive testing shall demonstrate the applicant's ability in the following areas: reading, comprehension, situational judgment, memory and writing.

Section 1725.204 Psychological Testing

The Board will establish minimum testing requirements for Program applicants to determine whether the applicant meets the minimum requirements established by psychological written examination.

Section 1725.205 Background Investigation

- a) The Board will conduct a background investigation including, but not limited to, the criminal history check, driver's license check, verification of employment, verification of residency, verification of education and verification of the requirements set forth in Section 15 of the Act.
- b) The person shall also be fingerprinted and checked for a complete criminal history background.

Section 1725.206 Drug Testing

A person must meet the necessary laboratory levels and criteria prescribed by the Department of Public Health.

Section 1725.207 Wellness Standards

- a) Each Program applicant shall successfully complete the Board's physical fitness tests before being allowed to enter the Program.
- b) Prior to being allowed to attempt any part of the POWER test, an applicant shall provide in writing to the Board, on a form approved by the Board, a medical release and authorization report signed by a licensed physician that indicates that the applicant is medically fit to take the POWER test.

ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD

NOTICE OF ADOPTED RULES

- c) Each person who wishes to enter the Program shall be required to perform and successfully complete all of the Board's physical fitness tests in the sequence delineated in this subsection (c). Each applicant shall meet the standards defined in Appendix A for the following tests in the following order:
 - 1) sit and reach;
 - 2) one minute sit-up;
 - 3) benchpress standard;
 - 4) 1.5 mile run.
- d) A Program applicant who fails to complete the requirements set forth in this Section shall not be eligible to proceed with the Program.
- e) A Program applicant shall be allowed to complete the requirements set forth in subsection (c) at test sites approved for the Program within 10 days prior to the beginning of the Program.

Section 1725.208 Cooperation with the Board

The applicant/intern shall cooperate with the Board to assist the Board in ensuring compliance with the Board's responsibilities under the Illinois Police Training Act [50 ILCS 705] and the Act. This cooperation shall include, but not be limited to, providing the Board with consent forms necessary to do a thorough investigation as to the eligibility of the person to enter the Program, and ongoing consent to allow the Board to remain informed and apprised of the person's status and concurrence with Board established directives and procedures.

Section 1725.209 Financial Responsibility

A Program applicant shall be 100 percent responsible for the payment of all costs and expenses associated with participation in the Program. Program costs will be established by the Board and shall include, but not be limited to, the application fee (at least \$300, but no more than \$425, depending on the facility), the cost of testing, cost of travel, tuition (\$1800 to \$3000, depending on the school), room, board and miscellaneous fees, administration of the exam, physical fitness testing, doctors' reports and doctors' examinations (from \$100 to \$200, doctor ordered medical tests excluded), and any expenses associated directly or indirectly with the application for entry

ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD

NOTICE OF ADOPTED RULES

and completion of the Program. In addition, it shall be the responsibility of the person who enters the Program to have adequate personal health insurance at all times and to hold harmless any trainer, institution or entity, including the State of Illinois, from any injury or disability sustained by the intern in the presentation of the Program to the person.

SUBPART C: ADMISSION AND COMPLETION REQUIREMENTS

Section 1725.301 Application

- a) Program applicants shall submit a complete application in accordance with this Part.
- b) An application is complete when the Board receives all information that the Board deems necessary to determine whether to admit or deny the applicant in accordance with this Part.

Section 1725.302 Filing Date of Application

- a) An application shall be deemed filed on the date when the Board receives the application, unless the Board notifies the applicant within 30 days after that date that the application is incomplete and gives the reason the Board finds it incomplete.
- b) An application to enter the Program shall be filed at least 90 days prior to the start of instruction.
- c) In addition to filing a complete application, an applicant shall, upon request of the Board:
 - 1) provide additional information (e.g., background check) necessary to determine whether the applicant is a suitable candidate under the Act and this Part; or
 - 2) provide additional information necessary to clarify, modify or supplement previously submitted applications for this Program.

Section 1725.303 Failure to Provide a Complete Application or Additional Information

ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD

NOTICE OF ADOPTED RULES

The Board may deny an application if the submitter fails to comply with this Part. The Board will examine the contents of the application and deny the application if the person fails to provide information the Board needs to review the application. The Board will conditionally approve the application if there are minor deviations from the requirements, such as minor technical or other informational deficiencies that do not impede the Board's ability to judge the fitness of the applicant using the standards and procedures set forth in this Part.

Section 1725.304 Board Review of Application

In reviewing an application, the Board will determine if the person is qualified to enter the Program and whether acceptance of the person would be in the best interests of the public and promote and protect the health, safety and welfare of the public. The number of persons accepted into the Program will be based, in part, but not exclusively, on the amount of money appropriated for training, the ability of Board certified facilities and instructors to train additional personnel, the cost to administer the training, number of other police officers to be trained in law enforcement programs, and the success of the program based upon the ability of interns to obtain employment after completing the Program.

Section 1725.305 Signatures on the Application

- a) All applications shall be signed by the applicant and documents attached to the application shall be signed by the person creating the documentation.
- b) Any person signing a document required pursuant to any form or directive of the Board shall make the following certification:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based upon my inquiry, and my personal knowledge, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false or misleading information, including the possibility of fine and imprisonment."

Section 1725.306 Final Board Decision

The Board will notify the Program applicant in writing after the Board decides to grant or deny entry into the Program.

Section 1725.307 Training Standards

ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD

NOTICE OF ADOPTED RULES

- a) The Board will establish training standards and curriculum (see Section 1725.308) for the Intern Training Program.
- b) Except as provided for in Section 8.1 of the Illinois Police Training Act, every person who enters the Program must successfully complete the Basic Training Program and State Certification Exam to be a Certified Law Enforcement Intern under this Program.

Section 1725.308 Minimum Curriculum Requirements

- a) The Board will review the Basic Training Courses of the academy to update the minimum basic training requirements to ensure the course is of similar content and number of hours as the courses for law enforcement officers.
- b) The training course may be reviewed and modified at any time by the Board. The approved curriculum will include, but not be limited to, the following:
 - 1) The elements required by the Peace Officer Firearm Training Act [50 ILCS 710]; and
 - 2) Those courses and topics established in Section 7 of the Illinois Police Training Act [50 ILCS 705/7].

Section 1725.309 Certification of Facilities

The Board will approve applicants for the Program on a case by case basis. Once an applicant has been approved, he or she will be eligible to attend basic training at an approved Board-certified academy.

Section 1725.310 Standards and Requirements

- a) Each academy certified by the Board to train interns shall operate under the guidelines set forth in this Part.
- b) The director of the academy shall assume responsibility for overall supervision of the program, including, as determined by the Board, the maintaining and grading of tests, the maintaining of all records, rating of classroom notebooks (see Section 1725.311(b)), arranging for instructors approved by the Board, providing for food

ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD

NOTICE OF ADOPTED RULES

and lodging when appropriate, arranging for adequate training facilities (such as firearms courses, gymnasiums, auditoriums and driving and running courses) and maintaining and overseeing the conduct and discipline of interns.

- c) The academy shall maintain complete records for each intern. The records shall include, but not be limited to, the attendance and performance ratings of the intern, including test scores for every written or oral test taken during a Program course. All records gathered by the academy or other facilities approved by the Board shall be maintained in accordance with the State Records Act [5 ILCS 160].
- d) The director of the academy shall be responsible for submitting to the Executive Director a class roster of all interns who participate in the Program; keep the Executive Director informed of the progress and status of the interns; and make the final determination of whether an intern has satisfactorily achieved all reasonable standards and passed all requirements during training.
- e) The director of the academy shall have the authority to dismiss from the Program any intern who fails to comply with the standards established in this Part. When an intern is dismissed, the director of the academy shall submit a written report within 7 calendar days to the Executive Director. The intern shall have the opportunity, within 7 days after notification of dismissal, to submit a written report to the Executive Director describing the intern's version of the event. The Executive Director has the discretion to determine whether the action of the academy director should be ratified.

Section 1725.311 Minimum Requirements of the Intern

- a) Regular attendance at all sessions is required. However, excused absences may be granted by the director of the academy under certain limited circumstances beyond the intern's control, which may include, but shall not be limited to, a death in the family, illness, disability, or a transportation breakdown. In order to successfully complete the course, absences shall not exceed 10 percent of the total hours of instruction for any course of instruction.
- b) Maintenance of an adequate classroom notebook is required. "Adequate", for purposes of this subsection, refers to:

ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD

NOTICE OF ADOPTED RULES

- 1) Neatness. Concise organization of the notes. All notes and handouts will be placed in the book received during the course. Division into topics is required;
 - 2) Legibility. Recording of notes in brief, clear, complete sentences, underlining the important items;
 - 3) Accuracy. The notes taken in class must precisely reflect the content of the class; and
 - 4) Sufficiency of Content. Recording in the intern's notebook should be in the intern's own words. The intern should strive to achieve condensation of the material clearly and concisely.
- c) Qualification in the use of firearms as required by the Peace Officer Firearm Training Act [50 ILCS 710] is required.
 - d) An overall average of 70 percent must be achieved on all written examinations given during any course of training. Separate evaluation of any skill-oriented performance requirements shall be made by the designated director of the academy on a satisfactory/unsatisfactory basis.
 - e) The director of the academy shall establish standards of conduct for the intern pursuant to Section 10 of the Police Training Act. These standards shall include demeanor, deportment and compliance with the discipline and regulations of the facility or course. These standards shall be reviewed and approved by the Executive Director prior to implementation.
 - f) Each intern shall provide, on a form prescribed by the Board, certification that he or she is a person of good character and has not been convicted of a felony offense or a crime involving moral turpitude. An intern shall immediately notify the Board in writing of all arrests and convictions while the intern is undergoing intern training.
 - g) Each intern will bring such equipment and clothing to training sessions as is required by the Board and/or academy.

ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD

NOTICE OF ADOPTED RULES

- h) Interns must comply with all other requirements set by federal or State law, including, but not limited to, having a Firearm's Owner Identification card and valid State of Illinois driver's license.
- i) An intern shall pass the State Certification Examination to qualify as a Certified Law Enforcement Intern under the Act, except as is otherwise provided for in the Act.
 - 1) The test shall be in writing. It shall be administered by the staff of the Board or other testing company or association expressly authorized by the Board;
 - 2) The Board will establish a minimum passing score and ensure that the score reflects the knowledge and competency of the intern for law enforcement work. The minimum passing score will be established within the range of 60 to 80 percent of the total score. At the beginning of each training program, the minimum passing score will be announced;
 - 3) The content of the test for interns may include, but not be limited to, material in the areas specified in Section 7(b) of the Police Training Act and subjects covered in the Peace Officer Firearm Training Act;
 - 4) The content of the test for interns may include, but not be limited to, materials in the areas specified in 20 Ill. Adm. Code 1725.202; and
 - 5) The Board periodically will review the content of the exam and minimum passing score to ensure they are current and reliable.

Section 1725.312 Procedures for the Administration of the Law Enforcement Intern Certification Examination

- a) The certification examination will be administered to all interns who successfully complete the Program.
- b) Interns who successfully pass the certification examination shall receive certification attesting to their successful completion of the Program.
- c) Examination results will be reported in writing to the intern within 14 days after the examination date.

ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD

NOTICE OF ADOPTED RULES

- d) Only interns who have been certified by the Board as having met all the requirements of the Program are eligible to take the certification examination.
- e) The initial certification examination will be administered at the academy.
- f) The Intern will have 3.5 hours to complete the certification examination. An intern will be excused from completing the examination at that session if he/she is ill and excused by the proctor.
- g) Individuals allowed within the testing area will be limited to Board-approved examination proctors and those taking the examination.
- h) In the event the intern fails to successfully complete the certification examination on the initial administration, he or she will be allowed to re-take the certification examination one time. An alternate version of the examination will be taken on the second attempt. Failure of the re-take shall result in the intern not being eligible for intern certification.
- i) In order to be eligible to re-take the certification examination, the intern must submit a written request to the Board. The Intern must apply for and complete the re-take examination within 6 months after the first attempt.
- j) Any intern who is uncooperative, is disruptive or is thought to be cheating during the administration of the certification examination will be ordered by the proctor to turn in his or her examination and to leave the examination area. A complete written report of the incident shall be submitted by the proctor to the Executive Director. The intern shall have the opportunity to submit, within 7 days, a written report to the Executive Director describing the intern's version of the event. The Executive Director shall determine whether the intern has declined the examination and whether the intern is eligible to re-take the examination. The Executive Director's determination will be based on the nature of the intern's misbehavior and on the supporting evidence of that misbehavior.

ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD

NOTICE OF ADOPTED RULES

Section 1725.APPENDIX A Physical Fitness Standards

1. **SIT AND REACH TEST:** This is a measure of the flexibility of the lower back and upper leg area. It is an important area for performing police tasks involving range of motion and is important in minimizing lower back problems. The test involves stretching out to touch the toes with extended arms from the sitting position. The score is reflected by the inches reached on a yard stick with 15" being at the toes.

MALE AGE

TEST	20-29	30-39	40-49	50-59	60 Plus
Sit and Reach	16.0	15.0	13.8	12.8	12.0

FEMALE AGE

TEST	20-29	30-39	40-49	50-59	60 Plus
Sit and Reach	18.8	17.8	16.8	16.3	15.0

2. **1 MINUTE SIT-UP TEST:** This is a measure of the muscular endurance of the abdominal muscles. It is an important area for performing police tasks that may involve the use of force and is an important area for maintaining good posture and minimizing lower back problems.

MALE AGE

TEST	20-29	30-39	40-49	50-59	60 Plus
1 Minute Sit Up	37	34	28	23	18

FEMALE AGE

TEST	20-29	30-39	40-49	50-59	60 Plus
1 Minute Sit Up	31	24	18	13	5

3. **1 REPETITION MAXIMUM BENCH PRESS:** This is a maximum weight pushed from the bench press position and measures the amount of force the upper body can generate. The score is reflected by the ratio of weight pressed to body weight.

MALE AGE

TEST	20-29	30-39	40-49	50-59	60 Plus
Maximum Bench	.98	.87	.79	.70	.65

ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD

NOTICE OF ADOPTED RULES

Press Ratio**FEMALE AGE**

TEST	20-29	30-39	40-49	50-59	60 Plus
Maximum Bench Press Ratio	.58	.52	.49	.43	.42

4. **1.5 MILE RUN:** This is a timed run to measure the heart and vascular systems' capability to transport oxygen. It is an important area for performing police tasks involving stamina and endurance and to minimize the risk of cardiovascular problems. The score is in minutes and seconds.

MALE AGE

TEST	20-29	30-39	40-49	50-59	60 Plus
1.5 Mile Run	13:46	14:31	15:24	16:21	17:38

FEMALE AGE

TEST	20-29	30-39	40-49	50-59	60 Plus
1.5 Mile Run	16:21	16:52	17:53	18:44	19:39

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: General Hunting and Trapping on Department-Owned or – Managed Sites
- 2) Code Citation: 17 Ill. Adm. Code 510
- 3) Section Number: 510.10 Adopted Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5] and by Section 805-515 of the Civil Administrative Code of Illinois [20 ILCS 805/805-515]
- 5) Effective Date of Rulemaking: March 4, 2013
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rulemaking, including all material incorporated by reference, is on file in the Department of Natural Resources' principal office and is available for public inspection.
- 9) Notice of Proposal Published in the *Illinois Register*: August 31, 2012, 36 Ill. Reg. 13507
- 10) Has JCAR issued a Statement of Objection to this Rulemaking? No
- 11) Differences between Proposal and Final Version:

In Section 510.10(b), the ";" has been stricken.

In Section 510.10(d)(2), "fifteen" has been stricken and replaced with "15".

In Section 510.10(d)(3), the new language has been deleted and the stricken language has been reinstated.

In Section 510.10(d)(4), "IDNR" has been stricken and replaced with "Department";

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

commas have been added before and after "face up"; "could" has been replaced with "shall".

In Section 510.10(d)(5), the ";" has been stricken.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part has been amended to expand the paragraph on windshield cards to include how to obtain, display, and report on Windshield Permits used on state sites.
- 16) Information and questions regarding this adopted amendments shall be directed to:

Shelly Knuppel, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 510
GENERAL HUNTING AND TRAPPING ON
DEPARTMENT-OWNED OR -MANAGED SITES

Section

510.10	General Site Regulations
510.20	Hunting and Trapping by Special Permit

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5] and by Section 805-515 of the Civil Administrative Code of Illinois [20 ILCS 805/805-515].

SOURCE: Adopted at 5 Ill. Reg. 8011, effective July 24, 1981; codified at 5 Ill. Reg. 10633; amended at 6 Ill. Reg. 9637, effective July 21, 1982; amended at 7 Ill. Reg. 10775, effective August 24, 1983; amended at 8 Ill. Reg. 13700, effective July 24, 1984; amended at 9 Ill. Reg. 11610, effective July 16, 1985; amended at 10 Ill. Reg. 15597, effective September 16, 1986; amended at 11 Ill. Reg. 9535, effective May 5, 1987; amended at 12 Ill. Reg. 11724, effective June 30, 1988; amended at 13 Ill. Reg. 10583, effective June 19, 1989; amended at 14 Ill. Reg. 14762, effective September 4, 1990; amended at 15 Ill. Reg. 9966, effective June 24, 1991; amended at 16 Ill. Reg. 11064, effective June 30, 1992; amended at 17 Ill. Reg. 10775, effective July 1, 1993; amended at 19 Ill. Reg. 10608, effective July 1, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 22 Ill. Reg. 14804, effective August 3, 1998; amended at 24 Ill. Reg. 8923, effective June 19, 2000; emergency amendment at 28 Ill. Reg. 13809, effective October 1, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 1364, effective January 10, 2005; amended at 30 Ill. Reg. 12126, effective June 28, 2006; amended at 37 Ill. Reg. 3068, effective March 4, 2013.

Section 510.10 General Site Regulations

- a) Regulations
All the regulations cited in this Part apply to all Department species rules, unless the species rule is more restrictive.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

b) Definitions

- 1) Unauthorized person – any individual who is not a Department employee or an individual who is not present for the purpose of hunting or trapping.
- 2) Designated area – a defined location at a site with a set boundary within which only a specified recreational activity such as hunting or trapping may take place during a publicly announced time period.
- 3) Hunting/Trapping area – any portion of a site where actual hunting and/or trapping takes place. It does not include places such as parking lots, check stations, pavilions, or picnic areas associated with a hunting/trapping area.
- 4) Restricted area – a defined location at a site with a set boundary within which hunting and/or trapping is prohibited.
- 5) Refuge area – a defined location at a site with a set boundary within which no public activity or presence is allowed, except as authorized by the Department when it is determined that activity such as nature studies, hiking, fishing or camping would not be detrimental to the purpose of the refuge.
- 6) Adult – a person 18 years of age or older.
- 7) Waterfowl rest area – a defined location at a site with a set boundary within which no public activity or presence is allowed for a specified period of time, except as authorized by the Department.
- 8) Hunter or trapper quota – The maximum number of hunters or trappers that can be accommodated at a site at any one time. Hunter and trapper quotas are determined by the formula of one hunter or trapper per 10-40 huntable acres. The number of huntable acres is determined by, but not limited to, the biological studies on the number of available animals within a species, the condition, topography and configuration of the land at the site, the condition of the roads at the site and the number of employees available to work at the site.
- 9) Publicly announced – The information referred to will be included on the

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

Department's Internet Home Page at www.dnr.illinois.gov, ~~<http://dnr.state.il.us>~~, published in ~~Outdoor Illinois~~, provided to outdoor writers for newspapers, and placed on the Department's Toll Free Hotline.

- c) It shall be unlawful:
- 1) For any person to possess any alcoholic beverage while in any hunting/trapping area for the purpose of hunting or trapping.
 - 2) To hunt or trap on any site with a manned check station without first declaring game killed on a previous hunt and in possession either on the hunter's person or in his vehicle.
 - 3) To construct or use any tree stand using nails, screws or any device which pierces or cuts the bark of the tree on which it is installed.
 - 4) To hunt or trap in a restricted area.
 - 5) For unauthorized persons to use or occupy in any manner designated hunting areas during the permit dove hunting season and controlled pheasant hunting season at sites holding such seasons, or during any hunting season where such restrictions are so posted at the site, when authorized hunting is in progress.
 - 6) To enter a refuge, restricted area or waterfowl rest area unless authorized by the Department.
 - 7) To hunt or trap on any Department-owned or -managed land that is not a designated area pursuant to applicable species rules (17 Ill. Adm. Code 530, 550, 570, 590, 650, 660, 670, 680, 690, 710, 715, 720, 730, and 740).
 - 8) To buy, sell or commercialize hunting or trapping rights, directly or indirectly, except that this does not apply to Department of Natural Resources hunting or trapping fees or to the operation of controlled pheasant hunting on Department lands pursuant to a written concession agreement.
 - 9) To hunt or trap without a valid permit where permits are required.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

- 10) To hunt with any weapon except shotgun or bow and arrow unless otherwise specified.
 - 11) To track deer with dogs on any Department owned or managed site during hours when deer hunting is being conducted on the site.
 - 12) To use or occupy a ground blind during any firearm deer season, unless at least 400 square inches of solid, vivid blaze orange material is securely attached to the uppermost portion of the blind and a substantial amount of orange is visible for 360 degrees.
- d) Specific Management Procedures
- 1) Specific management procedures will be posted at either check stations or site parking lots at the site so the procedures will be visible to the public.
 - 2) Where there is a check station in operation, or where designated, hunters must sign in and/or sign out, and report their kill within ~~15~~**fifteen** minutes, or as posted, after completing their hunt. Some areas require the wearing of a back patch and depositing hunting license (or Firearm Owner's Identification card if the hunter is exempt from buying a license).
 - 3) In the event that Department budget reductions or site staffing reductions make the operation of check stations impractical, State sites that now require check stations and other restrictive hunter regulations may be opened to statewide regulations or closed to hunting by posting such notice at the site.
 - 4) Statewide regulations shall apply at sites where windshield permits are issued, except that hunters must obtain a free site permit online from the Department website. This permit must be displayed under the vehicle windshield, face up, with the permit number visible and the pocket portion in possession while hunting at the site. Hunters must report their annual harvest online (even if the hunter did not hunt) by February 15 or two weeks after the season closes for those seasons ending after February 1. Hunters shall forfeit their hunting privileges at the site for the following year if they fail to report by the above deadline. At sites where windshield permits are issued, such permits must be displayed in a location visible

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

~~through the windshield of the vehicle while hunting.~~

- 5) Department will have the authority to issue site specific deer permits in addition to any other deer permits issued by the Department (see Parts 650, 660, 670 and 680); and to designate the sex of deer (antlered or antlerless) that hunters may harvest through site-specific regulations.
- 6) All hunter or trapper quotas are filled on a first come-first served basis unless a drawing or special permit is used. The Department shall use a special permit or drawing whenever past hunter or trapper participation at a particular site reveals that the demand exceeds the quota established by the Department. Hunters or trappers will be notified as expeditiously as possible through site postings, news releases or public announcements when quotas are established.
- 7) During pheasant, rabbit, quail and partridge season, hunters and trappers are required to wear a cap and upper outer garment of solid and vivid blaze orange of at least 400 square inches while trapping or hunting pheasant, quail, Hungarian partridge, rabbit, snipe, rail and woodcock.

(Source: Amended at 37 Ill. Reg. 3068, effective March 4, 2013)

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Office of the Comptroller Standard Procurement
- 2) Code Citation: 44 Ill. Adm. Code 1120
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
1120.1	Renumbered; Amend
1120.5	Renumbered; Amend
1120.8	Renumbered; Amend
1120.15	Amend
1120.525	Amend
1120.1002	Amend
1120.2005	Amend
1120.2010	Amend
1120.2012	Amend
1120.2015	Amend
1120.2020	Amend
1120.2025	Amend
1120.2030	Amend
1120.2035	Amend
1120.2036	Amend
1120.2037	Amend
1120.2038	Amend
1120.2040	Amend
1120.2043	Amend
1120.2044	Amend
1120.2045	Amend
1120.2046	Amend
1120.2047	Amend
1120.2050	Amend
1120.2055	Amend
1120.2060	Amend
1120.2560	Repeal
1120.2580	New Section
1120.4505	Amend
1120.4510	Amend
1120.4530	Amend
1120.4535	Amend
1120.5020	Amend
1120.5030	Amend

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

1120.5035	Amend
1120.5040	New Section
1120.5510	Amend
1120.5520	Amend
1120.5530	Amend
1120.5540	Amend
1120.5550	Amend
1120.5560	New Section
1120.7015	Amend
1120.7025	Amend

- 4) Statutory Authority: Authorized by Section 21 of the State Comptroller Act [15 ILCS 405/21] and implementing the Illinois Procurement Code [30 ILCS 500]
- 5) Effective Date of Amendments: March 1, 2013
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in the *Illinois Register*: August 10, 2012; 36 Ill. Reg. 12702
- 10) Has JCAR issued a Statement of Objection to this Rulemaking? No
- 11) Differences between the Proposal and the Final Version: Minor changes were made between the proposed and final versions. The changes were not substantive and included such minor corrections as adding a missing reference to statute. Additionally, the original version had repealed Sections 1120.4545 and 1120.4550. The adopted version will reinsert these sections without changes.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes, all changes that were made were agreed to by JCAR. Furthermore, IOC has agreed that, by February 1, 2013, further rulemaking will be proposed to implement the changes to the Illinois Procurement Code enacted by P.A. 97-895.

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of the Amendments: The rulemaking further defines terms, provides the structure necessary for the execution and oversight of procurements, specifies the required documentation of procurement actions, and allows for the appointment of a Chief Procurement Officer, Procurement Policy Board, and Chief Internal Auditor. The rulemaking adds sections pertaining to hearings and decisions relating to procurement as well as a section on lobbying restrictions in procurement activities. A section defining the duration of contracts with subcontractors was also included. The small purchase maximum has been reset to a level which is more commensurate with current State practices.
- 12) Time, Place, and Manner in which interested persons may comment on this adopted rulemaking:

Alissa J. Camp
General Counsel
Office of the Comptroller
Room 201 Statehouse
Springfield, IL 62706

217/782-0905
CampAJ@mail.ioc.state.il.us

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

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND PROPERTY MANAGEMENT
SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES
CHAPTER XIV: COMPTROLLER

PART 1120

OFFICE OF THE COMPTROLLER STANDARD PROCUREMENT

SUBPART A: GENERAL

Section

- ~~1120.1~~~~101.01~~ Title ([Renumbered](#))
- ~~1120.5~~~~120.05~~ Policy ([Renumbered](#))
- ~~1120.8~~~~120.08~~ Illinois Procurement Code ([Renumbered](#))
- 1120.10 Application
- 1120.15 Definitions of Terms Used in this Part
- 1120.25 Property Rights

SUBPART B: PROCUREMENT RULES

Section

- 1120.525 Rules

SUBPART C: PROCUREMENT AUTHORITY

Section

- 1120.1002 Conduct [and Oversight](#) of Procurements

SUBPART D: PUBLICIZING PROCUREMENT ACTIONS

Section

- 1120.1510 Illinois Procurement Bulletin
- 1120.1560 Supplemental Notice
- 1120.1570 Error in Notice
- 1120.1580 Direct Solicitation

SUBPART E: SOURCE SELECTION AND CONTRACT FORMATION

Section

- 1120.2005 General Provisions

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

- 1120.2010 Competitive Sealed Bidding
- 1120.2012 Multi-Step Sealed Bidding
- 1120.2015 Competitive Sealed Proposals
- 1120.2020 Small Purchases
- 1120.2025 Sole Economically Feasible Source Procurement
- 1120.2030 Emergency Procurements
- 1120.2035 Competitive Selection Procedures for Professional and Artistic Services
- 1120.2036 Other Methods of Source Selection
- 1120.2037 Tie Bids and Proposals
- 1120.2038 Mistakes
- 1120.2040 Cancellation of Solicitations; Rejection of Bids or Proposals

SUBPART F: SUPPLIERS, PREQUALIFICATION, AND RESPONSIBILITY

Section

- 1120.2043 Suppliers
- 1120.2044 Vendor Lists
- 1120.2045 Prequalification
- 1120.2046 Responsibility

SUBPART G: BID, PROPOSAL, AND PERFORMANCE SECURITY

Section

- 1120.2047 Security Requirements

SUBPART H: SPECIFICATIONS AND SAMPLES

Section

- 1120.2050 Specifications and Samples

SUBPART I: CONTRACT TYPE

Section

- 1120.2055 Types of Contracts

SUBPART J: DURATION OF CONTRACTS

Section

- 1120.2060 Duration of Contracts – General

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

SUBPART K: CONTRACT MATTERS

Section

- | 1120.2560 Prevailing Wage (Repealed)
- | 1120.2570 Equal Employment Opportunity: Affirmative Action
- | 1120.2580 Subcontractors

SUBPART L: CONTRACT PRICING

Section

- 1120.2800 All Costs Included

SUBPART M: CONSTRUCTION AND
CONSTRUCTION-RELATED PROFESSIONAL SERVICES

Section

- 1120.3005 Construction and Construction-Related Professional Services

SUBPART N: REAL PROPERTY LEASES AND CAPITAL IMPROVEMENT LEASES

Section

- 1120.4005 Real Property Leases and Capital Improvement Leases

SUBPART O: PREFERENCES

Section

- 1120.4505 Procurement Preferences
- 1120.4510 Resident Bidder Preference
- 1120.4530 Correctional Industries
- 1120.4535 Sheltered Workshops for the Disabled
- 1120.4540 Gas Mileage
- 1120.4545 Small Business
- 1120.4550 Contracting with Business Owned and Controlled by Minorities, Females, and Persons with Disabilities

SUBPART P: ETHICS

Section

- 1120.5013 Conflicts of Interest

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

- 1120.5015 Negotiations for Future Employment
- 1120.5020 Exemptions
- 1120.5030 Revolving Door
- 1120.5035 Disclosure of Financial Interests and Potential Conflicts of Interest
- | [1120.5040 Lobbying Restrictions](#)

SUBPART Q: CONCESSIONS

- Section
- 1120.5310 Concessions

SUBPART R: COMPLAINTS, PROTESTS AND REMEDIES

- Section
- | 1120.5510 Complaints Against Vendors [or Subcontractors](#)
- 1120.5520 Suspension
- 1120.5530 Settlement and Resolution of Contract and Breach
- 1120.5540 Violation of Statute or Rule
- 1120.5550 Protests
- | [1120.5560 Hearings and Decisions](#)

SUBPART S: SUPPLY MANAGEMENT AND DISPOSITIONS

- Section
- 1120.6010 Supply Management and Dispositions

SUBPART T: GOVERNMENTAL JOINT PURCHASING

- Section
- 1120.6500 General
- 1120.6510 State Use of Other Contracts
- 1120.6520 No Agency Relationship

SUBPART U: MISCELLANEOUS PROVISIONS OF GENERAL APPLICABILITY

- Section
- 1120.7000 Severability
- 1120.7010 Government Furnished Property
- 1120.7015 Inspections
- 1120.7020 Records and Audits

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

- 1120.7025 Written Determinations
1120.7030 No Waiver of Sovereign Immunity

AUTHORITY: Implementing the Illinois Procurement Code [30 ILCS 500] and authorized by Section 21 of the State Comptroller Act [15 ILCS 405/21].

SOURCE: Adopted by emergency rulemaking at 22 Ill. Reg. 12087, effective July 1, 1998, for a maximum of 150 days; emergency expired November 27, 1998; adopted at 23 Ill. Reg. 858, effective January 8, 1999; amended at 25 Ill. Reg. 14380, effective November 10, 2001; amended at 37 Ill. Reg. 3075, effective March 1, 2013.

SUBPART A: GENERAL

Section ~~1120.11~~1120.01 Title (Renumbered)

This Part may be cited as the Comptroller's Procurement Rules.

(Source: Renumbered from Section 1120.01 to 1120.1 at 37 Ill. Reg. 3075, effective March 1, 2013)

Section ~~1120.51~~1120.05 Policy (Renumbered)

All procurements for the Office of the Comptroller (IOC) shall be accomplished in the most economical, expeditious and commercially reasonable manner that is in accordance with statute, this Part and other applicable rules.

(Source: Renumbered from Section 1120.05 to 1120.5 at 37 Ill. Reg. 3075, effective March 1, 2013)

Section ~~1120.81~~1120.08 Illinois Procurement Code (Renumbered)

Articles 1, 15, 20, 25, 30, 33, 35, 40, 43, 45, 50, and 53 of the Illinois Procurement Code [30 ILCS 500/Arts. 1, 15, 20, 25, 30, 33, 35, 40, 43, 45, 50, and 53] (the Code) will be referenced in this Part ~~as though applicable to the IOC, and needs shall be procured in a manner substantially in accordance with those provisions of the Code, except to the extent otherwise provided in this Part.~~ The Office of the Comptroller shall procure its needs in a manner substantially in accordance with the requirements of the Code. [30 ILCS 500/1-30(a)] For purposes of this Part, any reference in the Code or this Part to the Chief Procurement Officer (CPO) means the employee appointed by the Comptroller to serve in that capacity ~~or his/her designee.~~ ~~The~~

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

~~Comptroller may appoint one or more State Purchasing Officers (SPOs).~~

(Source: Renumbered from Section 1120.08 to 1120.8 at 37 Ill. Reg. 3075, effective March 1, 2013)

Section 1120.15 Definitions of Terms Used in ~~this~~ **This Part**

As used throughout this Part, terms defined in the Illinois Procurement Code shall have the same meaning as in the Code and as further defined ~~in this Section~~**below**, and each term listed in this Section shall have the meaning set forth ~~in this Section~~**below** unless its use clearly requires a different meaning. Terms may be defined in particular Sections for use in that Section.

"Amendment" – A written unilateral or bilateral modification to a contract term, as permitted by the original contract. These modifications shall alter the performance and completion of the contract, including, but not limited to, such matters as extra work and increases or decreases in quantities of goods not included within the scope of the original contract.

"Award" – The selection of a vendor for a contract.

"Bid" – The response to an Invitation for Bids.

"Bidder" – Any person who submits a bid.

"Bidder or Offeror Authorized to do Business in Illinois" – A person that is a legal entity authorized to do business in Illinois by the Secretary of State-Department of Business Services.

"Brand Name or Equal Specification" – A specification that uses one or more manufacturer's names or catalogue numbers to describe the standard of quality, performance, and other characteristics needed to meet State requirements; and that allows the submission of equivalent products.

"Brand Name Specification" – A specification limited to one or more items by manufacturers' names or catalogue numbers.

"Bulletin" – The Illinois Procurement Bulletin.

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

"Change Order" – A change order shall have the same meaning as an "amendment".

"Chief Procurement Officer" or "CPO" means the Chief Procurement Officer for the Illinois Office of the Comptroller.

"Code" – The Illinois Procurement Code [30 ILCS 500].

"Concession" – The right or a lease to engage in a certain activity for profit on the lessor's premises (e.g., a refreshment or parking concession).

"Consulting Services" – Services provided by a business or person as an independent contractor to advise and assist an agency in solving specific management or programmatic problems involving the organization, planning, direction, control or operations of a State agency. The services may or may not rise to the level of professional and artistic as defined in the Code and this Part.

"Contract" – A contract may be in written or oral form. The term contract as used in the Code and this Part does not include: supplies goods or services the terms governing which are established by tariff of the Illinois Commerce Commission or the Federal Communications Commission, bonds, ~~or contracts relating to bonds~~ issued by or on behalf of anya State agency ~~when the contractor or vendor is neither selected nor paid by, or contracts, other than for "concessions", that the State agency signs.~~ The term "contract" includes, but under which it has no financial obligation to the other parties is not limited to, purchase, installment purchase, lease and rental contracts.

"Contractor" or "Vendor" – The terms contractor and vendor are used interchangeably for purposes of the Code and this Part.

"Day" – Calendar day. In computing any period of time, the day of the event from which the designated period of time begins to run shall not be included, but the last day of the period shall be included unless it is a Saturday, Sunday, or a State holiday, in which event the period shall run to the end of the next business day.

"DCMS" – The Department of Central Management Services.

"IOC" – The Illinois Office of the Comptroller.

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

"Items" – Anything that may be procured under the Code.

"Invitation for Bids" or "IFB" – The process by which a purchasing agency requests information from bidders, including all documents, whether attached or incorporated by reference, used for soliciting bids. [30 ILCS 500/1-15.45]

"Multi-Year Contract" – A contract with a performance term of more than 12 months.

"Offeror" – A person who responds to an IFB, RFP or other form of solicitation.

"Procurement Officer" – The Chief Procurement Officer (CPO), ~~appropriate SPO,~~ or a his or her designee ~~of either who is charged with conducting a particular procurement.~~

"Proposal" – The response to a Request for Proposals.

"Protest Review Office" – The office address of the person designated in the solicitation documents to which protests must be directed. The person designated in the solicitation documents will respond to or coordinate the response to the protest.

"Qualified Products List" – An approved list of supplies, ~~services, or construction items,~~ described by model or catalogue numbers, that, prior to competitive solicitation, the State has determined will meet the applicable specification requirements.

"Renewal" – An extension of an original contract that contains terms materially identical to the original contract.

"Request for Information" or "RFI" – The process by which a purchasing agency requests information from offerors for all State contracts and leases of real property or capital improvements.

"Request for Proposals" or "RFP" – The process by which a purchasing agency requests information from offerors, including all documents, whether attached or incorporated by reference, used for soliciting proposals. [30 ILCS 500/1-15.75]

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

"Responsible Bidder or Offeror" – A person who has the capability in all respects to perform fully the contract requirements and the integrity and reliability that will assure good faith performance. A responsible bidder or offeror shall not include a business or other entity that does not exist as a legal entity at the time the bid or proposal is submitted for State contract.

"Reverse Auction" – A source selection technique that allows for purchase of supplies or services through a competitive auction process. A reverse auction allows bidders to electronically submit prices for an IFB during a predefined time period and is designed to obtain the lowest cost for supplies and services.

"Service" – The furnishing of labor, time, or effort by a contractor, not involving the delivery of a specific end product other than reports or supplies that are incidental to the required performance [30 ILCS 500/1-15.90], and the financing of that labor, time or effort.

"Solicitation" – An IFB, RFP or other request to one or more vendors to respond to a procurement need expressed by the State.

"Specification" – Any description of the physical, functional, or performance characteristics of, or of the nature of, a supply, service, or construction item. A specification includes, as appropriate, requirements for inspecting, testing, or preparing a supply, service, or construction item for delivery. Unless the context requires otherwise, the terms "specification" and "purchase description" are used interchangeably throughout this Part.

"Specification for a Common or General Use Item" – A specification that has been developed and approved for repeated use in procurements.

"Subcontract" – A contract between one person and another person who has or is seeking a contract subject to the Code, pursuant to which the subcontractor provides to the contractor some or all of the goods, services, property, remuneration or other form of consideration that are the subject of the primary contract, and includes, among other things, subleases from a lessee of a State agency.

"Subcontractor" – A person or entity that enters into a contractual agreement, for an amount greater than the small purchase limit set by Section 20-20 of the Code (or an amount set by rule pursuant to Section 20-20(c) of the Code), Section 35-

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

35 of the Code or Section 45 of the Architectural, Engineering and Land Surveying Qualifications Based Selection Act [30 ILCS 535/45], with a contractor who has or is seeking a contract subject to the Code, to provide the contractor some or all of the goods, services, property, remuneration or other forms of consideration that are the contractor's obligations under the contract.

"Supplies" or "Goods" – All personal property, including, but not limited to, equipment, materials, printing, and insurance, and the financing of those supplies. [30 ILCS 500/1-15.110]

"Unsolicited Offer" – Any offer other than one submitted in response to a solicitation.

(Source: Amended at 37 Ill. Reg. 3075, effective March 1, 2013)

SUBPART B: PROCUREMENT RULES

Section 1120.525 Rules

- a) To the extent practicable, the IOC may avail itself of master, scheduled or open-ended contracts established by DCMS; items available from the Paper and Printing Warehouse; and DCMS contracts for telecommunications equipment, software and services, paper and envelopes, and vehicles and vehicle services. The CPO or his/her designee~~SPO~~ may submit purchase requests to DCMS in accordance with rules promulgated by DCMS.
- b) The IOC shall procure its capital needs in a manner substantially in accordance with the requirements of this Part and will promulgate rules specifically for capital construction that are no less restrictive than the requirements of the Code. Until specific Comptroller rules can be promulgated for this purpose, the IOC will conform its capital procurement activities to the requirements of the Code by following the administrative rules of the CPO for Capital Development Board (44 Ill. Adm. Code 8), the Capital Development Board (44 Ill. Adm. Code 950 and 980) and the CPO for General Services (44 Ill. Adm. Code 1).

(Source: Amended at 37 Ill. Reg. 3075, effective March 1, 2013)

SUBPART C: PROCUREMENT AUTHORITY

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

Section 1120.1002 Conduct and Oversight of Procurements**a) Chief Procurement Officer**

- 1) The Comptroller ~~or his/her designee~~ shall **appoint a Chief Procurement Officer (CPO)** ~~serve as CPO~~ for purposes of the Code and this Part. ~~and~~
- 2) The CPO may conduct any or all procurements on behalf of the IOC. ~~The CPO may appoint one or more SPOs to conduct procurement in accordance with the terms of the appointment and this Part.~~
- 3) The CPO shall:
 - A) have at least 5 or more years of experience in state or corporate budgeting activities, or shall be a certified professional public buyer or certified public purchasing officer; and
 - B) be a resident of the State of Illinois; and
 - C) serve in his or her capacity as CPO for a term not to exceed 5 years from the date of appointment; and
 - D) owe a fiduciary duty to the State; and
 - E) perform duties as required by law.
- 4) The CPO is responsible for signing all written award determination letters stating the reasoning for any contract award decision.
- 5) The CPO may designate one or more Procurement Officers to conduct procurements on behalf of the CPO in accordance with conditions specified in the terms of the CPO's appointment and this Part.

- b) Procurement Compliance Monitor. The IOC Ethics Officer, appointed pursuant to the State Officials and Employees Ethics Act [15 ILCS 430], or his/her designee, shall serve as the Procurement Compliance Monitor. If a designee is appointed to serve as the monitor, that designee shall be classified as a Senior Public Service Administrator or above and, upon attaining certified status, shall have the employment protections afforded by that status. It shall be the duty of**

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

the monitor to oversee and review the procurement processes. The monitor shall have direct communication with the Comptroller. The monitor shall:

- 1) have the right to review all contracts, attend any procurement meetings, and access reports and files;
- 2) issue reports to the CPO regarding outstanding procurement problems;
- 3) ensure transparency and compliance with procurement laws;
- 4) report findings of waste to IOC departments. If the department does not correct circumstances causing the waste, the monitor shall report to the CPO and the Inspector General; and
- 5) perform other duties as required by law.

c) Procurement Policy Board. The Comptroller shall appoint an Office of the Comptroller Procurement Policy Board (IOC PPB). The IOC PPB shall consist of 3 members who are employees of the Comptroller. In making appointments to the IOC PPB, the Comptroller shall consider an individual's knowledge and experience in State government procurements and operations. The members shall receive no additional compensation for serving on the IOC PPB other than reimbursement for expenses. Except as provided in subsection (d), the IOC PPB shall:

- 1) meet a minimum of three times annually and be contacted in writing prior to the publication of any RFI exceeding \$100,000;
- 2) be authorized to review, comment upon, and recommend rules and practices governing the procurement, management, control and disposal of supplies, services, professional or artistic services, construction and capital improvements procured by IOC;
- 3) be authorized to review any proposal, bid or contract, and may issue recommendations regarding procurement matters;
- 4) be notified by the CPO if a conflict of interest is identified, discovered or reasonably suspected to exist. In the event of a notification, the IOC PPB is to recommend action and give its recommendations to the CPO and

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

Comptroller. The IOC PPB's recommendation shall be published in the next available issue of the Bulletin;

- 5) report to the Inspector General whenever the PPB has cause to believe there has been a violation of the Procurement Code; and
 - 6) perform other duties as required by law.
- d) Chief Internal Auditor. The Comptroller shall appoint a chief internal auditor. The auditor must have a Bachelor's degree, and must be either a certified internal auditor, a certified public accountant with at least 4 years of auditing experience, or an auditor with 5 years of experience. The chief internal auditor shall report directly to the Comptroller. Subject to the approval of the Comptroller, and consistent with the Fiscal Control and Internal Auditing Act [30 ILCS 10], the chief internal auditor shall:
- 1) direct the internal audit functions and activities;
 - 2) prepare audit reports and assess program goals;
 - 3) be responsible for the preparation of an annual audit plan for submission to and subject to the approval of the Comptroller; and
 - 4) perform other duties as required by law.

(Source: Amended at 37 Ill. Reg. 3075, effective March 1, 2013)

SUBPART E: SOURCE SELECTION AND CONTRACT FORMATION

Section 1120.2005 General Provisions

- a) Late Bids or Proposals, Late Withdrawals and Late Modifications:
 - 1) Definition. Any bid or proposal received after the time and date for receipt, and at other than the specified location, is late. A bid that is delivered to the wrong location but that is subsequently delivered to the correct location by the date and time specified shall be considered, but the IOC shall not be responsible for ensuring such subsequent delivery. Any withdrawal or modification of a bid or proposal received after the time and

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

date set for opening of bids or proposals is late. If received at other than the specified location, the submission is late.

- 2) Treatment. No late bid or proposal, late modification, or late withdrawal will be considered unless the CPO, and not a designee, determines it would have been timely but for the action or inaction of IOC personnel directly serving the procurement activity (e.g., providing the wrong address).
- 3) Records. Records shall be made and, in accordance with the State Records Act [5 ILCS 160], kept for each late bid or proposal, late modification, or late withdrawal.
- 4) Other Submissions. Any other submission that has a time or date deadline shall be treated in the same manner as a late bid.

b) ~~Extension of Time-~~

- 1) The Procurement Officer may, prior to the date or time for submitting or modifying a bid or proposal or modifying or withdrawing a bid or proposal may be extended by the IOC prior to such, extend the date or time for the convenience of the IOC. Reasons for extension include, but are not limited to, allowing additional time for submissions to account for inclement weather or, labor strikes, accidents and for other such reasons.
- 2) After opening bids or proposals, the Procurement Officer~~CPO or SPO~~ may request bidders or offerors who submitted timely bids or proposals to extend the time during which the IOC may accept bids or proposals, provided that, with regard to bids, no other change is permitted. The reasons for requesting ~~an such~~ extension shall be documented. This extension does not provide an opportunity for others to submit bids or proposals.

c) ~~Electronic and Facsimile Submissions-~~

- 1) The ~~Invitation for Bids (IFB) or Request for Proposals (RFP)~~ may state that electronic and facsimile machine submissions will be considered if they are received at the designated office by the time and date set for receipt. Any required attachments will be submitted as stated in the IFB

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

or RFP.

2) Electronic submissions authorized by specific language in the IFB or RFP will be opened in accordance with electronic security measures in effect at the IOC at the time of opening. Unless the electronic submission procedures provide for a secure receipt, vendor assumes risk of premature disclosure due to submission in unsealed form.

3) Fax submissions authorized by specific language in the IFB or RFP will be placed in a sealed container upon receipt and opened as other submissions. Vendor assumes risk of premature disclosure due to submission in unsealed form.

d) Intent to Submit-

The IFB Invitation for Bids or RFP the Request for Proposals may require that vendors submit, by a certain time and date, a notice of their intent to submit a bid or proposal in response to the IFB or RFP. Bids and proposals submitted without complying with the notice of intent requirement may be rejected.

e) Only One Bid or Proposal Received-

If only one bid or proposal is received, an award may be made to the single bidder or offeror if the CPO ~~or SPO~~ finds that the price submitted is fair and reasonable, and that either other prospective bidders had reasonable opportunity to respond or there is not adequate time for resolicitation. Otherwise:

1) new bids or offers may be solicited, including under sole source (Section 1120.2025) or emergency (Section 1120.2030) procedures;

2) the procurement may be canceled; or

3) if the CPO ~~or SPO~~ determines in writing that the need for the supply or service continues, but that the price of the one bid is not fair and reasonable and there is no time for resolicitation or resolicitation would likely be futile, the procurement may then be conducted with any vendor under Section 1120.2025 ~~(Sole Economically Feasible Source Procurement)~~ or Section 1120.2030 ~~(Emergency Procurements)~~, as appropriate. The CPO ~~or SPO~~ shall attempt to negotiate the price to a more acceptable level.

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

- f) ~~Alternate or Multiple Bids or Proposals-~~
~~1) Alternate bids or proposals may be accepted if:~~
- ~~1)A) permitted by the solicitation and in accordance with instructions in the solicitation; or~~
 - ~~2)B) only one vendor responded, in which case the alternate submission may be evaluated and treated in accordance with Section 1120.2025 (Sole Economically Feasible Source Procurement) of this Part; or~~
 - ~~3)C) the low bidder, who has met all requirements of the solicitation, has provided a lower cost alternative that meets all of the material requirements of the specifications; or~~
 - ~~D) a vendor clearly indicates a primary submission, then that primary submission shall be considered for award as though it were the only bid or proposal submitted by the vendor.~~
 - ~~2) Multiple bids or proposals may be accepted if:~~
 - ~~A) permitted by the solicitation and submitted in accordance with instructions in the solicitation; or~~
 - ~~B) only one vendor responded, one or more of the submissions may be evaluated, provided that, in the case of bids, only the lowest cost bid meeting specifications may be considered.~~
- g) ~~Multiple Items-~~
An IFB Invitation for Bids or RFPR Request for Proposals may call for pricing of multiple items of similar or related type with award based on individual line item, group total of certain items, or grand total of all items.
- h) ~~"All or None" Bids or Proposals-~~
All or none bids or proposals may be accepted if the evaluation shows an all or none award to be in the State's best interest.
- i) ~~Conditioning Bids or Proposals Upon Other Awards-~~
Any bid or proposal that is conditioned upon receiving award of the particular contract being solicited and one or more other State contracts shall:

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

- 1) be rejected unless the vendor removes the condition; or
 - 2) be evaluated and award made to that vendor if the vendor is also independently evaluated as the winner of the other IFBs or RFPs, provided the agency need not delay procurement actions to accommodate the vendor's all or none condition.
- j) Unsolicited Offers:
- 1) Processing of Unsolicited Offers. The ~~Procurement Officer~~CPO or the SPO may consider unsolicited offers and shall have final authority with respect to evaluation, acceptance and rejection of ~~the such~~ unsolicited offer.
 - 2) Conditions for Consideration. An unsolicited offer must be in writing and must be sufficiently detailed to allow a judgment to be made concerning the potential utility of the offer to the State.
 - 3) Award. An award may not be made based on an unsolicited offer in place of the notice and competition requirements of the Code and this Part, except if that unsolicited offer meets the requirements for a small, sole source or emergency procurement.~~Evaluation. The unsolicited offer may be evaluated to determine its utility to the State and whether it would be to the State's advantage to enter into a contract based on such offer. An unsolicited offer that meets the requirements set forth above may be considered for award if the procurement also meets the requirements of Section 1120.2025 (Sole Economically Feasible Source Procurement) or Section 1120.2020 (Small Purchases), in which case those procedures shall be followed as applicable.~~
 - 4) Confidentiality. Any request for confidentiality of data contained in an unsolicited offer must be made in writing. If agreement cannot be reached on confidentiality, the IOC shall reject the unsolicited offer.
- k) Clarification of Bids and Proposals:
- The ~~Procurement Officer~~IOC may request that a vendor clarify its bid or proposal as a part of the evaluation process. A vendor shall not be allowed to materially change its bid or proposal in response to a request for clarification.

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

- l) Extension of Time on Indefinite Quantity Contracts.
The time of performance of an indefinite quantity contract may be extended upon agreement of the parties, provided the extension is for 90 days or less and the Procurement Officer~~CPO or the SPO~~ determines in writing that it is not practical to award another contract at the time of ~~the~~such extension. A clarification is not an opportunity for discussion or for submission of Best & Finals~~best and finals~~ as authorized elsewhere in this Part.
- m) Increase in Quantity on Definite Quantity Contracts-
- 1) The quantity that may be ordered from a definite quantity contract without additional notice and competition may be increased by up to 20% provided the Procurement Officer~~CPO or SPO~~ determines that separate bidding for the additional quantity is not likely to achieve lower pricing.
 - 2) The quantity may be increased by any percentage provided the dollar value of the increase does not exceed the small purchase threshold applicable to the type of good or service.
- n) Subsequent Purchase Request
If, within 30 days after making an award to a particular vendor pursuant to a competitive sealed bid on behalf of IOC, the CPO receives a purchase request for the same item and for the same or lesser quantity, the CPO may contract with that vendor on the same terms and conditions, including price, without additional notice and competition, if such a contract is acceptable to the vendor.
- on) Novation or Change of Name-
- 1) Assignment. No IOC contract is transferable, or otherwise assignable, without the written consent of the Procurement Officer~~CPO~~; however, a vendor may assign monies receivable under a contract after due notice to the IOC. Assignment may require the execution of a contract with the assignee and in such cases the assignee must meet all requirements for contracting with the IOC.
 - 2) Recognition of a Successor in Interest; Novation. When in the best interest of the State, a successor in interest may be recognized in a novation agreement in which the transferor and the transferee agree that:

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

- A) the transferee assumes all of the transferor's obligations;
 - B) the transferee meets all requirements for contracting with the State;
 - C) the transferor waives all rights under the contract as against the IOC; and
 - D) unless the transferor guarantees performance of the contract by the transferee, the transferee shall, if required by the IOC, furnish a satisfactory performance bond.
- 3) Change of Name. ~~A~~When a vendor may submit to the Procurement Officer a written request requests to change the name in which it holds a contract with the State. The name IOC, the CPO shall, upon receipt of a document indicating such change of name, enter into an agreement with shall not alter any of the requesting vendor to effect such a change of name. The agreement changing the name shall specifically indicate that no other terms and conditions of the contract or the obligations of the vendor are thereby changed.
- pe) Contracting for Installment Purchase Payments, Including Interest. Contracts may provide for installment purchase payments, including interest charges, over a period of time. The interest rate may not exceed that established by law, including the Bond Authorization Act [30 ILCS 305].
- q) Use of Source Selection Method that is Not Required If IOC uses a method of source selection that it is not required by law to use (e.g., use of competitive sealed bid for a small purchase), the IOC is not bound to strict compliance with the Code and the rules governing the method of source selection used.
- r) Vendor Signature A bid or proposal submitted unsigned will be evaluated if the vendor submits a written signature acceptable to the Procurement Officer within the time specified by the CPO.
- s) Stringing

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

Dividing or planning procurements to avoid the use of competitive procedures (stringing) is prohibited.

- t) Confidential Data
Vendors must clearly identify any information that is exempt from the disclosure requirement of the Freedom of Information Act [5 ILCS 140] and must request special handling of that material.
- u) Documentation of Procurement Actions
 - 1) The Procurement Officer shall maintain in the procurement or associated contract file all substantive documents and records of communications that pertain to the procurement and any resulting contract. This shall include, as applicable, but is not limited to:
 - A) Procurement Bulletin postings;
 - B) Solicitation documents (e.g., IFBs) and all amendments, clarifications and Best & Final requests;
 - C) Vendor's responses, including clarifications and responses to Best & Final requests;
 - D) Evaluation materials (e.g., scoring guidelines and forms, completed score sheets for individual evaluators (including notes), evaluation committee's combined score sheets, evaluation committee's recommendations, and management's decision);
 - E) Protests and resolutions;
 - F) Contracts and any orders, changes, amendments, renewals or extensions.
 - 2) All information from subsection (u)(1), less any information exempt from disclosure under the Freedom of Information Act, shall be prepared and made available for inspection and copying, with information from subsections (u)(1)(A) through (D) made available on the date any award is posted to the Bulletin.

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

v) Communications Related to Procurement

- 1) Any IOC employee who receives a written or oral communication that imparts or requests material information or makes a material argument regarding potential action concerning a procurement matter, including but not limited to an application, contract or project, shall report the communication to the IOC PPB.
- 2) A communication must be reported if it is material, if it regards a potential action, if it relates to a procurement matter and if it is not otherwise excluded from reporting.

A) Materiality

- i) "Material information" is information that a reasonable person would deem important in determining his or her course of action. It is information pertaining to significant issues, including, but not limited to, price, quantity and terms of payment or performance.
- ii) A "material argument" is a communication that a reasonable person would believe was made for the purpose of influencing a decision relating to a procurement matter. It does not include general information about products, services or industry best practices, or a response to communications initiated by an employee of the IOC for purposes of providing information for the evaluation of new products, trends, services or technologies.
- iii) In determining whether a communication is material, the State employee may consider:
 - Whether the information conveyed is new or already known to the IOC (or repeated or restated privately) and other participants in the communication; and
 - The likelihood that the information would influence a pending procurement matter.

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

B) A "potential action" is one that a reasonable person would believe could affect the initiation, development or outcome of a procurement matter.

3) This Section does not apply to the following communications:

A) Communication regarding the procurement of items that have a contract value less than the small purchase amount stated in Section 1120.2020;

B) Communications made in a public forum;

C) Communications regarding matters of procedure and practice, such as format, the number of copies required, the manner of filing, and the status of the matter;

D) Communications regarding the administration and implementation of an existing contract (see 30 ILCS 500/50-39(a));

E) Communication between the IOC employee and:

i) the Comptroller;

ii) other State employees of the IOC;

iii) employees of the Executive Ethics Commission;

iv) an employee of another State agency who, through the communication, is either:

- exercising his or her experience or expertise in the subject matter of the particular procurement in the normal course of business, for official purposes, and at the initiation of the purchasing agency or the appropriate CPO; or

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

- exercising oversight, supervisory or management authority over the procurement in the normal course of business and as part of official responsibilities;
 - F) Unsolicited communications providing general information about products, services or industry best practices, prior to those products or services becoming involved in a procurement matter;
 - G) Communications received in response to procurement solicitations pursuant to the Code, including, but not limited to, vendor responses to an RFI, RFP, Request for Qualifications or IFB, or a small purchase, sole source or emergency solicitation, and questions and answers posted to the Bulletin to supplement the procurement action. This exemption is not applicable unless the communications are made in accordance with the instructions contained in the procurement solicitation, procedures or guidelines;
 - H) Communications that are privileged, protected or confidential under law;
 - I) Communications that are part of the formal procurement process as set out by statute, rule or procedure, such as the posting of procurement opportunities, the process for approving a Procurement Business Case (as defined in 2 Ill. Adm. Code 1620.825(i)) or its equivalent, fiscal approval, submission of bids, the finalizing of contract terms and conditions with an awardee or apparent awardee, and similar formal procurement processes.
- 4) Notwithstanding any exemption provided in subsection (v)(3), an IOC employee must report any communication that imparts or requests material information or makes a material argument regarding a potential action concerning a procurement matter if the employee reasonably believes the communication was made for any improper purpose, including, but not limited to, providing an improper benefit, monetary or non-monetary, to any person or entity.
 - 5) As soon as is practicable, but in no event more than 30 days after receipt of the communication or the first of a series of communications described

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

in subsection (v)(2), the State employee shall report the communication in accordance with Section 50-39 of the Code.

- 6) For purposes of this Section, "State employee" means:
- A) any person employed full-time, part-time or pursuant to a personal services contract with the State and whose employment duties are subject to the direction and control of an employer with regard to the material details of how the work is to be performed; or
 - B) any appointed or elected commissioner, trustee, director or member of a board of a State agency; or
 - C) any other person appointed to a position in or with a State agency, regardless of whether the position is compensated.
- 7) For purposes of this Section, "public forum" includes any meeting that satisfies the notice requirements contained in Section 2.02 of the Open Meetings Act [5 ILCS 120/2.02], but also other public events that are advertised and generally open to the public. A meeting may be a public forum even if a reasonable fee is required. Examples include educational seminars and conferences.

(Source: Amended at 37 Ill. Reg. 3075, effective March 1, 2013)

Section 1120.2010 Competitive Sealed Bidding

- a) Application-
Competitive sealed bidding is the required method of source selection, except as allowed by the Code and this Part. The provisions of this Section apply to every procurement required to be conducted by competitive sealed bidding.
- b) ~~The~~ Invitation for Bids (IFB):
- 1) Use. The ~~IFB Invitation for Bids~~ is used to initiate a competitive sealed bid procurement.
 - 2) Content. The ~~IFB Invitation for Bids~~ shall include, at a minimum, the following:

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

- A) instructions and information to bidders concerning the bid submission requirements, including the time and date set for receipt of bids, the address of the office to which bids are to be delivered, the maximum time for bid acceptance by the State, and any other special information;
 - B) the purchase description, evaluation factors, delivery or performance schedule, and ~~such~~ inspection and acceptance requirements ~~as are~~ not included in the purchase description; and
 - C) the contract terms and conditions, including warranty and bonding or other security requirements, as applicable.
- 3) Incorporation by Reference. The IFB Invitation for Bids may incorporate documents by reference provided that the IFB Invitation for Bids specifies where ~~those~~~~such~~ documents can be obtained.
- c) ~~Bidding Time:~~
Bidding time is the period of time between the date of notice or distribution of the IFB Invitation for Bids and the time and date set for receipt of bids. In each case, bidding time will be set to provide bidders a reasonable time to prepare their bids. A minimum of 14 days shall be provided unless a shorter time is authorized by the Code or this Part.
- d) ~~Bidder Submissions:~~
- 1) Bid Form. The IFB Invitation for Bids may provide a form that shall include space in which the bid price shall be inserted and that the bidder shall sign and submit along with all other necessary submissions.
 - 2) Bid Samples and Descriptive Literature.
 - A) Bid samples or descriptive literature may be required when necessary to evaluate required characteristics of the items bid.
 - B) Unsolicited bid samples or descriptive literature is submitted at the bidder's risk, may not be examined or tested, will not be deemed to vary any of the provisions of the IFB Invitation for Bids, and may

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

not be utilized by the vendor to contest a decision or understanding with the State.

e) Public Notice:

- 1) Publication. Every procurement for ~~supplies~~goods and services in excess of the small purchase limit that must be procured using an ~~IFB~~Invitation for Bids shall be publicized in the ~~next available issue of the Illinois Procurement~~ Bulletin.
- 2) Public Availability. A copy of the ~~IFB~~Invitation for Bids shall be made available for public inspection.
- 3) ~~Distribution. Invitations for Bids or Notices of the Availability of Invitations for Bids may be mailed or otherwise furnished to a sufficient number of bidders for the purpose of securing competition. Notices of Availability shall indicate where Invitations for Bids may be obtained; generally describe the supply or service desired; and indicate the due date for bids; and may contain other appropriate information. When appropriate, the SPO may require payment of a fee or a deposit for supplying the Invitation for Bids.~~

f) Pre-Bid Conference:

- 1) A pre-bid conference may be conducted to enhance understanding of the procurement requirements.
- 2) The pre-bid conference shall be announced as a part of the ~~IFB~~Invitation for Bids notice.
- 3) The conference may be designated as "attendance mandatory" or "attendance optional".
- 4) The conference should be held long enough after the ~~IFB~~Invitation for Bids has been issued to allow bidders to become familiar with it, but sufficiently before bid opening to allow consideration of the conference results in preparing their bids.
- 5) Nothing stated at the pre-bid conference shall change the ~~IFB~~Invitation for

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

~~Bids~~ unless a change is made by written amendment to the IFB Invitation for Bids.

6) Amendments shall be supplied to all those prospective bidders known to have received an IFB Invitation for Bids.

7) If the conference is mandatory, the amendment shall be supplied to attendees only.

g) Amendments to Invitations for Bids:

1) Form. Amendments to IFB Invitations for Bids shall be clearly identified, ~~and~~ shall reference the portion of the IFB they amend and shall be publicized in the next available issue of the Bulletin.

2) ~~Distribution. Amendments shall be sent to all prospective bidders known to have received an Invitation for Bids.~~

23) Timeliness. Amendments shall be made available~~distributed~~ within a reasonable time to allow prospective bidders to consider them in preparing their bids. If the time and date set for receipt of bids will not permit such consideration~~preparation~~, the amendment shall extend the response time. If necessary, the response time may be extended by publication in the next available issue of the Bulletin~~fax or telephone and confirmed in the amendment~~.

h) Pre-Opening Modification or Withdrawal of Bids:

1) Procedure. Bids may be modified or withdrawn by written notice received in the office designated in the IFB Invitation for Bids prior to the time and date set for bid opening. A fax modification or withdrawal, or withdrawal received by telephone prior to the time and date set for bid opening, will be effective if followed in writing.

2) ~~Disposition of Bid Security. If a bid is withdrawn in accordance with this Section, the bid security, if any, shall be returned to the bidder.~~

23) Records. All documents relating to the modification or withdrawal of bids shall be made a part of the appropriate procurement file.

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

- i) Receipt, Opening and Recording of Bids:
 - 1) Receipt. Upon its receipt, each bid and modification shall be time-stamped but not opened and shall be stored in a secure place until the time and date set for bid opening. If a bid is opened in error, the file shall so state.
 - 2) Opening and Recording:
 - A) Bids and modifications shall be opened publicly at the time, date, and place designated in the IFB Invitation for Bids. Opening shall be witnessed by a State employee or any other person present, but the person opening bids shall not serve as witness. The name of each bidder, the bid price, and such other information as is deemed appropriate by the Procurement Officer SPO shall be recorded and the name of each bidder read aloud or otherwise made available. The names of witnesses shall also be recorded at the opening.
 - B) The winning bid shall be available for public inspection after award, along with the record of each unsuccessful bid.
 - 3) Confidential Data. The Procurement Officer SPO shall examine the bids to determine the validity of any requests for nondisclosure of trade secrets and other proprietary data identified in writing. If the parties do not agree as to the disclosure of data or other information, the bid shall be rejected as nonresponsive.
- j) Bid Evaluation and Award:
 - 1) General. The contract is to be awarded to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the IFB Invitation for Bids, except as permitted in the Code and this Part. The IFB Invitation for Bids shall set forth the requirements and criteria that will be used to determine the lowest responsive bidder. No bid shall be evaluated for any requirements or criteria that are not disclosed in the IFB Invitation for Bids.
 - 2) Responsibility. Responsibility of prospective vendors is covered by

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

Section 1120.2046 (Responsibility) of this Part.

- 3) Responsiveness. A bid must conform in all material respects to the IFB Invitation for Bids.
- A) Product or Service Acceptability. The IFB Invitation for Bids shall set forth any evaluation criteria to be used in determining product or service acceptability. It may require the submission of bid samples, descriptive literature, technical data, references, licenses, or other information or material. It may also provide for accomplishing any of the following prior to award:
- i) inspection or testing of a product or service prior to award for such characteristics as quality or workmanship;
 - ii) examination of such elements as appearance, finish, taste, or feel;
 - iii) other examinations to determine whether the product or service conforms with any other purchase description requirements.
- B) The acceptability evaluation is not conducted for the purpose of determining whether one bidder's product or service capability is superior to another, but only to determine that a bidder's offering is acceptable as set forth in the IFB Invitation for Bids. Any bidder's offering that does not meet the acceptability requirements shall be rejected.
- 4) Determination of Lowest Bidder. Following determination of product or service acceptability as set forth in this subsection (j), bids will be evaluated to determine which bidder offers the lowest cost to the State in accordance with the evaluation criteria set forth in the IFB Invitation for Bids. Only objectively measurable criteria that are set forth in the IFB Invitation for Bids shall be applied in determining the lowest bidder. Examples of objectively measurable ~~such~~ criteria include, but are not limited to, transportation cost and ownership or life-cycle cost formulas. Evaluation factors need not be precise predictors of actual future costs, but to the extent possible ~~such~~ evaluation factors shall be reasonable estimates

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

based upon information the IOC has available concerning future use and shall treat all bids equitably. Pricing for optional supplies or services, or for renewal terms, ~~may shall~~ not be considered, particularly when the pricing for the items or terms is unbalanced when compared to other pricing in the bid.

- 5) Price Negotiation. This Section permits negotiations with the low bidder to obtain a lower price for the item bid.
- k) Documentation of Award:
Following award, a record showing the successful bidder shall be made a part of the procurement file.
- l) Award to Other Than Low Bidder:
 - 1) The ~~CPOSP~~ may award to other than the lowest responsible and responsive bidder upon a written determination that award to another bidder is in the State's best interest. The written explanation must be published in the appropriate volume of the Procurement Bulletin.
 - 2) The name of the bidder selected, pricing, and the reasons for selecting this bidder instead of the low bidder must be published in the appropriate volume of the Bulletin.
 - 3) The explanation must include:
 - A) a description of the needs of IOC;
 - B) a determination that the anticipated cost will be fair and reasonable;
 - C) a listing of all reasonable and responsive bidders; and
 - D) the name of the bidder selected, the pricing and the reasons for selecting that bidder.
 - 4) The explanation shall be filed with the Legislative Audit Commission and the IOC PPB.

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

m) Publicizing Award-

- 1) The successful bidder shall be notified of award and ~~the~~ notification may be in the form of a letter, purchase order or other clear communication.
- 2) In procurements over the small purchase limit set in Section 1120.2020(~~Small Purchases~~), notice of award shall be published in the ~~next available issue of the~~ Bulletin.

(Source: Amended at 37 Ill. Reg. 3075, effective March 1, 2013)

Section 1120.2012 Multi-Step Sealed Bidding

a) Definition-

Multi-step sealed bidding is a two-phase process consisting of a technical first phase composed of one or more steps in which bidders submit unpriced technical offers to be evaluated by the IOC, and a second phase in which those bidders whose technical offers are determined to be acceptable during the first phase have their price bids considered.

b) Conditions for Use-

The multi-step sealed bidding method may be used when it is not practical to prepare initially a definitive purchase description that will be suitable to permit an award based on price. Multi-step sealed bidding may be used when it is considered desirable:

- 1) to invite and evaluate possible diverse technical offers to determine their acceptability to fulfill the purchase description requirements; and
- 2) to conduct discussions for the purposes of facilitating understanding of the technical offer and purchase description requirements and, ~~when~~ where appropriate, obtain supplemental information, permit amendments of technical offers, or amend the purchase description.

c) Pre-Bid Conferences in Multi-Step Sealed Bidding-

Prior to the submission or evaluation of unpriced technical offers, a pre-bid conference as contemplated by Section 1120.2010(f) (Pre-Bid Conference) may be conducted by the ~~COSPO~~.

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

- d) Procedure for Phase One of Multi-Step Sealed Bidding-
- 1) Form. Multi-step sealed bidding shall be initiated by the issuance of an IFB Invitation for Bids in the form required by Section 1120.2010 (Competitive Sealed Bidding), except as provided in this Section. In addition to the requirements set forth in Section 1120.2010, the multi-step IFB Invitation for Bids shall state:
 - A) that unpriced technical offers are requested;
 - B) whether priced bids are to be submitted at the same time as unpriced technical offers; if they are, such priced bids shall be submitted in a separate sealed envelope;
 - C) that it is a multi-step sealed bid procurement, and priced bids will be considered only in the second phase and only from those bidders whose unpriced technical offers are found acceptable in the first phase;
 - D) the criteria to be used in the evaluation of the unpriced technical offers;
 - E) that the IOC, to the degree the CPOSPO finds necessary, may conduct oral or written discussions of the unpriced technical offers;
 - F) that the item being procured shall be furnished generally in accordance with the bidder's technical offer as found to be finally acceptable and shall meet the requirements of the IFB Invitation for Bids.
 - 2) Amendments to the IFB Invitation for Bids. After receipt of unpriced technical offers, amendments to the IFB Invitation for Bids shall be distributed only to bidders who submitted unpriced technical offers, and they shall be permitted to submit new unpriced technical offers or to amend those submitted. If, in the opinion of the CPOSPO, a contemplated amendment will significantly change the nature of the procurement, the IFB Invitation for Bids may be canceled in accordance with Section 1120.2040 (Cancellation of Solicitation; Rejection of Bids or Proposals)

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

and a new ~~IFB~~Invitation for Bids issued.

- 3) Receipt and Handling of Unpriced Technical Offers. Unpriced technical offers submitted by bidders shall be opened in the presence of at least one witness. ~~These~~Such offers shall not be disclosed to unauthorized persons. Bidders may request nondisclosure of trade secrets and other proprietary data identified in writing.
- 4) Evaluation of Unpriced Technical Offers.
 - A) The unpriced technical offers submitted by bidders shall be evaluated solely in accordance with the criteria set forth in the ~~IFB~~Invitation for Bids. The unpriced technical offers shall be categorized as:
 - ~~i)~~A) acceptable;
 - ~~ii)~~B) potentially acceptable, that is, reasonably susceptible of being made acceptable; or
 - ~~iii)~~C) unacceptable, in which case the ~~Procurement Officer~~SPO shall record in writing the basis for finding an offer unacceptable and make it part of the procurement file.
 - B) The ~~CPO~~SPO may initiate phase two of the procedure if, in the ~~CPO's~~SPO's opinion, there are sufficient acceptable unpriced technical offers to assure effective price competition in the second phase without technical discussions. If the ~~CPO~~SPO finds that such is not the case, the ~~CPO~~SPO may commence discussions of the unpriced technical proposals.
- 5) Discussion of Unpriced Technical Offers. The ~~Procurement Officer~~SPO may conduct discussions with any vendor who submits an acceptable or potentially acceptable technical offer. During the course of ~~these~~such discussions, the ~~Procurement Officer~~SPO shall not disclose any information derived from one unpriced technical offer to any other bidder. Any such bidder may submit supplemental information amending its technical offer at any time until the closing date established by the ~~Procurement Officer~~SPO. ~~The~~Such submission may be made at the

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

request of the Procurement Officer~~SPO~~ or upon the bidder's own initiative.

6) Unacceptable Unpriced Technical Offer. When the CPO~~SPO~~ determines a bidder's unpriced technical offer to be unacceptable, ~~the~~~~such~~ offeror shall not be afforded an additional opportunity to supplement its technical offer.

e) Procedure for Phase Two:

1) Initiation. Upon the completion of phase one, the CPO~~SPO~~ shall either:

A) open priced bids submitted in phase one (if priced bids were required to be submitted) from bidders whose unpriced technical offers were found to be acceptable; or

B) if priced bids have not been submitted, invite each acceptable bidder to submit a priced bid.

2) Conduct. Phase two shall be conducted as any other competitive sealed bid procurement except:

A) no public notice need be given of this invitation to submit priced bids because ~~such~~ notice was previously given;

B) after award, the unpriced technical offer of the successful bidder shall be disclosed as follows: The Procurement Officer~~SPO~~ shall examine written requests of confidentiality for trade secrets and proprietary data in the technical offer of ~~the~~~~such~~ bidder to determine the validity of any such requests. If the parties do not agree as to the disclosure of data, the CPO~~SPO~~ shall reject the offer. ~~The~~~~Such~~ technical offer shall be open to public inspection subject to any continuing prohibition on the disclosure of confidential data; and

C) unpriced technical offers of bidders who are not awarded the contract shall not be open to public inspection.

(Source: Amended at 37 Ill. Reg. 3075, effective March 1, 2013)

Section 1120.2015 Competitive Sealed Proposals

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

- a) Conditions for Use
When provided for under the Code or under this Part, or when the IOC determines in writing that the use of competitive sealed bidding is either not practicable or not advantageous to the IOC, a contract may be entered into by competitive sealed proposals.
- b) Request for Proposals (RFP)
Proposals shall be solicited through an RFP.
- c) Public Notice
Public notice of the RFP shall be published in the Bulletin at least 14 days prior to the date set in the RFP for the opening of proposals.
- d) Receipt of Proposals
Proposals shall be opened publically in the presence of one or more witnesses at the time and place designated in the RFP, but proposals shall be opened in a manner to avoid disclosure of contents to competing offerors during the process of negotiation. A record of proposals shall be prepared and shall be open for public inspection after the contract is awarded.
- e) Evaluation Factors
The RFP shall state the relative importance of price and other evaluation factors. Proposals shall be submitted in 2 parts: the first covering items except price and the second concerning price. The first part of all proposals shall be evaluated and ranked independently of the second part of all proposals.
- f) Discussion with Responsible Offerors and Revisions of Proposals
As provided in the RFP and this Part, discussion may be conducted with responsible offerors who submit proposals determined to be reasonably susceptible of being selected for award for the purpose of clarifying and assuring full understanding of and responsiveness to the solicitation requirements. Those offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals. Revisions may be permitted after submission and before award for the purpose of obtaining Best & Final offers. In conducting discussions, there shall be no disclosure of any information derived from proposals submitted by competing offerors. If information is disclosed to any offeror, it shall be provided to all competing offerors.

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

- g) Award
Awards shall be made to the responsible offeror whose proposal is determined in writing to be the most advantageous to the IOC, taking into consideration the price and the evaluation factors set forth in the RFP. The contract file shall contain the basis on which the award is made.
- a) ~~Competitive sealed proposals may be used whenever permitted by the Code and as described in this Section.~~
- b) ~~The competitive sealed proposal method of source selection may be used to procure the following categories (note that the following services, if they are professional and artistic, must be procured pursuant to Section 1120.2035 of this Part):~~
- ~~1) electronic data processing equipment, software, and services;~~
 - ~~2) telecommunications equipment, software, and services;~~
 - ~~3) consulting services; and~~
 - ~~4) employee benefits and management of those benefits.~~
- e) ~~Competitive sealed proposals may be used on a case-by-case basis when it is determined that competitive sealed bidding is either not practicable or advantageous.~~
- ~~1) "Practicable" Distinguished from "Advantageous". As used in Section 20-15 (Competitive Sealed Proposals) of the Illinois Procurement Code and this Section, the term "practicable" denotes what may be accomplished or put into practical application, and "advantageous" connotes a judgmental assessment of what is in the State's best interest. Competitive sealed bidding may be practicable, that is, reasonably possible, but not necessarily advantageous, that is, in the State's best interest. Before a procurement may be conducted by competitive sealed proposals, the SPO shall determine in writing that competitive sealed bidding is either not practicable or not advantageous to the State.~~
 - ~~2) General Discussion.~~
 - ~~A) If competitive sealed bidding is not practicable or is not~~

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

~~advantageous, competitive sealed proposals should be used.~~

- ~~B) The key element in determining advantageousness is the need for flexibility. The competitive sealed proposal method differs from competitive sealed bidding in two important ways:~~
- ~~i) it permits discussions with competing offerors and changes in their proposals, including price; and~~
 - ~~ii) it allows comparative judgmental evaluations to be made when selecting among acceptable proposals for award of the contract.~~
- ~~C) When evaluation factors involve the relative abilities of offerors to perform, including degrees of experience or expertise, when the types of supplies or services may require the use of comparative, judgmental evaluations to evaluate them adequately, or when the type of need to be satisfied involves weighing aesthetic values to the extent that price is a secondary consideration, use of competitive sealed proposals is the appropriate procurement method.~~
- 3) ~~When Competitive Sealed Bidding Is Not Practicable. Competitive sealed bidding is not practicable unless the nature of the procurement permits award to a low bidder who agrees by its bid to perform without condition or reservation in accordance with the purchase description, delivery or performance schedule, and all other terms and conditions of the Invitation for Bids. Factors to be considered in determining whether competitive sealed bidding is not practicable include:~~
- ~~A) whether the contract needs to be other than a fixed price type;~~
 - ~~B) whether oral or written discussions may need to be conducted with offerors concerning technical and price aspects of their proposals;~~
 - ~~C) whether offerors may need to be afforded the opportunity to revise their proposals, including price;~~
 - ~~D) whether award may need to be based upon a comparative~~

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

~~evaluation, as stated in the Request for Proposals, of differing price, quality, and contractual factors in order to determine the most advantageous offering to the IOC. Quality factors include technical and performance capability and the content of the technical proposal; and~~

- ~~E) whether the primary consideration in determining award may not be price.~~
- 4) ~~When Competitive Sealed Bidding Is Not Advantageous. A determination may be made to use competitive sealed proposals if it is determined that it is not advantageous to the IOC, even though practicable, to use competitive sealed bidding. Factors to be considered in determining whether competitive sealed bidding is not advantageous include:~~
 - ~~A) if prior procurements indicate that competitive sealed proposals may result in more beneficial contracts for the IOC; and~~
 - ~~B) whether the factors listed in subsection (c)(3) of this Section are desirable in conducting a procurement rather than necessary.~~
- d) ~~Content of the Request for Proposals. The Request for Proposals shall be prepared in accordance with Section 1120.2010 (Competitive Sealed Bidding) provided that it shall also include:~~
 - ~~1) a statement that discussions may be conducted with offerors who submit proposals determined to be reasonably susceptible of being selected for award, but that proposals may be accepted without such discussions; and~~
 - ~~2) a statement of when and how price should be submitted.~~
- e) ~~Receipt and Registration of Proposals.~~
 - ~~1) Proposals and modifications shall be opened publicly at the time, date and place designated in the Request for Proposals. Opening shall be witnessed by a State employee or by any other person present but the person opening proposals shall not serve as witness. A record shall be prepared that shall include the name of each offeror, the number of modifications received, if any, and a description sufficient to identify the supply or service item~~

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

~~offered. The record of proposals shall be open to public inspection after award of the contract.~~

- 2) ~~Proposals and modifications shall be opened in a manner to avoid disclosing contents to competitors. Only State personnel and contractual agents may review the proposals prior to award.~~

f) ~~Evaluation of Proposals.~~

- 1) ~~Evaluation Factors in the Request for Proposals. The Request for Proposals shall state all of the evaluation factors, including price, and their relative importance.~~
- 2) ~~Evaluation. The evaluation shall be based on the evaluation factors set forth in the Request for Proposals. Factors not specified in the Request for Proposals shall not be considered. Numerical rating systems may be used but are not required.~~
- 3) ~~Classifying Proposals. For the purpose of conducting discussions, proposals shall be initially classified as:~~
 - A) ~~acceptable;~~
 - B) ~~potentially acceptable, that is, reasonably susceptible of being made acceptable; or~~
 - C) ~~unacceptable.~~

~~Offerors whose proposals are unacceptable shall be so notified promptly.~~

g) ~~Proposal Discussions with Individual Offerors.~~

- 1) ~~"Offerors" Defined. For the purposes of Section 20-15(f) (Competitive Sealed Proposals, Discussion with Responsible Offerors and Revisions to Proposals) of the Illinois Procurement Code and of this Section, the term "offerors" includes only those businesses submitting proposals that are acceptable or potentially acceptable. The term shall not include businesses who submitted unacceptable proposals.~~

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

- 2) ~~Purposes of Discussions. Discussions are held to:~~
- A) ~~promote understanding of the State's requirements and the offerors' proposals; and~~
 - B) ~~facilitate arriving at a contract that will be most advantageous to the State, taking into consideration price and the other evaluation factors set forth in the Request for Proposals.~~
- 3) ~~Conduct of Discussions. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussions and revisions of proposals. If during discussions there is a need for any substantial clarification of, or change to, the Request for Proposals, the Request shall be amended to incorporate such clarification or change. Auction techniques (revealing one offeror's price to another) and disclosure of any information from competing proposals are prohibited. Any substantial oral clarification of a proposal shall be reduced to writing by the offeror.~~
- 4) ~~Best and Final Offers. The SPO may request best and final offers from those offerors deemed acceptable after completion of any discussions. Best and final offers shall be submitted by a specified date and time. The SPO may conduct additional discussions or change the IOC's requirements and require another submission of best and final offers. If an offeror does not submit either a notice of withdrawal or another best and final offer, that offeror's immediate previous offer will be construed as its best and final offer.~~
- h) ~~Award.~~
~~An award shall be made by the SPO pursuant to a written determination showing the basis on which the award was found to be most advantageous to the State, based on the factors set forth in the Request for Proposals.~~
- i) ~~Publicizing Awards.~~
~~After a contract is awarded, notice of award shall be posted in the SPO's office. When the award exceeds the small purchase limit set in Section 1120.2020 of this Part, notice of award shall be published in the Bulletin.~~

(Source: Amended at 37 Ill. Reg. 3075, effective March 1, 2013)

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

Section 1120.2020 Small Purchases

- a) Application
- 1) Procurements of \$33,500 or less for supplies or services, including those for professional and artistic services, and of \$40,100 or less for construction, may be made without advance notice, competition or use of any prescribed method of source selection.
 - 2) Any change identified by the United States Department of Labor in the Consumer Price Index for All Urban Consumers for the period ending December 31, 1998, and for each year thereafter, shall be used to calculate the small purchase maximums that shall be applicable for the fiscal year beginning July 1, 1999. The small purchase maximums shall be likewise recalculated for each July 1 thereafter. Changes to the small purchase maximums can be found on the Illinois Procurement Policy Board website (ppb.illinois.gov) and are updated annually.
- b) In determining whether a contract is under the limit, the stated value of the supplies or services, plus any optional supplies and services, determined in good faith, shall be utilized. When the value is calculated month-to-month or in a similar fashion, the amount shall be calculated for a 12 month period.
- c) If only a unit price or hourly rate is known, the contract shall be considered small and shall have a not to exceed limit applicable to the type of procurement (see subsection (a)).
- d) If, after signing the contract, the actual cost of completing the contract is determined to exceed the small purchase amount, and the CPO determines that a supplemental procurement is not economically feasible or practicable because of the immediacy of the agency's needs or other circumstances, the Procurement Officer must follow the procedures for sole source or emergency procurement, whichever is applicable, to complete the contract.
- e) Notice of award shall be published in the Bulletin no later than 10 business days after the contract is awarded.
- a) Application.
- 1) ~~Procurements of supplies or services that cost less than the small purchase~~

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

~~limit, other than professional and artistic, may be made without notice, competition or use of any prescribed method of source selection.~~

- 2) ~~Procurements of less than \$20,000 for professional and artistic services and that have a non-renewable term of one year or less may be made without notice, competition or use of any prescribed method of source selection.~~
- b) ~~In determining whether a contract is under the limit, the value of the contract for the full term and all optional renewals shall be utilized. The stated value of the goods or services, plus any optional goods and services, shall be utilized. When the term is calculated month to month or in a similar fashion, the amount shall be calculated for a twelve month period.~~
- e) ~~Procurement requirements shall not be artificially divided to avoid using the other source selection methods set forth in Section 20-5 of the Illinois Procurement Code.~~
- d) ~~If, after signing the contract, the actual need is determined to exceed the small purchase limit, and the IOC determines that reprocurement is not appropriate, the procedures for sole source or emergency procurement, whichever is applicable, must be complied with to obtain additional supplies or services.~~

(Source: Amended at 37 Ill. Reg. 3075, effective March 1, 2013)

Section 1120.2025 Sole Economically Feasible Source Procurement

- a) ~~Application-~~
The provisions of this Section apply to procurement from a sole economically feasible source (referred to as sole source) unless the estimated amount of the procurement is within the limit set in Section 1120.2020 (~~Small Purchases~~) or unless emergency conditions exist as defined in Section 1120.2030 (~~Emergency Procurements~~).
- b) ~~Conditions for Use of Sole Source Procurement-~~
Sole source procurement is permissible when a requirement is available from only a single supplier or when only one supplier is deemed economically feasible. A requirement for a particular proprietary item does not justify a sole source procurement if there is more than one potential bidder or offeror authorized to

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

provide that item. The following are examples of circumstances that could necessitate sole source procurement:

- 1) the compatibility of equipment, accessories, replacement parts, or service is a paramount consideration;
- 2) a sole supplier's items are needed for trial use or testing;
- 3) a sole supplier's item is to be procured for commercial resale;
- 4) public utility regulated services are to be procured;
- 5) the item is copyrighted or patented and the item or service is not available except from the holder of the copyright or patent; ~~and~~
- 6) the procurement is of media and advertising;
- 7) the procurement is of art or entertainment services; and
- 8) existing contracts are being changed (see subsection (c)).
- 6) ~~extending an existing contract for such period of time as is needed to conduct a competitive method of source selection where terminating or allowing the contract to terminate would not be advantageous to the State.~~

c) Changes-

- 1) Changes to an existing contract that are germane and reasonable in scope and cost in relation~~Changes to existing contracts germane~~ to the original contract ~~or program, project~~ that are necessary or desirable to complete the contract holder may be procured under this Section when the CPO determines that the cost of delay or disruption to the contract or program, and the cost of new solicitation, clearly indicate that the existing vendor is the sole economically feasible source.
- 2) A change (whether in cost or rate) that does not exceed the applicable small purchase limit as defined in Section 1120.2020 ~~of this Part~~ or that is an emergency as defined in Section 1120.2030 ~~of this Part~~, may be made

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

in accordance with procedures governing those Sections and need not comply with these sole source procedures. A change in the length of the contract that does not exceed 30 days and other minor, immaterial changes to the scope or administrative provisions of a contract shall not be considered changes subject to these sole source procedures.

d) ~~CPO~~~~SPO~~ to Determine:

- 1) The determination as to whether a procurement shall be made as a sole source shall be made by the ~~CPO~~~~SPO~~. ~~The~~~~Sueh~~ determination and the basis ~~for the determination~~~~therefore~~ shall be in writing. ~~The CPO~~~~Sueh officer~~ may specify the application of ~~the~~~~sueh~~ determination and the duration of its effectiveness.
- 2) Any purchase request submitted to the ~~CPO suggesting~~~~SPO~~ that a procurement be restricted to one potential vendor shall be accompanied by an explanation as to why no other vendor will be suitable or acceptable to meet the need.

e) Publication of Sole Source Notice:

The ~~CPO~~~~Purchasing Agency~~ shall publish in the Bulletin notice of intent to contract with that vendor at least 14 days prior to execution of the contract.

- 1) If no challenge to this determination is made by a vendor within the 14 day period, the ~~CPO~~~~SPO~~ may execute a contract with that vendor.
- 2) If a challenge is received, the ~~Procurement Officer~~~~SPO~~ shall consider the information and shall commence a competitive procurement if the ~~CPO determines that more than one economically feasible source may be available and~~~~SPO is convinced~~ the sole source designation is, ~~therefore~~, not appropriate, unless an emergency situation ~~now~~ exists.

f) Negotiation in Sole Source Procurement:

The ~~Procurement Officer~~~~SPO~~ shall conduct negotiations, as appropriate, to reach contract terms, including price, and shall maintain a record of each sole source procurement showing:

- 1) the vendor's name;

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

- 2) the amount and type of the contract; and
 - 3) a listing of the supplies, services, or construction procured under each contract; ~~and~~
 - 4) ~~the identification number of the contract file.~~
- g) Prohibition Against Amending a Contract for Professional or Artistic Services
The provisions of this Part shall not apply to an amendment to a contract for professional or artistic services if:
- 1) there is an increase in the amount paid under the contract of more than 5% of the initial award; or
 - 2) the term of the contract would extend by a period not to exceed the time reasonably needed for a competitive procurement or 2 months, whichever is less.

(Source: Amended at 37 Ill. Reg. 3075, effective March 1, 2013)

Section 1120.2030 Emergency Procurements

- a) Applications:
The provisions of this Section apply to every procurement over the small purchase limit set in Section 1120.2020 (~~Small Purchases~~), that is not a sole source procurement under Section 1120.2025, made under emergency conditions.
- b) Definition of Emergency Conditions:
Procurements may be made under this Section ~~1120.2030~~ in the following circumstances:
 - 1) Traditional circumstances include but are not limited to:
 - A) public health or safety, including the health or safety of any particular person, is threatened;
 - B) repairs to IOC property are needed to protect against further loss or damage to IOC property, or to prevent loss or damage to IOC property;

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

- C) action is needed to prevent or minimize serious disruption in State services;
 - D) action is needed to ensure the integrity of State records;
 - E) a supplier of goods or services announces bankruptcy, going out of business, or loss of franchise, or gives other similar reason such that making a purchase immediately is in the State's best interest;
 - F) items are available on the spot market or at discounted prices available for a limited time such that good business judgment mandates a purchase immediately to take advantage of the availability and price;
 - G) legal services to assist an agency in the formulation of policy, in drafting or evaluating documents, or in determining the extent of statutory authority that are needed sooner than the competitive process would allow;
 - H) the need for items to protect or further State interests is immediate and use of other competitive source selection procedures under the Code and this Part cannot be accomplished without significant risk of causing serious disadvantage to the State; immediate action is needed to protect the interests of the State; or
 - I) extending a contract is needed to conduct a competitive method of source selection;:-
 - J) immediate action is necessary to avoid lapsing or loss of federal or donated funds; or
 - K) immediate action is necessary to protect the collection of State revenue.
- 2) After Unsuccessful Competitive Sealed Bidding or Proposals or Request for Proposals. When bids or proposals received pursuant to a competitive sealed bid or competitive sealed proposal method are unreasonable or noncompetitive, or the price exceeds available funds, and time or other

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

circumstances will not permit the delay required to resolicit competitive sealed bids or proposals, and if emergency conditions exist after an unsuccessful attempt to use competitive sealed bidding, an emergency procurement may be made.

- 3) Extension to Allow Competition. Extending an existing contract for such period of time as is needed to conduct a competitive method of source selection where terminating or allowing the contract to terminate would not be advantageous to the State.
- 4) Quick Purchase
 - A) A supplier announces bankruptcy, cessation of business, or loss of franchise, or gives other similar reason such that making a purchase immediately is more advantageous to the State than instituting a competitive procurement under the provisions of this Code for the supplies or services;
 - B) Items are available on the spot market or at discounted prices for a limited time so that good business judgment mandates a purchase immediately to take advantage of the availability and price;
 - ~~C) availability of rare items such as books of historical value;~~
 - ~~D) the procurement is for entertainment.~~
- c) Scope of Emergency Conditions:
 - 1) Emergency procurement shall be limited to ~~the~~those supplies or services, quantity and term reasonably necessary to meet the emergency.
 - 2) Emergency procurements shall be limited to the time reasonably needed for a competitive procurement, but in no event shall that time exceed 90 days unless the CPO determines additional time is needed.
 - 3) In the event an emergency procurement exceeds 90 days, the contract scope and duration may be extended. The extension shall be limited in items, quantity and days.

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

- d) Authority to Make Emergency Procurements-
Authority to make emergency procurements is established by subsection (c) Emergency procurements may be made when an emergency condition arises and the need cannot be met through normal procurement methods, provided that, whenever practical, existing IOC contracts shall be utilized and, whenever practical, approval by the CPO/SPO shall be obtained prior to the procurement. The CPO ~~or SPO~~ shall be responsible for making the filings required in Section 20-30 of the Code.
- e) Source Selection Methods-
Any method of source selection, whether or not identified in the Code or this Part, may be used to conduct the procurement in emergency situations. Such competition as is practicable shall be obtained.
- f) Determination and Record of Emergency Procurement-
- 1) Determination. The CPO ~~or SPO~~ shall make a written determination stating the basis for an emergency procurement and for the selection of the particular contractor. The Such determinations shall be kept in the contract file ~~with a copy sent promptly to the CPO~~.
 - 2) Record. An affidavit of each emergency procurement shall be filed by the CPO with the IOC PPB and the Auditor General within 10 days after the procurement made as soon as practicable and shall include the following information:
 - A) the vendor's name;
 - B) the amount and type of the contract (if only an estimate of the amount is available immediately, the record shall be supplemented with the final amount once known);
 - C) a description of what the vendor will do or provide;
 - D) the reasons for using the emergency method of source selection.
 - 3) Notice of the emergency procurement shall be published in the Bulletin in accordance with Subpart D of this Part.

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

- g) Extensions of Emergencies
In the event an emergency procurement exceeds 90 days, the emergency procurement may be extended. Prior to the execution of the extension:
- 1) the CPO must determine additional time is necessary;
 - 2) the contract scope and duration must be limited to the emergency;
 - 3) a public hearing must be held;
 - 4) the CPO must provide written justification for the emergency contract; and
 - 5) notice of the intent to extend shall be provided to the IOC PPB and published in the Bulletin in accordance with Subpart D.

(Source: Amended at 37 Ill. Reg. 3075, effective March 1, 2013)

Section 1120.2035 Competitive Selection Procedures for Professional and Artistic Services

- a) Application:
- 1) The provisions of this Section apply to every procurement of professional and artistic services except those professional and other services necessary to prepare for anticipated litigation, enforcement actions, or investigations, which are exempt from the requirements of the Code and this Part and except as provided in Section 1120.2020 and in subsection (c) of this Section~~Section 1120.2035(e)~~.
 - 2) *"Professional and artistic services" means those services provided under contract to a State agency by a person or business, acting as an independent contractor, qualified by education, experience, and technical ability [30 ILCS 500/1-15.60].*
- b) ~~Professional and artistic services are further defined below:~~
- 1) ~~"Qualified by education" means the individual who would perform the services must have obtained the level of education specified in the Request for Proposals.~~

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

- 2) ~~"Qualified by experience" means the individual who would perform the services must have the level of general experience specified in the Request for Proposals.~~
 - 3) ~~"Qualified by technical ability" means the individual who would perform the services must previously have successfully performed services of similar nature to those specified in the Request for Proposals.~~
 - 4) ~~Essential elements distinguishing professional services from other services are confidence, trust, and belief in not only the ability, but the talent, of the individual performing the service.~~
 - 5) ~~Professional and artistic services are primarily for intellectual or creative skills. Contracts for services primarily involving manual skills or labor are not professional services contracts.~~
 - 6) ~~When the IOC requires services that meet the above requirements, then the services are professional and these competitive selection procedures must be followed. Otherwise the services must be procured in accordance with the other methods of source selection authorized by the Code and this Part.~~
- e) ~~Conditions for Use of Competitive Selection Procedures:
Except as authorized under Section 20-25 (Sole Source Procurement) or Section 20-30 (Emergency Procurements) of the Code, these competitive selection procedures shall be used for all procurements of professional and artistic services of \$20,000 or more. Any procurement of such services less than \$20,000 and for a nonrenewable term of one year or less may be procured in accordance with Section 1120.2020 (Small Purchases).~~
- d) ~~Prequalification:
The Comptroller's Director of Administrative Services may maintain a list of prequalified professional and artistic vendors in accordance with Sections 1120.2044 and 1120.2045 of this Part. Persons may amend statements of qualification at any time by filing a new statement.~~
- be) ~~Public Notice of Competitive Selection Procedures:~~
- 1) ~~Notice of the need for professional and artistic services shall be made by the CPO or SPO in the form of ana RFP Request for Proposals.~~

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

- 2) Notice shall be given as provided in Section 1120.2010(e) ~~(Public Notice) of this Part.~~
- 3) Notice shall also be distributed to prequalified persons interested in performing the services required by the proposed contract.

~~c)†~~ Request for Proposals-

- 1) Contents. The ~~RFP~~ Request for Proposals shall be in the form specified by the ~~CPO~~ SPO and shall contain at least the following information:
 - A) the type of services required;
 - B) a description of the work involved;
 - C) an estimate of when and for how long the services will be required;
 - D) the type of contract to be used;
 - E) a date by which proposals for the performance of the services shall be submitted;
 - F) a statement of the minimum information that the proposal shall contain, which may include, but is not limited to:
 - i) the name of the offeror, the location of the offeror's principal place of business and, if different, the place of performance of the proposed contract;
 - ~~ii) if deemed relevant by the SPO, the age of the offeror's business and average number of employees over a previous period of time, as specified in the Request for Proposals;~~
 - ~~iii) the abilities, qualifications, and experience of all persons who would be assigned to provide the required services;~~
 - ~~iiii) a listing of other contracts under which services similar in scope, size, or discipline to the required services were~~

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

performed or undertaken within a previous period of time, as specified in the RFP Request for Proposals;

iv) a plan giving as much detail as is practical explaining how the services will be performed;

G) price (to be submitted in a separate envelope in the proposal package and not mentioned elsewhere in the proposal package); and

H) the factors to be used in the evaluation and selection process and their relative importance.

2) Evaluation. Proposals shall be evaluated only on the basis of evaluation factors stated in the RFP Request for Proposals. Price will not be evaluated until ranking of all proposals and identification of the most qualified vendor. The relative importance of the evaluation factors will vary according to the type of services being procured. The minimum factors are:

A) the plan for performing the required services;

B) ability to perform the services as reflected by technical training and education, general experience, specific experience in providing the required services, and the qualifications and abilities of personnel proposed to be assigned to perform the services;

C) the personnel, equipment, and facilities to perform the services currently available or demonstrated to be made available at the time of contracting; and

D) a record of past performance of similar work.

d)g) ~~Pre-Proposal Conference-~~

A pre-proposal conference may be conducted in accordance with Section 1120.2010(f) ~~(Pre-Bid Conference)~~. ~~The~~Such a conference may be held at any timeanytime prior to the date established for submission of proposals.

e)h) ~~Receipt and Handling of Proposals-~~

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

- 1) Proposals and modifications shall be sent to the CPO~~SPO~~ as directed in the solicitation and shall be time-stamped upon receipt and held in a secure place until the due date and time, at which they will be opened by the Procurement Officer~~SPO~~.
 - 2) Proposals shall not be opened publicly nor disclosed to unauthorized persons, but shall be opened in the presence of at least one witness.
 - 3) A register of proposals shall be established that shall include, for all proposals, the name of each offeror, the number of modifications received, if any, and a description sufficient to identify the services offered.
 - 4) The register of proposals shall be open to the public only after award of the contract.
- i)~~i)~~ Discussions-
- 1) Discussions Permissible-
 - A) The Procurement Officer~~SPO~~ may conduct discussions with any offeror to:
 - iA) determine in greater detail thesueh offeror's qualifications; and
 - iiB) explore with the offeror the scope and nature of the required services, the offeror's proposed method of performance, and the relative utility of alternative methods of approach.
 - B) The CPO~~SPO~~ may allow changes to the proposal based on those discussions.
 - 2) No Disclosure of Information. Discussions shall not disclose any information derived from proposals submitted by other offerors, and the agency conducting the procurement shall not disclose any information contained in any proposals until after award of the proposed contract has been made. The proposal of the offeror awarded the contract shall be open

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

to public inspection except as otherwise provided in the contract.

- ~~g)~~ Selection of the Best Qualified Offerors-
After conclusion of validation of qualifications, evaluation, and discussion, the ~~CPO~~~~SPO~~ shall rank the acceptable offerors in the order of their respective qualifications.
- ~~h)~~ Evaluation of Pricing Data-
Pricing submitted for all proposals timely submitted shall be opened and ranked.
- 1) If the low price is submitted by the most qualified vendor, the CPO may award to that vendor~~negotiation of price shall commence.~~
 - 2) If the price of the most qualified vendor is not low and if it is under \$25,000, the CPO ~~or the SPO~~ may award to that vendor.
 - 3) If the price is over \$25,000, the CPO ~~or SPO~~ must state why the qualifications were deemed more important than price and ~~that such~~ determination shall be published in the next available issue of the Bulletin.
- ~~i)~~ Negotiation and Award of Contract-
- 1) General. The ~~Procurement Officer~~~~CPO~~~~or SPO~~ shall attempt to negotiate a contract with the best qualified offeror for the required services at ~~compensation determined in writing to be~~ fair and reasonable compensation. The Procurement Officer may, in the interest of efficiency, negotiate with other vendors while negotiating with the best qualified vendor.
 - 2) Elements of Negotiation. Contract negotiations shall be directed toward:
 - A) making certain that the offeror has a clear understanding of the scope of the work, specifically, the essential requirements involved in providing the required services;
 - B) determining that the offeror will make available the necessary personnel and facilities to perform the services within the required time; and

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

C) agreeing upon compensation that is fair and reasonable, taking into account the estimated value of the required services, and the scope, complexity, and nature of thesueh services.

3) Request for Nondisclosure of Data-

A) If the offeror selected for award has requested in writing the nondisclosure of trade secrets and other proprietary data so identified, the head of the agency conducting the procurement or a designee of such officer shall examine the request in the proposal to determine its validity prior to entering negotiations.

B) If the parties do not agree as to the disclosure of data in the contract, the CPO shall reject the proposal.

4) Successful Negotiation of Contract with Best Qualified Offeror-

A) If compensation, contract requirements, and contract documents can be agreed upon with the best qualified offeror, the contract shall be awarded to that offeror, unless the procurement is canceled.

B) Compensation must be determined in writing to be fair and reasonable. Fair and reasonable compensation shall be determined by the CPO based on the circumstances of the particular procurement, including but not limited to the nature of the services needed, qualifications of the offerors, consideration of the range of prices received in the course of the procurement, and the agency's identified budget.

5) Failure to Negotiate Contract with Best Qualified Offeror-

A) If compensation, contract requirements, and contract documents cannot be agreed upon with the best qualified offeror, a written record stating the reasons therefore shall be placed in the file. The Procurement Officer shall advise thesueh offeror of the termination of negotiations.

B) Upon failure to negotiate a contract with the best qualified offeror,

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

the ~~Procurement Officer~~SPO may enter into negotiations with the next most qualified offeror, and so on in that manner until an award is made or the procurement canceled.

- ~~j)m)~~ Multiple Awards-
The Procurement Officer may enter into negotiations with the next most qualified vendor or vendors when the purchasing agency has a need that requires multiple vendors under contract.
- ~~k)n)~~ Notice of Award-
Written notice of award shall be public information and made a part of the contract file. The ~~CPO~~SPO shall publish ~~the names of the responsible decision makers of the IOC~~, the successful vendor, a contract reference number or other identifier, and the value of the contract. Publication shall be in the next available issue of the Bulletin.
- ~~l)o)~~ ~~The CPO may publish notices of small~~Small, sole source and emergency procurements of professional and artistic services under the jurisdiction of ~~the CPO~~an SPO do not require approval of the CPO to proceed. Any notices shall be published by the SPO.

(Source: Amended at 37 Ill. Reg. 3075, effective March 1, 2013)

Section 1120.2036 Other Methods of Source Selection

- a) Split Award-
- 1) An award of a definite quantity requirement may be split between bidders or offerors. Each portion shall be for a definite quantity and the sum of the portions shall be the total definite quantity required. A split award may be used only when award to more than one bidder or offeror for different amounts of the same item are necessary to obtain the total quantity or the required delivery.
 - 2) The ~~CPO~~SPO shall make a written determination setting forth the reasons for the split award, which determination shall be made a part of the procurement file.
- b) Multiple Award-

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

- 1) A multiple award is an award of an indefinite quantity contract to more than one bidder or offeror when the IOC is obligated to order all of its actual requirements from those vendors.
 - 2) A multiple award may be made when award to two or more bidders or offerors for similar products is necessary for adequate delivery, service, or product compatibility. Any multiple award shall be made in accordance with the provisions of Section 1120.2010 ~~(Competitive Sealed Bidding)~~, Section 1120.2015 ~~(Competitive Sealed Proposals)~~, Section 1120.2020 ~~(Small Purchases)~~, and Section 1120.2030 ~~(Emergency Procurements)~~, as applicable. Awards shall not be made for the purpose of simply dividing the business or making available product or supplier selection to allow for user preference unrelated to utility or economy. Any such awards shall be limited to the least number of suppliers necessary to meet the valid requirements of State agencies.
 - 3) The IOC shall reserve the right to take bids separately if a particular quantity requirement arises that exceeds its normal requirement or an amount specified in the contract.
 - 4) If a multiple award is anticipated, the solicitation shall state this fact, as well as the criteria for award.
 - 5) In a multiple award situation, one vendor may be designated as the primary recipient of orders. The other awardees may receive orders in the event the primary vendor is unable to deliver or for other reasons as determined by the CPOSPØ.
- c) ~~Auction-~~
Purchases may be made at auction in accordance with the procedural requirements applicable to the particular auction. Notice and competition is not required and the amount payable shall be the amount bid and accepted plus any required buyer's premium.
- d) ~~Non-governmental Joint Purchase-~~
- 1) The CPO may enter into an agreement with a person not eligible for the Governmental Joint Purchasing Act [30 ILCS 525] for the joint

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

procurement of anything covered by ~~the~~ Code.

2) Any method of source selection may be used and may be modified or adopted to meet the needs of the non-State entity.

e) ~~Federal Requirements-~~
Requirements of ~~the~~ Code and this Part may be modified or adapted to meet federal requirements.

f) ~~Donations-~~
With approval of the CPO, when the IOC receives a donation that provides the majority of the funding, IOC may follow any procurement or contracting requirements established as a condition of the donation, but shall follow the Code and this Part whenever practicable.

(Source: Amended at 37 Ill. Reg. 3075, effective March 1, 2013)

Section 1120.2037 Tie Bids and Proposals

- a) Tie bids or proposals are those from responsive and responsible vendors that are identical in price or evaluation.
- b) Tie bids or proposals will be treated as follows:
- 1) If the tied vendors include an Illinois resident vendor, the Illinois resident vendor shall be given the award. In all other situations, including if two or more Illinois resident bidders are tied, the decision shall be made in accordance with subsections (b)(2) through (5) ~~of this Section~~. "Illinois resident vendor" has the meaning given in Section 1120.4510 ~~(Resident Bidder Preference) of this Part~~.
 - 2) If there is a significant difference in responsibility (including ability to provide the service or deliver in the quantity and at the time required), the award will be made to the vendor who is deemed to be the most responsible. A vendor who has had experience in contracting with the State or IOC shall be given additional consideration in determining responsibility if the ~~CPO~~ determines that dealing with a vendor that has knowledge of State requirements, contracts, job sites, payment practices and such other factors and with which there has been favorable

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

past experience increases the likelihood of successful performance.

- 3) If there is no significant difference in responsibility, but there is a difference in the quality of the goods or services offered, the vendor offering the best quality will be accepted.
 - 4) If there is no significant difference in responsibility and no difference in quality of the goods or services offered, the vendor offering the earliest delivery time will be accepted in any case in which the solicitation specified that the needs of the IOC require as early delivery as possible.
 - 5) If the bids or proposals are equal in every respect, the award shall be made by lot unless the CPOSPØ determines that splitting the award among two or more of the tied bidders is in the best interest of the State. Awards may be split if all affected bidders agree, if splitting is feasible given the type of good or service requested, if overall pricing would not increase, if delivery would be better ensured, or if necessary or desirable to promote future competition.
- c) Record. Records shall be made of all procurements on which tie bids or proposals are received, showing at least the following information:
- 1) the identification number of the solicitation;
 - 2) the supply, service, or construction item; and
 - 3) a listing of all the bidders and the prices submitted.

(Source: Amended at 37 Ill. Reg. 3075, effective March 1, 2013)

Section 1120.2038 Mistakes

- a) General. Corrections to bids, proposals or other procurement processes are allowed, but only to the extent not contrary to the best interest of the State or the fair treatment of other bidders.
- b) Mistakes Discovered Before Opening. A vendor may correct mistakes discovered before the time and date set for opening by withdrawing or correcting as provided in this Section.

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

- c) Confirmation of Mistake. When the CPO~~SPO~~ knows or has reason to conclude that a mistake has been made, the CPO~~such officer~~ should request the vendor to confirm the information. Situations in which confirmation should be requested include obvious or apparent errors on the face of the document or a price unreasonably lower than the others submitted. If the vendor alleges a mistake, the bid or proposal may be corrected or withdrawn if the conditions set forth in this Section, as applicable, are met.
- d) Mistakes in Bids Discovered After Opening but Before Award. This subsection (d) sets forth procedures to be applied in situations in which mistakes in bids are discovered after the time and date set for bid opening but before award.
- 1) Minor Informalities. A minor informality or irregularity is one that is a matter of form or pertains to some immaterial or inconsequential defect or variation of a bid from the exact requirement of the IFB~~Invitation for Bids~~, the correction or waiver of which would not be prejudicial to the State (i.e., the effect on price, quality, quantity, delivery; or contractual conditions is negligible). The CPO~~Procurement Officer~~ shall waive thesuch informalities or allow the bidder to correct them, depending on which is in the best interest of the State. Minor informalities include insignificant mistakes when the effect on price, quantity, quality, delivery; or contractual conditions is negligible. Examples of minor informalities as to form include the failure of a bidder to:
- A) return the number of signed bids required by the IFB~~Invitation for Bids~~;
- B) sign the bid, but only if the unsigned bid is accompanied by other material indicating the bidder's intent to be bound, including but not limited to signature on an auxiliary form, submission of a bid guarantee or submission of a signed transmittal letter; or
- C) acknowledge receipt of an amendment to the IFB~~Invitation for Bids~~, but only if:
- i) it is clear from the bid that the bidder received the amendment and intended to be bound by its terms; or

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

- ii) the amendment involved had a negligible effect on price, quantity, quality, or delivery.
- 2) Mistakes ~~in Which~~ ~~Where~~ Intended Correct Bid Is Evident. If the mistake and the intended correct bid are clearly evident on the face of the bid document, the bid shall be corrected to the intended correct bid and may not be withdrawn. Examples of mistakes that may be clearly evident on the face of the bid document are typographical errors, errors in extending unit prices, transposition errors, and arithmetical errors.
- 3) Mistakes ~~in Which~~ ~~Where~~ Intended Correct Bid Is Not Evident. A bidder may be permitted to withdraw a low bid if:
- A) a mistake is clearly evident on the face of the bid document but the intended correct bid is not similarly evident; or
 - B) the bidder submits proof of evidentiary value that clearly and convincingly demonstrates that a mistake was made.
- e) Mistakes in Proposals Discovered After Receipt, but Before Award. This subsection (e) sets forth procedures to be applied in four situations in which mistakes in proposals are discovered after receipt of proposals but before award.
- 1) During Discussions; Prior to Best ~~&and~~ Final Offers. Once discussions are commenced with any offeror or after ~~Best & Final~~ ~~best and final~~ offers are requested, any offeror may freely correct any mistake prior to the date set for conclusion of discussions or for receipt of ~~Best & Final~~ ~~best and final~~ offers.
 - 2) Minor Informalities. Minor informalities, unless otherwise corrected by an offeror as provided in this Section, shall be treated as they are under competitive sealed bidding. (See subsection (d) ~~above~~.)
 - 3) Correction of Mistakes. If discussions are not held or if the ~~Best & Final~~ ~~best and final~~ offers upon which award will be made have been received, mistakes may be corrected and the intended correct offer considered only if:
 - A) the mistake and the intended correct offer are clearly evident on

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

the face of the proposal, in which event the proposal may not be withdrawn; or

- B) the mistake is not clearly evident on the face of the proposal, but the offeror submits adequate proof that clearly and convincingly demonstrates both the existence of a mistake and the intended correct offer, and such correction would not be contrary to the fair and equal treatment of other offerors.

- 4) Withdrawal of Proposals. If discussions are not held, or if the Best & Final~~best and final~~ offers upon which award will be made have been received, the offeror may be permitted to withdraw the proposal if:

- A) the mistake is clearly evident on the face of the proposal and the intended correct offer is not;

- B) the offeror submits proof of evidentiary value that clearly and convincingly demonstrates that a mistake was made but does not demonstrate the intended correct offer; or

- C) the offeror submits adequate proof that clearly and convincingly demonstrates the intended correct offer, but to allow corrections would be contrary to the fair and equal treatment of other offerors.

- f) Mistakes Discovered After Award. Mistakes shall not be corrected after award of the contract except when the CPO~~or the SPO~~ finds it would be unconscionable not to allow the mistake to be corrected.

- g) Determinations Required. When a proposal is corrected or withdrawn, or correction or withdrawal is denied, a written determination shall be prepared showing that relief was granted or denied in accordance with this Part. The Procurement Officer~~SPO~~ shall prepare the determination.

(Source: Amended at 37 Ill. Reg. 3075, effective March 1, 2013)

Section 1120.2040 Cancellation of Solicitations; Rejection of Bids or Proposals

- a) Scope of this Section:
The provisions of this Section shall govern the cancellation of any solicitations

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

whether issued by the IOC under competitive sealed bidding, competitive sealed proposals, small purchases, or any other source selection method, and rejection of bids or proposals in whole or in part.

- b) ~~Policy-~~
Any solicitation may be canceled when the CPOSPØ believes cancellation to be in the State's best interest. Nothing shall compel the award of a contract.
- c) ~~Cancellation of Solicitation; Rejection of All Bids or Proposals Prior to Opening-~~
- 1) As used in this Section, "opening" means the date set for opening of bids, receipt of unpriced technical offers in multi-step sealed bidding, or receipt of proposals in competitive sealed proposals.
 - 2) Prior to opening, a solicitation may be canceled in whole or in part when the CPOSPØ determines in writing that ~~thesueh~~ action is in the State's best interest for reasons including, but not limited to:
 - A) the IOC no longer requires the supplies, services; or construction;
 - B) the IOC no longer can reasonably expect to fund the procurement;
~~or~~
 - C) proposed amendments to the solicitation would be of such magnitude that a new solicitation is desirable;-
 - D) ambiguous or otherwise inadequate specifications;
 - E) the solicitation did not provide for consideration of all factors of significance to the State;
 - F) prices exceed available funds and it would not be appropriate to adjust quantities to come within available funds;
 - G) all otherwise acceptable bids or proposals received are at clearly unreasonable prices; or

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

H) there is reason to question whether the bids or proposals may not have been independently arrived at in open competition, may have been the result of collusion or may have been submitted in bad faith.

3) When a solicitation is canceled prior to opening, notice of cancellation shall be sent to all businesses that responded to the solicitation.

4) The notice of cancellation shall:

A) identify the solicitation;

B) briefly explain the reason for cancellation; and

C) whenwhere appropriate, explain that an opportunity will be given to compete on any resolicitation or any future procurements of similar supplies, services, or construction.

d) Cancellation of Solicitation; Rejection of All Bids or Proposals After Opening-

1) After opening but prior to award, all bids or proposals may be rejected in whole or in part when the CPOSPO determines in writing that such action is in the State's best interest. TheSuch reasons for the CPO's determination may include, but are not limited to:

A) the supplies, services, or construction being procured are no longer required;

B) ambiguous or otherwise inadequate specifications were part of the solicitation;

C) the solicitation did not provide for consideration of all factors of significance to the IOC;

D) prices exceed available funds and it would not be appropriate to adjust quantities to come within available funds;

E) all otherwise acceptable bids or proposals received are at clearly unreasonable prices; or

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

F) there is reason to believe that the bids or proposals may not have been independently arrived at in open competition, may have been collusive, or may have been submitted in bad faith.

2) When the solicitation is canceled or when all bids or proposals are rejected, all vendors who submitted bids or proposals shall be sent a notice informing them of the cancellation or rejection.

e) Documentation-

The reasons for cancellation or rejection shall be made a part of the procurement file and shall be available for public inspection.

f) Rejection of Individual Bids or Proposals-

1) General. This subsection (f) applies to rejections of individual bids or proposals in whole or in part.

2) Notice in Solicitation. Each solicitation issued by the IOC shall provide that any bid or proposal may be rejected in whole or in part when in the best interest of the State as provided in this Section.

3) Reasons for Rejection. Reasons for rejecting a bid or proposal may include, but are not limited to:

A) the business that submitted the bid or proposal is nonresponsible as determined under Section 1120.2046-~~(Responsibility)~~;

B) the bid or proposal is not responsive, that is, it does not conform in all material respects to the solicitation;

C) the proposal ultimately ~~(that is, after any opportunity has passed for altering or clarifying the proposal)~~ fails to meet the announced requirements of the IOC in some material respect;

D) the supply or service item offered in the bid is unacceptable by reason of its failure to meet the requirements of the specifications or permissible alternates or other acceptability criteria set forth in the IFB Invitation for Bids; or

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

- E) the proposed price is clearly unreasonable.
- 4) Notice of Rejection. Upon request, unsuccessful bidders or offerors shall be advised of the reasons for rejection.
- g) Disposition of Bids or Proposals:
When bids or proposals are rejected, they shall be retained until after award.
When a solicitation is canceled, the bids or proposals will be discarded or returned to the vendor at the discretion of the Procurement OfficerSPO.

(Source: Amended at 37 Ill. Reg. 3075, effective March 1, 2013)

SUBPART F: SUPPLIERS, PREQUALIFICATION AND RESPONSIBILITY

Section 1120.2043 Suppliers

- a) An agency with procurement authority may contract with any qualified source of supply, but must give preference to directed sources and should consider the special sources outlined in this Section.
- b) Directed Sources – State-Produced Supplies or Services:
 - 1) Correctional Industries. The CPOSPO, after consulting with the Department of Corrections, shall determine the type and extent of the preference given to supplies produced or services performed by Correctional Industries.
 - 2) Central Services. Supplies and services available from the program operations of ~~the DCMS~~Department of Central Management Services shall be utilized unless the CPOSPO authorizes procurement from other sources.
- c) Special Sources:
 - 1) Prior to any equipment procurement, the IOC will consider property available from the State and Federal Surplus Warehouses under the jurisdiction of ~~the DCMS~~Department of Central Management Services.
 - 2) Various goods and services are available from qualified workshops for the

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

disabled and procurement from these workshops is encouraged. Notice and competition is not required pursuant to Section 45-35 of the Code. Information regarding the workshops will be obtained from DCMS.

- 3) Various goods and services are available from State agencies and other governmental units. These may be procured without notice and competition.

(Source: Amended at 37 Ill. Reg. 3075, effective March 1, 2013)

Section 1120.2044 Vendor Lists

- a) The ~~Procurement Officer~~~~Comptroller's Director of Administrative Services~~ may maintain a list of vendors interested in doing business with the IOC. Lists of names and addresses of bidders shall be available for public inspection.
- b) Inclusion or exclusion from the vendor list of the name of a business does not indicate whether the business is responsible in respect to a particular procurement or otherwise capable of successfully performing a State contract.
- c) ~~IFBs~~~~Invitations for Bids~~ and other solicitations will be sent to vendors on the vendor list for goods or services in question, except in the following cases:
 - 1) The vendor does not sell the particular commodity or equipment.
 - 2) The number of vendors for a procurement classification is of such magnitude that optimum prices may reasonably be expected without soliciting the entire vendor list. The IOC may, if it determines that the best interest of the State would be served, rotate the selection from the list on any equitable basis.
 - 3) The IOC determines that the best interests of the State will be served by limiting vendors to those in defined geographic areas (~~example: purchases of ready-mix concrete, perishables, and equipment requiring immediate service~~).
- d) The ~~Procurement Officer~~~~SPO~~ may alternatively refer to vendor lists maintained by DCMS.

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 37 Ill. Reg. 3075, effective March 1, 2013)

Section 1120.2045 Prequalificationa) ~~General-~~

- 1) The CPO shall identify by publication in the Bulletin the categories of supplies and services (including professional and artistic services) for which the CPO may prequalify vendors of those supplies and services. The CPO is not required to prequalify vendors but may do so when determination of a vendor's qualification prior to procurement would be advantageous to the State.
- 2) The ~~CPO~~ ~~SPO~~ may require that vendors be prequalified as a condition of being placed on the bid list. An opportunity to prequalify shall be allowed at least one time each fiscal year. The opportunity to prequalify ~~and~~ shall be announced in the Bulletin. The notice shall alert vendors that failure to participate in the prequalification process may result in the vendor being ineligible to receive contracts.
- 3) When prequalifying a vendor, the CPO may limit prequalifications to determining whether a vendor has been and is likely to be "responsible" using the criteria set forth in Section 1120.2046 ~~of this Part~~. The fact that a prospective vendor has been prequalified does not necessarily represent a finding of responsibility for a particular procurement.
- 4) When prequalifying a vendor, the CPO may consider factors tailored to a specific procurement or type of procurement; the factor shall be announced in the Bulletin.
- 5) Except in the case of professional and artistic services, distribution of and responses to the solicitation may be limited to prequalified vendors and award of a contract may be denied because a vendor was not prequalified. If eligibility for the procurement will be limited to prequalified vendors, the ~~IFB~~ ~~Invitation for Bids~~, ~~RFP~~ ~~Request for Proposals~~ or other procurement request shall state that fact.

b) ~~Professional and Artistic Services-~~

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

- 1) Any prequalification of vendors of professional and artistic services shall include, at a minimum, a specified level of: ~~A) education;~~ ~~B) experience;~~ and ~~C) technical ability;~~ and may require certification, ~~or licensure;~~ or membership in professional associations.
- 2) Categories of services that may be professional, depending on the requirements for education, experience and technical ability, include, but are not limited to:
 - A) medical;
 - B) legal;
 - C) accounting;
 - D) general consulting.
- c) ~~Qualified Products Lists-~~
Qualified products lists are treated in Section 1120.2050 ~~(Specifications) of this Part.~~

(Source: Amended at 37 Ill. Reg. 3075, effective March 1, 2013)

Section 1120.2046 Responsibility

- a) ~~Application-~~
Contracts are to be made only with responsible vendors unless no responsible vendor is available to meet the IOC's needs. If there is doubt about responsibility, and if a bond or other security would adequately protect the State's interests, then that vendor may be awarded a contract upon receipt of the bond or other security.
- b) ~~Standards of Responsibility-~~
 - 1) Standards. Factors to be considered in determining whether the standard of responsibility has been met may include, but are not limited to, whether a prospective vendor:
 - A) has available the appropriate financial, material, equipment, facility; and personnel resources and expertise (or the ability to

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

obtain them) necessary to indicate its capability to meet all contractual requirements;

- B) is able to comply with required or proposed delivery or performance schedules, taking into consideration all existing commercial and governmental commitments;
- C) has a satisfactory record of performance. Vendors who are or have been deficient in current or recent contract performance in dealing with the State or other customers may be deemed "not responsible" unless the deficiency is shown to have been beyond the reasonable control of the vendor;
- D) has a satisfactory record of integrity and business ethics. Vendors who are under investigation or indictment for criminal or civil actions that bear on the particular procurement or ~~that~~which would make contracting with that vendor undesirable may be declared not responsible for the particular procurement;
- E) is qualified legally to contract with the State;
- F) has supplied all necessary information in connection with the inquiry concerning responsibility;
- G) has a current Public Contracts number from the Illinois Department of Human Rights, if required. Proof of application prior to opening of bids or proposals will be sufficient for an initial determination;
- H) pays prevailing wages, if required by law; and
- I) is current in payment of all State of Illinois taxes, including the unemployment insurance tax.

- 2) Information Pertaining to Responsibility. The prospective vendor shall supply information requested by the Procurement Officer concerning the responsibility of ~~the~~sueh vendor. The ~~IOC~~State may supplement this information from other sources and may require additional documentation at any time. If ~~the~~sueh vendor fails to supply the requested information,

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

the ~~CPO~~Comptroller's Director of Administrative Services shall base the determination of responsibility upon any available information, or may find the prospective vendor nonresponsible.

- c) ~~Ability to Meet Standards-~~
The prospective vendor may demonstrate the availability of necessary financing, equipment, facilities, expertise, and personnel by submitting upon request:
- 1) evidence that ~~thesueh~~ vendor possesses ~~thesueh~~ necessary items;
 - 2) acceptable plans to subcontract for ~~thesueh~~ necessary items; or
 - 3) a documented commitment from, or explicit arrangement with, a satisfactory source to provide the necessary items.
- d) ~~Duty Concerning Responsibility-~~
Before awarding a contract, the ~~CPO~~Comptroller's Director of Administrative Services must be satisfied that the prospective vendor is responsible. Responsibility can be proven until time of contract execution unless the solicitation or other law requires earlier proof.
- e) ~~Written Determination of Nonresponsibility Required-~~
If a vendor who otherwise would have been awarded a contract is found nonresponsible, a written determination of nonresponsibility setting forth the basis of the finding shall be prepared by the ~~CPO~~Comptroller's Director of Administrative Services. The final determination shall be made part of the procurement file.
- f) ~~Bond for Responsibility-~~
Vendors not having a history of performance may be considered responsible if no other disqualifying factors exist. A bond or other security may be required of ~~thosesueh~~ vendors.
- g) ~~Affiliated Companies-~~
Vendors who are newly formed business concerns having substantially the same owners, officers, directors, or beneficiaries as a previously existing nonresponsible vendor will be declared nonresponsible unless the new organization can prove it was not set up for the purpose of avoiding an earlier declaration of nonresponsibility.

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

- h) ~~Vendor Under Investigation-~~
A vendor under investigation by a governmental agency may be determined nonresponsible by the ~~CPOComptroller's Director of Administrative Services~~.

(Source: Amended at 37 Ill. Reg. 3075, effective March 1, 2013)

SUBPART G: BID, PROPOSAL, AND PERFORMANCE SECURITY

Section 1120.2047 Security Requirements

- a) The ~~CPOComptroller's Director of Administrative Services~~ may require that a vendor furnish bid, proposal, or performance security on IOC contracts. Whenever security is required, except as provided ~~in this Section herein~~, the procurement document will clearly indicate the type and amount of security.
- b) Security, unless otherwise specified, may be in the form of cashier's check, certified check, money order, irrevocable letter of credit or bond. Any bond must be issued by a surety company authorized to do business in the State of Illinois.
- c) Unless the amount is set by law, the ~~CPOComptroller's Director of Administrative Services~~ will determine the amount, in dollars or percentage of contract price, that will adequately protect the State's interests.
- d) A vendor may be required to furnish up to 100% performance security at any time during contract performance and at its cost, if it appears that delivery or production schedules cannot be met, quality is poor, or responsibility is questioned, and for similar reasons.
- e) ~~Permissive/Mandatory Security-~~
- 1) Bid or proposal security is permissive on any contract but is not appropriate on emergency or sole source procurements.
 - 2) Performance security is permissive on any contract and is recommended on contracts calling for advance payment.
 - 3) Performance security is required on all public works contracts.

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

- f) A vendor may submit a single or continuous security each year that will be applicable on all IOC contracts. When ~~thesueh~~ security has been obligated in an amount equal to the sum of accumulated security requirements, additional security must be submitted.
- g) Bid or proposal security will be returned to unsuccessful vendors as soon after award as possible. The bid or proposal security of the successful vendor will be returned after contracts have been signed and performance security, if any, submitted. Performance security will be returned upon full performance.

(Source: Amended at 37 Ill. Reg. 3075, effective March 1, 2013)

SUBPART H: SPECIFICATIONS AND SAMPLES

Section 1120.2050 Specifications and Samples

- a) CPOSPPO's Responsibilities Regarding Specifications.
 - 1) The CPOSPPO is authorized to write IOC procurement specifications.
 - ~~2) When a written determination is made by the SPO authorized to prepare such specifications that there will be no substantial conflict of interest involved and it is otherwise in the best interest of the State, a contract to prepare specifications for IOC use in procurement of supplies or services may be entered into provided the SPO retains the authority to finally approve the specifications.~~
 - ~~23)~~ If a specification for general or common use or a qualified products list exists for an item to be procured under Section 20-20 of the Code (Small Purchases), it shall be used except as otherwise authorized by the CPOSPPO. If no such specification exists, the CPO shall have~~SPO is hereby granted~~ the authority to prepare specifications for use in ~~thesueh~~ purchases. In an emergency under Section 20-30 of the Code, any necessary specification may be utilized without regard to the provisions of this Subpart.
- b) Procedures for the Development of Specifications.
 - 1) If a specification for a common or general use item has been developed or

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

a qualified products list has been developed in accordance with this Section for a particular supply or service, it shall be used unless the CPOSPQ authorizes use of another specification.

- 2) All procurements shall be based on specifications that accurately reflect the IOC's needs. Specifications shall clearly and precisely describe the salient technical or performance requirements.
 - 3) Specifications shall not include restrictions that do not significantly affect the technical requirements or performance requirements, or other legitimate IOC needs. All specifications shall be written in such a manner as to describe the requirements to be met, without having the effect of exclusively requiring a proprietary supply or service, or procurement from a sole source, unless no other manner of description will suffice.
 - 4) Any specifications or standards adopted by a business, industry, not-for-profit organization or governmental unit may be adopted by reference.
 - 5) A specification may provide alternate descriptions when two or more design, functional, or performance criteria will satisfactorily meet the IOC's requirements.
- c) ~~Brand Name or Equal Specification:~~
- 1) Brand name or equal specifications may be used when the CPOSPQ determines in writing that:
 - A) no specification for a common or general use specification or qualified products list is available;
 - B) time does not permit the preparation of another form of specification, not including a brand name specification;
 - C) the nature of the product or the nature of the IOC's requirement makes use of a brand name or equal specification suitable for the procurement; or
 - D) use of a brand name or equal specification is in the State's best interest.

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

- 2) Brand name or equal specifications shall seek to designate more than one brand as "or equal", and shall further state that substantially equivalent products to those designated will be considered for award.
 - 3) Required Characteristics. Unless the ~~CPOSPØ authorized to finally approve specifications~~ determines that the essential characteristics of the brand names included in the specifications are commonly known in the industry or trade, brand name or equal specifications shall include a description of the particular design, functional, or performance characteristics that are required.
 - 4) Nonrestrictive Use of Brand Name or Equal Specifications. ~~When~~Where a brand name or equal specification is used in a solicitation, the solicitation shall contain explanatory language that the use of a brand name is for the purpose of describing the standard of quality, performance, and characteristics desired and is not intended to limit or restrict competition. "Or equal" submissions will not be rejected because of minor differences in design, construction or features that do not affect the suitability of the product for its intended use. Burden of proof that a product is equal is on the bidder.
- d) Brand Name Only Specification-
- 1) Determination. A brand name only specification may be used only when the ~~CPOSPØ~~ makes a written determination that only the identified brand name item or items will satisfy the IOC's needs.
 - 2) Use. Brand name alone may be specified in order to ensure compatibility in existing systems, to preserve warranty, to ensure maintenance, or as authorized in writing by the ~~CPOSPØ~~.
 - 3) Competition. The ~~CPOSPØ~~ shall seek to identify sources from which the designated brand name item or items can be obtained and shall solicit ~~thosesuch~~ sources to achieve whatever degree of competition is practicable. If only one source can supply the requirement, the procurement shall be made under Section 1120.2025 ~~(Sole Economically Feasible Source Procurement) of this Part.~~

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

- 4) Small and Emergency Procurements. Brand name only specifications may be used when procuring items under ~~the small (see Section 1120.2020 and) and emergency (see Section 1120.2025) provisions of this Part.~~
- e) Qualified Products List:
 - 1) Use. A qualified products list may be developed when testing or examining supplies prior to issuance of the solicitation is desirable or necessary in order to best satisfy IOC requirements.
 - 2) Solicitation. When developing a qualified products list, a representative group of potential suppliers shall be solicited in writing to submit products for testing and examination to determine acceptability for inclusion in a qualified products list. Any potential supplier, even though not solicited, may offer its products for consideration during the time allowed for testing and examination.
 - 3) Testing and Confidential Data. Inclusion on a qualified products list shall be based on results of tests or examinations conducted in accordance with established requirements. Except as otherwise provided by law, trade secrets, test data, and similar information provided by the supplier will be kept confidential when requested in writing by the supplier.
- f) Proven Products:

The supply or service may be rejected if it has not been offered to other governmental or commercial accounts for at least one year. Specifications may require that the supply or services must have been used in business or industry for a specified period of time to be considered.
- g) State Required Samples:
 - 1) Any required samples must be submitted as instructed in the solicitation with transportation prepaid by the vendor. Each sample must be labeled with the vendor's name, address and a means of matching the sample with the applicable bid or proposal.
 - 2) Any sample submitted must be representative of the item that would be delivered if a contract were awarded for that item. Samples submitted by a successful vendor will be retained to check continuing quality.

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

Submission of samples will not limit the IOC's right to require adherence to specifications.

- 3) No payment will be made for IOC required samples. Samples not destroyed or consumed by examination or testing will be returned upon request and at vendor's expense. TheSuch request must be made at time of submission with return collect or prepayment provisions and instructions for return accompanying the samples.

- h) Product Demonstration-
Any vendor may request time and space to demonstrate a product or service. Agreement to allow thesueh demonstration will be solely at the IOC's discretion and will not entitle the bidder to a contract, nor shall payment for the demonstration be allowed unless a written contract had been executed prior to the demonstration.

- i) Specifications Prepared by Other Than IOC Personnel-

- 1) Specifications may be prepared by other than IOC personnel, including, but not limited to, consultants, architects, engineers, designers, and other drafters of specifications for public contracts when the CPO determines that there will be no substantial conflict of interest involved and it is otherwise in the best interests of the State, and provided the CPO retains the authority for final approval of the specifications. Contracts for the preparation of specifications by other than IOC personnel shall require the specification writer to adhere to the Code and the IOC requirements.
- 2) The person who prepared the specifications shall not submit a bid or proposal to meet the procurement need unless the Comptroller determines in writing that it would be in the best interest to accept such a bid or proposal from that person. A notice to that effect shall be published in the Bulletin.

- j) Pre-solicitation Assistance/Specifications Prepared by Other Than State Personnel

- 1) Prior to issuing a solicitation, a CPO may issue an RFI to obtain services of any person or business to conduct research, analyze requirements or provide general design or other assistance to help IOC develop its procurement strategy, specifications and documents and to identify and

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

address other related needs. No services can be obtained to assist IOC in reviewing, drafting and preparing an RFP or RFI or to provide similar assistance.

- 2) Notice. An RFI shall be published in the Bulletin for at least 7 calendar days. All information received in response to an RFI shall be published in the Bulletin for at least 7 calendar days.
- 3) The RFI shall contain at least the following:
 - A) the name of the requesting agency;
 - B) a brief description of the agency's needs; and
 - C) a statement that the RFI is not a solicitation.

(Source: Amended at 37 Ill. Reg. 3075, effective March 1, 2013)

SUBPART I: CONTRACT ~~TYPE~~~~TYPE~~**Section 1120.2055 Types of Contracts**

- a) ~~Scope of Rule-~~
This Subpart contains descriptions of types of contracts and limitations as to when they should be utilized by the IOC in its procurements. Types of contracts not mentioned in this Section may also be utilized.
- b) ~~Prohibition of Cost-Plus-a-Percentage-of-Cost Contracting-~~
The cost-plus-a-percentage-of-cost contract is prohibited by Section 20-55 of the ~~Illinois Procurement~~ Code. This type of contracting may not be used alone or in conjunction with an authorized type of contract.
- c) ~~Types of Fixed-Price Contracts-~~
 - 1) ~~Firm Fixed-Price Contract.~~ A firm fixed-priced contract provides a price that is not subject to adjustment because of variations in the contractor's cost of performing the work specified in the contract.
 - 2) ~~Fixed-Price Contract with Price Adjustment-~~

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

- A) A fixed-price contract with price adjustment provides for variation in the contract price under special conditions defined in the contract, other than customary provisions authorizing price adjustments due to modifications to the work. The formula or other basis by which the adjustment in contractor price can be made shall be specified in the solicitation and the resulting contract. Adjustment allowed may be upward or downward only, or both upward and downward. Examples of conditions under which adjustments may be provided in fixed-price contracts are:
- i) changes in the contractor's labor agreement rates as applied to an industry or areawide (such as are frequently found in contracts for the purchase of coal);
 - ii) changes due to rapid and substantial price fluctuations, that can be related to an accepted index (such as contracts for gasoline, heating oils, and dental gold alloy); and
 - iii) in requirement contracts when a general price change applicable to all customers occurs, or when a general price change alters the base price (such as a change in a manufacturer's published price list or posted price to which a fixed discount is applied pursuant to the contract to determine the contract price).
- B) If the contract permits unilateral action by the contractor to bring about the condition under which a price increase may occur, the IOC shall retain the right to reject the price increase and terminate without cost the future performance of the contract.
- d) ~~Cost-Reimbursement Contracts:~~
- 1) ~~Determination Prior to Use:~~
- A) A cost-reimbursement type contract may be used only when the CPO ~~or SPO~~ determines in writing that such a contract is likely to be less costly to the IOC than any other type or that it is impracticable to obtain otherwise the supplies or services.

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

- B) Reimbursement of travel expenses in accordance with applicable travel control board regulations is authorized without further determinations.
- 2) Cost Contract. A cost contract provides that the contractor will be reimbursed for allowable costs incurred in performing the contract, but will not receive a fee.
- 3) Cost-Plus-Fixed-Fee Contract. This is a cost-reimbursement type contract that provides for payment to the contractor of an agreed fixed fee in addition to reimbursement of allowable incurred costs. The fee is established at the time of contract award and does not vary if the actual cost of contract performance is greater or less than the initial estimated cost established for such work. Thus, the fee is fixed but not the contract amount because the final contract amount will depend on the allowable costs reimbursed. The fee is subject to adjustment only if the contract is modified to provide for an increase or decrease in the scope of work specified in the contract. The cost-plus-fixed-fee contract can be either a completion form or term form.
- 4) Cost Incentive Contracts:
- A) General. A cost-incentive type of contract provides for the reimbursement to the contractor of allowable costs incurred up to the ceiling amount and establishes a formula whereby the contractor is rewarded for performing at less than target cost (that is, the parties' agreed best estimate of the cost of performing the contract will vary inversely with the actual, allowable costs of performance and consequently is dependent on how effectively the contractor controls cost in the performance of the contract).
- B) Fixed-Price Cost-Incentive Contract. In a fixed-price cost-incentive contract, the parties establish at the outset a target cost, a target profit (that is, the profit that will be paid if the actual cost of performance equals the target cost), a formula that provides a percentage increase or decrease of the target profit depending on whether the actual cost of performance is less than or exceeds the target cost, and a ceiling price. After performance of the contract,

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

the actual cost of performance is arrived at based on the total incurred allowable costs as provided in the contract. The final contract price is then established in accordance with the formula using the actual cost of performance. The final contract price may not exceed the ceiling price. The contractor is obligated to complete performance of the contract, and, if actual costs exceed the ceiling price, the contractor suffers a loss.

- C) **Cost-Reimbursement Contract with Cost-Incentive Fee.** In a cost-reimbursement contract with cost-incentive fee, the parties establish at the outset a target cost; a target fee; a formula for increase or decrease of fee depending on whether actual cost of performance is less than or exceeds the target cost, with maximum and minimum fee limitations; and a cost ceiling that represents the maximum amount that the IOC is obligated to reimburse the contractor. The contractor continues performance until the work is complete or costs reach the ceiling specified in the contract, including any modification thereof, whichever first occurs. After performance is complete or costs reach the ceiling, the total incurred, allowable costs reimbursed as provided in the contract are applied to the formula to establish the incentive fee payable to the contractor.

- e) **Performance Incentive Contracts-**
In a performance incentive contract, the parties establish at the outset a pricing basis for the contract, performance goals, and a formula that varies the profit or the fee if the specified performance goals are exceeded or not met. For example, early completion may entitle the contractor to a bonus, while late completion may entitle the IOC to a price decrease.
- f) **Time and Materials Contracts; Labor Hour Contracts-**
Time and materials contracts provide an agreed basis for payment for materials supplied and labor performed. Labor hour contracts provide only for the payment of labor performed. ~~These~~~~Such~~ contracts shall, to the extent possible, contain a stated ceiling or an estimate that shall not be exceeded without prior IOC approval.
- g) **Definite Quantity and Indefinite Quantity Contracts-**

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

- 1) **Definite Quantity.** A definite quantity contract is a fixed-price contract that provides for delivery of a specified quantity of supplies or services either at specified times or when ordered.
- 2) **Indefinite Quantity.** An indefinite quantity contract is a contract for an indefinite amount of supplies or services to be furnished at specified times, or as ordered, that establishes unit prices of a fixed-price type. Generally an approximate quantity or the best information available as to quantity is stated in the solicitation. The contract may provide a minimum quantity the IOC is obligated to order and may also provide for a maximum quantity provision that limits the IOC's obligation to order.
- 3) **Requirements Contracts.** A requirements contract is an indefinite quantity contract for supplies or services that specifically obligates the IOC to order all the actual IOC requirements during a specified period of time.

| h) **Leases-**

A lease is a contract for the use of supplies or real property under which title will not pass to the IOC at any time.

| i) **Recovery Contracts-**

Contracts may provide for payment to the vendor of a percentage of the amount the vendor recovers or collects on behalf of the State. The percentage may be fixed or may vary depending on amount of recovery or other factors, and the percentage may be paired with a fixed price or cost reimbursement method.

| j) **Option Provisions-**

- 1) **Contract Provision.** When a contract is to contain an option for renewal, extension, or purchase, notice of ~~that~~ such provision shall be included in the solicitation. These options may be exercised without taking other procurement action when the option is established for exercise at the IOC's option.

- 2) **Lease with Purchase Option.** A purchase option in a lease may be exercised only if the lease containing the purchase option was awarded under competitive sealed bidding or competitive sealed proposals.

| k) **State Produced Supplies and Services-**

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

Notwithstanding any provision in any contract, supplies or services available from the State's own programs, such as Correctional Industries, may be ordered without violating any contract.

- l) **Extraordinary Quantities-**
Notwithstanding any provision in any contract, the IOC reserves the right to take bids separately if a particular quantity requirement arises that exceeds the IOC's normal needs or ordering requirements.
- m) **Energy Conservation-**
The CPO may authorize an IFB, RFP or sole source negotiation for energy conservation measures whereby the IOC would make payment based on utility cost savings. ~~The Such~~ contract shall require a clearly defined baseline of energy usage and method of measuring cost savings taking into account at least differing weather conditions, changes in facility, usage and cost of energy.

(Source: Amended at 37 Ill. Reg. 3075, effective March 1, 2013)

SUBPART J: DURATION OF CONTRACTS

Section 1120.2060 Duration of Contracts – General

- a) **General-**
 - 1) A multi-term contract for a term of up to 10 years is authorized when determined by the ~~CPO~~~~SPO~~ to be in the best interest of the State, inclusive of proposed contract renewals.
 - 2) A software license may have a term longer than 10 years, including for a perpetual term, provided the payment term is limited to no more than 10~~ten~~ years.
 - 3) The length of the payment terms of the bonds issued by or on behalf of the IOC shall be limited as provided in the statute authorizing the issuance of bonds.
- b) The contractual obligation of both parties in each fiscal period succeeding the first is subject to the appropriation and availability of funds. The contract shall provide that, in the event that funds are not available for any succeeding fiscal

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

period, the remainder of ~~thesuch~~ contract shall be canceled without penalty to, or further payment being required by, the IOC. This provision applies to only those contracts that are funded in whole or in part by funds appropriated by the Illinois General Assembly or other governmental entity.

c) ~~Conditions for Use of Multi-YearTerm Contracts:~~
A multi-~~yearterm~~ contract may be used when:

- 1) special production of definite quantities or the furnishing of long-term services are required to meet IOC needs; or
- 2) a multi-~~yearterm~~ contract will serve the best interests of the State by encouraging effective competition or otherwise promoting economies in State procurement. The following factors are among those relevant to such a determination:
 - A) firms that are not willing or able to compete because of high start-up costs or capital investment in facility expansion will be encouraged to participate in the competition when they are assured of recouping ~~thosesuch~~ costs during the period of contract performance;
 - B) lower production costs because of larger quantity of service requirements, and substantial continuity of production or performance over a longer period of time, can be expected to result in lower unit prices;
 - C) stabilization of the contractor's work force over a longer period of time may promote economy and consistent quality; or
 - D) the cost and burden of contract solicitation, award, and administration of the procurement may be reduced.

d) ~~Multi-YearTerm Contract Procedure:~~
The solicitation shall state:

- 1) the proposed term;
- 2) the amount of supplies or services required for the proposed contract

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

period;

- 3) ~~the type of pricing requested (e.g., firm or term); and whether bidders or offerors may submit prices for:~~
 - A) ~~the first fiscal period only;~~
 - B) ~~the entire time of performance only; or~~
 - C) ~~both the first fiscal period and the entire time of performance; and~~
- 4) how the award will be determined.

e) Renewals-

- 1) ~~When~~Where the original procurement specifically called for an initial term plus renewals, the renewals may be exercised without further procurement activity, provided the initial term and the exercised renewals may not exceed 10 years, the terms and conditions do not change except as provided in the contract (such as price escalations tied to an index) and the option to renew is reserved solely to the IOC or to mutual agreement of the parties.
- 2) ~~When a renewal will result in the total term, counting the initial term and any previous renewals, exceeding 10 years, the renewal must be procured using one of the methods of source selection authorized by the Code and this Part. This renewal will start a new term that shall not exceed 10 years.~~
- 2) ~~When the original procurement was silent as to renewals, the renewal must be procured using one of the methods of source selection authorized by the Code and this Part.~~

(Source: Amended at 37 Ill. Reg. 3075, effective March 1, 2013)

SUBPART K: CONTRACT MATTERS

Section 1120.2560 Prevailing Wage (Repealed)

- a) ~~For the following classifications and if competition exists, no bidder will be~~

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

~~awarded a contract unless its employees are paid wages and benefits and are working under conditions prevalent in the location where the work is to be performed.~~

- ~~1) Public works;~~
 - ~~2) Printing;~~
 - ~~3) Janitorial services, window washing and security guard services having a monthly contract price of \$200 or a yearly price of \$2,000.~~
- b) ~~Prevailing wage and conditions prevalent means the hourly wage rate, overtime, holiday pay, pension, welfare, premium differential, vacation pay and other benefits received by employees and the environmental conditions under which they work.~~
- e) ~~Wage Rates.~~
- ~~1) Prevailing wage rates, benefits and conditions will be those in effect on the first date of the contract, provided that if the rate changes during the contract term and the amount of change is known before execution of the contract, then the contract rate will vary in like amount.~~
 - ~~2) If the change cannot be determined in advance, the contract will be changed by the amount of the change in wage rate and all components of price that are dependent on the usage rate, such as payroll taxes, worker's compensation insurance, vacation, sick days, and pension, provided that profit shall not increase due to prevailing wage increases. The IOC shall have the option to cancel the contract if it finds the new price unacceptable.~~
 - ~~3) If the initial prevailing wage, etc., cannot be determined prior to execution, contracts may be entered into and will remain valid for the stated term.~~
- d) ~~If a collective bargaining agreement is in effect governing the type of printing, janitorial, window washing or security guard service sought, that agreement will define minimum wages, benefits and conditions that must be paid in order for a bidder to be considered responsible.~~

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

- e) ~~For public works, location means the county where the physical work upon public works is performed, except that if there is not available in the county a sufficient number of competent skilled laborers, workers and mechanics to construct the public works efficiently and properly, "location" includes any other county nearest the one in which the work or construction is to be performed and from which such persons may be obtained in sufficient numbers to perform the work.~~
- f) ~~For Printing Contracts, location means one of the following areas:~~
- 1) ~~Location.~~
 - A) ~~Cook County;~~
 - B) ~~Boone, Bureau, Carroll, Champaign, DeKalb, DeWitt, DuPage, Ford, Fulton, Grundy, Hancock, Henderson, Henry, Iroquois, Jo Daviess, Kane, Kankakee, Kendall, Knox, Lake, LaSalle, Lee, Livingston, Logan, Marshall, Mason, McDonough, McHenry, McLean, Mercer, Ogle, Peoria, Piatt, Putnam, Rock Island, Schuyler, Stark, Stephenson, Tazewell, Vermilion, Warren, Whiteside, Will, Winnebago, and Woodford counties;~~
 - C) ~~Adams, Alexander, Bond, Brown, Calhoun, Cass, Christian, Clark, Clay, Clinton, Coles, Crawford, Cumberland, Douglas, Edgar, Edwards, Effingham, Fayette, Franklin, Gallatin, Greene, Hamilton, Hardin, Jackson, Jasper, Jefferson, Jersey, Johnson, Lawrence, Macon, Macoupin, Madison, Marion, Massac, Menard, Monroe, Montgomery, Morgan, Moultrie, Perry, Pike, Pope, Pulaski, Randolph, Richland, Saline, Sangamon, Scott, Shelby, St. Clair, Union, Wabash, Washington, Wayne, White, and Williamson counties.~~
 - 2) ~~Where the printing is performed in a plant outside the jurisdiction of this State, it shall be deemed produced in the Illinois locality in which delivery of the printing ordered is required to be made. Where such printing is required to be delivered to more than one Illinois locality, such printing shall be deemed produced in the Illinois locality to which the largest dollar volume of printing under the contract is to be delivered.~~

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

- ~~g) For janitorial services, window washing and security guard services, location means the county in which the work is to be performed.~~
- ~~h) Prevailing wages, benefits and conditions will be determined by the Illinois Department of Labor.~~

(Source: Repealed at 37 Ill. Reg. 3075, effective March 1, 2013)

Section 1120.2580 Subcontractors

All competitive sealed proposals, including proposals for professional and artistic services, shall include a provision to require each offeror to identify, in its proposal or prior to award, the identity of each subcontractor that will be used in the performance of the contract, as well as the amounts expected to be paid to each subcontractor.

(Source: Added at 37 Ill. Reg. 3075, effective March 1, 2013)

SUBPART O: PREFERENCES

Section 1120.4505 Procurement Preferences

The procurement preferences identified in Article 45 of the Code must be considered in developing procurement documents, conducting evaluations and drafting contracts. When any such preference is utilized, the ~~IFB Invitation for Bids, RFP Request for Proposals~~, or other procurement request shall identify the preference and the conditions associated with ~~its~~ use. Subsequent Sections of this Subpart O identify conditions for the use of certain of the statutory preferences.

(Source: Amended at 37 Ill. Reg. 3075, effective March 1, 2013)

Section 1120.4510 Resident Bidder Preference

- a) "Illinois resident vendor" as used in this Section means a person authorized to transact business in this State and having a bona fide establishment for transacting business within this State at which it was actually transacting business on the date when any competitive solicitation for a public contract was first advertised or announced, including a foreign corporation duly authorized to transact business in this State that has a bona fide establishment for transacting business within this State at which it was actually transacting business on the date when any

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

competitive solicitation for a public contract was first advertised or announced.

- b) In breaking a tie, an Illinois resident vendor shall be given the award.
- c) An Illinois resident vendor who would perform the services or provide the supplies from another state shall be considered a resident of that other state as against an Illinois resident vendor who would perform the services or provide the supplies from Illinois, if that other state has an in-state preference.
- d) If an Illinois resident vendor produces or performs at least 51% of the goods or services in another state, that Illinois resident vendor shall be considered a resident of that other state for purposes of application of this reciprocal preference when evaluating the bid of an Illinois resident contractor that produces or performs at least 51% of the goods or services in Illinois.
- e) The CPOSPØ may refer to the list of states with in-state preference maintained by DCMS, which shall be considered in all procurements involving out-of-state vendors.

(Source: Amended at 37 Ill. Reg. 3075, effective March 1, 2013)

Section 1120.4530 Correctional Industries

- a) The CPOSPØ shall refer to the listing maintained by DCMS of the goods or services available and mandatorily purchased from the Department of Corrections.
- b) Those items that must be purchased from Corrections may not be procured from any other source without the express written authorization of the CPOSPØ.
- c) The CPOSPØ may procure from Corrections without seeking competition or giving public notice.

(Source: Amended at 37 Ill. Reg. 3075, effective March 1, 2013)

Section 1120.4535 Sheltered Workshops for the Disabled

- a) Use of Sheltered Workshop-
The CPOSPØ shall refer to information prepared by DCMS concerning qualified

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

sheltered workshops and categories of goods and services set aside to ~~those such~~ sheltered workshops by DCMS. To the extent practicable, the IOC will observe such set asides.

- b) ~~Pricing Approval-~~
While notice and competition is not required prior to contracting with a sheltered workshop, prices must be reasonable. Whether a price is reasonable will be determined based upon current market prices, historical prices, prices received by other State agencies for similar goods or services, the policy of the Code to promote procurements from sheltered workshops, and other such relevant factors.

(Source: Amended at 37 Ill. Reg. 3075, effective March 1, 2013)

SUBPART P: ETHICS

Section 1120.5020 Exemptions

If the ~~SPO or~~ CPO finds a conflict of interest under Section 50-13 of the Code with the vendor selected for award or contract negotiations, the Comptroller shall decide in writing whether to grant an exception and place the written determination in the contract file.

(Source: Amended at 37 Ill. Reg. 3075, effective March 1, 2013)

Section 1120.5030 Revolving Door

The CPO ~~and SPOs~~ shall identify in writing ~~his or her~~~~their~~ designees whose job, or whose position description, is at least 51% directly related to State procurement. The following activities are directly related to State procurement: drafting specifications, preparing ~~IFB~~~~Invitations for Bids~~ and ~~RFP~~~~Requests for Proposals~~, evaluating responses to ~~IFB~~~~Invitations for Bids~~ and ~~RFP~~~~Requests for Proposals~~, negotiating contracts and supervising any of the foregoing. The CPO ~~and SPOs~~ shall maintain a record of ~~the~~~~their~~ designees for at least two years following the end or revocation of the designation.

(Source: Amended at 37 Ill. Reg. 3075, effective March 1, 2013)

Section 1120.5035 Disclosure of Financial Interests and Potential Conflicts of Interest

- a) For purposes of Section 50-35(a) of the Code, an "offer from responsive bidders or offerors" means only those offers that are received using an ~~IFB~~~~Invitation for~~

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

~~Bids~~ or ~~RFP~~ ~~Request for Proposals~~ under ~~Section~~ ~~Sections~~ 20-10, 20-15 ~~or~~, 20-35 or Article 35 of the Code. Disclosures are not required in small, sole source or emergency procurements.

- b) ~~Definitions:~~
- 1) For purposes of Section 50-35(b) of the Code, "parent entity" means a person who owns 100% of the bidding entity.
 - 2) For purposes of Section 50-35(b)(1) of the Code, "contractual employment of services" means any contract to provide services to the State, whether as independent contractor or employee, which is by and between the State and the named individual.
- c) Distributable income means the income of a company after payment of all expenses, including employee salary and bonus, and retained earnings, and the remaining amount is actually distributed to those entitled to receive a share of ~~thesuch~~ income.
- d) Personal Services shall be any contract for services subject to ~~the~~ ~~this~~ Code including, by way of example, professional and artistic services, repair services, ~~and~~ cleaning and guard services, but excludes contracts with employees who are exempt from the Code under Section 1-10(b)(4).
- e) "Competitively bid" means a contract let pursuant to ~~Section~~ ~~Sections~~ 20-10, 20-15 ~~and~~ 20-35 of the Code.
- f) The ~~CPO~~ ~~SP~~ ~~O~~ may prescribe forms for the disclosure of potential conflicts of interest and financial interests of bidders or offerors required under Section 50-35 of the Code.

(Source: Amended at 37 Ill. Reg. 3075, effective March 1, 2013)

Section 1120.5040 Lobbying Restrictions

- a) *A person or business that is let or awarded a contract is not entitled to receive any payment, compensation, or other remuneration from the State to compensate the person or business for any expenses related to travel, lodging, or meals that are paid by the person or business to any officer, agent, employee, consultant,*

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

independent contractor, director, partner, manager, or shareholder. [30 ILCS 500/50-38(a)]

b) Disclosure

1) Any bidder or offeror on a State contract that hires a person required to register under the Lobbyist Registration Act [25 ILCS 170] to assist in obtaining a contract shall:

A) disclose all costs, fees, compensation, reimbursements, and other remunerations paid or to be paid to the lobbyist related to the contract;

B) not bill or otherwise cause the State of Illinois to pay for any of the lobbyist's costs, fees, compensation, reimbursements, or other remuneration; and

C) sign a verification certifying that none of the lobbyist's costs, fees, compensation, reimbursements, or other remuneration were billed to the State.

2) The information in subsection (b)(1)(A), along with all supporting documents, shall be filed with the CPO and with the Secretary of State. The CPO shall post this information, together with the contract award notice, in the Bulletin. [30 ILCS 500/50-38(b)]

c) No person or entity shall retain a person or entity required to register under the Lobbyist Registration Act to attempt to influence the outcome of a procurement decision for compensation contingent in whole or in part upon the decision or procurement. Any person who violates this subsection is guilty of a business offense and shall be fined not more than \$10,000. [30 ILCS 500/50-38(c)]

(Source: Added at 37 Ill. Reg. 3075, effective March 1, 2013)

SUBPART R: COMPLAINTS, PROTESTS AND REMEDIES

Section 1120.5510 Complaints Against Vendors or Subcontractors

a) The purpose of this Section is to document performance of vendors or

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

subcontractors.

- b) Whenever a vendor or subcontractor fails to meet contract requirements, including but not limited to failure to deliver on time or meet specifications, ~~or for other similar causes,~~ the IOC shall take appropriate action to initiate a complaint to the vendor or subcontractor.
- cb) For relatively minor infractions, the IOC may initiate contact by telephone or in person. If not resolved by this action, a written complaint should be made.
- de) If the initial complaint is not satisfactorily answered, or for serious infractions, the IOC shall send a written complaint to the vendor or subcontractor detailing the problem. For complaints regarding contracts established by the CPO, a form available from the CPO shall be used for processing complaints.
- ed) A copy of all written complaints and the resolution or status shall be filed with the CPO.

(Source: Amended at 37 Ill. Reg. 3075, effective March 1, 2013)

Section 1120.5520 Suspension

- a) Application:
This Section applies to all debarments or suspensions of vendors or subcontractors from consideration for award of contracts under the Code.
- b) The ~~CPO Comptroller's Director of Administrative Services~~ may suspend a vendor or subcontractor from doing business with the IOC or for specific types of supplies or services. A suspension may be issued upon a showing the vendor or subcontractor violated the Code or this Part, or failed to conform to specifications or terms of delivery.
- c) When the ~~CPO Comptroller's Director of Administrative Services~~ finds cause exists for suspension, a notice of suspension, including a copy of ~~the CPO's such~~ determination, shall be sent to the suspended vendor or subcontractor. Bids or proposals will not be solicited from the suspended vendor or subcontractor; and, if ~~they are received, they~~ will not be considered during the period of suspension.
- d) A ~~vendor or subcontractor~~ contractor may be suspended for a period of time

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

commensurate with the seriousness of the offense, but for no more than five years. The suspension will be effective within seven calendar days after receipt of notice unless an objection is filed. If an objection is filed, suspension would not become effective until the evaluation of the objection is completed.

- e) The ~~CPO~~Comptroller's Director of Administrative Services may debar a vendor ~~or subcontractor~~. Debarment is the permanent suspension of a vendor ~~or subcontractor~~ from doing business with the IOC. A debarment may only take place in those instances involving bribery or attempted bribery of a State of Illinois officer or employee, or as otherwise allowed or required by law. Bids or proposals ~~received will not be solicited~~ from the debarred vendor, ~~and, if received~~ will not be considered.
- f) The ~~CPO~~Comptroller's Director of Administrative Services shall maintain a master list of all IOC suspensions and debarments and refer to the DCMS master list of all suspensions and debarments. The master list will retain information concerning suspensions and debarments as public records. ~~These~~Such records will be maintained for a period of at least three years following the end of the suspension or debarment. ~~The~~Such public information may be considered in determining responsibility.

(Source: Amended at 37 Ill. Reg. 3075, effective March 1, 2013)

Section 1120.5530 Settlement and Resolution of Contract and Breach

- a) ~~Authority to Settle or Resolve Controversies-~~
The ~~CPO~~SPO that established the contract shall have authority to settle and resolve controversies, but the Comptroller may set limits on ~~that~~such authority.
- b) ~~Authority of Using Agency-~~
The IOC has the authority to accept delivery of goods or services in accordance with contract requirements as satisfactory adjustment of a complaint.
- c) ~~Substitution of Terms/Price Reduction-~~
If the vendor proposes to make an adjustment by: ~~1)~~ substituting an alternative specification; or ~~2)~~ reducing the contract price by a certain amount to compensate for some failure to provide full performance under the contract, ~~the~~such proposal must be referred to and approved by the CPO~~SPO~~.

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

- d) Cancellation for Breach of Contract-
- In any of the following cases the ~~CPO~~~~SP~~ shall have the right to terminate or rescind any contract entered into under this Part:
- 1) The successful bidder fails to furnish a satisfactory performance bond within the time specified.
 - 2) The vendor fails to make delivery at the place or within the time specified in the contract or as ordered by the IOC.
 - 3) Any goods or services provided under the contract are rejected (for not meeting specification, not conforming to sample, or not being in good condition when delivered) and are not promptly replaced by the vendor. If there are repeated rejections of the vendor's goods or service, this shall be grounds for termination or rescission, even though the vendor offers to replace the goods or services promptly.
 - 4) The vendor is guilty of misrepresentation (for example, misbranding of food or drugs) in connection with another contract for the sale of goods or services to the IOC so that the vendor cannot reasonably be depended upon to fulfill his obligations as a responsible vendor under any contracts with the IOC.
 - 5) The vendor ~~is~~~~should be~~ adjudged bankrupt; ~~enters~~~~enter~~ into a general assignment for the benefit of his ~~or her~~ creditors or ~~into~~ receivership due to insolvency; ~~disregards~~~~or disregard~~ laws and ordinances, rules, or instructions of the IOC; or ~~acts~~~~aet~~ in violation of any provision of the contract or this Part; or if the contract conflicts with any statutory or constitutional provision of the State of Illinois or of the United States.
 - 6) Any other breach of contract or other unlawful act by the vendor, ~~its~~ agents and/or subcontractor.
- e) Cancellation for Fraud, Collusion ~~and~~, Illegality, ~~Etc.~~
- The IOC may cancel any contract it established if there is sufficient evidence to show that:
- 1) The contract was obtained by fraud, collusion, conspiracy, or other unlawful means; or

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

- 2) The contract conflicts with any statutory provision of the State of Illinois or of the United States.
- f) **Withholding Money to Compensate State for Damages-**
If a contract is terminated or rescinded under this Section, the IOC may deduct from whatever is owed the vendor on that or any other contract an amount sufficient to compensate the State of Illinois for any damages suffered by it because of the vendor's breach of contract or other unlawful act on the vendor's part on which the cancellation is based.
- g) **Damages-**
The damages for which the IOC may be compensated as provided in this Section or by a suit on the vendor's performance bond or by other legal remedy shall include, but are not limited to, the following:
 - 1) the additional cost of goods or services bought elsewhere;
 - 2) cost of repeating the procurement procedure;
 - 3) any expenses incurred because of delay in receipt of goods or services;
and
 - 4) any other damages caused by the vendor's breach of contract or unlawful act.

(Source: Amended at 37 Ill. Reg. 3075, effective March 1, 2013)

Section 1120.5540 Violation of Statute or Rule

- a) **Determination that Solicitation or Award Violates Law-**
If the **Procurement Officer**~~SPO~~ finds that the solicitation or proposed award is in violation of statute or rule, the **CPO**~~SPO~~ may cancel the solicitation or proposed award, or make modifications to correct the violation, if such correction may be legally accomplished.
- b) **Determination that Contract Violates Statute or Rule-**
Contracts based on awards or solicitations that were in violation of law shall be terminated at no cost to the IOC.

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

- c) ~~Effect of Declaring a Contract Null and Void-~~
In all cases in which a contract is voided, the IOC shall endeavor to return those supplies delivered under the contract that have not been used or distributed. No further payments shall be made under the contract.

(Source: Amended at 37 Ill. Reg. 3075, effective March 1, 2013)

Section 1120.5550 Protests

- a) ~~Protest Resolution by the CPOSPPO-~~
An actual or prospective bidder, offeror, or contractor that may be aggrieved in connection with a procurement may file a protest on any phase of solicitation or award, including but not limited to specifications preparation, bid solicitation, or award.
- b) ~~Complaint-~~
Complainants should seek resolution of their complaints initially with the IOC. ~~Such complaints~~ Complaints may be made verbally or in writing.
- c) ~~Filing of Protest-~~
- 1) Protests shall be made in writing to the CPOSPPO and shall be filed within 7 calendar days after the protester knows or should have known of the facts giving rise to the protest. A protest is considered filed when physically received by the Procurement OfficerSPO. Protests filed after the 7 calendar day period shall not be considered. With respect to a protest regarding specifications, the protest must be received within 7 calendar days after the date the solicitation was issued, and in any event must be received by the IOC at the designated address before the date for opening of bids or proposals.
 - 2) To expedite handling of protests, the envelope should be labeled "Protest". The written protest shall include as a minimum the following:
 - A) the name and address of the protester;
 - B) appropriate identification of the procurement, and, if a contract has been awarded, its number;

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

- C) a statement of reasons for the protest; and
 - D) supporting exhibits, evidence, or documents to substantiate any claims unless not available within the filing time, in which case the expected availability date shall be indicated.
- d) Requested Information; Time for Filing:
Any additional information requested by the IOC shall be submitted within the time periods established by the requesting source in order to expedite consideration of the protest. Failure of the protesting party to comply expeditiously with a request for information by the Procurement Officer~~SPO~~ may result in resolution of the protest without consideration of that information.
- e) Stay of Procurements During Protest:
When a protest has been timely filed and before an award has been made, the CPO~~SPO~~ shall make no award of the contract and any award made shall be stayed until the protest has been resolved. The Comptroller~~CPO~~ may authorize award or reinstate the contract if necessary to protect the interests of the State.
- f) Decision by the CPO ~~or SPO~~.
Time for Decisions. A decision on a protest shall be made by the CPO~~SPO~~ as expeditiously as possible after receiving all relevant requested information. If a protest is sustained, the available remedies include, but are not limited to, reversal of award and cancellation or revision of the solicitation.
- g) Effect of Judicial or Administrative Proceedings:
If an action concerning the protest has commenced in court, the CPO ~~or SPO~~ shall not act on the protest but shall refer the protest to the IOC's Chief Legal Counsel.

(Source: Amended at 37 Ill. Reg. 3075, effective March 1, 2013)

Section 1120.5560 Hearings and Decisions

- a) The CPO shall conduct public hearings prior to awarding contracts for sole source procurements pursuant to Section 20-25 and before extending emergency procurements pursuant to Section 20-30.

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

- b) Notice of hearings shall be published in the Bulletin at least 14 days prior to the date of the public hearing.
 - 1) All notices shall include the date, time and location of the public hearing.
 - 2) Notices for sole source procurements shall include the sole source procurement justification form, a description of the item to be procured, and the intended sole source contractor.
 - 3) Notices for extending emergency procurements shall include the CPO's written justification for the emergency contract and the name of the contractor.
- c) A copy of the notice and all documents provided at the hearing shall be included in the subsequent issue of the Bulletin.
- d) The IOC PPB and members of the public may present testimony at the hearings.
- e) The hearings shall be held in the offices of the Comptroller or at some other convenient location readily accessible to members of the public.
- f) The CPO or his or her designee shall preside over the hearings and shall issue a written determination within 14 calendar days after the conclusion of the hearing.
- g) Copies of all statements and exhibits introduced at the hearings, written determination of the CPO or designee, and a summary of the proceedings at the hearings shall be included in the appropriate procurement files.

(Source: Amended at 37 Ill. Reg. 3075, effective March 1, 2013)

SUBPART U: MISCELLANEOUS PROVISIONS OF GENERAL APPLICABILITY

Section 1120.7015 Inspections

- a) Inspection of Plant or Site:
The IOC may enter a contractor's or subcontractor's plant or place of business to:
 - 1) inspect supplies or services for acceptance by the State pursuant to the terms of a contract;

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

- 2) audit the books and records of any contractor or subcontractor pursuant to Section 1120.7020 ~~(Records and Audits) of this Part;~~
 - 3) investigate an action to debar or suspend a person from consideration for award of contracts pursuant to the Code;
 - 4) determine whether the standards of responsibility have been met or are capable of being met;
 - 5) determine if the contract is being performed in accordance with its terms; and
 - 6) accomplish any other purpose permitted by law.
- b) ~~Inspection and Testing of Supplies and Services:~~
- 1) Solicitation and Contractual Provisions. State contracts may provide that the IOC may inspect supplies and services at the contractor's or subcontractor's facility and perform tests to determine whether they conform to solicitation requirements, or, after award, to contract requirements, and are therefore acceptable. ~~Inspections~~ ~~Such inspections~~ and tests shall be conducted in accordance with the terms of the solicitation and contract.
 - 2) Procedures for Trial Use and Testing. The ~~CPO~~ ~~Comptroller's Director of Administrative Services~~ may establish operational procedures governing the testing and trial use of equipment, material, and other supplies, and the application of resulting information and data to specifications or procurements.
- c) ~~Conduct of Inspections:~~
- 1) Inspectors. Inspections or tests shall be performed so as not to unduly delay the work of the contractor or subcontractor. No inspector ~~other than the SPO~~ may change any provision of the specifications or the contract without ~~the~~ written authorization of the ~~CPO~~ ~~SPO~~. The presence or absence of an inspector shall not relieve the contractor or subcontractor from any requirements of the contract.

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

- 2) Location. When an inspection is made in the plant or place of business of a contractor or subcontractor, ~~the~~ contractor or subcontractor shall provide without charge all reasonable facilities and assistance for the safety and convenience of the person performing the inspection or testing.
- 3) Time. Inspection or testing of supplies and services performed at the plant or place of business of any contractor or subcontractor shall be performed at reasonable times.

(Source: Amended at 37 Ill. Reg. 3075, effective March 1, 2013)

Section 1120.7025 Written Determinations

- a) Preparation and Execution-
When the Code or this Part requires a written determination, the Procurement Officer~~officer required to prepare the determination~~ may delegate its preparation, but the responsibility for and the execution of the determination shall not be delegated.
- b) Content-
Each written determination shall set out sufficient facts, circumstances, and reasoning as will substantiate the specific determination that is made.
- c) Obtaining Supporting Information-
While ~~the Procurement Officer~~~~an officer~~ is responsible for the execution of the written determination, other State personnel, particularly technical personnel, are responsible for furnishing to the Procurement Officer~~recognizant official~~, in an accurate and adequate fashion, the information pertinent to the determination. When requested, ~~the~~ information shall be furnished in writing to the Procurement Officer~~recognizant official~~ who shall have the authority to decide the final form and content of the determination and to resolve any questions or conflicts arising with respect to the determination.
- d) Forms-
The CPO~~Comptroller's Director of Administrative Services~~ shall prescribe methods and operational procedures to be used in preparing written determinations.

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

- e) ~~Retention-~~
Each written determination shall be filed in the solicitation or contract file to which it applies, shall be retained as part of ~~that~~^{such} file for so long as the file is required to be maintained, and, except as otherwise provided by statute or rule, shall be open to public inspection.

(Source: Amended at 37 Ill. Reg. 3075, effective March 1, 2013)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Hazardous Waste Management System: General
- 2) Code citation: 35 Ill. Adm. Code 720
- 3) Section Number: 720.111 Adopted Action: Amendment
- 4) Statutory Authority: 415 ILCS 5/7.2, 13, 22.4, and 27
- 5) Effective Date of Rulemaking: March 4, 2013
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes. The amendment updates and revise a number of incorporations by reference. Section 720.111 is the centralized location of all incorporations by reference for the purposes of all of 35 Ill. Adm. Code 702 through 705, 720 through 728, 730, 733, 738, and 739. The amendments incorporate the federal analytical methods updates into the Illinois rules. As a routine matter, the Board has included updates to federal regulations and statutes incorporated by reference to the latest version available.
- 8) Statement of availability: The adopted amendments, a copy of the Board's opinion and order adopted January 24, 2013 in docket R13-5, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.
- 9) Notice of Proposal published in the *Illinois Register*: November 26, 2012; 36 Ill. Reg. 16475
- 10) Has JCAR issued a statement of objections to this amendment? No
- 11) Differences between Proposal and Final Version: A table that appears in the Board's opinion and order of January 24, 2013 in docket R13-5 summarizes the differences between the amendments adopted in that order and those proposed by the Board in an opinion and order dated November 1, 2012, in docket R13-5. Many of the differences are explained in greater detail in the Board's opinion and order adopting the amendments.

The difference is limited to correction of a duplicate citation in an incorporation by reference. The change is intended to have no substantive effect. The intent is to add

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

clarity to the rules without deviation from the substance of the federal amendments on which this proceeding is based.

- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

Since the Notices of Proposed Amendments appeared in the November 26, 2012 issue of the *Illinois Register*, the Board received a number of suggestions for revisions from JCAR. The Board evaluated each suggestion and incorporated a number of changes into the text as a result, as detailed in the opinion and order of January 24, 2013 in docket R13-5, as indicated in item 11 above. See the January 24, 2013 opinion and order in docket R13-5 for additional details on the JCAR suggestions and the Board actions with regard to each. One table in that opinion itemizes the changes made in response to various suggestions. Another table indicates JCAR suggestions not incorporated into the text, with a brief explanation for each.

- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any other rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The following briefly describes the subjects and issues involved in the docket R13-5 rulemaking of which the amendment to Part 720 is a single segment. Also affected are 35 Ill. Adm. Code 721 and 726, which is covered by a separate notice in this issue of the *Illinois Register*. A comprehensive description is contained in the Board's opinion and order of January 24, 2013, adopting amendments in docket R13-5, which opinion and order is available from the address below.

This proceeding updates the Illinois Resource Conservation and Recovery Act (RCRA) Subtitle C hazardous waste rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) that appeared in the Federal Register during a single update period. The docket and time period that is involved in this proceeding is the following:

R13-5 Federal RCRA Subtitle C hazardous waste amendments that occurred during the period January 1, 2012 through June 30, 2012.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

The R13-5 docket amends rules in Parts 720, 721, and 726. The amendments to the various Parts are inter-related. The following table briefly summarizes the federal actions in the update period:

April 13, 2012 (77 Fed. Reg. 22226): Determination Not to Further Review an Exclusion of Certain Hazardous Secondary Materials from Petroleum Refining That Are Reclaimed in a Petroleum Refining Process

Description of the USEPA action: In response to a petition filed by Earthjustice, USEPA made a final determination that it would not further review an exclusion from the definition of solid waste that it adopted on January 2, 2008 (at 73 Fed. Reg. 57). That exclusion applies to those oil-bearing hazardous secondary materials generated at a petroleum refinery that are inserted into a refining process, so long as the materials are not placed on land or accumulated speculatively, subject to other limitations.

Necessary Board action in response: The Board incorporated this exclusion into the Illinois regulations in RCRA Subtitle C Update, USEPA Amendments (January 1, 2008 through June 30, 2008), R09-3 (Nov. 20, 2008). No further Board action is necessary in this regard. Interested person should read the notice that USEPA published in the April 13, 2012 issue of the *Federal Register*.

April 13, 2012 (77 Fed. Reg. 22229): Technical Corrections and Clarifications Rule

Description of the USEPA action: USEPA made a limited number of corrections and clarifications to two diverse hazardous waste requirements. The provisions affected relate to the standards for (1) recyclable materials used in a manner that constitutes disposal; and (2) the hazardous waste listing for K107 waste (column bottoms from production of 1,1-dimethylhydrazine from carboxylic acid hydrazides).

Necessary Board action in response: The Board must incorporate the corrections and clarifications into the Illinois regulations.

May 18, 2012 (77 Fed. Reg. 29758): Modified CWA Analytical Procedures, Some of Which Affect the RCRA Hazardous Waste Regulations

Description of the USEPA action: USEPA approved new and revised methods

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

for use in demonstrating compliance with Clean Water Act (33 U.S.C. 1251 *et seq.*). USEPA has codified the CWA listing of approved analytical methods in 40 C.F.R. 136. The USEPA amendments included revision of an incorporation by reference of one method in the body of the hazardous waste regulations.

Necessary Board action in response: The Board must update the language to the incorporation by reference in the Illinois regulations to reflect the USEPA revision. The Board must further ensure that the incorporations by reference of segments of 40 C.F.R. 136 reflect the recent USEPA changes in those segments.

Specifically, the amendment to Part 720 implements segments of the federal amendments of May 18, 2012. The amendments update the analytical methods that are approved for use in demonstrating compliance with the hazardous waste regulations. The Board has included a limited number of corrections and clarifying amendments that are not directly derived from the instant federal amendments.

Tables appear in the Board's opinion and order of January 24, 2013 in docket R13-5 that list numerous corrections and amendments that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the January 24, 2013 opinion and order in docket R13-5.

Section 22.4 of the Environmental Protection Act [415 ILCS 5/22.4] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

- 16) Information and questions regarding this rulemaking shall be directed to: Please reference consolidated docket R13-5 and direct inquiries to the following person:

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

312/814-6924

Request copies of the Board's opinion and order of January 24, 2013 at 312-814-3620.
Alternatively, you may obtain a copy of the Board's opinion and order from the Internet
at <http://www.ipcb.state.il.us>.

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 720

HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

SUBPART A: GENERAL PROVISIONS

Section

720.101	Purpose, Scope, and Applicability
720.102	Availability of Information; Confidentiality of Information
720.103	Use of Number and Gender
720.104	Electronic Reporting

SUBPART B: DEFINITIONS AND REFERENCES

Section

720.110	Definitions
720.111	References

SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES

Section

720.120	Rulemaking
720.121	Alternative Equivalent Testing Methods
720.122	Waste Delisting
720.123	Petitions for Regulation as Universal Waste
720.130	Procedures for Solid Waste Determinations and Non-Waste Determinations
720.131	Solid Waste Determinations
720.132	Boiler Determinations
720.133	Procedures for Determinations
720.134	Non-Waste Determinations
720.140	Additional Regulation of Certain Hazardous Waste Recycling Activities on a Case-by-Case Basis
720.141	Procedures for Case-by-Case Regulation of Hazardous Waste Recycling Activities
720.142	Notification Requirement for Hazardous Secondary Materials

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

720.143 Legitimate Recycling of Hazardous Secondary Materials

720.APPENDIX A Overview of Federal RCRA Subtitle C (Hazardous Waste) Regulations
(Repealed)

AUTHORITY: Implementing Sections 7.2, 13, and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 22.4, and 27].

SOURCE: Adopted in R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-19 at 7 Ill. Reg. 14015, effective October 12, 1983; amended in R84-9 at 9 Ill. Reg. 11819, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 968, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 13998, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20630, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6017, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13435, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19280, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2450, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 12999, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 362, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18278, effective November 13, 1989; amended in R89-2 at 14 Ill. Reg. 3075, effective February 20, 1990; amended in R89-9 at 14 Ill. Reg. 6225, effective April 16, 1990; amended in R90-10 at 14 Ill. Reg. 16450, effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7934, effective May 9, 1991; amended in R90-11 at 15 Ill. Reg. 9323, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14446, effective September 30, 1991; amended in R91-13 at 16 Ill. Reg. 9489, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17636, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5625, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20545, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6720, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12160, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17480, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9508, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 10929, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 256, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7590, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17496, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1704, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9094, effective July 26, 1999; amended in R00-5 at 24 Ill. Reg. 1063, effective January 6, 2000; amended in R00-13 at 24 Ill. Reg. 9443, effective June 20, 2000; amended in R01-3 at 25 Ill. Reg. 1266, effective January 11, 2001; amended in R01-21/R01-23 at 25 Ill. Reg. 9168, effective July 9, 2001; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6550, effective April 22, 2002; amended in R03-7 at 27 Ill. Reg. 3712, effective February 14, 2003; amended in R03-18 at 27 Ill. Reg. 12713, effective July 17, 2003; amended in R05-8 at 29 Ill. Reg. 5974, effective April 13, 2005;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

amended in R05-2 at 29 Ill. Reg. 6290, effective April 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 2930, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 730, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 11726, effective July 14, 2008; amended in R09-3 at 33 Ill. Reg. 922, effective December 30, 2008; amended in R09-16/R10-4 at 34 Ill. Reg. 18535, effective November 12, 2010; amended in R11-2/R11-16 at 35 Ill. Reg. 17672, effective October 14, 2011; amended in R12-7 at 36 Ill. Reg. 8740, effective June 4, 2012; amended in R13-5 at 37 Ill. Reg. 3180, effective March 4, 2013)

SUBPART B: DEFINITIONS AND REFERENCES

Section 720.111 References

The following documents are incorporated by reference for the purposes of this Part and 35 Ill. Adm. Code 702 through 705, 721 through 728, 730, 733, 738, and 739:

- a) Non-Regulatory Government Publications and Publications of Recognized Organizations and Associations:

ACGME. Available from the Accreditation Council for Graduate Medical Education, 515 North State Street, Suite 2000, Chicago, IL 60654, 312-755-5000:

"Accreditation Council for Graduate Medical Education: Glossary of Terms," March 19, 2009, referenced in 35 Ill. Adm. Code 722.300.

BOARD NOTE: Also available on the Internet for download and viewing as a PDF file at the following Internet address:

http://www.acgme.org/acWebsite/about/ab_ACGMEglossary.pdf.

ACI. Available from the American Concrete Institute, Box 19150, Redford Station, Detroit, Michigan 48219:

ACI 318-83: "Building Code Requirements for Reinforced Concrete," adopted November 1983, referenced in 35 Ill. Adm. Code 724.673 and 725.543.

ANSI. Available from the American National Standards Institute, 1430 Broadway, New York, New York 10018, 212-354-3300:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

See ASME/ANSI B31.3 and B31.4 and supplements below in this subsection (a) under ASME.

API. Available from the American Petroleum Institute, 1220 L Street, N.W., Washington, D.C. 20005, 202-682-8000:

"Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems," API Recommended Practice 1632, Second Edition, December 1987, referenced in 35 Ill. Adm. Code 724.292, 724.295, 725.292, and 725.295.

"Evaporative Loss from External Floating-Roof Tanks," API publication 2517, Third Edition, February 1989, USEPA-approved for 35 Ill. Adm. Code 725.984.

"Guide for Inspection of Refinery Equipment," Chapter XIII, "Atmospheric and Low Pressure Storage Tanks," 4th Edition, 1981, reaffirmed December 1987, referenced in 35 Ill. Adm. Code 724.291, 724.293, 725.291, and 725.292.

"Installation of Underground Petroleum Storage Systems," API Recommended Practice 1615, Fourth Edition, November 1987, referenced in 35 Ill. Adm. Code 724.292.

ASME. Available from the American Society of Mechanical Engineers, 345 East 47th Street, New York, NY 10017, 212-705-7722:

"Chemical Plant and Petroleum Refinery Piping," ASME/ANSI B31.3-1987, as supplemented by B31.3a-1988 and B31.3b-1988, referenced in 35 Ill. Adm. Code 724.292 and 725.292. Also available from ANSI.

"Liquid Transportation Systems for Hydrocarbons, Liquid Petroleum Gas, Anhydrous Ammonia, and Alcohols," ASME/ANSI B31.4-1986, as supplemented by B31.4a-1987, referenced in 35 Ill. Adm. Code 724.292 and 725.292. Also available from ANSI.

ASTM. Available from American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, 610-832-9585:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

ASTM C 94-90, "Standard Specification for Ready-Mixed Concrete," approved March 30, 1990, referenced in 35 Ill. Adm. Code 724.673 and 725.543.

ASTM D 88-87, "Standard Test Method for Saybolt Viscosity," approved April 24, 1981, reapproved January 1987, referenced in 35 Ill. Adm. Code 726.200.

ASTM D 93-85, "Standard Test Methods for Flash Point by Pensky-Martens Closed Tester," approved October 25, 1985, USEPA-approved for 35 Ill. Adm. Code 721.121.

ASTM D 140-70, "Standard Practice for Sampling Bituminous Materials," approved 1970, referenced in Appendix A to 35 Ill. Adm. Code 721.

ASTM D 346-75, "Standard Practice for Collection and Preparation of Coke Samples for Laboratory Analysis," approved 1975, referenced in Appendix A to 35 Ill. Adm. Code 721.

ASTM D 420-69, "Guide to Site Characterization for Engineering, Design, and Construction Purposes," approved 1969, referenced in Appendix A to 35 Ill. Adm. Code 721.

ASTM D 1452-65, "Standard Practice for Soil Investigation and Sampling by Auger Borings," approved 1965, referenced in Appendix A to 35 Ill. Adm. Code 721.

ASTM D 1946-90, "Standard Practice for Analysis of Reformed Gas by Gas Chromatography," approved March 30, 1990, USEPA-approved for 35 Ill. Adm. Code 724.933 and 725.933.

ASTM D 2161-87, "Standard Practice for Conversion of Kinematic Viscosity to Saybolt Universal or to Saybolt Furol Viscosity," March 27, 1987, referenced in 35 Ill. Adm. Code 726.200.

ASTM D 2234-76, "Standard Practice for Collection of a Gross Sample of Coal," approved 1976, referenced in Appendix A to 35 Ill. Adm. Code 721.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

ASTM D 2267-88, "Standard Test Method for Aromatics in Light Naphthas and Aviation Gasolines by Gas Chromatography," approved November 17, 1988, USEPA-approved for 35 Ill. Adm. Code 724.963.

ASTM D 2382-88, "Standard Test Method for Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High Precision Method)," approved October 31, 1988, USEPA-approved for 35 Ill. Adm. Code 724.933 and 725.933.

ASTM D 2879-92, "Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope," approved 1992, USEPA-approved for 35 Ill. Adm. Code 725.984, referenced in 35 Ill. Adm. Code 724.963 and 725.963.

ASTM D 3828-87, "Standard Test Methods for Flash Point of Liquids by Setaflash Closed Tester," approved December 14, 1988, USEPA-approved for 35 Ill. Adm. Code 721.121(a).

ASTM E 168-88, "Standard Practices for General Techniques of Infrared Quantitative Analysis," approved May 27, 1988, USEPA-approved for 35 Ill. Adm. Code 724.963.

ASTM E 169-87, "Standard Practices for General Techniques of Ultraviolet-Visible Quantitative Analysis," approved February 1, 1987, USEPA-approved for 35 Ill. Adm. Code 724.963.

ASTM E 260-85, "Standard Practice for Packed Column Gas Chromatography," approved June 28, 1985, USEPA-approved for 35 Ill. Adm. Code 724.963.

ASTM G 21-70 (1984a), "Standard Practice for Determining Resistance of Synthetic Polymer Materials to Fungi," referenced in 35 Ill. Adm. Code 724.414 and 725.414.

ASTM G 22-76 (1984b), "Standard Practice for Determining Resistance of Plastics to Bacteria," referenced in 35 Ill. Adm. Code 724.414 and 725.414.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

GPO. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, 202-512-1800:

Standard Industrial Classification Manual (1972), and 1977 Supplement, republished in 1983, referenced in 35 Ill. Adm. Code 702.110 and Section 720.110.

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846 (Third Edition, November 1986), as amended by Updates I (July 1992), II (November 1994), IIA (August, 1993), IIB (January 1995), III (December 1996), IIIA (April 1998), and IIIB (November 2004) (document number 955-001-00000-1). See below in this subsection (a) under NTIS.

NACE. Available from the National Association of Corrosion Engineers, 1400 South Creek Dr., Houston, TX 77084, 713-492-0535:

"Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems," NACE Recommended Practice RP0285-85, approved March 1985, referenced in 35 Ill. Adm. Code 724.292, 724.295, 725.292, and 725.295.

NFPA. Available from the National Fire Protection Association, 1 Batterymarch Park, Boston, MA 02269, 617-770-3000 or 800-344-3555:

"Flammable and Combustible Liquids Code," NFPA 30, issued July 18, 2003, as supplemented by TIA 03-1, issued July 15, 2004, and corrected by Errata 30-03-01, issued August 13, 2004, USEPA-approved for 35 Ill. Adm. Code 724.298, 725.298, and 727.290, referenced in 35 Ill. Adm. Code 725.301 and 726.211.

NTIS. Available from the U.S. Department of Commerce, National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, 703-605-6000 or 800-553-6847 (Internet address: www.ntis.gov):

"APTI Course 415: Control of Gaseous Emissions," December 1981, USEPA publication number EPA-450/2-81-005, NTIS document number PB80-208895, USEPA-approved for 35 Ill. Adm. Code 703.210, 703.211, 703.352, 724.935, and 725.935.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

BOARD NOTE: "APTI" denotes USEPA's "Air Pollution Training Institute" (Internet address: www.epa.gov/air/oaqps/eog/).

"Generic Quality Assurance Project Plan for Land Disposal Restrictions Program," USEPA publication number EPA-530/SW-87-011, March 15, 1987, NTIS document number PB88-170766, referenced in 35 Ill. Adm. Code 728.106.

"Method 1664, ~~Revision A~~, n-Hexane Extractable Material (HEM; Oil and Grease) and Silica Gel Treated n-Hexane Extractable Material (SGT-HEM; ~~Nonpolar~~~~Non-polar~~ Material) by Extraction and Gravimetry," [Revision A, February 1999](#), USEPA publication number EPA-821/R-98-002, NTIS document number PB99-121949, [or Revision B, February 2010, USEPA publication number EPA-821/R-10-001, NTIS document number PB2011-100735](#), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

BOARD NOTE: Also available on the Internet for free download as a PDF document from the USEPA website at:

www.epa.gov/water/scitech/methods/16640514.pdf
water.epa.gov/scitech/methods/cwa/methods_index.cfm. [Revision A is also from the USEPA, National Service Center for Environmental Publications \(NSCEP\) website at www.epa.gov/nscep/index.html.](#)

"Methods for Chemical Analysis of Water and Wastes," Third Edition, March 1983, USEPA document number EPA-600/4-79-020, NTIS document number PB84-128677, referenced in 35 Ill. Adm. Code 725.192.

BOARD NOTE: Also available on the Internet as a viewable/printable HTML document from the USEPA website at:

www.epa.gov/clariton/clhtml/pubtitleORD.html as document 600479002.

"North American Industry Classification System," July 2007, U.S. Department of Commerce, Bureau of the Census, document number PB2007-100002 (hardcover printed volume) or PB2007-500023, referenced in Section 720.110 (definition of "NAICS Code") for the purposes of Section 720.142.

BOARD NOTE: Also available on the Internet from the Bureau of Census: www.census.gov/naics/2007/naicod07.htm.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

"Procedures Manual for Ground Water Monitoring at Solid Waste Disposal Facilities," August 1977, EPA-530/SW-611, NTIS document number PB84-174820, referenced in 35 Ill. Adm. Code 725.192.

"Screening Procedures for Estimating the Air Quality Impact of Stationary Sources," October 1992, USEPA publication number EPA-454/R-92-019, NTIS document number 93-219095, referenced in 35 Ill. Adm. Code 726.204 and 726.206.

BOARD NOTE: Also available on the Internet for free download as a WordPerfect document from the USEPA website at the following Internet address: www.epa.gov/scram001/guidance/guide/scrng.wpd.

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846 (Third Edition, November 1986; Revision 6, January 2005), as amended by Updates I (July 1992), II (November 1994), IIA (August 1993), IIB (January 1995), III (December 1996), IIIA (April 1998), and IIIB (November 2004) (document number 955-001-00000-1), generally referenced in Appendices A and I to 35 Ill. Adm. Code 721 and 35 Ill. Adm. Code 726.200, 726.206, 726.212, and 728.106 (in addition to the references cited below for specific methods):

Method 0010 (November 1986) (Modified Method 5 Sampling Train), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 0011 (December 1996) (Sampling for Selected Aldehyde and Ketone Emissions from Stationary Sources), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721 and for Appendix I to 35 Ill. Adm. Code 726.

Method 0020 (November 1986) (Source Assessment Sampling System), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 0023A (December 1996) (Sampling Method for Polychlorinated Dibenzo-p-Dioxins and Polychlorinated Dibenzofuran Emissions from Stationary Sources), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721, Appendix I to 35 Ill. Adm. Code 726, and 35 Ill. Adm. Code 726.204.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

Method 0030 (November 1986) (Volatile Organic Sampling Train), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 0031 (December 1996) (Sampling Method for Volatile Organic Compounds (SMVOC)), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 0040 (December 1996) (Sampling of Principal Organic Hazardous Constituents from Combustion Sources Using Tedlar[®] Bags), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 0050 (December 1996) (Isokinetic HCl/Cl₂ Emission Sampling Train), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721, Appendix I to 35 Ill. Adm. Code 726, and 35 Ill. Adm. Code 726.207.

Method 0051 (December 1996) (Midget Impinger HCl/Cl₂ Emission Sampling Train), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721, Appendix I to 35 Ill. Adm. Code 726, and 35 Ill. Adm. Code 726.207.

Method 0060 (December 1996) (Determination of Metals in Stack Emissions), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721, Appendix I to 35 Ill. Adm. Code 726, and 35 Ill. Adm. Code 726.206.

Method 0061 (December 1996) (Determination of Hexavalent Chromium Emissions from Stationary Sources), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721, 35 Ill. Adm. Code 726.206, and Appendix I to 35 Ill. Adm. Code 726.

Method 1010A (November 2004) (Test Methods for Flash Point by Pensky-Martens Closed Cup Tester), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 1020B (November 2004) (Standard Test Methods for Flash Point by Setaflash (Small Scale) Closed-cup Apparatus), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

Method 1110A (November 2004) (Corrosivity Toward Steel), USEPA-approved for 35 Ill. Adm. Code 721.122 and Appendix I to 35 Ill. Adm. Code 721.

Method 1310B (November 2004) (Extraction Procedure (EP) Toxicity Test Method and Structural Integrity Test), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721 and referenced in Appendix I to 35 Ill. Adm. Code 728.

Method 1311 (November 1992) (Toxicity Characteristic Leaching Procedure), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721; for 35 Ill. Adm. Code 721.124, 728.107, and 728.140; and for Table T to 35 Ill. Adm. Code 728.

Method 1312 (November 1994) (Synthetic Precipitation Leaching Procedure), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 1320 (November 1986) (Multiple Extraction Procedure), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 1330A (November 1992) (Extraction Procedure for Oily Wastes), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 9010C (November 2004) (Total and Amenable Cyanide: Distillation), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721 and 35 Ill. Adm. Code 728.140, 728.144, and 728.148, referenced in Table H to 35 Ill. Adm. Code 728.

Method 9012B (November 2004) (Total and Amenable Cyanide (Automated Colorimetric, with Off-Line Distillation)), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721 and 35 Ill. Adm. Code 728.140, 728.144, and 728.148, referenced in Table H to 35 Ill. Adm. Code 728.

Method 9040C (November 2004) (pH Electrometric Measurement), USEPA-approved for 35 Ill. Adm. Code 721.122 and Appendix I to 35 Ill. Adm. Code 721.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

Method 9045D (November 2004) (Soil and Waste pH), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 9060A (November 2004) (Total Organic Carbon), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721 and 35 Ill. Adm. Code 724.934, 724.963, 725.934, and 725.963.

Method 9070A (November 2004) (n-Hexane Extractable Material (HEM) for Aqueous Samples), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 9071B (April 1998) (n-Hexane Extractable Material (HEM) for Sludge, Sediment, and Solid Samples), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 9095B (November 2004) (Paint Filter Liquids Test), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721 and 35 Ill. Adm. Code 724.290, 724.414, 725.290, 725.414, 725.981, 727.290, and 728.132.

BOARD NOTE: Also available on the Internet for free download in segments in PDF format from the USEPA website at: www.epa.gov/SW-846.

OECD. Organisation for Economic Co-operation and Development, Environment Directorate, 2 rue Andre Pascal, F-75775 Paris Cedex 16, France, +33 (0) 1 45 24 81 67 (www.oecd.org), also OECD Washington Center, 2001 L Street, NW, Suite 650, Washington, DC 20036-4922, 202-785-6323 or 800-456-6323 (www.oecdwash.org):

OECD Guidance Manual. "Guidance Manual for the Implementation of Council Decision C(2001)107/FINAL, as Amended, on the Control of Transboundary Movements of Wastes Destined for Recovery Operations," 2009 (also called "Guidance Manual for the Control of Transboundary Movements of Recoverable Materials" in OECD documents), but only the following segments, which set forth the substantive requirements

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

of OECD decision C(2001)107/FINAL, as amended by C(2004)20, C(2005)141, and C(2008)156:

"Annex A: OECD Decision C(2001)107/FINAL, as Amended by C(2004)20; C(2005)141; and C(2008)156" (also called "Revision of Council Decision C(92)39/FINAL on the Control of Transboundary Movements of Wastes Destined for Recovery Operations," within the text of Annex A, and "Decision of the Council Concerning the Control of Transboundary Movements of Wastes Destined for Recovery Operations" in the original OECD decision source document, C(2001)107/FINAL (June 14, 2001), as amended by C(2001)107/ADD1 (February 28, 2002), C(2004)20 (March 9, 2004), C(2005)141 (December 2, 2005), and C(2008)156 (December 4, 2008)).

"Annex B: OECD Consolidated List of Wastes Subject to the Green Control Procedure" (individually referred to as "Annex B to OECD Guidance Manual" in 35 Ill. Adm. Code 722), combining Appendix 3 to OECD decision C(2001)107/FINAL, as amended as described above, together with the text of Annex IX ("List B") to the "Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal" ("Basel Convention").

"Annex C: OECD Consolidated List of Wastes Subject to the Amber Control Procedure" (individually referred to as "Annex C to OECD Guidance Manual" in 35 Ill. Adm. Code 722), combining Appendix 4 to OECD decision C(2001)107/FINAL, as amended, together with the text of Annexes II ("Categories of Wastes Requiring Special Consideration") and VIII ("List A") to the Basel Convention.

BOARD NOTE: The OECD Guidance Manual is available online from OECD at www.oecd.org/dataoecd/57/1/42262259.pdf. The OECD and the Basel Convention consider the OECD Guidance Manual unofficial text of these documents. Despite this unofficial

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

status, the Board has chosen to follow USEPA's lead and incorporate the OECD Guidance Manual by reference, instead of separately incorporating the OECD decision C(2001)107/FINAL (with its subsequent amendments: OECD decisions C(2001)107/ADD1, C(2004)20, C(2005)141, and C(2008)156) and the Basel Convention by reference. Use of the OECD Guidance Manual eases reference to the documents, increases access to the documents, and facilitates future updates to this incorporation by reference. All references to "OECD C(2001)107/FINAL" in the text of 35 Ill. Adm. Code 722 refer to both the OECD decision and the Basel Convention that the OECD decision references. The OECD Guidance Manual includes as Annex A the full text of OECD document C(2001)107/FINAL, with amendments, and Annexes B and C set forth lists of wastes subject to Green control procedures and wastes subject to Amber control procedures, respectively, which consolidate the wastes from C(2001)107/FINAL together with those from the Basel Convention.

OECD Guideline for Testing of Chemicals, "Ready Biodegradability," Method 301B (July 17, 1992), "CO₂ Evolution (Modified Sturm Test)," referenced in 35 Ill. Adm. Code 724.414.

STI. Available from the Steel Tank Institute, 728 Anthony Trail, Northbrook, IL 60062, 708-498-1980:

"Standard for Dual Wall Underground Steel Storage Tanks" (1986), referenced in 35 Ill. Adm. Code 724.293.

USDOD. Available from the United States Department of Defense:

"DOD Ammunition and Explosives Safety Standards" (DOD 6055.09-STD), as in effect on February 29, 2008, referenced in 35 Ill. Adm. Code 726.305.

"The Motor Vehicle Inspection Report" (DD Form 626), as in effect in March 2007, referenced in 35 Ill. Adm. Code 726.303.

"Requisition Tracking Form" (DD Form 1348), as in effect in July 1991,

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

referenced in 35 Ill. Adm. Code 726.303.

"The Signature and Tally Record" (DD Form 1907), as in effect in November 2006, referenced in 35 Ill. Adm. Code 726.303.

"Dangerous Goods Shipping Paper/Declaration and Emergency Response Information for Hazardous Materials Transported by Government Vehicles" (DD Form 836), as in effect in December 2007, referenced in 35 Ill. Adm. Code 726.303.

BOARD NOTE: DOD 6055.09-STD is available on-line for download in pdf format from <http://www.ddesb.pentagon.mil>. DD Form 1348, DD Form 1907, DD Form 836, and DOD 6055.09-STD are available on-line for download in pdf format from <http://www.dtic.mil/whs/directives/infomgt/forms/formsprogram.htm>.

USEPA, Office of Ground Water and Drinking Water. Available from United States Environmental Protection Agency, Office of Drinking Water, State Programs Division, WH 550 E, Washington, D.C. 20460:

"Inventory of Injection Wells," USEPA Form 7520-16 (Revised 8-01), referenced in 35 Ill. Adm. Code 704.148 and 704.283.

"Technical Assistance Document: Corrosion, Its Detection and Control in Injection Wells," USEPA publication number EPA-570/9-87-002, August 1987, referenced in 35 Ill. Adm. Code 730.165.

USEPA, Receptor Analysis Branch. Available from Receptor Analysis Branch, USEPA (MD-14), Research Triangle Park, NC 27711:

"Screening Procedures for Estimating the Air Quality Impact of Stationary Sources, Revised," October 1992, USEPA publication number EPA-450/R-92-019, USEPA-approved for Appendix I to 35 Ill. Adm. Code 726.

BOARD NOTE: Also available for purchase from NTIS (see above) and on the Internet for free download as a WordPerfect document from the USEPA website at following Internet address:
www.epa.gov/scram001/guidance/guide/scrng.wpd.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

USEPA Region 6. Available from United States Environmental Protection Agency, Region 6, Multimedia Permitting and Planning Division, 1445 Ross Avenue, Dallas, TX 75202 (phone: 214-665-7430):

"EPA RCRA Delisting Program – Guidance Manual for the Petitioner," March 23, 2000, referenced in Section 720.122.

USGSA. Available from the United States Government Services Administration:

Government Bill of Lading (GBL) (GSA Standard Form 1103, rev 9/2003, supplemented as necessary with GSA Standard Form 1109, rev 09/1998), referenced in Section 726.303.

BOARD NOTE: Available on-line for download in various formats from www.gsa.gov/forms/forms.htm.

- b) Code of Federal Regulations. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401, 202-783-3238:

10 CFR 20.2006 [\(2012\)\(2011\)](#) (Transfer for Disposal and Manifests), referenced in 35 Ill. Adm. Code 702.110, 726.425, and 726.450.

Table II, column 2 in appendix B to 10 CFR 20 [\(2012\)\(2011\)](#) (Water Effluent Concentrations), referenced in 35 Ill. Adm. Code 702.110, 730.103, and 730.151.

Appendix G to 10 CFR 20 [\(2012\)\(2011\)](#) (Requirements for Transfers of Low-Level Radioactive Waste Intended for Disposal at Licensed Land Disposal Facilities and Manifests), referenced in 35 Ill. Adm. Code 726.440.

10 CFR 71 [\(2012\)\(2011\)](#) (Packaging and Transportation of Radioactive Material), referenced generally in 35 Ill. Adm. Code 726.430.

10 CFR 71.5 [\(2012\)\(2011\)](#) (Transportation of Licensed Material), referenced in 35 Ill. Adm. Code 726.425.

33 CFR 153.203 [\(2012\)\(2011\)](#) (Procedure for the Notice of Discharge), referenced in 35 Ill. Adm. Code 723.130 and 739.143.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

40 CFR 3.2 [\(2012\)](#)~~(2011)~~ (How Does This Part Provide for Electronic Reporting?), referenced in Section 720.104.

40 CFR 3.3 [\(2012\)](#)~~(2011)~~ (What Definitions Are Applicable to This Part?), referenced in Section 720.104.

40 CFR 3.10 [\(2012\)](#)~~(2011)~~ (What Are the Requirements for Electronic Reporting to EPA?), referenced in Section 720.104.

40 CFR 3.2000 [\(2012\)](#)~~(2011)~~ (What Are the Requirements Authorized State, Tribe, and Local Programs' Reporting Systems Must Meet?), referenced in Section 720.104.

40 CFR 51.100(ii) [\(2012\)](#)~~(2011)~~ (Definitions), referenced in 35 Ill. Adm. Code 726.200.

Appendix W to 40 CFR 51 [\(2012\)](#)~~(2011)~~ (Guideline on Air Quality Models), referenced in 35 Ill. Adm. Code 726.204.

BOARD NOTE: Also available from NTIS (see above for contact information) as "Guideline on Air Quality Models," Revised 1986, USEPA publication number EPA-450/12-78-027R, NTIS document numbers PB86-245248 (Guideline) and PB88-150958 (Supplement).

Appendix B to 40 CFR 52.741 [\(2012\)](#)~~(2011)~~ (VOM Measurement Techniques for Capture Efficiency), referenced in 35 Ill. Adm. Code 703.213, 703.352, 724.982, 724.984, 724.986, 724.989, 725.983, 725.985, 725.987, and 725.990.

40 CFR 60 [\(2012\)](#)~~(2011)~~ (Standards of Performance for New Stationary Sources), referenced generally in 35 Ill. Adm. Code 724.964, 724.980, 725.964, and 725.980.

Subpart VV of 40 CFR 60 [\(2012\)](#)~~(2011)~~ (Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry), referenced in 35 Ill. Adm. Code 724.989 and 725.990.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

Appendix A to 40 CFR 60 ~~(2011)~~ (2012) (Test Methods), referenced generally in 35 Ill. Adm. Code 726.205 (in addition to the references cited below for specific methods):

Method 1 (Sample and Velocity Traverses for Stationary Sources), referenced in 35 Ill. Adm. Code 726.205.

Method 2 (Determination of Stack Gas Velocity and Volumetric Flow Rate (Type S Pitot Tube)), referenced in 35 Ill. Adm. Code 724.933, 724.934, 725.933, 725.934, and 726.205.

Method 2A (Direct Measurement of Gas Volume through Pipes and Small Ducts), referenced in 35 Ill. Adm. Code 724.933, 725.933, and 726.205.

Method 2B (Determination of Exhaust Gas Volume Flow Rate from Gasoline Vapor Incinerators), referenced in 35 Ill. Adm. Code 726.205.

Method 2C (Determination of Gas Velocity and Volumetric Flow Rate in Small Stacks or Ducts (Standard Pitot Tube)), referenced in 35 Ill. Adm. Code 724.933, 725.933, and 726.205.

Method 2D (Measurement of Gas Volume Flow Rates in Small Pipes and Ducts), referenced in 35 Ill. Adm. Code 724.933, 725.933, and 726.205.

Method 2E (Determination of Landfill Gas Production Flow Rate), referenced in 35 Ill. Adm. Code 726.205.

Method 2F (Determination of Stack Gas Velocity and Volumetric Flow Rate with Three-Dimensional Probes), referenced in 35 Ill. Adm. Code 726.205.

Method 2G (Determination of Stack Gas Velocity and Volumetric Flow Rate with Two-Dimensional Probes), referenced in 35 Ill. Adm. Code 726.205.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

Method 2H (Determination of Stack Gas Velocity Taking into Account Velocity Decay Near the Stack Wall), referenced in 35 Ill. Adm. Code 726.205.

Method 3 (Gas Analysis for the Determination of Dry Molecular Weight), referenced in 35 Ill. Adm. Code 724.443 and 726.205.

Method 3A (Determination of Oxygen and Carbon Dioxide Concentrations in Emissions from Stationary Sources (Instrumental Analyzer Procedure)), referenced in 35 Ill. Adm. Code 726.205.

Method 3B (Gas Analysis for the Determination of Emission Rate Correction Factor or Excess Air), referenced in 35 Ill. Adm. Code 726.205.

Method 3C (Determination of Carbon Dioxide, Methane, Nitrogen, and Oxygen from Stationary Sources), referenced in 35 Ill. Adm. Code 726.205.

Method 4 (Determination of Moisture Content in Stack Gases), referenced in 35 Ill. Adm. Code 726.205.

Method 5 (Determination of Particulate Matter Emissions from Stationary Sources), referenced in 35 Ill. Adm. Code 726.205.

Method 5A (Determination of Particulate Matter Emissions from the Asphalt Processing and Asphalt Roofing Industry), referenced in 35 Ill. Adm. Code 726.205.

Method 5B (Determination of Nonsulfuric Acid Particulate Matter Emissions from Stationary Sources), referenced in 35 Ill. Adm. Code 726.205.

Method 5D (Determination of Particulate Matter Emissions from Positive Pressure Fabric Filters), referenced in 35 Ill. Adm. Code 726.205.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

Method 5E (Determination of Particulate Matter Emissions from the Wool Fiberglass Insulation Manufacturing Industry), referenced in 35 Ill. Adm. Code 726.205.

Method 5F (Determination of Nonsulfate Particulate Matter Emissions from Stationary Sources), referenced in 35 Ill. Adm. Code 726.205.

Method 5G (Determination of Particulate Matter Emissions from Wood Heaters (Dilution Tunnel Sampling Location)), referenced in 35 Ill. Adm. Code 726.205.

Method 5H (Determination of Particulate Emissions from Wood Heaters from a Stack Location), referenced in 35 Ill. Adm. Code 726.205.

Method 5I (Determination of Low Level Particulate Matter Emissions from Stationary Sources), referenced in 35 Ill. Adm. Code 726.205.

Method 18 (Measurement of Gaseous Organic Compound Emissions by Gas Chromatography), referenced in 35 Ill. Adm. Code 724.933, 724.934, 725.933, and 725.934.

Method 21 (Determination of Volatile Organic Compound Leaks), referenced in 35 Ill. Adm. Code 703.213, 724.934, 724.935, 724.963, 725.934, 725.935, 725.963, and 725.984.

Method 22 (Visual Determination of Fugitive Emissions from Material Sources and Smoke Emissions from Flares), referenced in 35 Ill. Adm. Code 724.933, 724.1101, 725.933, 725.1101, and 727.900.

Method 25A (Determination of Total Gaseous Organic Concentration Using a Flame Ionization Analyzer), referenced in 35 Ill. Adm. Code 724.934 and 725.985.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

Method 25D (Determination of the Volatile Organic Concentration of Waste Samples), referenced in 35 Ill. Adm. Code 724.982, 725.983, and 725.984.

Method 25E (Determination of Vapor Phase Organic Concentration in Waste Samples), referenced in 35 Ill. Adm. Code 725.984.

Method 27 (Determination of Vapor Tightness of Gasoline Delivery Tank Using Pressure-Vacuum Test), referenced in 35 Ill. Adm. Code 724.987 and 725.987.

40 CFR 61 [\(2012\)](#)~~(2011)~~ (National Emission Standards for Hazardous Air Pollutants), referenced generally in 35 Ill. Adm. Code 725.933, 725.964, and 725.980.

Subpart V of 40 CFR 61 [\(2012\)](#)~~(2011)~~ (National Emission Standard for Equipment Leaks (Fugitive Emission Sources)), referenced in 35 Ill. Adm. Code 724.989 and 725.990.

Subpart FF of 40 CFR 61 [\(2012\)](#)~~(2011)~~ (National Emission Standard for Benzene Waste Operations), referenced in 35 Ill. Adm. Code 724.982 and 725.983.

40 CFR 63 [\(2012\)](#)~~(2011)~~ (National Emission Standards for Hazardous Air Pollutants for Source Categories), referenced generally in 35 Ill. Adm. Code 725.933, 725.964, and 725.980.

Subpart RR of 40 CFR 63 [\(2012\)](#)~~(2011)~~ (National Emission Standards for Individual Drain Systems), referenced in 35 Ill. Adm. Code 724.982, 724.984, 724.985, 725.983, 725.985, and 725.986.

Subpart EEE of 40 CFR 63 (2000) (National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors), referenced in 35 Ill. Adm. Code 703.280.

Subpart EEE of 40 CFR 63 [\(2012\)](#)~~(2011)~~ (National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors) (includes 40 CFR 63.1206 (When and How Must You Comply with the

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

Standards and Operating Requirements?), 63.1215 (What are the Health-Based Compliance Alternatives for Total Chlorine?), 63.1216 (What are the Standards for Solid-Fuel Boilers that Burn Hazardous Waste?), 63.1217 (What are the Standards for Liquid-Fuel Boilers that Burn Hazardous Waste?), 63.1218 (What are the Standards for Hydrochloric Acid Production Furnaces that Burn Hazardous Waste?), 63.1219 (What are the Replacement Standards for Hazardous Waste Incinerators?), 63.1220 (What are the Replacement Standards for Hazardous Waste-Burning Cement Kilns?), and 63.1221 (What are the Replacement Standards for Hazardous Waste-Burning Lightweight Aggregate Kilns?), referenced in Appendix A to 35 Ill. Adm. Code 703 and 35 Ill. Adm. Code 703.155, 703.205, 703.208, 703.221, 703.232, 703.320, 703.280, 724.440, 724.701, 724.950, 725.440, and 726.200.

Method 301 (Field Validation of Pollutant Measurement Methods from Various Waste Media) in appendix A to 40 CFR 63 [\(2012\)](#)~~(2011)~~ (Test Methods), referenced in 35 Ill. Adm. Code 725.984.

Appendix C to 40 CFR 63 [\(2012\)](#)~~(2011)~~ (Determination of the Fraction Biodegraded (F_{bio}) in a Biological Treatment Unit), referenced in 35 Ill. Adm. Code 725.984.

Appendix D to 40 CFR 63 [\(2012\)](#)~~(2011)~~ (Test Methods), referenced in 35 Ill. Adm. Code 725.984.

40 CFR 136.3 (Identification of Test Procedures) [\(2012\)](#)~~(2011)~~, referenced in 35 Ill. Adm. Code 702.110, 704.150, 704.187, and 730.103.

40 CFR 144.70 [\(2012\)](#)~~(2011)~~ (Wording of the Instruments), referenced in 35 Ill. Adm. Code 704.240.

40 CFR 232.2 [\(2012\)](#)~~(2011)~~ (Definitions), referenced in 35 Ill. Adm. Code 721.104.

40 CFR 257 [\(2012\)](#)~~(2011)~~ (Criteria for Classification of Solid Waste Disposal Facilities and Practices), referenced in 35 Ill. Adm. Code 739.181.

40 CFR 258 [\(2012\)](#)~~(2011)~~ (Criteria for Municipal Solid Waste Landfills),

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

referenced in 35 Ill. Adm. Code 739.181.

40 CFR 260.21 [\(2012\)](#)~~(2011)~~ (Alternative Equivalent Testing Methods), referenced in Section 720.121.

Appendix I to 40 CFR 260 [\(2012\)](#)~~(2011)~~ (Overview of Subtitle C Regulations), referenced in Appendix A to 35 Ill. Adm. Code 720.

40 CFR 261.151 [\(2012\)](#)~~(2011)~~ (Wording of the Instruments), referenced in 35 Ill. Adm. Code 721.251.

Appendix III to 40 CFR 261 [\(2012\)](#)~~(2011)~~ (Chemical Analysis Test Methods), referenced in 35 Ill. Adm. Code 704.150 and 704.187.

40 CFR 262.53 [\(2012\)](#)~~(2011)~~ (Notification of Intent to Export), referenced in 35 Ill. Adm. Code 722.153.

40 CFR 262.54 [\(2012\)](#)~~(2011)~~ (Special Manifest Requirements), referenced in 35 Ill. Adm. Code 722.154.

40 CFR 262.55 [\(2012\)](#)~~(2011)~~ (Exception Reports), referenced in 35 Ill. Adm. Code 722.155.

40 CFR 262.56 [\(2012\)](#)~~(2011)~~ (Annual Reports), referenced in 35 Ill. Adm. Code 722.156.

40 CFR 262.57 [\(2012\)](#)~~(2011)~~ (Recordkeeping), referenced in 35 Ill. Adm. Code 722.157.

Appendix to 40 CFR 262 [\(2012\)](#)~~(2011)~~ (Uniform Hazardous Waste Manifest and Instructions (EPA Forms 8700-22 and 8700-22A and Their Instructions)), referenced in Appendix A to 35 Ill. Adm. Code 722 and 35 Ill. Adm. Code 724.986 and 725.987.

40 CFR 264.151 [\(2012\)](#)~~(2011)~~ (Wording of the Instruments), referenced in 35 Ill. Adm. Code 724.251 and 727.240.

Appendix I to 40 CFR 264 [\(2012\)](#)~~(2011)~~ (Recordkeeping Instructions), referenced in Appendix A to 35 Ill. Adm. Code 724.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

Appendix IV to 40 CFR 264 [\(2012\)](#)~~(2011)~~ (Cochran's Approximation to the Behrens-Fisher Students' T-Test), referenced in Appendix D to 35 Ill. Adm. Code 724.

Appendix V to 40 CFR 264 [\(2012\)](#)~~(2011)~~ (Examples of Potentially Incompatible Waste), referenced in Appendix E to 35 Ill. Adm. Code 724 and 35 Ill. Adm. Code 727.270.

Appendix VI to 40 CFR 264 [\(2012\)](#)~~(2011)~~ (Political Jurisdictions in Which Compliance with §264.18(a) Must Be Demonstrated), referenced in 35 Ill. Adm. Code 703.306 and 724.118.

Appendix I to 40 CFR 265 [\(2012\)](#)~~(2011)~~ (Recordkeeping Instructions), referenced in Appendix A to 35 Ill. Adm. Code 725.

Appendix III to 40 CFR 265 [\(2012\)](#)~~(2011)~~ (EPA Interim Primary Drinking Water Standards), referenced in Appendix C to 35 Ill. Adm. Code 725.

Appendix IV to 40 CFR 265 [\(2012\)](#)~~(2011)~~ (Tests for Significance), referenced in Appendix D to 35 Ill. Adm. Code 725.

Appendix V to 40 CFR 265 [\(2012\)](#)~~(2011)~~ (Examples of Potentially Incompatible Waste), referenced in 35 Ill. Adm. Code 725.277, 725.330, 725.357, 725.382, and 725.413 and Appendix E to 35 Ill. Adm. Code 725.

Appendix IX to 40 CFR 266 [\(2012\)](#)~~(2011)~~ (Methods Manual for Compliance with the BIF Regulations), referenced generally in Appendix I to 35 Ill. Adm. Code 726.

Section 4.0 (Procedures for Estimating the Toxicity Equivalence of Chlorinated Dibenzo-p-Dioxin and Dibenzofuran Congeners), referenced in 35 Ill. Adm. Code 726.200 and 726.204.

Section 5.0 (Hazardous Waste Combustion Air Quality Screening Procedure), referenced in 35 Ill. Adm. Code 726.204.

Section 7.0 (Statistical Methodology for Bevill Residue Determinations), referenced in 35 Ill. Adm. Code 726.212.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

BOARD NOTE: Also available from NTIS (see above for contact information) as "Methods Manual for Compliance with BIF Regulations: Burning Hazardous Waste in Boilers and Industrial Furnaces," December 1990, USEPA publication number EPA-530/SW-91-010, NTIS document number PB91-120006.

40 CFR 267.151 [\(2012\)\(2011\)](#) (Wording of the Instruments), referenced in 35 Ill. Adm. Code 727.240.

40 CFR 270.5 [\(2012\)\(2011\)](#) (Noncompliance and Program Reporting by the Director), referenced in 35 Ill. Adm. Code 703.305.

40 CFR 761 [\(2012\)\(2011\)](#) (Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions), referenced generally in 35 Ill. Adm. Code 728.145.

40 CFR 761.3 [\(2012\)\(2011\)](#) (Definitions), referenced in 35 Ill. Adm. Code 728.102 and 739.110.

40 CFR 761.60 [\(2012\)\(2011\)](#) (Disposal Requirements), referenced in 35 Ill. Adm. Code 728.142.

40 CFR 761.65 [\(2012\)\(2011\)](#) (Storage for Disposal), referenced in 35 Ill. Adm. Code 728.150.

40 CFR 761.70 [\(2012\)\(2011\)](#) (Incineration), referenced in 35 Ill. Adm. Code 728.142.

Subpart B of 49 CFR 107 (2011) (Exemptions), referenced generally in 35 Ill. Adm. Code 724.986 and 725.987.

49 CFR 171 (2011), [as amended at 77 Fed Reg. 37962 \(June 25, 2012\)](#) (General Information, Regulations, and Definitions), referenced generally in 35 Ill. Adm. Code 733.118, 733.138, 733.152, and 739.143.

49 CFR 171.3 (2011) (Hazardous Waste), referenced in 35 Ill. Adm. Code 722.133.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

49 CFR 171.8 (2011), [as amended at 77 Fed Reg. 37962 \(June 25, 2012\)](#) (Definitions and Abbreviations), referenced in 35 Ill. Adm. Code 733.118, 733.138, 733.152, 733.155, and 739.143.

49 CFR 171.15 (2011) (Immediate Notice of Certain Hazardous Materials Incidents), referenced in 35 Ill. Adm. Code 723.130 and 739.143.

49 CFR 171.16 (2011) (Detailed Hazardous Materials Incident Reports), referenced in 35 Ill. Adm. Code 723.130 and 739.143.

49 CFR 172 (2011), [as amended at 76 Fed Reg. 81396 \(Dec. 28, 2011\); 76 Fed Reg. 82163 \(Dec. 30, 2012\); 77 Fed Reg. 37962 \(June 25, 2012\)](#) (Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements), referenced generally in 35 Ill. Adm. Code 722.131, 722.132, 724.986, 725.987, 733.114, 733.118, 733.134, 733.138, 733.152, 733.155, and 739.143.

49 CFR 172.304 (2011) (Marking Requirements), referenced in 35 Ill. Adm. Code 722.132.

Subpart F of 49 CFR 172 (2011) (Placarding), referenced in 35 Ill. Adm. Code 722.133.

49 CFR 173 (2011), [as amended at 76 Fed. Reg. 81396 \(Dec. 28, 2011\); 76 Fed Reg. 82163 \(Dec. 30, 2012\); 77 Fed. Reg. 37962 \(June 25, 2012\)](#) (Shippers – General Requirements for Shipments and Packages), referenced generally in 35 Ill. Adm. Code 721.104, 722.130, 724.986, 724.416, 725.987, 733.118, 733.138, 733.152, and 739.143.

49 CFR 173.2 (2011) (Hazardous Materials Classes and Index to Hazard Class Definitions), referenced in 35 Ill. Adm. Code 733.152.

49 CFR 173.12 (2011) (Exceptions for Shipments of Waste Materials), referenced in 35 Ill. Adm. Code 724.416, 724.986, and 725.987.

49 CFR 173.28 (2011) (Reuse, Reconditioning, and Remanufacture of Packagings), referenced in 35 Ill. Adm. Code 725.273.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

49 CFR 173.50 (2011) (Class 1 – Definitions), referenced in 35 Ill. Adm. Code 721.124.

49 CFR 173.54 (2011) (Forbidden Explosives), referenced in 35 Ill. Adm. Code 721.124.

49 CFR 173.115 (2011) (Class 2, Divisions 2.1, 2.2, and 2.3 – Definitions), referenced in 35 Ill. Adm. Code 721.121.

49 CFR 174 (2011), [as amended at 76 Fed. Reg. 81396 \(Dec. 28, 2011\); 77 Fed. Reg. 37962 \(June 25, 2012\)](#) (Carriage by Rail), referenced generally in 35 Ill. Adm. Code 733.118, 733.138, 733.152, and 739.143.

49 CFR 175 (2011), [as amended at 76 Fed. Reg. 82163 \(Dec. 30, 2012\)](#) (Carriage by Aircraft), referenced generally in 35 Ill. Adm. Code 733.118, 733.138, 733.152, and 739.143.

49 CFR 176 (2011), [as amended at 76 Fed. Reg. 82163 \(Dec. 30, 2012\)](#) (Carriage by Vessel), referenced generally in 35 Ill. Adm. Code 733.118, 733.138, 733.152, and 739.143.

49 CFR 177 (2011), [as amended at 76 Fed. Reg. 75470 \(Dec. 2, 2011\)](#) (Carriage by Public Highway), referenced generally in 35 Ill. Adm. Code 733.118, 733.138, 733.152, and 739.143.

49 CFR 178 (2011) (Specifications for Packagings), referenced generally in 35 Ill. Adm. Code 721.104, 722.130, 724.416, 724.986, 725.416, 725.987, 733.118, 733.138, 733.152, and 739.143.

49 CFR 179 (2011), [as amended at 77 Fed. Reg. 37962 \(June 25, 2012\)](#) (Specifications for Tank Cars), referenced in 35 Ill. Adm. Code 721.104, 722.130, 724.416, 724.986, 725.416, 725.987, 733.118, 733.138, 733.152, and 739.143.

49 CFR 180 (2011), [as amended at 77 Fed. Reg. 37962 \(June 25, 2012\)](#) (Continuing Qualification and Maintenance of Packagings), referenced generally in 35 Ill. Adm. Code 724.986, 725.987, 733.118, 733.138, 733.152, and 739.143.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

c) Federal Statutes:

Section 11 of the Atomic Energy Act of 1954 (42 USC 2014) ~~(2011), as amended through January 3, 2007~~, referenced in 35 Ill. Adm. Code 721.104 and 726.310.

Sections 201(v), 201(w), and 512(j) of the Federal Food, Drug, and Cosmetic Act (FFDCA; 21 USC 321(v), 321(w), and 360b(j)) ~~(2011), as amended through January 3, 2007~~, referenced in Section 720.110 and 35 Ill. Adm. Code 733.109.

Section 1412 of the Department of Defense Authorization Act of 1986; ~~Pub. L. 99-145~~ (50 USC 1521(j)(1)) ~~(2011), as amended through January 3, 2007~~, referenced in 35 Ill. Adm. Code 726.301.

d) This Section incorporates no later editions or amendments.

(Source: Amended at 37 Ill. Reg. 3180, effective March 4, 2013)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Identification and Listing of Hazardous Waste
- 2) Code Citation: 35 Ill. Adm. Code 721
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
721.132	Amendment
721.APPENDIX A	Amendment
721.APPENDIX I, TABLE A	Amendment
721.APPENDIX I, TABLE B	Amendment
721.APPENDIX I, TABLE C	Amendment
721.APPENDIX I, TABLE D	Amendment
- 4) Statutory Authority: 415 ILCS 5/7.2, 22.4, and 27
- 5) Effective Date of Rulemaking: March 4, 2013
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Statement of Availability: The adopted amendments, a copy of the Board's opinion and order adopted January 24, 2013 in docket R13-5, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.
- 9) Notice of Proposal Published in the *Illinois Register*: November 26, 2012, 36 Ill. Reg. 16507
- 10) Has JCAR issued a Statement of Objection to this Rulemaking? No. Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).
- 11) Differences between Proposal and Final Version: A table that appears in the Board's opinion and order of January 24, 2013 in docket R13-5 summarizes the differences between the amendments adopted in that order and those proposed by the Board in an

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

opinion and order dated November 1, 2012, in docket R13-5. Many of the differences are explained in greater detail in the Board's opinion and order adopting the amendments.

There are no differences between the Proposed and Adopted Version of the Rulemaking.

- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

Since the Notices of Proposed Amendments appeared in the November 26, 2012 issue of the *Illinois Register*, the Board received a number of suggestions for revisions from JCAR. The Board evaluated each suggestion and incorporated a number of changes into the text as a result, as detailed in the opinion and order of January 24, 2013 in docket R13-5, as indicated in item 11 above. See the January 24, 2013 opinion and order in docket R13-5 for additional details on the JCAR suggestions and the Board actions with regard to each. One table in that opinion itemizes the changes made in response to various suggestions. Another table indicates JCAR suggestions not incorporated into the text, with a brief explanation for each.

- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The amendments to Part 721 are a single segment of the docket R13-5 rulemaking that also affects 35 Ill. Adm. Code 720 and 726, each of which is covered by a separate notice in this issue of the *Illinois Register*. To save space, a more detailed description of the subjects and issues involved in the docket R13-5 rulemaking in this issue of the *Illinois Register* only in the answer to question 5 in the Notice of Adopted Amendment for 35 Ill. Adm. Code 720. A comprehensive description is contained in the Board's opinion and order of January 24, 2013, adopting amendments in docket R13-5, which opinion and order is available from the address below.

Specifically, the amendments to Part 721 implement segments of the federal amendments of April 13, 2012. The amendments incorporate federal clarifications and corrections to the hazardous waste regulations. The Board has included a limited number of corrections

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

and clarifying amendments that are not directly derived from the instant federal amendments.

Tables appear in the Board's opinion and order of January 24, 2013 in docket R13-5 that list numerous corrections and amendments that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the January 24, 2013 opinion and order in docket R13-5.

- 16) Information and questions regarding this rulemaking shall be directed to: Please reference consolidated docket R13-5 and direct inquiries to the following person:

Michael J. McCambridge
Staff 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 January 24, 2013 at 312-814-3620. Alternatively, you may obtain a copy of the Board's opinion and order from the Internet at <http://www.ipcb.state.il.us>.

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 721

IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

SUBPART A: GENERAL PROVISIONS

Section

721.101	Purpose and Scope
721.102	Definition of Solid Waste
721.103	Definition of Hazardous Waste
721.104	Exclusions
721.105	Special Requirements for Hazardous Waste Generated by Small Quantity Generators
721.106	Requirements for Recyclable Materials
721.107	Residues of Hazardous Waste in Empty Containers
721.108	PCB Wastes Regulated under TSCA
721.109	Requirements for Universal Waste

SUBPART B: CRITERIA FOR IDENTIFYING THE
CHARACTERISTICS OF HAZARDOUS WASTE
AND FOR LISTING HAZARDOUS WASTES

Section

721.110	Criteria for Identifying the Characteristics of Hazardous Waste
721.111	Criteria for Listing Hazardous Waste

SUBPART C: CHARACTERISTICS OF HAZARDOUS WASTE

Section

721.120	General
721.121	Characteristic of Ignitability
721.122	Characteristic of Corrosivity
721.123	Characteristic of Reactivity
721.124	Toxicity Characteristic

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

SUBPART D: LISTS OF HAZARDOUS WASTE

Section

721.130	General
721.131	Hazardous Wastes from Nonspecific Sources
721.132	Hazardous Waste from Specific Sources
721.133	Discarded Commercial Chemical Products, Off-Specification Species, Container Residues, and Spill Residues Thereof
721.135	Wood Preserving Wastes

SUBPART E: EXCLUSIONS AND EXEMPTIONS

Section

721.138	Exclusion of Comparable Fuel and Syngas Fuel
721.139	Conditional Exclusion for Used, Broken CRTs and Processed CRT Glass Undergoing Recycling
721.140	Conditional Exclusion for Used, Intact CRTs Exported for Recycling
721.141	Notification and Recordkeeping for Used, Intact CRTs Exported for Reuse

SUBPART H: FINANCIAL REQUIREMENTS FOR MANAGEMENT OF EXCLUDED HAZARDOUS SECONDARY MATERIALS

Section

721.240	Applicability
721.241	Definitions of Terms as Used in This Subpart
721.242	Cost Estimate
721.243	Financial Assurance Condition
721.247	Liability Requirements
721.248	Incapacity of Owners or Operators, Guarantors, or Financial Institutions
721.249	Use of State-Required Mechanisms
721.250	State Assumption of Responsibility
721.251	Wording of the Instruments
721.APPENDIX A	Representative Sampling Methods
721.APPENDIX B	Method 1311 Toxicity Characteristic Leaching Procedure (TCLP) <u>(Repealed)</u>
721.APPENDIX C	Chemical Analysis Test Methods <u>(Repealed)</u>
721.TABLE A	Analytical Characteristics of Organic Chemicals (Repealed)
721.TABLE B	Analytical Characteristics of Inorganic Species (Repealed)
721.TABLE C	Sample Preparation/Sample Introduction Techniques (Repealed)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

721.APPENDIX G	Basis for Listing Hazardous Wastes
721.APPENDIX H	Hazardous Constituents
721.APPENDIX I	Wastes Excluded by Administrative Action
721.TABLE A	Wastes Excluded by USEPA pursuant to 40 CFR 260.20 and 260.22 from Non-Specific Sources
721.TABLE B	Wastes Excluded by USEPA pursuant to 40 CFR 260.20 and 260.22 from Specific Sources
721.TABLE C	Wastes Excluded by USEPA pursuant to 40 CFR 260.20 and 260.22 from Commercial Chemical Products, Off-Specification Species, Container Residues, and Soil Residues Thereof
721.TABLE D	Wastes Excluded by the Board by Adjusted Standard
721.APPENDIX J	Method of Analysis for Chlorinated Dibenzo-p-Dioxins and Dibenzofurans (Repealed)
721.APPENDIX Y	Table to Section 721.138: Maximum Contaminant Concentration and Minimum Detection Limit Values for Comparable Fuel Specification
721.APPENDIX Z	Table to Section 721.102: Recycled Materials that Are Solid Waste

AUTHORITY: Implementing Sections 7.2 and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4 and 27].

SOURCE: Adopted in R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18 at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R82-19 at 7 Ill. Reg. 13999, effective October 12, 1983; amended in R84-34, 61 at 8 Ill. Reg. 24562, effective December 11, 1984; amended in R84-9 at 9 Ill. Reg. 11834, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 998, effective January 2, 1986; amended in R85-2 at 10 Ill. Reg. 8112, effective May 2, 1986; amended in R86-1 at 10 Ill. Reg. 14002, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20647, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6035, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13466, effective August 4, 1987; amended in R87-32 at 11 Ill. Reg. 16698, effective September 30, 1987; amended in R87-5 at 11 Ill. Reg. 19303, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2456, effective January 15, 1988; amended in R87-30 at 12 Ill. Reg. 12070, effective July 12, 1988; amended in R87-39 at 12 Ill. Reg. 13006, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 382, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18300, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14401, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16472, effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7950, effective May 9, 1991; amended in R90-11 at 15 Ill. Reg. 9332, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14473, effective September 30, 1991; amended in R91-12 at 16 Ill. Reg. 2155, effective January 27, 1992; amended in R91-26 at 16 Ill. Reg. 2600, effective February 3, 1992;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

amended in R91-13 at 16 Ill. Reg. 9519, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17666, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5650, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20568, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6741, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12175, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17490, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9522, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 10963, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 275, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7615, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17531, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1718, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9135, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. 9481, effective June 20, 2000; amended in R01-3 at 25 Ill. Reg. 1281, effective January 11, 2001; amended in R01-21/R01-23 at 25 Ill. Reg. 9108, effective July 9, 2001; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6584, effective April 22, 2002; amended in R03-18 at 27 Ill. Reg. 12760, effective July 17, 2003; amended in R04-16 at 28 Ill. Reg. 10693, effective July 19, 2004; amended in R05-8 at 29 Ill. Reg. 6003, effective April 13, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 2992, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 791, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 11786, effective July 14, 2008; amended in R09-3 at 33 Ill. Reg. 986, effective December 30, 2008; amended in R09-16/R10-4 at 34 Ill. Reg. 18611, effective November 12, 2010; amended in R11-2/R11-16 at 35 Ill. Reg. 17734, effective October 14, 2011; amended in R13-5 at 37 Ill. Reg. 3213, effective March 4, 2013.

SUBPART D: LISTS OF HAZARDOUS WASTE

Section 721.132 Hazardous Waste from Specific Sources

- a) The following solid wastes are listed hazardous wastes from specific sources unless they are excluded under 35 Ill. Adm. Code 720.120 and 720.122 and listed in Appendix I of this Part.

USEPA

Hazardous

Waste No.

Industry and Hazardous Waste

Hazard Code

Wood Preservation Process Wastes:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

K001 Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote or pentachlorophenol. (T)

Inorganic Pigments Production Wastes:

K002 Wastewater treatment sludge from the production of chrome yellow and orange pigments. (T)

K003 Wastewater treatment sludge from the production of molybdate orange pigments. (T)

K004 Wastewater treatment sludge from the production of zinc yellow pigments. (T)

K005 Wastewater treatment sludge from the production of chrome green pigments. (T)

K006 Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous and hydrated). (T)

K007 Wastewater treatment sludge from the production of iron blue pigments. (T)

K008 Oven residue from the production of chrome oxide green pigments. (T)

Organic Chemicals Production Wastes:

K009 Distillation bottoms from the production of acetaldehyde from ethylene. (T)

K010 Distillation side cuts from the production of acetaldehyde from ethylene. (T)

K011 Bottom stream from the wastewater stripper in the production of acrylonitrile. (R, T)

K013 Bottom stream from the acetonitrile column in the production of acrylonitrile. (T)

K014 Bottoms from the acetonitrile purification column in the production of acrylonitrile. (T)

K015 Still bottoms from the distillation of benzyl chloride. (T)

K016 Heavy ends or distillation residues from the production of carbon tetrachloride. (T)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

K017	Heavy ends (still bottoms) from the purification column in the production of epichlorohydrin.	(T)
K018	Heavy ends from the fractionation column in ethyl chloride production.	(T)
K019	Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production.	(T)
K020	Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production.	(T)
K021	Aqueous spent antimony catalyst waste from fluoromethanes production.	(T)
K022	Distillation bottom tars from the production of phenol/acetone from cumene.	(T)
K023	Distillation light ends from the production of phthalic anhydride from naphthalene.	(T)
K024	Distillation bottoms from the production of phthalic anhydride from naphthalene.	(T)
K093	Distillation light ends from the production of phthalic anhydride from ortho-xylene.	(T)
K094	Distillation bottoms from the production of phthalic anhydride from ortho-xylene.	(T)
K025	Distillation bottoms from the production of nitrobenzene by the nitration of benzene.	(T)
K026	Stripping still tails from the production of methyl ethyl pyridines.	(T)
K027	Centrifuge and distillation residues from toluene diisocyanate production.	(R, T)
K028	Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane.	(T)
K029	Waste from the product stream stripper in the production of 1,1,1-trichloroethane.	(T)
K095	Distillation bottoms from the production of 1,1,1-trichloroethane.	(T)
K096	Heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane.	(T)
K030	Column bottoms or heavy ends from the combined production of trichloroethylene and perchloroethylene.	(T)
K083	Distillation bottoms from aniline production.	(T)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

K103	Process residues from aniline extraction from the production of aniline.	(T)
K104	Combined wastewater streams generated from nitrobenzene/aniline production.	(T)
K085	Distillation or fractionation column bottoms from the production of chlorobenzenes.	(T)
K105	Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes.	(T)
K107	Column bottoms from product separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(C, T)
K108	Condensed column overheads from product separation and condensed reactor vent gases from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(I, T)
K109	Spent filter cartridges from the product purification from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(T)
K110	Condensed column overheads from intermediate separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(T)
K111	Product wastewaters from the production of dinitrotoluene via nitration of toluene.	(C,T)
K112	Reaction by-product water from the drying column in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K113	Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K114	Vicinals from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

K115	Heavy ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K116	Organic condensate from the solvent recovery column in the production of toluene diisocyanate via phosgenation of toluenediamine.	(T)
K117	Wastewater from the reactor vent gas scrubber in the production of ethylene dibromide via bromination of ethene.	(T)
K118	Spent adsorbent solids from purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.	(T)
K136	Still bottoms from the purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.	(T)
K156	Organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.)	(T)
K157	Wastewaters (including scrubber waters, condenser waters, washwaters, and separation waters) from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.)	(T)
K158	Baghouse dusts and filter/separation solids from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.)	(T)
K159	Organics from the treatment of thiocarbamate wastes.	(T)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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| K161 | Purification solids (including filtration, evaporation, and centrifugation solids), bag house dust, and floor sweepings from the production of dithiocarbamate acids and their salts. (This listing does not include K125 or K126.) | (R, T) |
| K174 | Wastewater treatment sludges from the production of ethylene dichloride or vinyl chloride monomer (including sludges that result from commingled ethylene dichloride or vinyl chloride monomer wastewater and other wastewater), unless the sludges meet the following conditions: (1) the sludges are disposed of in a RCRA Subtitle C (42 USC 6921-6939e) or non-hazardous landfill licensed or permitted by a state or the federal government; (2) the sludges are not otherwise placed on the land prior to final disposal; and (3) the generator maintains documentation demonstrating that the waste was either disposed of in an on-site landfill or consigned to a transporter or disposal facility that provided a written commitment to dispose of the waste in an off-site landfill. Upon a showing by the government that a respondent in any enforcement action brought to enforce the requirements of Subtitle C of this Part managed wastewater treatment sludges from the production of vinyl chloride monomer or ethylene dichloride, the respondent must demonstrate that it meets the conditions of the exclusion that are set forth above. In doing so, the respondent must provide appropriate documentation that the terms of the exclusion were met (e.g., contracts between the generator and the landfill owner or operator, invoices documenting delivery of waste to landfill, etc.). | (T) |

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

K175 Wastewater treatment sludges from the (T)
 production of vinyl chloride monomer using
 mercuric chloride catalyst in an acetylene-based
 process.

Inorganic Chemicals Production Wastes:

K071 Brine purification muds from the mercury cell (T)
 process in chlorine production, where separately
 prepurified brine is not used.

K073 Chlorinated hydrocarbon waste from the (T)
 purification step of the diaphragm cell process
 using graphite anodes in chlorine production.

K106 Wastewater treatment sludge from the mercury (T)
 cell process in chlorine production.

K176 Baghouse filters from the production of (E)
 antimony oxide, including filters from the
 production of intermediates (e.g., antimony
 metal or crude antimony oxide).

K177 Slag from the production of antimony oxide that (T)
 is speculatively accumulated or disposed of,
 including slag from the production of
 intermediates (e.g., antimony metal or crude
 antimony oxide).

K178 Residues from manufacturing and (T)
 manufacturing-site storage of ferric chloride
 from acids formed during the production of
 titanium dioxide using the chloride-ilmenite
 process.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- K181 Nonwastewaters from the production of dyes or pigments (including nonwastewaters commingled at the point of generation with nonwastewaters from other processes) that, at the point of generation, contain mass loadings of any of the constituents identified in subsection (c) of this Section that are equal to or greater than the corresponding subsection (c) levels, as determined on a calendar year basis. These wastes will not be hazardous if the nonwastewaters are managed in one of the following ways: (T)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) They are disposed of in a municipal solid waste landfill unit that is subject to the design criteria in 35 Ill. Adm. Code 811.303 through 811.309 and 811.315 through 811.317 and Subpart E of 35 Ill. Adm. Code 811 or 35 Ill. Adm. Code 814.302 and 814.402;
- 2) They are disposed of in a hazardous waste landfill unit that is subject to either 35 Ill. Adm. Code 724.401 or 725.401;
- 3) They are disposed of in other municipal solid waste landfill units that meet the design criteria in 35 Ill. Adm. Code 811.303 through 811.309 and 811.315 through 811.317 and Subpart E of 35 Ill. Adm. Code 811 or 35 Ill. Adm. Code 814.302 and 814.402, 35 Ill. Adm. Code 724.401, or 35 Ill. Adm. Code 725.401; or
- 4) They are treated in a combustion unit that is permitted under 415 ILCS 5/39(d), or an onsite combustion unit that is permitted under 415 ILCS 5/39.5.

For the purposes of this listing, dyes or pigments production is defined in subsection (b)(1) of this Section. Subsection (d) of this Section describes the process for demonstrating that a facility's nonwastewaters are not K181 waste. This listing does not apply to wastes that are otherwise identified as hazardous under Sections 721.121 through 721.124 and 721.131 through 721.133 at the point of generation. Also, the listing does not apply to wastes generated before any annual mass loading limit is met, as set forth in subsection (c) of this Section.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Pesticides Production Wastes:

K031	By-product salts generated in the production of MSMA and cacodylic acid.	(T)
K032	Wastewater treatment sludge from the production of chlordane.	(T)
K033	Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chlordane.	(T)
K034	Filter solids from the filtration of hexachlorocyclopentadiene in the production of chlordane.	(T)
K097	Vacuum stripper discharge from the chlordane chlorinator in the production of chlordane.	(T)
K035	Wastewater treatment sludges generated in the production of creosote.	(T)
K036	Still bottoms from toluene reclamation distillation in the production of disulfoton.	(T)
K037	Wastewater treatment sludges from the production of disulfoton.	(T)
K038	Wastewater from the washing and stripping of phorate production.	(T)
K039	Filter cake from the filtration of diethylphosphorodithioic acid in the production of phorate.	(T)
K040	Wastewater treatment sludge from the production of phorate.	(T)
K041	Wastewater treatment sludge from the production of toxaphene.	(T)
K098	Untreated process wastewater from the production of toxaphene.	(T)
K042	Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T.	(T)
K043	2,6-Dichlorophenol waste from the production of 2,4-D.	(T)
K099	Untreated wastewater from the production of 2,4-D.	(T)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

K123	Process wastewater (including supernates, filtrates, and washwaters) from the production of ethylenebisdithiocarbamic acid and its salts.	(T)
K124	Reactor vent scrubber water from the production of ethylenebisdithiocarbamic acid and its salts.	(C, T)
K125	Filtration, evaporation, and centrifugation solids from the production of ethylenebisdithiocarbamic acid and its salts.	(T)
K126	Baghouse dust and floor sweepings in milling and packaging operations from the production or formulation of ethylenebisdithiocarbamic acid and its salts.	(T)
K131	Wastewater from the reactor and spent sulfuric acid from the acid dryer from the production of methyl bromide.	(C, T)
K132	Spent absorbent and wastewater separator solids from the production of methyl bromide.	(T)
Explosives Production Wastes:		
K044	Wastewater treatment sludges from the manufacturing and processing of explosives.	(R)
K045	Spent carbon from the treatment of wastewater containing explosives.	(R)
K046	Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds.	(T)
K047	Pink/red water from TNT operations.	(R)
Petroleum Refining Wastes:		
K048	Dissolved air flotation (DAF) float from the petroleum refining industry.	(T)
K049	Slop oil emulsion solids from the petroleum refining industry.	(T)
K050	Heat exchanger bundle cleaning sludge from the petroleum refining industry.	(T)
K051	API separator sludge from the petroleum refining industry.	(T)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

K052	Tank bottoms (leaded) from the petroleum refining industry.	(T)
K169	Crude oil storage tank sediment from petroleum refining operations.	(T)
K170	Clarified slurry oil tank sediment or in-line filter/separation solids from petroleum refining operations.	(T)
K171	Spent hydrotreating catalyst from petroleum refining operations, including guard beds used to desulfurize feeds to other catalytic reactors (this listing does not include inert support media).	(I, T)
K172	Spent hydrorefining catalyst from petroleum refining operations, including guard beds used to desulfurize feeds to other catalytic reactors (this listing does not include inert support media).	(I, T)

Iron and Steel Production Wastes:

K061	Emission control dust/sludge from the primary production of steel in electric furnaces.	(T)
K062	Spent pickle liquor generated by steel finishing operations of facilities within the iron and steel industry (SIC Codes 331 and 332) (as defined in 35 Ill. Adm. Code 720.110).	(C, T)

Primary Aluminum Production Wastes:

K088	Spent potliners from primary aluminum reduction.	(T)
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Secondary Lead Production Wastes:

K069	Emission control dust/sludge from secondary lead smelting.	(T)
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BOARD NOTE: This listing is administratively stayed for sludge generated from secondary acid scrubber systems. The stay will remain in effect until this note is removed.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

K100 Waste leaching solution from acid leaching of emission control dust/sludge from secondary lead smelting. (T)

Veterinary Pharmaceuticals Production Wastes:

K084 Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds. (T)

K101 Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds. (T)

K102 Residue from use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds. (T)

Ink Formulation Wastes:

K086 Solvent washes and sludges, caustic washes and sludges, or water washes and sludges from cleaning tubs and equipment used in the formulation of ink from pigments, dyes, soaps and stabilizers containing chromium and lead. (T)

Coke Production Wastes:

K060 Ammonia still lime sludge from coking operations. (T)

K087 Decanter tank tar sludge from coking operations. (T)

K141 Process residues from the recovery of coal tar, including, but not limited to, collecting sump residues from the production of coke from coal or the recovery of coke by-products produced from coal. This listing does not include K087 (decanter tank tar sludges from coking operations). (T)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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| K142 | Tar storage tank residues from the production of coke from coal or from the recovery of coke by-products produced from coal. | (T) |
| K143 | Process residues from the recovery of light oil, including, but not limited to, those generated in stills, decanters, and wash oil recovery units from the recovery of coke by-products produced from coal. | (T) |
| K144 | Wastewater sump residues from light oil refining, including, but not limited to, intercepting or contamination sump sludges from the recovery of coke by-products produced from coal. | (T) |
| K145 | Residues from naphthalene collection and recovery operations from the recovery of coke by-products produced from coal. | (T) |
| K147 | Tar storage tank residues from coal tar refining. | (T) |
| K148 | Residues from coal tar distillation, including, but not limited to, still bottoms. | (T) |
| K149 | Distillation bottoms from the production of α - (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups. (This waste does not include still bottoms from the distillation of benzyl chloride.) | (T) |
| K150 | Organic residuals, excluding spent carbon adsorbent, from the spent chlorine gas and hydrochloric acid recovery processes associated with the production of α - (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups. | (T) |
| K151 | Wastewater treatment sludges, excluding neutralization and biological sludges, generated during the treatment of wastewaters from the production of α - (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups. | (T) |

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- b) Listing-specific definition: For the purposes of the K181 hazardous waste listing in subsection (a) of this Section, "dyes or pigments production" includes manufacture of the following product classes: dyes, pigments, and FDA-certified colors that are in the azo, triarylmethane, perylene, and anthraquinone classes. Azo products include azo, monoazo, diazo, triazo, polyazo, azoic, benzidine, and pyrazolone products. Triarylmethane products include both triarylmethane and triphenylmethane products. Wastes that are not generated at a dyes or pigments manufacturing site, such as wastes from the offsite use, formulation, and packaging of dyes or pigments, are not included in the K181 listing.
- c) K181 listing levels. Nonwastewaters containing constituents in amounts equal to or exceeding the following levels during any calendar year are subject to the K181 hazardous waste listing in subsection (a) of this Section, unless the conditions in the K181 hazardous waste listing are met:

Constituent	Chemical Abstracts No.	Mass Levels (kg/yr)
Aniline	62-53-3	9,300
o-Anisidine	90-04-0	110
4-Chloroaniline	106-47-8	4,800
p-Cresidine	120-71-8	660
2,4-Dimethylaniline	95-68-1	100
1,2-Phenylenediamine	95-54-5	710
1,3-Phenylenediamine	108-45-2	1,200

- d) Procedures for demonstrating that dyes or pigments nonwastewaters are not K181 waste. The procedures described in subsections (d)(1) through (d)(3) and (d)(5) of this Section establish when nonwastewaters from the production of dyes or pigments would not be hazardous. (These procedures apply to wastes that are not disposed of in landfill units or treated in combustion units, as specified in subsection (a) of this Section). If the nonwastewaters are disposed of in landfill units or treated in combustion units as described in subsection (a) of this Section, then the nonwastewaters are not hazardous. In order to demonstrate that it is meeting the landfill disposal or combustion conditions contained in the K181 waste listing description, the generator must maintain documentation as described in subsection (d)(4) of this Section.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Determination based on no K181 waste constituents. A generator that has knowledge (e.g., knowledge of constituents in wastes based on prior sampling and analysis data or information about raw materials used, production processes used, and reaction and degradation products formed) that its waste contains none of the K181 waste constituents (see subsection (c) of this Section) can use its knowledge to determine that its waste is not K181 waste. The generator must document the basis for all such determinations on an annual basis and keep each annual documentation for three years.
- 2) Determination for generated quantities of 1,000 tonnes (1,000 metric tons) per year or less for wastes that contain K181 waste constituents. If the total annual quantity of dyes or pigments nonwastewaters generated is 1,000 tonnes or less, the generator can use knowledge of the wastes (e.g., knowledge of constituents in wastes based on prior analytical data or information about raw materials used, production processes used, and reaction and degradation products formed) to conclude that annual mass loadings for the K181 constituents are below the listing levels of subsection (c) of this Section. To make this determination, the generator must fulfill the following conditions:
 - A) Each year, the generator must document the basis for determining that the annual quantity of nonwastewaters expected to be generated will be less than 1,000 tonnes;
 - B) The generator must track the actual quantity of nonwastewaters generated from January 1 through December 31 of each calendar year. If, at any time within the year, the actual waste quantity exceeds 1,000 tonnes, the generator must comply with the requirements of subsection (d)(3) of this Section for the remainder of that calendar year;
 - C) The generator must keep a running total of the K181 waste constituent mass loadings over the course of the calendar year; and
 - D) The generator must keep the following records on site for the three most recent calendar years in which the hazardous waste determinations were made:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- i) The quantity of dyes or pigments nonwastewaters generated;
 - ii) The relevant process information used; and
 - iii) The calculations performed to determine annual total mass loadings for each K181 waste constituent in the nonwastewaters during the year.
- 3) Determination for generated quantities greater than 1,000 tonnes per year for wastes that contain K181 constituents. If the total annual quantity of dyes or pigments nonwastewaters generated is greater than 1,000 tonnes, the generator must perform each of the following steps in order to make a determination that its waste is not K181 waste:
 - A) The generator must determine which K181 waste constituents (see subsection (c) of this Section) are reasonably expected to be present in the wastes based on knowledge of the wastes (e.g., based on prior sampling and analysis data or information about raw materials used, production processes used, and reaction and degradation products formed);
 - B) If 1,2-phenylenediamine is present in the wastes, the generator can use either knowledge of the wastes or sampling and analysis procedures to determine the level of this constituent in the wastes. For determinations based on use of knowledge of the wastes, the generator must comply with the procedures for using knowledge of the wastes described in subsection (d)(2) of this Section and keep the records described in subsection (d)(2)(D) of this Section. For determinations based on sampling and analysis, the generator must comply with the sampling and analysis and recordkeeping requirements described in subsection (d)(3)(C) of this Section;
 - C) The generator must develop a waste sampling and analysis plan (or modify an existing plan) to collect and analyze representative waste samples for the K181 waste constituents reasonably expected to be present in the wastes. At a minimum, the plan must include the following elements:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- i) A discussion of the number of samples needed to characterize the wastes fully;
 - ii) The planned sample collection method to obtain representative waste samples;
 - iii) A discussion of how the sampling plan accounts for potential temporal and spatial variability of the wastes; and
 - iv) A detailed description of the test methods to be used, including sample preparation, clean up (if necessary), and determinative methods;
- D) The generator must collect and analyze samples in accordance with the waste sampling and analysis plan, and the plan must fulfill the following requirements:
- i) The sampling and analysis must be unbiased, precise, and representative of the wastes; and
 - ii) The analytical measurements must be sufficiently sensitive, accurate, and precise to support any claim that the constituent mass loadings are below the listing levels of subsection (c) of this Section;
- E) The generator must record the analytical results;
- F) The generator must record the waste quantity represented by the sampling and analysis results;
- G) The generator must calculate constituent-specific mass loadings (product of concentrations and waste quantity);
- H) The generator must keep a running total of the K181 waste constituent mass loadings over the course of the calendar year;
- I) The generator must determine whether the mass of any of the K181 waste constituents listed in subsection (c) of this Section

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

generated between January 1 and December 31 of any calendar year is below the K181 waste listing levels;

- J) The generator must keep the following records on site for the three most recent calendar years in which the hazardous waste determinations are made:
- i) The sampling and analysis plan;
 - ii) The sampling and analysis results (including quality assurance or quality control data);
 - iii) The quantity of dyes or pigments nonwastewaters generated; and
 - iv) The calculations performed to determine annual mass loadings; and
- K) The generator must conduct non-hazardous waste determinations annually to verify that the wastes remain non-hazardous.
- i) The annual testing requirements are suspended after three consecutive successful annual demonstrations that the wastes are non-hazardous. The generator can then use knowledge of the wastes to support subsequent annual determinations.
 - ii) The annual testing requirements are reinstated if the manufacturing or waste treatment processes generating the wastes are significantly altered, resulting in an increase of the potential for the wastes to exceed the listing levels.
 - iii) If the annual testing requirements are suspended, the generator must keep records of the process knowledge information used to support a non-hazardous determination. If testing is reinstated, the generator must retain a description of the process change.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 4) Recordkeeping for the landfill disposal and combustion exemptions. For the purposes of meeting the landfill disposal and combustion condition set out in the K181 waste listing description in subsection (a) of this Section, the generator must maintain on site for three years documentation demonstrating that each shipment of waste was received by a landfill unit that is subject to or which meets the landfill design standards set out in the listing description or that the waste was treated in combustion units, as specified in the listing description in subsection (a) of this Section.
- 5) Waste holding and handling. During the interim period, from the point of generation to completion of the hazardous waste determination, the generator must store the wastes appropriately. If the wastes are determined to be hazardous and the generator has not complied with the hazardous waste storage requirements of 35 Ill. Adm. Code 722.134 during the interim period, the generator could be subject to an enforcement action for improper hazardous waste management.

(Source: Amended at 37 Ill. Reg. 3213, effective March 4, 2013)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 721.~~APPENDIX~~**Appendix A Representative Sampling Methods**

The methods and equipment used for sampling waste materials will vary with the form and consistency of the waste materials to be sampled. Samples collected using the sampling protocols listed below, for sampling waste with properties similar to the indicated materials, are considered by USEPA to be representative of the waste.

Extremely viscous liquid: ASTM D 140-70 (Standard Practice for Sampling Bituminous Materials), incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Crushed or powdered material: ASTM D 346-75 (Standard Practice for Collection and Preparation of Coke Samples for Laboratory Analysis), incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Soil or rock-like material: ASTM D 420-69 (Guide to Site Characterization for Engineering, Design, and Construction Purposes), incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Soil-like material: ASTM D 1452-65 (Standard Practice for Soil Investigation and Sampling by Auger Borings), incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Fly ash-like material: ASTM D 2234-76 (Standard Practice for Collection of a Gross Sample of Coal), incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Containerized liquid wastes: "Composite Liquid Waste Sampler (COLIWASA)."

Liquid waste in pits, ponds, lagoons, and similar reservoirs: "Pond Sampler."

(Source: Amended at 37 Ill. Reg. 3213, effective March 4, 2013)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

| Section 721.~~APPENDIX~~**Appendix I** Wastes Excluded by
Administrative Action

| Section 721.~~TABLE~~**Table A** Wastes Excluded by USEPA pursuant to 40 CFR 260.20 and
260.22 from Non-Specific Sources

Facility Address

Waste Description

(None excluded from an Illinois source at this time)

(Source: Amended at 37 Ill. Reg. 3213, effective March 4, 2013)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 721. ~~APPENDIX~~Appendix I Wastes Excluded by Administrative Action

Section 721. ~~TABLE~~Table B Wastes Excluded by USEPA pursuant to 40 CFR 260.20 and 260.22 from Specific Sources

Facility Address	Waste Description
Amoco Oil Company Wood River, Illinois	150 million gallons of DAF float from petroleum refining contained in four surge ponds after treatment with the Chemfix stabilization process. This waste contains USEPA hazardous waste number K048. This exclusion applies to the 150 million gallons of waste after chemical stabilization as long as the mixing ratios of the reagent with the waste are monitored continuously and do not vary outside of the limits presented in the demonstration samples and one grab sample is taken each hour from each treatment unit, composited, and TCLP tests performed on each sample. If the levels of lead or total chromium exceed 0.5 ppm in the EP extract, then the waste that was processed during the compositing period is considered hazardous; the treatment residue must be pumped into bermed cells to ensure that the waste is identifiable in the event that removal is necessary.
Conversion Systems, Inc. Horsham, Pennsylvania (Sterling, Illinois operations)	Chemically stabilized electric arc furnace dust (CSEAFD) that is generated by Conversion Systems, Inc. (CSI) (using the Super Detox [®] treatment process, as modified by CSI to treat electric arc furnace dust (EAFD) (USEPA hazardous waste no. K061)), at the following site and which is disposed of in a RCRA Subtitle D municipal solid waste landfill (MSWLF): Northwestern Steel, Sterling, Illinois. CSI must implement a testing program for each site that meets the following conditions: 1. Verification testing requirements: Sample collection and analyses, including quality control procedures, must be performed using appropriate methods. As applicable to the method-defined parameters of concern, analyses requiring

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

the use of methods in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a), must be used without substitution. As applicable, the EPA-530/SW-846 methods might include Methods 0010, 0011, 0020, 0023A, 0030, 0031, 0040, 0050, 0051, 0060, 0061, 1010A, 1020B, 1110A, 1310B, 1311, 1312, 1320, 1330A, 9010C, 9012B, 9040C, 9045D, 9060A, 9070A (uses USEPA Method 1664, Rev. A), 9071B, and 9095B.

- A. Initial verification testing: During the first 20 days of full-scale operation of a newly-constructed Super Detox[®] treatment facility, CSI must analyze a minimum of four composite samples of CSEAFD representative of the full 20-day period. Composite samples must be composed of representative samples collected from every batch generated. The CSEAFD samples must be analyzed for the constituents listed in condition 3 below. CSI must report the operational and analytical test data, including quality control information, obtained during this initial period no later than 60 days after the generation of the first batch of CSEAFD.
- B. Addition of new Super Detox[®] treatment facilities to the exclusion:

Option 1: If USEPA approves additional facilities, CSI may petition the Board for identical-in substance amendment of this exclusion pursuant to Section 22.4 for the Act and 35 Ill. Adm. Code 102 and 720.120(a), or

Option 2: If USEPA has not approved such amendment, CSI may petition the Board for amendment pursuant to the general rulemaking procedures of Section 27 of the Act and 35 Ill. Adm. Code 102 and 720.120(b); or

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Option 3: Alternatively to options 1 or 2 above, CSI may petition the Board for a hazardous waste delisting pursuant to Section 28.1 of the Act and Subpart D of 35 Ill. Adm. Code 104 and 35 Ill. Adm. Code 720.122.

If CSI pursues general rulemaking (option 2 above) or hazardous waste delisting (option 3 above), it must demonstrate that the CSEAFD generated by a specific Super Detox[®] treatment facility consistently meets the delisting levels specified in condition 3 below.

- C. Subsequent verification testing: For the approved facility, CSI must collect and analyze at least one composite sample of CSEAFD each month. The composite samples must be composed of representative samples collected from all batches treated in each month. These monthly representative samples must be analyzed, prior to the disposal of the CSEAFD, for the constituents listed in condition 3 below. CSI may, at its discretion, analyze composite samples gathered more frequently to demonstrate that smaller batches of waste are non-hazardous.
2. Waste holding and handling: CSI must store as hazardous all CSEAFD generated until verification testing, as specified in condition 1A or 1C above, as appropriate, is completed and valid analyses demonstrate that condition 3 below is satisfied. If the levels of constituents measured in the samples of CSEAFD do not exceed the levels set forth in condition 3, then the CSEAFD is non-hazardous and may be disposed of in a RCRA Subtitle D municipal solid waste landfill. If constituent levels in a sample exceed any of the delisting levels set forth in condition 3 below, the CSEAFD generated during the time period corresponding to this sample must be retreated until it meets these levels or managed and disposed of as hazardous waste, in accordance with 35 Ill. Adm. Code 702 through 705, 720 through 728, 733, 738, and 739. CSEAFD generated by a new CSI treatment facility must be managed as a hazardous waste

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

prior to the addition of the name and location of the facility to this exclusion pursuant to condition 1C above. After addition of the new facility to the exclusion pursuant to condition 1B above, CSEAFD generated during the verification testing in condition 1A is also non-hazardous if the delisting levels in condition 3 are satisfied.

3. Delisting levels: All leachable concentrations for metals must not exceed the following levels (in parts per million (ppm)): antimony – 0.06; arsenic – 0.50; barium – 7.6; beryllium – 0.010; cadmium – 0.050; chromium – 0.33; lead – 0.15; mercury – 0.009; nickel – 1; selenium – 0.16; silver – 0.30; thallium – 0.020; vanadium – 2; and zinc – 70. Metal concentrations must be measured in the waste leachate by the method specified in Section 721.124.
4. Changes in operating conditions: After initiating subsequent testing, as described in condition 1C, if CSI significantly changes the stabilization process established pursuant to condition 1 (e.g., use of new stabilization reagents), CSI must seek amendment of this exclusion using one of the options set forth in condition 1B above. After written amendment of this exclusion, CSI may manage CSEAFD wastes generated from the new process as non-hazardous if the wastes meet the delisting levels set forth in condition 3 above.
5. Data submittals: At least one month prior to operation of a new Super Detox[®] treatment facility, CSI must notify the Agency in writing when the Super Detox[®] treatment facility is scheduled to be on-line. The data obtained through condition 1A must be submitted to the Agency within the time period specified. Records of operating conditions and analytical data from condition 1 must be compiled, summarized, and maintained on site for a minimum of five years. These records and data must be furnished to the Agency upon request and made available for inspection. Failure to submit the required data within the specified time period or to maintain the required records on site for the

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

specified time will be considered a violation of the Act and Board regulations. All data submitted must be accompanied by a signed copy of the following certification statement to attest to the truth and accuracy of the data submitted:

"Under civil and criminal penalty of law for the making or submission of false or fraudulent statements or representations, I certify that the information contained in or accompanying this document is true, accurate, and complete.

"As to (those) identified section(s) of this document for which I cannot personally verify its (their) truth and accuracy, I certify as the company official having supervisory responsibility for the persons who, acting under my direct instructions, made the verification that this information is true, accurate, and complete.

"In the event that any of this information is determined by the Board or a court of law to be false, inaccurate, or incomplete, and upon conveyance of this fact to the company, I recognize and agree that this exclusion of waste will be void as if it never had effect or to the extent directed by the Board or court and that the company will be liable for any actions taken in contravention of the company's obligations under the federal RCRA and Comprehensive Environmental Response, Compensation and Liability Act (42 USC 9601 et seq.) and corresponding provisions of the Act premised upon the company's reliance on the void exclusion."

BOARD NOTE: The obligations of this exclusion are derived from but also distinct from the obligations under the corresponding federally-granted exclusion of table 2 of appendix IX to 40 CFR 261.

(Source: Amended at 37 Ill. Reg. 3213, effective March 4, 2013)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

| Section 721.~~APPENDIX~~**Appendix I** Wastes Excluded by
Administrative Action

| Section 721.~~TABLE~~**Table C** Wastes Excluded by USEPA pursuant to 40 CFR 260.20 and
260.22 from Commercial Chemical Products, Off-Specification Species, Container
Residues, and Soil Residues Thereof

Facility Address

Waste Description

(None excluded from an Illinois source at this time)

(Source: Amended at 37 Ill. Reg. 3213, effective March 4, 2013)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 721.~~APPENDIX~~Appendix I Wastes Excluded by Administrative Action**Section 721.~~TABLE~~Table D Wastes by the Board by Adjusted Standard**

The Board has entered the following orders on petitions for adjusted standards for delisting, pursuant to 35 Ill. Adm. Code 720.122.

- | | |
|-------------------|--|
| <u>AS 91-1</u> | <u>Petition of Keystone Steel & Wire Co. for Hazardous Waste Delisting, AS 91-1 (Feb. 6, 1992 and Apr. 23, 1992). (Chemically stabilized electric arc furnace dust (K061 waste).)</u> |
| AS91-1 | Petition of Keystone Steel and Wire Co. for Hazardous Waste Delisting, February 6, 1992, and modified at 133 PCB-189, April 23, 1992. (Treated K061 waste) |
| <u>AS 91-3</u> | <u>Petition of Peoria Disposal Company for an Adjusted Standard from 35 Ill. Adm. Code 721.Subpart D, AS 91-3 (Feb. 4, 1993 and Mar. 11, 1993). (Chemically stabilized wastewater treatment sludges from electroplating, anodizing, chemical milling and etching, and circuit board manufacturing (F006 waste).)</u> |
| AS91-3 | Petition of Peoria Disposal Co. for an Adjusted Standard from Subpart D of 35 Ill. Adm. Code 721, February 6 and March 11, 1993. (Treated F006 waste) |
| <u>AS 93-7</u> | <u>Petition of Keystone Steel & Wire Company for an Adjusted Standard from 35 Ill. Am. Code 721.132, AS 93-7 (Feb. 17, 1994, Mar. 17, 1994, and Dec. 14, 1994). (Chemically stabilized waste pickling liquor (K062 waste).)</u> |
| AS93-7 | Petition of Keystone Steel & Wire Co. for an Adjusted Standard from Subpart D of 35 Ill. Adm. Code 721, February 17, 1994, as modified March 17, 1994. (Treated K062 waste) |
| <u>AS 94-10</u> | <u>Petition of Envirite Corporation for an Adjusted Standard from 35 Ill. Adm. Code 721.Subpart D, AS 94-10 (Dec. 14, 1994 and Feb. 16, 1995). (Sludge from the treatment of multiple hazardous wastes (F006, F007, F008, F009, F011, F012, F019, K002, K003, K004, K005, K006, K007,</u> |

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

K008, and K062 wastes).

~~AS94-10 Petition of Envirote Corporation for an Adjusted Standard from Subpart D of 35 Ill. Adm. Code 721, December 14, 1994, as modified on February 16, 1995. (Treated F006, F007, F008, F009, F011, F012, F019, K002, K003, K004, K005, K006, K007, K008, and K062 wastes)~~

(Source: Amended at 37 Ill. Reg. 3213, effective March 4, 2013)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities
- 2) Code Citation: 35 Ill. Adm. Code 726
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
726.120	Amendment
726.APPENDIX A	Amendment
726.APPENDIX B	Amendment
726.APPENDIX C	Amendment
726.APPENDIX D	Amendment
726.APPENDIX E	Amendment
726.APPENDIX F	Amendment
726.APPENDIX G	Amendment
726.APPENDIX H	Amendment
726.APPENDIX I	Amendment
726.APPENDIX K	Amendment
726.APPENDIX L	Amendment
726.APPENDIX M	Amendment
726.TABLE A	Amendment
- 4) Statutory Authority: 415 ILCS 5/7.2, 22.4, and 27
- 5) Effective Date of Rulemaking: March 4, 2013
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Statement of Availability: The adopted amendments, a copy of the Board's opinion and order adopted January 24, 2013 in docket R13-5, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.
- 9) Notice of Proposal published in the *Illinois Register*: November 26, 2012; 36 Ill. Reg. 16542
- 10) Has JCAR issued a Statement of Objections to these rulemakings? No

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 11) Differences between Proposal and Final Version: A table that appears in the Board's opinion and order of January 24, 2013 in docket R13-5 summarizes the differences between the amendments adopted in that order and those proposed by the Board in an opinion and order dated November 1, 2012, in docket R13-5. Many of the differences are explained in greater detail in the Board's opinion and order adopting the amendments.

The difference is limited to removal of an erroneous (mg/m³) in Appendix E. The change is intended to have no substantive effect. The intent is to add clarity to the rules without deviation from the substance of the federal amendments on which this proceeding is based.

- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

Since the Notices of Proposed Amendments appeared in the November 26, 2012 issue of the *Illinois Register*, the Board received a number of suggestions for revisions from JCAR. The Board evaluated each suggestion and incorporated a number of changes into the text as a result, as detailed in the opinion and order of January 24, 2013 in docket R13-5, as indicated in item 11 above. See the January 24, 2013 opinion and order in docket R13-5 for additional details on the JCAR suggestions and the Board actions with regard to each. One table in that opinion itemizes the changes made in response to various suggestions. Another table indicates JCAR suggestions not incorporated into the text, with a brief explanation for each.

- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any other rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The amendments to Part 726 are a single segment of the docket R13-5 rulemaking that also affects 35 Ill. Adm. Code 720 and 721, each of which is covered by a separate notice in this issue of the *Illinois Register*. To save space, a more detailed description of the subjects and issues involved in the docket R13-5 rulemaking in this issue of the *Illinois Register* only in the answer to question 5 in the Notice of Adopted Amendment for 35 Ill. Adm. Code 720. A comprehensive description

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

is contained in the Board's opinion and order of January 24, 2013, adopting amendments in docket R13-5, which opinion and order is available from the address below.

Specifically, the amendments to Part 726 implement segments of the federal amendments of April 13, 2012. The amendments incorporate federal clarifications and corrections to the hazardous waste regulations. The Board has included a limited number of corrections and clarifying amendments that are not directly derived from the instant federal amendments.

Tables appear in the Board's opinion and order of January 24, 2013 in docket R13-5 that list numerous corrections and amendments that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the January 24, 2013 opinion and order in docket R13-5.

- 16) Information and questions regarding this rulemaking shall be directed to: Please reference consolidated docket R13-5 and direct inquiries to the following person:

Michael J. McCambridge
Staff 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 January 24, 2013 at 312-814-3620. Alternatively, you may obtain a copy of the Board's opinion and order from the Internet at <http://www.ipcb.state.il.us>.

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 726

STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTE AND
SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES

SUBPART A: GENERAL

Section
726.102 Electronic Reporting

SUBPART C: RECYCLABLE MATERIALS USED IN A
MANNER CONSTITUTING DISPOSAL

Section
726.120 Applicability
726.121 Standards Applicable to Generators and Transporters of Materials Used in a
Manner that Constitutes Disposal
726.122 Standards Applicable to Storers, Who Are Not the Ultimate Users, of Materials
that Are To Be Used in a manner that Constitutes Disposal
726.123 Standards Applicable to Users of Materials that Are Used in a Manner that
Constitutes Disposal

SUBPART D: HAZARDOUS WASTE BURNED FOR ENERGY RECOVERY

Section
726.130 Applicability (Repealed)
726.131 Prohibitions (Repealed)
726.132 Standards applicable to generators of hazardous waste fuel (Repealed)
726.133 Standards applicable to transporters of hazardous waste fuel (Repealed)
726.134 Standards applicable to marketers of hazardous waste fuel (Repealed)
726.135 Standards applicable to burners of hazardous waste fuel (Repealed)
726.136 Conditional exemption for spent materials and by-products exhibiting a
characteristic of hazardous waste (Repealed)

SUBPART E: USED OIL BURNED FOR ENERGY RECOVERY

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section	
726.140	Applicability (Repealed)
726.141	Prohibitions (Repealed)
726.142	Standards applicable to generators of used oil burned for energy recovery (Repealed)
726.143	Standards applicable to marketers of used oil burned for energy recovery (Repealed)
726.144	Standards applicable to burners of used oil burned for energy recovery (Repealed)

SUBPART F: RECYCLABLE MATERIALS UTILIZED FOR
PRECIOUS METAL RECOVERY

Section	
726.170	Applicability and Requirements

SUBPART G: SPENT LEAD-ACID BATTERIES BEING RECLAIMED

Section	
726.180	Applicability and Requirements

SUBPART H: HAZARDOUS WASTE BURNED IN BOILERS
AND INDUSTRIAL FURNACES

Section	
726.200	Applicability
726.201	Management Prior to Burning
726.202	Permit Standards for Burners
726.203	Interim Status Standards for Burners
726.204	Standards to Control Organic Emissions
726.205	Standards to Control PM
726.206	Standards to Control Metals Emissions
726.207	Standards to Control HCl and Chlorine Gas Emissions
726.208	Small Quantity On-Site Burner Exemption
726.209	Low Risk Waste Exemption
726.210	Waiver of DRE Trial Burn for Boilers
726.211	Standards for Direct Transfer
726.212	Regulation of Residues
726.219	Extensions of Time

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

SUBPART M: MILITARY MUNITIONS

Section

726.300	Applicability
726.301	Definitions
726.302	Definition of Solid Waste
726.303	Standards Applicable to the Transportation of Solid Waste Military Munitions
726.304	Standards Applicable to Emergency Responses
726.305	Standards Applicable to the Storage of Solid Waste Military Munitions
726.306	Standards Applicable to the Treatment and Disposal of Waste Military Munitions

SUBPART N: CONDITIONAL EXEMPTION FOR LOW-LEVEL MIXED WASTE
STORAGE, TREATMENT, TRANSPORTATION AND DISPOSAL

Section

726.310	Definitions
726.320	Storage and Treatment Conditional Exemption
726.325	Wastes Eligible for a Storage and Treatment Conditional Exemption for Low-Level Mixed Waste
726.330	Conditions to Qualify for and Maintain a Storage and Treatment Conditional Exemption
726.335	Treatment Allowed by a Storage and Treatment Conditional Exemption
726.340	Loss of a Storage and Treatment Conditional Exemption and Required Action
726.345	Reclaiming a Lost Storage and Treatment Conditional Exemption
726.350	Recordkeeping for a Storage and Treatment Conditional Exemption
726.355	Waste No Longer Eligible for a Storage and Treatment Conditional Exemption
726.360	Applicability of Closure Requirements to Storage Units
726.405	Transportation and Disposal Conditional Exemption
726.410	Wastes Eligible for a Transportation and Disposal Conditional Exemption
726.415	Conditions to Qualify for and Maintain a Transportation and Disposal Conditional Exemption
726.420	Treatment Standards for Eligible Waste
726.425	Applicability of the Manifest and Transportation Condition
726.430	Effectiveness of a Transportation and Disposal Exemption
726.435	Disposal of Exempted Waste
726.440	Containers Used for Disposal of Exempted Waste
726.445	Notification
726.450	Recordkeeping for a Transportation and Disposal Conditional Exemption
726.455	Loss of a Transportation and Disposal Conditional Exemption and Required Action

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

726.460	Reclaiming a Lost Transportation and Disposal Conditional Exemption
726.APPENDIX A	Tier I and Tier II Feed Rate and Emissions Screening Limits for Metals
726.APPENDIX B	Tier I Feed Rate Screening Limits for Total Chlorine
726.APPENDIX C	Tier II Emission Rate Screening Limits for Free Chlorine and Hydrogen Chloride
726.APPENDIX D	Reference Air Concentrations
726.APPENDIX E	Risk-Specific Doses
726.APPENDIX F	Stack Plume Rise
726.APPENDIX G	Health-Based Limits for Exclusion of Waste-Derived Residues
726.APPENDIX H	Potential PICs for Determination of Exclusion of Waste-Derived Residues
726.APPENDIX I	Methods Manual for Compliance with BIF Regulations
726.APPENDIX J	Guideline on Air Quality Models (Repealed)
726.APPENDIX K	Lead-Bearing Materials that May be Processed in Exempt Lead Smelters
726.APPENDIX L	Nickel or Chromium-Bearing Materials that May Be Processed in Exempt Nickel-Chromium Recovery Furnaces
726.APPENDIX M	Mercury-Bearing Wastes that May Be Processed in Exempt Mercury Recovery Units
726.TABLE A	Exempt Quantities for Small Quantity Burner Exemption

AUTHORITY: Implementing Sections 7.2 and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4 and 27].

SOURCE: Adopted in R85-22 at 10 Ill. Reg. 1162, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14156, effective August 12, 1986; amended in R87-26 at 12 Ill. Reg. 2900, effective January 15, 1988; amended in R89-1 at 13 Ill. Reg. 18606, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14533, effective August 22, 1990; amended in R90-11 at 15 Ill. Reg. 9727, effective June 17, 1991; amended in R91-13 at 16 Ill. Reg. 9858, effective June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5865, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20904, effective November 22, 1993; amended in R94-7 at 18 Ill. Reg. 12500, effective July 29, 1994; amended in R95-6 at 19 Ill. Reg. 10006, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11263, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 754, effective December 16, 1997; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 18042, effective September 28, 1998; amended in R99-15 at 23 Ill. Reg. 9482, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. 9853, effective June 20, 2000; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6667, effective April 22, 2002; amended in

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

R03-7 at 27 Ill. Reg. 4200, effective February 14, 2003; amended in R03-18 at 27 Ill. Reg. 12916, effective July 17, 2003; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 3700, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1096, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 12741, effective July 14, 2008; amended in R11-2/R11-16 at 35 Ill. Reg. 18117, effective October 14, 2011; amended in R13-5 at 37 Ill. Reg. 3249, effective March 4, 2013.

SUBPART C: RECYCLABLE MATERIALS USED IN A
MANNER CONSTITUTING DISPOSAL**Section 726.120 Applicability**

- a) The regulations of this Subpart C apply to recyclable materials that are applied to or placed on the land in either of the following ways:
 - 1) Without mixing with any other substances; or
 - 2) After mixing or combination with any other substances. These materials will be referred to throughout this Subpart C as "materials used in a manner that constitutes disposal."
- b) A product produced for the general public's use that is used in a manner that constitutes disposal and which contains recyclable material is not presently subject to regulation under this Subpart C if the recyclable materials have undergone a chemical reaction in the course of producing the products so as to become inseparable by physical means and if such products meet the applicable treatment standards in Subpart D of 35 Ill. Adm. Code 728 (or applicable prohibition levels in 35 Ill. Adm. Code 728.132 or 728.139, where no treatment standards have been established) for each recyclable material (i.e., hazardous waste) that it contains, [and the recycler complies with 35 Ill. Adm. Code 728.107\(b\)\(6\)](#).
- c) Anti-skid and deicing uses of slags that are generated from high temperature metals recovery (HTMR) processing of hazardous wastes K061, K062, and F006 in a manner constituting disposal are not covered by the exemption in subsection (b) of this Section, and such uses of these materials remain subject to regulation.
- d) Fertilizers that contain recyclable materials are not subject to regulation provided that the following conditions are fulfilled:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) They are zinc fertilizers excluded from the definition of solid waste according to 35 Ill. Adm. Code 721.104(a)(21); or
- 2) They meet the applicable treatment standards in Subpart D of 35 Ill. Adm. Code 728 for each hazardous waste that they contain.

(Source: Amended at 37 Ill. Reg. 3249, effective March 4, 2013)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 726. APPENDIX Appendix A Tier I and Tier II Feed Rate and Emissions Screening Limits for Metals

I-A

Tier I and Tier II Feed Rate and Emissions Screening Limits for Noncarcinogenic Metals for Facilities in Noncomplex Terrain

Values for Urban Areas

TESH (m)	Antimony (g/hr)	Barium (g/hr)	Lead (g/hr)	Mercury (g/hr)	Silver (g/hr)	Thallium (g/hr)
4	60.	10000.	18.	60.	600.	60.
6	68.	11000.	20.	68.	680.	68.
8	76.	13000.	23.	76.	760.	76.
10	86.	14000.	26.	86.	860.	86.
12	96.	17000.	30.	96.	960.	96.
14	110.	18000.	34.	110.	1100.	110.
16	130.	21000.	36.	130.	1300.	130.
18	140.	24000.	43.	140.	1400.	140.
20	160.	27000.	46.	160.	1600.	160.
22	180.	30000.	54.	180.	1800.	180.
24	200.	34000.	60.	200.	2000.	200.
26	230.	39000.	68.	230.	2300.	230.
28	260.	43000.	78.	260.	2600.	260.
30	300.	50000.	90.	300.	3000.	300.
35	400.	66000.	110.	400.	4000.	400.
40	460.	78000.	140.	460.	4600.	460.
45	600.	100000.	180.	600.	6000.	600.
50	780.	130000.	230.	780.	7800.	780.
55	960.	170000.	300.	960.	9600.	960.
60	1200.	200000.	360.	1200.	12000.	1200.
65	1500.	250000.	430.	1500.	15000.	1500.
70	1700.	280000.	500.	1700.	17000.	1700.
75	1900.	320000.	580.	1900.	19000.	1900.
80	2200.	360000.	640.	2200.	22000.	2200.
85	2500.	400000.	760.	2500.	25000.	2500.
90	2800.	460000.	820.	2800.	28000.	2800.
95	3200.	540000.	960.	3200.	32000.	3200.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

100	3600.	600000.	1100.	3600.	36000.	3600.
105	4000.	680000.	1200.	4000.	40000.	4000.
110	4600.	780000.	1400.	4600.	46000.	4600.
115	5400.	860000.	1600.	5400.	54000.	5400.
120	6000.	1000000.	1800.	6000.	60000.	6000.

I-B

Tier I and Tier II Feed Rate and Emissions Screening Limits for Noncarcinogenic Metals for Facilities in Noncomplex Terrain

Values for Rural Areas

TESH (m)	Antimony (g/hr)	Barium (g/hr)	Lead (g/hr)	Mercury (g/hr)	Silver (g/hr)	Thallium (g/hr)
4	31.	5200.	9.4	31.	310.	31.
6	36.	6000.	11.	36.	360.	36.
8	40.	6800.	12.	40.	400.	40.
10	46.	7800.	14.	46.	460.	46.
12	58.	9600.	17.	58.	580.	58.
14	68.	11000.	21.	68.	680.	68.
16	86.	14000.	26.	86.	860.	86.
18	110.	18000.	32.	110.	1100.	110.
20	130.	22000.	40.	130.	1300.	130.
22	170.	28000.	50.	170.	1700.	170.
24	220.	36000.	64.	220.	2200.	220.
26	280.	46000.	82.	280.	2800.	280.
28	350.	58000.	100.	350.	3500.	350.
30	430.	76000.	130.	430.	4300.	430.
35	720.	120000.	210.	720.	7200.	720.
40	1100.	180000.	320.	1100.	11000.	1100.
45	1500.	250000.	460.	1500.	15000.	1500.
50	2000.	330000.	600.	2000.	20000.	2000.
55	2600.	440000.	780.	2600.	26000.	2600.
60	3400.	580000.	1000.	3400.	34000.	3400.
65	4600.	760000.	1400.	4600.	46000.	4600.
70	5400.	900000.	1600.	5400.	54000.	5400.
75	6400.	1100000.	1900.	6400.	64000.	6400.
80	7600.	1300000.	2300.	7600.	76000.	7600.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

85	9400.	1500000.	2800.	9400.	94000.	9400.
90	11000.	1800000.	3300.	11000.	110000.	11000.
95	13000.	2200000.	3900.	13000.	130000.	13000.
100	15000.	2600000.	4600.	15000.	150000.	15000.
105	18000.	3000000.	5400.	18000.	180000.	18000.
110	22000.	3600000.	6600.	22000.	220000.	22000.
115	26000.	4400000.	7800.	26000.	260000.	26000.
120	31000.	5000000.	9200.	31000.	310000.	31000.

I-C

Tier I and Tier II Feed Rate and Emissions Screening Limits for Noncarcinogenic Metals for Facilities in Complex Terrain

Values for Urban and Rural Areas

TESH (m)	Antimony (g/hr)	Barium (g/hr)	Lead (g/hr)	Mercury (g/hr)	Silver (g/hr)	Thallium (g/hr)
4	14.	2400.	4.3	14.	140.	14.
6	21.	3500.	6.2	21.	210.	21.
8	30.	5000.	9.2	30.	300.	30.
10	43.	7600.	13.	43.	430.	43.
12	54.	9000.	17.	54.	540.	54.
14	68.	11000.	20.	68.	680.	68.
16	78.	13000.	24.	78.	780.	78.
18	86.	14000.	26.	86.	860.	86.
20	96.	16000.	29.	96.	960.	96.
22	100.	18000.	32.	100.	1000.	100.
24	120.	19000.	35.	120.	1200.	120.
26	130.	22000.	36.	130.	1300.	130.
28	140.	24000.	43.	140.	1400.	140.
30	160.	27000.	46.	160.	1600.	160.
35	200.	33000.	58.	200.	2000.	200.
40	240.	40000.	72.	240.	2400.	240.
45	300.	50000.	90.	300.	3000.	300.
50	360.	60000.	110.	360.	3600.	360.
55	460.	76000.	140.	460.	4600.	460.
60	580.	94000.	170.	580.	5800.	580.
65	680.	110000.	210.	680.	6800.	680.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

70	780.	130000.	240.	780.	7800.	780.
75	860.	140000.	260.	860.	8600.	860.
80	960.	160000.	290.	960.	9600.	960.
85	1100.	180000.	330.	1100.	11000.	1100.
90	1200.	200000.	360.	1200.	12000.	1200.
95	1400.	230000.	400.	1400.	14000.	1400.
100	1500.	260000.	460.	1500.	15000.	1500.
105	1700.	280000.	500.	1700.	17000.	1700.
110	1900.	320000.	580.	1900.	19000.	1900.
115	2100.	360000.	640.	2100.	21000.	2100.
120	2400.	400000.	720.	2400.	24000.	2400.

I-D

Tier I and Tier II Feed Rate and Emissions Screening Limits for Carcinogenic Metals for Facilities in Noncomplex Terrain

TESH (m)	Values for use in urban areas				Values for use in rural areas			
	Arsenic (g/hr)	Cadmium (g/hr)	Chromium (g/hr)	Beryllium (g/hr)	Arsenic (g/hr)	Cadmium (g/hr)	Chromium (g/hr)	Beryllium (g/hr)
4	0.46	1.1	0.17	0.82	0.24	0.58	0.086	0.43
6	0.54	1.3	0.19	0.94	0.28	0.66	0.10	0.50
8	0.60	1.4	0.22	1.1	0.32	0.76	0.11	0.56
10	0.68	1.6	0.24	1.2	0.36	0.86	0.13	0.64
12	0.76	1.8	0.27	1.4	0.43	1.1	0.16	0.78
14	0.86	2.1	0.31	1.5	0.54	1.3	0.20	0.96
16	0.96	2.3	0.35	1.7	0.68	1.6	0.24	1.2
18	1.1	2.6	0.40	2.0	0.82	2.0	0.30	1.5
20	1.2	3.0	0.44	2.2	1.0	2.5	0.37	1.9
22	1.4	3.4	0.50	2.5	1.3	3.2	0.48	2.4
24	1.6	3.9	0.58	2.8	1.7	4.0	0.60	3.0
26	1.8	4.3	0.64	3.2	2.1	5.0	0.76	3.9
28	2.0	4.8	0.72	3.6	2.7	6.4	0.98	5.0
30	2.3	5.4	0.82	4.0	3.5	8.2	1.2	6.2
35	3.0	6.8	1.0	5.4	5.4	13.	1.9	9.6
40	3.6	9.0	1.3	6.8	8.2	20.	3.0	15.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

45	4.6	11.	1.7	8.6	11.	28.	4.2	21.
50	6.0	14.	2.2	11.	15.	37.	5.4	28.
55	7.6	18.	2.7	14.	20.	50.	7.2	36.
60	9.4	22.	3.4	17.	27.	64.	9.6	48.
65	11.	28.	4.2	21.	36.	86.	13.	64.
70	13.	31.	4.6	24.	43.	100.	15.	76.
75	15.	36.	5.4	27.	50.	120.	18.	90.
80	17.	40.	6.0	30.	60.	140.	22.	110.
85	19.	46.	6.8	34.	72.	170.	26.	130.
90	22.	50.	7.8	39.	86.	200.	30.	150.
95	25.	58.	9.0	44.	100.	240.	36.	180.
100	28.	68.	10.	50.	120.	290.	43.	220.
105	32.	76.	11.	56.	140.	340.	50.	260.
110	36.	86.	13.	64.	170.	400.	60.	300.
115	40.	96.	15.	72.	200.	480.	72.	360.
120	46.	110.	17.	82.	240.	580.	86.	430.

I-E

Tier I and Tier II Feed Rate and Emissions Screening Limits for Carcinogenic
Metals for Facilities in Complex Terrain

Values for Use in Urban and Rural Areas

TESH (m)	Arsenic (g/hr)	Cadmium (g/hr)	Chromium (g/hr)	Beryllium (g/hr)
4	0.11	0.26	0.040	0.20
6	0.16	0.39	0.058	0.29
8	0.24	0.58	0.086	0.43
10	0.35	0.82	0.13	0.62
12	0.43	1.0	0.15	0.76
14	0.50	1.3	0.19	0.94
16	0.60	1.4	0.22	1.1
18	0.68	1.6	0.24	1.2
20	0.76	1.8	0.27	1.3
22	0.82	1.9	0.30	1.5
24	0.90	2.1	0.33	1.6
26	1.0	2.4	0.36	1.8
28	1.1	2.7	0.40	2.0
30	1.2	3.0	0.44	2.2

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

35	1.5	3.7	0.54	2.7
40	1.9	4.6	0.68	3.4
45	2.4	5.4	0.84	4.2
50	2.9	6.8	1.0	5.0
55	3.5	8.4	1.3	6.4
60	4.3	10.	1.5	7.8
65	5.4	13.	1.9	9.6
70	6.0	14.	2.2	11.
75	6.8	16.	2.4	12.
80	7.6	18.	2.7	13.
85	8.2	20.	3.0	15.
90	9.4	23.	3.4	17.
95	10.	25.	4.0	19.
100	12.	28.	4.3	21.
105	13.	32.	4.8	24.
110	15.	35.	5.4	27.
115	17.	40.	6.0	30.
120	19.	44.	6.4	33.

(Source: Amended at 37 Ill. Reg. 3249, effective March 4, 2013)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

| Section 726. APPENDIX ~~Appendix~~ B Tier I Feed Rate Screening Limits for Total Chlorine

Tier I Feed Rate Screening Limits for Total Chlorine

TESH (m)	Noncomplex Terrain Urban (g/hr)	Noncomplex Terrain Rural (g/hr)	Complex Terrain (g/hr)
4	82.	42.	19.
6	91.	48.	28.
8	100.	53.	41.
10	120.	62.	58.
12	130.	77.	72.
14	150.	91.	91.
16	170.	120.	110.
18	190.	140.	120.
20	210.	180.	130.
22	240.	230.	140.
24	270.	290.	160.
26	310.	370.	170.
28	350.	470.	190.
30	390.	580.	210.
35	530.	960.	260.
40	620.	1400.	330.
45	820.	2000.	400.
50	1100.	2600.	480.
55	1300.	3500.	620.
60	1600.	4600.	770.
65	2000.	6200.	910.
70	2300.	7200.	1100.
75	2500.	8600.	1200.
80	2900.	10000.	1300.
85	3300.	12000.	1400.
90	3700.	14000.	1600.
95	4200.	17000.	1800.
100	4800.	21000.	2000.
105	5300.	24000.	2300.
110	6200.	29000.	2500.
115	7200.	35000.	2800.
120	8200.	41000.	3200.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 37 Ill. Reg. 3249, effective March 4, 2013)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 726. [APPENDIX Appendix C](#) Tier II Emission Rate Screening Limits for Free Chlorine and Hydrogen Chloride

TESH (m)	Noncomplex Terrain Urban areas		Noncomplex Terrain Rural areas		Complex Terrain Urban and rural areas	
	Chlorine Gas (g/hr)	HCl (g/hr)	Chlorine Gas (g/hr)	HCl (g/hr)	Chlorine gas (g/hr)	HCl (g/hr)
4	82.	1400.	42.	730.	19.	330.
6	91.	1600.	48.	830.	28.	490.
8	100.	1800.	53.	920.	41.	710.
10	120.	2000.	62.	1100.	58.	1000.
12	130.	2300.	77.	1300.	72.	1300.
14	150.	2600.	91.	1600.	91.	1600.
16	170.	2900.	120.	2000.	110.	1800.
18	190.	3300.	140.	2500.	120.	2000.
20	210.	3700.	180.	3100.	130.	2300.
22	240.	4200.	230.	3900.	140.	2400.
24	270.	4800.	290.	5000.	160.	2800.
26	310.	5400.	370.	6500.	170.	3000.
28	350.	6000.	470.	8100.	190.	3400.
30	390.	6900.	580.	10000.	210.	3700.
35	530.	9200.	960.	17000.	260.	4600.
40	620.	11000.	1400.	25000.	330.	5700.
45	820.	14000.	2000.	35000.	400.	7000.
50	1100.	18000.	2600.	46000.	480.	8400.
55	1300.	23000.	3500.	61000.	620.	11000.
60	1600.	29000.	4600.	81000.	770.	13000.
65	2000.	34000.	6200.	110000.	910.	16000.
70	2300.	39000.	7200.	130000.	1100.	18000.
75	2500.	45000.	8600.	150000.	1200.	20000.
80	2900.	50000.	10000.	180000.	1300.	23000.
85	3300.	58000.	12000.	220000.	1400.	25000.
90	3700.	66000.	14000.	250000.	1600.	29000.
95	4200.	74000.	17000.	300000.	1800.	32000.
100	4800.	84000.	21000.	360000.	2000.	35000.
105	5300.	92000.	24000.	430000.	2300.	39000.
110	6200.	110000.	29000.	510000.	2500.	45000.
115	7200.	130000.	35000.	610000.	2800.	50000.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

120 8200. 140000. 41000. 720000. 3200. 56000.

(Source: Amended at 37 Ill. Reg. 3249, effective March 4, 2013)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 726.[APPENDIX Appendix D](#) **Reference Air Concentrations**

BOARD NOTE: The RAC for other Appendix H to 35 Ill. Adm. Code 721 constituents not listed below or in Appendix E is 0.1 $\mu\text{g}/\text{m}^3$.

Constituent	CAS No.	RAC ($\mu\text{g}/\text{m}^3$)
Acetaldehyde	75-07-0	10
Acetonitrile	75-05-8	10
Acetophenone	98-86-2	100
Acrolein	107-02-8	20
Aldicarb	116-06-3	1
Aluminum Phosphide	20859-73-8	0.3
Allyl Alcohol	107-18-6	5
Antimony	7440-36-0	0.3
Barium	7440-39-3	50
Barium Cyanide	542-62-1	50
Bromomethane	74-83-9	0.8
Calcium Cyanide	592-01-8	30
Carbon Disulfide	75-15-0	200
Chloral	75-87-6	2
Chlorine (free)		0.4
2-Chloro-1,3-butadiene	126-99-8	3
Chromium III	16065-83-1	1000
Copper Cyanide	544-92-3	5
Cresols	1319-77-3	50
Cumene	98-82-8	1
Cyanide (free)	57-12-15	20
Cyanogen	460-19-5	30
Cyanogen Bromide	506-68-3	80
Di-n-butyl Phthalate	84-74-2	100
o-Dichlorobenzene	95-50-1	10
p-Dichlorobenzene	106-46-7	10
Dichlorodifluoromethane	75-71-8	200
2,4-Dichlorophenol	120-83-2	3
Diethyl Phthalate	84-66-2	800
Dimethoate	60-51-5	0.8
2,4-Dinitrophenol	51-28-5	2
Dinoseb	88-85-7	0.9

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Diphenylamine	122-39-4	20
Endosulfan	115-29-1	0.05
Endrin	72-20-8	0.3
Fluorine	7782-41-4	50
Formic Acid	64-18-6	2000
Glycidylaldehyde	765-34-4	0.3
Hexachlorocyclopentadiene	77-47-4	5
Hexachlorophene	70-30-4	0.3
Hydrocyanic Acid	74-90-8	20
Hydrogen Chloride	7647-01-1	7
Hydrogen Sulfide	7783-06-4	3
Isobutyl Alcohol	78-83-1	300
Lead	7439-92-1	0.09
Maleic Anhydride	108-31-6	100
Mercury	7439-97-6	0.3
Methacrylonitrile	126-98-7	0.1
Methomyl	16752-77-5	20
Methoxychlor	72-43-5	50
Methyl Chlorocarbonate	79-22-1	1000
Methyl Ethyl Ketone	78-93-3	80
Methyl Parathion	298-00-0	0.3
Nickel Cyanide	557-19-7	20
Nitric Oxide	10102-43-9	100
Nitrobenzene	98-95-3	0.8
Pentachlorobenzene	608-93-5	0.8
Pentachlorophenol	87-86-5	30
Phenol	108-95-2	30
M-Phenylenediamine	108-45-2	5
Phenylmercuric Acetate	62-38-4	0.075
Phosphine	7803-51-2	0.3
Phthalic Anhydride	85-44-9	2000
Potassium Cyanide	151-50-8	50
Potassium Silver Cyanide	506-61-6	200
Pyridine	110-86-1	1
Selenious Acid	7783-60-8	3
Selenourea	630-10-4	5
Silver	7440-22-4	3
Silver Cyanide	506-64-9	100
Sodium Cyanide	143-33-9	30

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Strychnine	57-24-9	0.3
1,2,4,5-Tetrachlorobenzene	95-94-3	0.3
2,3,4,6-Tetrachlorophenol	58-90-2	30
Tetraethyl Lead	78-00-2	0.0001
Tetrahydrofuran	109-99-9	10
Thallic Oxide	1314-32-5	0.3
Thallium	7440-28-0	0.5
Thallium (I) Acetate	563-68-8	0.5
Thallium (I) Carbonate	6533-73-9	0.3
Thallium (I) Chloride	7791-12-0	0.3
Thallium (I) Nitrate	10102-45-1	0.5
Thallium Selenite	12039-52-0	0.5
Thallium (I) Sulfate	7446-18-6	0.075
Thiram	137-26-8	5
Toluene	108-88-3	300
1,2,4-Trichlorobenzene	120-82-1	20
Trichloromonofluoromethane	75-69-4	300
2,4,5-Trichlorophenol	95-95-4	100
Vanadium Pentoxide	1314-62-1	20
Warfarin	81-81-2	0.3
Xylenes	1330-20-7	80
Zinc Cyanide	557-21-1	50
Zinc Phosphide	1314-84-7	0.3

(Source: Amended at 37 Ill. Reg. 3249, effective March 4, 2013)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 726.[APPENDIX Appendix E](#) **Risk-Specific Doses**

BOARD NOTE: These are risk specific doses (RSDs) based on a risk of 1 in 10,000 (1×10^{-5}).

Constituent	CAS No.	Unit risk ($m^3\mu g$)	RSD ($\mu g/m^3$)
Acrylamide	79-06-1	0.0013	0.0077
Acrylonitrile	107-13-1	0.000068	0.15
Aldrin	309-00-2	0.0049	0.0020
Aniline	62-53-3	0.0000074	1.4
Arsenic	7440-38-2	0.0043	0.0023
Benz(a)anthracene	56-55-3	0.00089	0.011
Benzene	71-43-2	0.0000083	1.2
Benzidine	92-87-5	0.067	0.00015
Benzo(a)pyrene	50-32-8	0.0033	0.0030
Beryllium	7440-41-7	0.0024	0.0042
Bis(2-chloroethyl)ether	111-44-4	0.00033	0.030
Bis(chloromethyl)ether	542-88-1	0.062	0.00016
Bis(2-ethylhexyl)-phthalate	117-81-7	0.00000024	42.
1,3-Butadiene	106-99-0	0.00028	0.036
Cadmium	7440-43-9	0.0018	0.0056
Carbon Tetrachloride	56-23-5	0.000015	0.67
Chlordane	57-74-9	0.00037	0.027
Chloroform	67-66-3	0.000023	0.43
Chloromethane	74-87-3	0.0000036	2.8
Chromium VI	7440-47-3	0.012	0.00083
DDT	50-29-3	0.000097	0.10
Dibenz(a,h)anthracene	53-70-3	0.014	0.00071
1,2-Dibromo-3-Chloro-propane 1,2-Dibromo-3-chloro-propane	96-12-8	0.0063	0.0016
1,2-Dibromoethane	106-93-4	0.00022	0.045
1,1-Dichloroethane	75-34-3	0.000026	0.38
1,2-Dichloroethane	107-06-2	0.000026	0.38
1,1-Dichloroethylene	75-35-4	0.000050	0.20
1,3-Dichloropropene	542-75-6	0.35	0.000029
Dieldrin	60-57-1	0.0046	0.0022
Diethylstilbestrol	56-53-1	0.14	0.000071

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Dimethylnitrosamine	62-75-9	0.014	0.00071
2,4-Dinitrotoluene	121-14-2	0.000088	0.11
1,2-Diphenylhydrazine	122-66-7	0.00022	0.045
1,4-Dioxane	123-91-1	0.0000014	7.1
Epichlorohydrin	106-89-8	0.0000012	8.3
Ethylene Oxide	75-21-8	0.00010	0.10
Ethylene Dibromide	106-93-4	0.00022	0.045
Formaldehyde	50-00-0	0.000013	0.77
Heptachlor	76-44-8	0.0013	0.0077
Heptachlor Epoxide	1024-57-3	0.0026	0.0038
Hexachlorobenzene	118-74-1	0.00049	0.020
Hexachlorobutadiene	87-68-3	0.000020	0.50
Alpha-hexachlorocyclohexane	319-84-6	0.0018	0.0056
Beta-hexachlorocyclohexane	319-85-7	0.00053	0.019
Gamma-hexachlorocyclohexane	58-89-9	0.00038	0.026
Hexachlorocyclohexane, Technical		0.00051	0.020
Hexachlorodibenzo-p-dioxin (1,2 Mixture)		1.3	0.0000077
Hexachloroethane	67-72-1	0.0000040	2.5
Hydrazine	302-01-2	0.0029	0.0034
Hydrazine Sulfate	302-01-2	0.0029	0.0034
3-Methylcholanthrene	56-49-5	0.0027	0.0037
Methyl Hydrazine	60-34-4	0.00031	0.032
Methylene Chloride	75-09-2	0.0000041	2.4
4,4'-Methylene-bis-2- chloroaniline	101-14-4	0.000047	0.21
Nickel	7440-02-0	0.00024	0.042
Nickel Refinery Dust	7440-02-0	0.00024	0.042
Nickel Subsulfide	12035-72-2	0.00048	0.021
2-Nitropropane	79-46-9	0.027	0.00037
N-Nitroso-n-butylamine	924-16-3	0.0016	0.0063
N-Nitroso-n-methylurea	684-93-5	0.086	0.00012
N-Nitrosodiethylamine	55-18-5	0.043	0.00023
N-Nitrosopyrrolidine	930-55-2	0.00061	0.016
Pentachloronitrobenzene	82-68-8	0.000073	0.14
PCBs	1336-36-3	0.0012	0.0083
Pronamide	23950-58-5	0.0000046	2.2
Reserpine	50-55-5	0.0030	0.0033

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

2,3,7,8-Tetrachloro-dibenzo-p-dioxin	1746-01-6	45.	0.00000022
1,1,2,2-Tetrachloroethane	79-34-5	0.000058	0.17
Tetrachloroethylene	127-18-4	0.00000048	21.
Thiourea	62-56-6	0.00055	0.018
1,1,2-Trichloroethane	79-00-5	0.000016	0.63
Trichloroethylene	79-01-6	0.0000013	7.7
2,4,6-Trichlorophenol	88-06-2	0.0000057	1.8
Toxaphene	8001-35-2	0.00032	0.031
Vinyl Chloride	75-01-4	0.0000071	1.4

(Source: Amended at 37 Ill. Reg. 3249, effective March 4, 2013)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 726. APPENDIX Appendix F Stack Plume Rise

Estimated Plume Rise (in Meters)
Based on Stack Exit Flow Rate and Gas Temperature

Flow rate (m ³ /sec)	Exhaust Temperature (K°)										
	<325	325-349	350-399	400-449	450-499	500-599	600-699	700-799	800-999	1000-1499	>1499
<0.5	0	0	0	0	0	0	0	0	0	0	0
0.5 - 0.9	0	0	0	0	0	0	0	0	1	1	1
1.0 - 1.9	0	0	0	0	1	1	2	3	3	3	4
2.0 - 2.9	0	0	1	3	4	4	6	6	7	8	9
3.0 - 3.9	0	1	2	5	6	7	9	10	11	12	13
4.0 - 4.9	1	2	4	6	8	10	12	13	14	15	17
5.0 - 7.4	2	3	5	8	10	12	14	16	17	19	21
7.5 - 9.9	3	5	8	12	15	17	20	22	22	23	24
10.0 - 12.4	4	6	10	15	19	21	23	24	25	26	27
12.5 - 14.9	4	7	12	18	22	23	25	26	27	28	29
15.0 - 19.9	5	8	13	20	23	24	26	27	28	29	31
20.0 - 24.9	6	10	17	23	25	27	29	30	31	32	34
25.0 - 29.9	7	12	20	25	27	29	31	32	33	35	36
30.0 - 34.9	8	14	22	26	29	31	33	35	36	37	39
35.0 - 39.9	9	16	23	28	30	32	35	36	37	39	41
40.0 - 49.9	10	17	24	29	32	34	36	38	39	41	42
50.0 - 59.9	12	21	26	31	34	36	39	41	42	44	46
60.0 - 69.9	14	22	27	33	36	39	42	43	45	47	49
70.0 - 79.9	16	23	29	35	38	41	44	46	47	49	51
80.0 - 89.9	17	25	30	36	40	42	46	48	49	51	54
90.0 - 99.9	19	26	31	38	42	44	48	50	51	53	56
100.0 - 119.9	21	26	32	39	43	46	49	52	53	55	58
120.0 - 139.9	22	28	35	42	46	49	52	55	56	59	61

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

140.0 - 159.9	23	30	36	44	48	51	55	58	59	62	65
160.0 - 179.9	25	31	38	46	50	54	58	60	62	65	67
180.0 - 199.9	26	32	40	48	52	56	60	63	65	67	70
>199.9	26	33	41	49	54	58	62	65	67	69	73

(Source: Amended at 37 Ill. Reg. 3249, effective March 4, 2013)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 726. APPENDIX Appendix G Health-Based Limits for Exclusion of Waste-Derived Residues

NOTE 1: Under Section 726.212(b)(2)(A), the health-based concentration limits for Appendix H to 35 Ill. Adm. Code 721 constituents for which a health-based concentration is not provided below is 2×10^{-6} mg/kg (0.000002 mg/kg or 0.002 μ g/kg).

NOTE 2: The levels specified in this Section and the default level of 0.002 μ g/kg (0.000002 mg/kg) or the level of detection for constituents, as identified in Note 1, are administratively stayed under the condition, for those constituents specified in Section 726.212(b)(1), that the owner or operator complies with alternative levels defined as the land disposal restriction limits specified in 35 Ill. Adm. Code 728.143 and Table B to 35 Ill. Adm. Code 728 for F039 nonwastewaters. See Section 726.212(b)(2)(A).

Metals-TCLP Extract Concentration Limits

Constituent	CAS No.	Concentration limits (mg/L)
Antimony	7440-36-0	1.
Arsenic	7440-38-2	5.
Barium	7440-39-3	100.
Beryllium	7440-41-7	0.007
Cadmium	7440-43-9	1.
Chromium	7440-47-3	5.
Lead	7439-92-1	5.
Mercury	7439-97-6	0.2
Nickel	7440-02-0	70.
Selenium	7782-49-2	1.
Silver	7440-22-4	5.
Thallium	7440-28-0	7.

Nonmetals-Residue Concentration Limits

Constituent	CAS No.	Concentration limits (mg/L)
Acetonitrile	75-05-8	0.2
Acetophenone	98-86-2	4.
Acrolein	107-02-8	0.5
Acrylamide	79-06-1	0.0002

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Acrylonitrile	107-13-1	0.0007
Aldrin	309-00-2	0.00002
Allyl alcohol	107-18-6	0.2
Aluminum phosphide	20859-73-8	0.01
Aniline	62-53-3	0.06
Barium cyanide	542-62-1	1.
Benz(a)anthracene	56-55-3	0.0001
Benzene	71-43-2	0.005
Benzidine	92-87-5	0.000001
Bis(2-chloroethyl) ether	111-44-4	0.0003
Bis(chloromethyl) ether	542-88-1	0.000002
Bis(2-ethylhexyl) phthalate	117-81-7	30.
Bromoform	75-25-2	0.7
Calcium cyanide	592-01-8	0.000001
Carbon disulfide	75-15-0	4.
Carbon tetrachloride	56-23-5	0.005
Chlordane	57-74-9	0.0003
Chlorobenzene	108-90-7	1.
Chloroform	67-66-3	0.06
Copper cyanide	544-92-3	0.2
Cresols (Cresylic acid)	1319-77-3	2.
Cyanogen	460-19-5	1.
DDT	50-29-3	0.001
Dibenz(a, h)-anthracene	53-70-3	0.000007
1,2-Dibromo-3-chloropropane	96-12-8	0.00002
p-Dichlorobenzene	106-46-7	0.07.5
Dichlorodifluoromethane	75-71-8	7.
1,1-Dichloroethylene	75-35-4	0.005
2,4-Dichlorophenol	120-83-2	0.1
1,3-Dichloropropene	542-75-6	0.001
Dieldrin	60-57-1	0.00002
Diethyl phthalate	84-66-2	30.
Diethylstilbestrol	56-53-1	0.0000001
Dimethoate	60-51-5	0.03
2,4-Dinitrotoluene	121-14-2	0.0005
Diphenylamine	122-39-4	0.9
1,2-Diphenylhydrazine	122-66-7	0.0005
Endosulfan	115-29-7	0.002

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Endrin	72-20-8	0.0002
Epichlorohydrin	106-89-8	0.04
Ethylene dibromide	106-93-4	0.0000001
Ethylene oxide	75-21-8	0.0003
Fluorine	7782-41-4	4.
Formic acid	64-18-6	70.
Heptachlor	76-44-8	0.00008
Heptachlor epoxide	1024-57-3	0.00004
Hexachlorobenzene	118-74-1	0.0002
Hexachlorobutadiene	87-68-3	0.005
Hexachlorocyclopentadiene	77-47-4	0.2
Hexachlorodibenzo-p-dioxins	19408-74-3	0.0000001
Hexachloroethane	67-72-1	0.03
Hydrazine	302-01-1	0.0001
Hydrogen cyanide	74-90-8	0.00007
Hydrogen sulfide	7783-06-4	0.000001
Isobutyl alcohol	78-83-1	10.
Methomyl	16752-77-5	1.
Methoxychlor	72-43-5	0.1
3-Methylcholanthrene	56-49-5	0.00004
4,4'-Methylenebis (2-chloroaniline)	101-14-4	0.002
Methylene chloride	75-09-2	0.05
Methyl ethyl ketone (MEK)	78-93-3	2.
Methyl hydrazine	60-34-4	0.0003
Methyl parathion	298-00-0	0.02
Naphthalene	91-20-3	10.
Nickel cyanide	557-19-7	0.7
Nitric oxide	10102-43-9	4.
Nitrobenzene	98-95-3	0.02
N-Nitrosodi-n-butylamine	924-16-3	0.00006
N-Nitrosodiethylamine	55-18-5	0.000002
N-Nitroso-N-methylurea	684-93-5	0.0000001
N-Nitrosopyrrolidine	930-55-2	0.0002
Pentachlorobenzene	608-93-5	0.03
Pentachloronitrobenzene (PCNB)	82-68-8	0.1

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Pentachlorophenol	87-86-5	1.
Phenol	108-95-2	1.
Phenylmercury acetate	62-38-4	0.003
Phosphine	7803-51-2	0.01
Polychlorinated biphenyls, N.O.S	1336-36-3	0.00005
Potassium cyanide	151-50-8	2.
Potassium silver cyanide	506-61-6	7.
Pronamide	23950-58-5	3.
Pyridine	110-86-1	0.04
Reserpine	50-55-5	0.00003
Selenourea	630-10-4	0.2
Silver cyanide	506-64-9	4.
Sodium cyanide	143-33-9	1.
Strychnine	57-24-9	0.01
1,2,4,5-Tetrachlorobenzene	95-94-3	0.01
1,1,2,2-tetrachloroethane	79-34-5	0.002
Tetrachloroethylene	127-18-4	0.7
2,3,4,6-Tetrachlorophenol	58-90-2	0.01
Tetraethyl lead	78-00-2	0.000004
Thiourea	62-56-6	0.0002
Toluene	108-88-3	10.
Toxaphene	8001-35-2	0.005
1,1,2-Trichloroethane	79-00-5	0.006
Trichloroethylene	79-01-6	0.005
Trichloromonofluoromethane	75-69-4	10.
2,4,5-Trichlorophenol	95-95-4	4.
2,4,6-Trichlorophenol	88-06-2	4.
Vanadium pentoxide	1314-62-1	0.7
Vinyl chloride	75-01-4	0.002

(Source: Amended at 37 Ill. Reg. 3249, effective March 4, 2013)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 726. APPENDIX Appendix H Potential PICs for Determination of Exclusion of Waste-Derived Residues

PICs Found in Stack Effluents

Volatiles

Benzene
Toluene
Carbon tetrachloride
Chloroform
Methylene chloride
Trichloroethylene
Tetrachloroethylene
1,1,1-Trichloroethane
Chlorobenzene
cis-1,4-Dichloro-2-butene
Bromochloromethane
Bromodichloromethane
Bromoform
Bromomethane
Methylene bromide
Methyl ethyl ketone

Semivolatiles

Bis(2-ethylhexyl)phthalate
Naphthalene
Phenol
Diethyl phthalate
Butyl benzyl phthalate
2,4-Dimethylphenol
o-Dichlorobenzene
m-Dichlorobenzene
p-Dichlorobenzene
Hexachlorobenzene
2,4,6-Trichlorophenol
Fluoranthene
o-Nitrophenol
1,2,4-Trichlorobenzene
o-Chlorophenol
Pentachlorophenol
Pyrene
Dimethyl phthalate
Mononitrobenzene
2,6-Toluene diisocyanate
Polychlorinated dibenzo-p-dioxins¹
Polychlorinated dibenzo-furans¹

¹ Analyses for polychlorinated dibenzo-p-dioxins and polychlorinated dibenzo-furans are required only for residues collected from areas downstream of the combustion chamber (e.g., ductwork, boiler tubes, heat exchange surfaces, air pollution control devices, etc.).

BOARD NOTE: Analysis is not required for those compounds that do not have an established F039 nonwastewater concentration limit.

(Source: Amended at 37 Ill. Reg. 3249, effective March 4, 2013)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 726. APPENDIXAppendix I Methods Manual for Compliance with BIF Regulations

The document entitled, "Methods Manual for Compliance with BIF Regulations: Burning Hazardous Waste in Boilers and Industrial Furnaces," December 1990, is available as appendix IX to 40 CFR 266 (Methods Manual for Compliance with the BIF Regulations), incorporated by reference in 35 Ill. Adm. Code 720.111(b). It is also available through NTIS, as described in the incorporation by reference.

(Source: Amended at 37 Ill. Reg. 3249, effective March 4, 2013)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 726. ~~APPENDIX~~Appendix K Lead-Bearing Materials that May be Processed in Exempt Lead Smelters

- a) Exempt lead-bearing materials when generated or originally produced by lead-associated industries.

BOARD NOTE: Lead-associated industries are lead smelters, lead-acid battery manufacturing and lead chemical manufacturing (e.g., manufacturing of lead oxide or other lead compounds).

Acid dump/fill solids

Sump mud

Materials from laboratory analyses

Acid filters

Baghouse bags

Clothing (e.g., coveralls, aprons, shoes, hats, gloves)

Sweepings

Air filter bags and cartridges

Respiratory cartridge filters

Shop abrasive

Stacking boards

Waste shipping containers (e.g., cartons, bags, drums, cardboard)

Paper hand towels

Wiping rags and sponges

Contaminated pallets

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Water treatment sludges, filter cakes, residues, and solids

Emission control dusts, sludges, filter cakes, residues, and solids from lead-associated industries (e.g., K069 and D008 wastes)

Spent grinds, posts and separators

Spent batteries

Lead oxide and lead oxide residues

Lead plates and groups

Spent battery cases, covers, and vents

Pasting belts

Water filter media

Cheesecloth from pasting rollers

Pasting additive bags

Asphalt paving materials

- b) Exempt lead-bearing materials when generated or originally produced by any industry.

Charging jumpers and clips

Platen abrasive

Fluff from lead wire and cable casings

Lead-based pigments and compounding pigment dust

(Source: Amended at 37 Ill. Reg. 3249, effective March 4, 2013)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 726. ~~APPENDIX~~Appendix L Nickel or Chromium-Bearing Materials that May be Processed in Exempt Nickel-Chromium Recovery Furnaces

- a) Exempt nickel or chromium-bearing materials when generated by manufacturers or users of nickel, chromium, or iron.

Baghouse bags

Raney nickel catalyst

Floor sweepings

Air filters

Electroplating bath filters

Wastewater filter media

Wood Pallets

Disposable clothing (coveralls, aprons, hats, and gloves)

Laboratory samples and spent chemicals

Shipping containers and plastic liners from containers or vehicles used to transport nickel or chromium-containing wastes

Respirator cartridge filters

Paper hand towels

- b) Exempt nickel or chromium-bearing materials when generated by any industry.

Electroplating wastewater treatment sludges (F006)

Nickel or chromium-containing solutions

Nickel or chromium-containing catalysts

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Nickel-cadmium and nickel-iron batteries

Filter cake from wet scrubber system water treatment plants in the specialty steel industry

Filter cake from nickel-chromium alloy pickling operations

(Source: Amended at 37 Ill. Reg. 3249, effective March 4, 2013)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 726. ~~APPENDIX~~Appendix M Mercury-Bearing Wastes that May Be Processed in Exempt Mercury Recovery Units

The following materials are exempt mercury-bearing materials containing less than 500 ppm of Appendix H to 35 Ill. Adm. Code 721 organic constituents, when generated by manufacturers or users of mercury or mercury products:

Activated carbon

Decomposer graphite

Wood

Paper

Protective clothing

Sweepings

Respiratory cartridge filters

Cleanup articles

Plastic bags and other contaminated containers

Laboratory and process control samples

K106 and other wastewater treatment plant sludge and filter cake

Mercury cell sump and tank sludge

Mercury cell process solids

Recoverable levels of mercury contained in soil

(Source: Amended at 37 Ill. Reg. 3249, effective March 4, 2013)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 726. ~~TABLE~~Table A Exempt Quantities for Small Quantity Burner Exemption

TESH (m)	Allowable Hazardous Waste Burning Rate (gal/mo)	TESH	Allowable Hazardous Waste Burning Rate (gal/mo)
0 to 3.9	0	40.0 to 44.9	210
4.0 to 5.9	13	45.0 to 49.9	260
6.0 to 7.9	18	50.0 to 54.9	330
8.0 to 9.9	27	55.0 to 59.9	400
10.0 to 11.9	40	60.0 to 64.9	490
12.0 to 13.9	48	65.0 to 69.9	610
14.0 to 15.9	59	70.0 to 74.9	680
16.0 to 17.9	69	75.0 to 79.9	760
18.0 to 19.9	76	80.0 to 84.9	850
20.0 to 21.9	84	85.0 to 89.9	960
22.0 to 23.9	93	90.0 to 94.9	1,100
24.0 to 25.9	100	95.0 to 99.9	1,200
26.0 to 27.9	110	100.0 to 104.9	1,300
28.0 to 29.9	130	105.0 to 109.9	1,500
30.0 to 34.9	140	110.0 to 114.9	1,700
35.0 to 39.9	170	115.0 or greater	1,900

(Source: Amended at 37 Ill. Reg. 3249, effective March 4, 2013)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Structural Pest Control Code
- 2) Code Citation: 77 Ill. Adm. Code 830
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
830.20	Amended
830.100	Amended
830.110	Amended
830.180	Amended
830.200	Amended
830.210	Amended
830.220	Amended
830.300	Amended
830.460	Repealed
830.470	New
830.600	Amended
830.630	Amended
830.640	Amended
830.700	Amended
830.710	Amended
830.820	Amended
830.2000	New
830.2100	New
830.2200	New
830.2300	New
830.2400	New
830.2500	New
- 4) Statutory Authority: Structural Pest Control Act [225 ILCS 235]
- 5) Effective Date of Rulemaking: March 1, 2013
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 9) Notice of Proposed Amendments published in the *Illinois Register*: September 21, 2012; 36 Ill. Reg. 14198
- 10) Has JCAR issued a Statement of Objection to this Rulemaking? No
- 11) Differences between Proposal and Final Version: The following change was made in response to comments received during the first notice or public comment period: In Section 830.220(a), "control" was stricken in the fifth line.
- The following changes were made in response to comments and suggestions of JCAR:
1. In Section 830.640(c), sixth line, "to ensure that" was changed to ". This electronic filing will enable".
 2. In Section 830.640(c), seventh line, "in a more timely fashion" was changed to "prior to the Department's receipt of the original copy of the list".
 3. In Section 830.710(a), "other" was added after "or".
 4. In Section 830.710(b)(4)(K), "licensed" was added after "or".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Sections 830.20 and 830.820 have been amended to reference the Electronic Commerce Security Act. Section 830.820 has also been amended to require the time of the pesticide application on pesticide application records.

Sections 830.200, 830.220, and 830.630 have been amended to increase the minimum number of classroom hours required for continuing education from seven hours to nine hours and to indicate that seminars may be in increments of three hours or more. Sections 830.600 and 830.640 have been amended to list additional sponsor requirements for approving pest control training seminar courses to be attended by certified technicians.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 830.700 has been amended to update reference to the Department's administrative hearing rules.

Section 830.710 has been amended to indicate those subject to administrative fines under the Act and Code and to establish a classification for violations of stop sale and use orders issued by the Department, as well as violations of pesticide notification and other integrated pest management requirements of the Act.

Sections 830.2000 – 830.2500 have been added under a new Subpart J to include specific integrated pest management course requirements to be consistent with the Act.

This rulemaking will expand a State Mandate. Certified individuals will probably have to pay additional seminar registration and travel costs to meet the increase in classroom hours. Some public schools and licensed day care centers will probably have to pay for course registration and travel costs. Applicants who fail to notify the Department and attend an examination will need to file another application and pay a fee.

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

Susan Meister
Division of Legal Services
Department of Public Health
535 West Jefferson, 5th Floor
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The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER 0: PEST CONTROLPART 830
STRUCTURAL PEST CONTROL CODESUBPART A: GENERAL PROVISIONS

Section

- 830.10 Definitions
830.20 Referenced Materials

SUBPART B: LICENSURE AND CERTIFICATION~~GENERAL~~ REQUIREMENTS

Section

- 830.100 License Application for Commercial Structural Pest Control Business Location
830.110 Registration Application for Non-Commercial Structural Pest Control Location
830.120 Application for Examination as a Certified Structural Pest Control Technician
830.130 Re-examination Applications
830.140 Application of Certified Technicians for Examination in Other Sub-categories
830.150 Processing (Repealed)
830.160 Approved Applications (Repealed)
830.170 Disapproved Applications (Repealed)
830.180 License and Registration Renewals
830.190 Change of Business Ownership
830.200 Certification Renewals
830.210 Late Filing Charge
830.220 Non-renewal of Technician Certificates
830.230 Certified Technician at Each Location
830.240 Change of Certified Technician at Place of Employment
830.250 Certificates of Insurance
830.260 Insurance Coverage
830.270 Supervision of a Non-certified Technician
830.280 Inspections and Investigations (Repealed)
830.290 Classification of Pesticides
830.300 Application for Certification in Illinois as a Structural Pest Control Technician by Reciprocity
830.310 Display of License, Registration and Certification

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

830.315 Procedures for Certification as a Structural Pest Control Technician in Wood Products Pest Control (Repealed)

SUBPART C: EXAMINATIONS

Section

830.400 General Provisions
830.410 Examinations
830.420 Examination Schedules (Repealed)
830.430 Grades
830.440 Notification of Examination Results
830.450 Confidentiality of Examination Scores
830.460 Examinee's Review of Examination ([Repealed](#))
[830.470 Applicant Unable to Attend Scheduled Examination](#)

SUBPART D: PEST CONTROL COURSES

Section

830.500 Application
830.510 Application (Repealed)
830.520 Instructors
830.530 Pest Control Course Description
830.540 Record of Completion
830.550 Pest Control Course Evaluation
830.560 Approval (Repealed)
830.570 Disapproval of an Application or Recision of Approval (Repealed)

SUBPART E: PEST CONTROL TRAINING SEMINARS (RECERTIFICATION)

Section

830.600 Application
830.610 Application (Repealed)
830.620 Instructors
830.630 Pest Control Seminars
830.640 Record of Completion
830.650 Pest Control Seminar Evaluation
830.660 Approval (Repealed)
830.670 Disapproval of an Application or Recision of Approval (Repealed)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

SUBPART F: HEARINGS AND ADMINISTRATIVE FINES

Section	
830.700	Hearings
830.710	Administrative Fines

SUBPART G: SAFE PESTICIDE STORAGE AND HANDLING

Section	
830.800	General Safety Precautions
830.810	Misuse of Pesticides
830.820	Records
830.830	Pesticide Storage Area
830.840	Service Vehicles
830.850	Pesticide Storage Practices
830.860	Orders to Stop Sale, Stop Use, Seize or Regulate Removal
830.870	Hazardous Incident Notification and Abatement

SUBPART H: BIRD CONTROL REQUIREMENTS

Section	
830.880	Avicide Permit Requirements (Repealed)
830.885	Denial or Revocation of Avicide Permits (Repealed)
830.890	Bird Control Monitoring and Reporting Requirements (Repealed)
830.900	Bird Control Training Requirements (Repealed)

SUBPART I: GROUNDWATER PROTECTION

Section	
830.1000	Scope and Applicability
830.1100	Protection of Potable Water Supplies

SUBPART J: INTEGRATED PEST MANAGEMENT COURSE REQUIREMENTS

<u>Section</u>	
<u>830.2000</u>	<u>Application</u>
<u>830.2100</u>	<u>Instructors</u>
<u>830.2200</u>	<u>Integrated Pest Management Course Content</u>
<u>830.2300</u>	<u>Integrated Pest Management Course Evaluation</u>

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

[830.2400](#) [Record of Completion](#)
[830.2500](#) [Alternative Methods of Training](#)

830.ILLUSTRATION A Warning Sign – Pesticide Treatment & Ventilation
830.ILLUSTRATION B Restricted Use Pesticide Sign
830.TABLE A Schedule of Administrative Fines

AUTHORITY: Implementing and authorized by the Structural Pest Control Act [225 ILCS 235], Illinois Pesticide Act [415 ILCS 60] and Sections 3.2 and 14.6 of the Environmental Protection Act [415 ILCS 5/3.2 and 14.6].

SOURCE: Adopted at 2 Ill. Reg. 19, p. 159, effective May 3, 1978; codified at 8 Ill. Reg. 18492; emergency amendment at 10 Ill. Reg. 17812, effective September 28, 1986, for a maximum of 150 days; emergency amendment expired on February 24, 1987; amended at 11 Ill. Reg. 7736, effective April 15, 1987; amended at 13 Ill. Reg. 2090, effective February 3, 1989; emergency amendments at 14 Ill. Reg. 1036, effective December 22, 1989, for a maximum of 150 days; emergency amendment expired on May 21, 1990; amended at 14 Ill. Reg. 12889, effective August 1, 1990; amended at 16 Ill. Reg. 11612, effective July 6, 1992; amended at 18 Ill. Reg. 14404, effective September 15, 1994; amended at 21 Ill. Reg. 15010, effective November 10, 1997; amended at 23 Ill. Reg. 5620, effective May 1, 1999; amended at 25 Ill. Reg. 8303, effective June 25, 2001; amended at 37 Ill. Reg. 3288, effective March 1, 2013.

SUBPART A: GENERAL [PROVISIONS](#)**Section 830.20 Referenced Materials**

~~The following State and federal laws and State rules are referenced in this Part:~~

- a) The following State laws are referenced in this Part:
- 1) Illinois Pesticide Act [415 ILCS 60] (Sections 830.710 and 830.860);
 - 2) Structural Pest Control Act [225 ILCS 235] (Section 830.10);
 - 3) Illinois Groundwater Protection Act [415 ILCS 55] (Sections 830.10 and 830.1100);
 - 4) Environmental Protection Act [415 ILCS 5] (Sections 830.10, 830.1000 and 830.1100);

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

5) [Electronic Commerce Security Act \[5 ILCS 175\] \(Section 830.820\)](#)

b) The following State [administrative](#) rules are referenced in this Part:

- 1) Illinois Pesticide Act (8 Ill. Adm. Code 250) promulgated by the Illinois Department of Agriculture (Section 830.860);
- 2) ~~Rules of~~ Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100) promulgated by the Illinois Department of Public Health (Section 830.700);
- 3) Illinois Plumbing Code (77 Ill. Adm. Code 890) promulgated by the Illinois Department of Public Health (Section 830.800);
- 4) Existing Activities ~~in a~~[in a](#) Setback Zone ~~or~~[or](#) Regulated Recharge Area (35 Ill. Adm. Code 615) promulgated by the Illinois Pollution Control Board (Section 830.1000);
- 5) New Activities ~~in a~~[in a](#) Setback Zone ~~or~~[or](#) Regulated Recharge Area (35 Ill. Adm. Code 616) promulgated by the Illinois Pollution Control Board (Section 830.1000);
- 6) Minimal Hazard Certification (35 Ill. Adm. Code 670) promulgated by the Illinois Pollution Control Board (Section 830.1000);
- 7) Cooperative Groundwater Protection Program (8 Ill. Adm. Code 257) promulgated by the Illinois Department of Agriculture (Section 830.1000);

c) The following federal laws are referenced in this Part:

The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 USC 136 et seq.) also referred to as the Federal Environmental Pesticide Control Act of 1972 (Sections 830.10, 830.710 and 830.860);

d) ~~All incorporations by reference refer to the materials on the date specified and do not include any additions or deletions subsequent to the date specified.~~

(Source: Amended at 37 Ill. Reg. 3288, effective March 1, 2013)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

SUBPART B: LICENSURE AND CERTIFICATION~~GENERAL~~ REQUIREMENTS**Section 830.100 License Application for Commercial Structural Pest Control Business Location**

- a) Any person who engages in commercial structural pest control at or from any commercial structural pest control business location in Illinois, or from a location outside the State and doing business within Illinois, shall be required to obtain a business license from the Department.
- b) To obtain a business license, an applicant ~~shall~~must first meet the certification requirements of the Act and this Part and:
 - 1) Complete the Structural Pest Control Business License Application~~structural pest control business license application~~ (Form IL 482-0156);
 - 2) Obtain a certificate of insurance with general liability insurance coverage in accordance with Section 9**(b)** of the Act and Sections 830.250 and 830.260 of this Part;
 - 3) Pay the required ~~license~~-fee for an original commercial structural pest control business license as specified in Section 9**(a)** of the Act and on the application; and
 - 4) Submit the ~~above~~-items in subsections (b)(1) through (3) to the Department.
- c) The license shall be available to any individual desiring to perform structural pest control services for hire who employs at least one Illinois certified structural pest control technician at the business location to oversee pest control activities, which may include the use of general use pesticides (restricted use pesticides if ~~qualified~~qualified under Section 5B of the Act) as long as the requirements of the Act and this Part are met. All licenses shall be issued to the owner named in the application, and are not transferable or assignable.

(Source: Amended at 37 Ill. Reg. 3288, effective March 1, 2013)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 830.110 Registration Application for Non-Commercial Structural Pest Control Location

- a) Any person who engages in non-commercial structural pest control using restricted pesticides, at or from any non-commercial structural pest control location, shall be required to obtain a non-commercial structural pest control registration from the Department prior to the ~~application~~~~applicition~~ of any restricted pesticide by ~~thesaid~~ person or facility.
- b) To obtain a location registration, an applicant ~~shall~~~~must~~ first meet the restricted use certification requirements of the Act and this Part and:
- 1) Complete the Non-commercial Structural Pest Control Business Application~~non-commercial structural pest control business application~~ (Form IL 482-0157) (Form IL 482-0159 if facility is State~~state~~, federal or unit of local government);
 - 2) Pay any applicable ~~registration~~ fee for an original non-commercial structural pest control business registration in accordance with Section~~Section~~ 9(a) and 22 of the Act; and
 - 3) Submit the forms and applicable fees to the Department in accordance with Sections 9(2) and 22 of the Act.
- c) The registration shall be available to any non-commercial structural pest control location where restricted pesticides will be ~~used~~~~utilized~~ by Illinois structural pest control technicians employed at the location and certified (in accordance with the Act and this Part) by the Department to use restricted pesticides. All registrations shall be issued to the owner named in the application~~;~~ and are not transferable or assignable.

(Source: Amended at 37 Ill. Reg. 3288, effective March 1, 2013)

Section 830.180 License and Registration Renewals

- a) Renewal applications will be mailed to all licensees and registrants at least 30 days prior to December 1 of each calendar year.
- b) The licensee or applicant shall review the renewal application~~Renewal~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

~~applications shall be reviewed~~ for accuracy ~~by the licensee or registrant~~. The following information shall be recorded where indicated on the ~~back of the~~ renewal application before ~~the application is being~~ submitted to the Department:

- 1) Any changes in business name (that do not result in a change in ownership) and mailing, ownership or location address. If there is a change in the location address, the current business license or registration shall be attached to the renewal application and submitted with the fee for replacement of a license or registration prescribed in Section 9(a) of the Act;
 - 2) The signature of the location manager/owner; and-
 - 3) The signature and certification number (i.e., 052-) of a technician (certified in accordance with Section 5 of the Act and this Part) employed at the business location processing a certificate expiring beyond the license or registration renewal period. A technician possessing a certificate expiring at the same time as the business license or registration may sign the renewal, provided that providing the technician certificate is renewed prior to, or at the same time as, the business license or registration.
- c) If a renewal application is filed in a timely and sufficient manner, the Department will process the application, and the current license or registration shall continue in effect until the Department issues either a new license or registration or a Final Order denying the application. Renewal applications shall be filed with the Department prior to December 1 of each year.
- d) For the purposes of this Section, a timely and sufficient manner means that: A license/registration shall be issued providing:
- 1) The renewal application is postmarked no later than December 1 of the year of license or registration expiration; the business employs at least one Illinois certified technician at the business location (registrants are required to employ at least one Illinois certified technician at any location where restricted pesticides are utilized); and
 - 2) The Department receives the completed renewal application (in accordance with Section 830.180**(b)** of this Part) and appropriate renewal

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

(and any replacement of license or registration) fee ~~as~~-set forth in Section 9(a) of the Act ~~is received by the Department~~; and

- 3) A~~a~~ valid certificate of insurance is on file with the Department (or attached to the renewal) ~~that~~which provides the minimum liability insurance requirements ~~as~~-detailed in Section 9(b) of the Act and Sections 830.250 and 830.260 of this Part (not applicable for registrants). The certificate of insurance form is available on the Structural Pest Control web page at: <http://www.idph.state.il.us/envhealth/structuralpest.htm>; ~~and~~
 - 4) ~~there has been no change in the ownership of the business; and~~
 - 5) ~~the Department has no other grounds for denying the application pursuant to Section 13 of the Act or this Part.~~
- e) A renewal application that does not comply with subsections (d)(2) and (d)(3) of this Section shall be considered insufficient and shall be returned to the applicant, and the current license or registration shall lapse on the December 31 expiration date. Renewal applications filed with the Department postmarked after December 31 of each year, or renewal applications filed with the Department but not renewed by the Department prior to December 31 of the year of expiration because they were submitted in violation of this Part, shall be assessed a late filing charge in accordance with Section 9 of the Act and Section 830.210 of this Part.
- f) The Department will process a renewal application that is sufficient but not timely (filed with the Department postmarked after December 1 up to and including December 31), but the current license or registration shall lapse on the December 31 expiration date. The application shall be accompanied by the required late filing charge prescribed in Section 9(a) of the Act.
- g) No license or registration shall be renewed after the December 31 expiration date. Renewal applications postmarked after December 31 will be subject to the requirements and fees for obtaining an original commercial or non-commercial structural pest control business license or registration as detailed in Section 830.100 or 830.110 of this Part.
- h) Renewal applications shall not be used to obtain a license or registration when there has been a change in ownership. For a change in business ownership, the

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

application for a Commercial (or Non-commercial) Structural Pest Control Business Location License (or Registration) and the Change of Business Ownership forms shall be completed and mailed to the Department in accordance with Sections 830.180 (or 830.110) and 830.190 of this Part in lieu of the renewal application. Forms may be obtained from the Structural Pest Control web page at: <http://www.idph.state.il.us/envhealth/structuralpest.htm>.

(Source: Amended at 37 Ill. Reg. 3288, effective March 1, 2013)

Section 830.200 Certification Renewals

- a) Renewal applications will be mailed to all certified technicians in possession of a valid structural pest control technician certificate at least 30 days prior to December 1 during the year of certification expiration, provided that the following items are on file with the Department by October 1 of that year:
 - 1) A valid, current home address; and
 - 2) Verification of attendance at a minimum of nine classroom contact hours, in increments of three hours or more, at Department-approved pest control training seminars~~attendance at the required number of recertification seminars~~ during the certification period.
- b) A certified technician who does not receive a renewal application pursuant to subsection (a) of this Section may obtain one by submitting a written request to the Department after the requirements of Section 830.200(a) of this Part have been met.
- c) The certified technician shall review the renewal application~~Renewal applications shall be reviewed~~ for accuracy~~by the certified technician~~. Any changes of employment, name, or home or mailing address shall be recorded where indicated on the renewal application.
- d) If a renewal application is filed in a timely and sufficient manner, ~~it will be processed by~~ the Department will process the application, and the current certification shall continue in ~~full force and~~ effect until the Department issues either a certification renewal or a Final Order denying the application.
- e) For the purposes of this Section, a timely and sufficient manner means that:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 1) ~~The~~ application is postmarked no later than December 1 of the year of certification expiration;
 - 2) ~~The~~ application is on~~made using~~ the Department's technician renewal form;
 - 3) The child support section of the application has been completed and the application ~~is~~ signed and dated by the certified technician;
 - 4) A~~a~~ check or money order for the renewal fee required by Section 9(a) of the Act is enclosed; ~~and~~
 - 5) ~~Documentation~~documentation of attendance at a minimum of nine classroom contact hours, in increments of three hours or more, attending at least one Department approved pest control training ~~seminars~~seminar during the ~~three~~3 years prior to the renewal application is either on file with the Department or enclosed with the renewal application; ~~and~~
 - 6) A current 2-inch by 2-inch head and shoulders color photograph of the applicant printed on photographic paper is attached to the application or on file with the Department.
- f) A renewal application ~~that~~which does not comply with ~~subsections~~subsection (e)(2) through ~~(6)(5)~~ of this Section shall be considered insufficient and shall be returned to the applicant, and the current certification shall lapse on the December 31 expiration date.
- g) The Department will process a renewal application ~~that~~which is sufficient but not timely (filed with the Department postmark after December 1) ~~shall be processed by the Department~~, but the current certification shall lapse on the December 31 expiration date. The application shall be accompanied by the required late filing charge prescribed in Section 9(a) of the Act. If such application is postmarked after December 31 of the year of expiration, the renewal fee shall include the late filing charge required by Section 9 of the Act and Section 830.210 of this Part in order to be considered a sufficient application.
- h) The Department's acceptance of an application as sufficient for processing shall not be construed as a determination of the merits of the application or the

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

technician's qualifications for certification renewal.

(Source: Amended at 37 Ill. Reg. 3288, effective March 1, 2013)

Section 830.210 Late Filing Charge

- a) A late filing charge (see Section 9(a) of the Act) shall be assessed for any license, registration or certification renewal ~~that which~~ is not properly filed with the Department postmarked no later than the December 1 due date ~~of expiration~~.
- b) A renewal is improperly filed when a license, registration, or technician certificate cannot be issued because the requirements of the Act and Sections 830.180 or 830.200 of this Part have not been fulfilled.

(Source: Amended at 37 Ill. Reg. 3288, effective March 1, 2013)

Section 830.220 Non-renewal of Technician Certificates

- a) Structural pest control technician certificates shall be renewed up to one+ year after expiration by paying the renewal fee, late filing charge (as required by Section 9(a) of the Act) and furnishing evidence of attendance at a minimum of nine classroom contact hours, in increments of three hours or more, at Department-approved participation at an approved pest control training seminar ~~seminar~~. A certificate issued by the Department pursuant to this Section shall expire three years ~~after from~~ the technician's original renewal date.
- b) Certificates lapsing more than one+ year but less than five years after expiration shall be renewed only after the individual files an application for examination, pays all required fees (i.e., a total fee composed of the application, renewal and late filing fee) and successfully passes the certification examinations.
- c) No previously certified technician shall be allowed to attain certification without meeting the appropriate requirements as detailed in subsections ~~subsections~~ (a) or (b) ~~above~~.

(Source: Amended at 37 Ill. Reg. 3288, effective March 1, 2013)

Section 830.300 Application for Certification in Illinois as a Structural Pest Control Technician by Reciprocity

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- a) An individual classified as a certified structural pest control technician, or applicator, in another state and who is not an Illinois resident, may obtain Illinois certification as a structural pest control technician provided that~~providing~~:
- 1) The state~~the State~~ in which the applicant is certified has certification requirements substantially equal to those of the State of Illinois; and
 - 2) The~~the~~ individual is~~was~~ a resident of the state where original certification was obtained and is still actively certified in that state.
- b) ~~An Illinois reciprocal certification shall be by examination unless a formal agreement exists between both states. In addition, an~~ individual shall only be allowed to obtain reciprocal certification only in the areas or categories for which he/she was certified by closed book examination in the other state.
- c) An applicant desiring to obtain reciprocal certification shall have the state in which he/she is certified submit a letter on agency letterhead to the Department that~~which~~ includes the following information:
- 1) Name and address of applicant;~~-~~
 - 2) Employer name and address;~~-~~
 - 3) Classification of certification (commercial for hire, commercial not-for-hire, etc.);~~-~~
 - 4) Certificate I.D. number and license I.D. number;~~-~~
 - 5) Date first certified/licensed;~~-~~
 - 6) Date of certification/license expiration;~~-~~
 - 7) Categories for which the individual is certified, along with a brief description of each category;~~-~~
 - 8) Overall certification status (legal action against certificate/license holder in the past or present, etc.); and~~-~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 9) Whether the certification examination was an open book or closed book examination.
- d) An applicant who has received approval for reciprocal certification pursuant to this Section will then be required to complete the application~~applications~~ for certification as a structural pest control technician and submit the application and fee~~them~~ to the Department in accordance with Section 830.120.
- e) Reciprocal applicants shall maintain their certification in their resident state in order for their reciprocal certification to remain active in Illinois. Loss of certification in the reciprocal applicant's resident state for any reason shall also result in the loss of reciprocal certification in Illinois.
- f) Residents of Illinois shall not be allowed to obtain reciprocal certification in Illinois.
- g) Once an applicant receives reciprocal certification in Illinois, the applicant shall be subject to all of the requirements of the Act and this Part.

(Source: Amended at 37 Ill. Reg. 3288, effective March 1, 2013)

SUBPART C: EXAMINATIONS

Section 830.460 Examinee's Review of Examination (Repealed)

~~Applicants may review their examination(s) at the Department's office in Springfield, or at the Regional Office located near the applicant's home, on an individual basis and by appointment only. No person will be permitted to bring any paper, writing instrument or recording device into the review room, nor will anyone be allowed to copy any portion of the examination.~~

(Source: Repealed at 37 Ill. Reg. 3288, effective March 1, 2013)

Section 830.470 Applicant Unable to Attend Scheduled Examination

- a) An applicant who is unable to attend a scheduled pest control certification examination shall provide written notification submitted by mail to, and received by, the Illinois Department of Public Health, Division of Environmental Health, 525 W. Jefferson Street, Springfield, Illinois 62761, or by e-mail to

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

DPH.pestcontrol@Illinois.gov, at least two business days prior to the scheduled examination date.

- b) An applicant who files written notification in accordance with this Part will receive no more than one excused absence from an examination per year.
- c) An applicant who fails to provide written notification in accordance with this Part and fails to attend the scheduled examination shall be required to file a new application and fee in accordance with Subpart B of this Part to be eligible to take an examination on another date.
- d) Written notification shall be sent to the Department's main office in Springfield by U.S. mail, by fax or by electronic mail as indicated on Department examination applications and correspondence.

(Source: Added at 37 Ill. Reg. 3288, effective March 1, 2013)

SUBPART E: PEST CONTROL TRAINING SEMINARS (RECERTIFICATION)

Section 830.600 Application

- a) ~~To~~In order to satisfy the training seminar requirements of the Act pertaining to recertification (i.e., certification renewal), each educational institution or any other entity ~~that~~which has established or proposes to establish a recertification training seminar on structural pest control shall submit its program to the Department in writing for review and approval.
- b) ~~The~~Such request shall be submitted to the Department no later than four weeks prior to the date of the program. The program information shall include:
 - 1) ~~The~~ the title of the program;
 - 2) Sponsor information, including name, address, telephone number, e-mail address (if available), and contact persons~~sponsor~~;
 - 3) Dates and location of the program;
 - 4) Type~~type~~ of audience;

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 5) An agenda listing the title of each topic, ~~listing~~ speakers, ~~and~~ amount of time per topic, breaks, and start and end times;
 - 6) A brief description of each topic;
 - 7) Background~~background~~ information and qualifications of each speaker; and
 - 8) Total~~total~~ classroom contact hours excluding breaks (a classroom contact hour shall be composed of 60 minutes).
- c)9) Requirements for certification as a structural pest control technician (in accordance with Section 5 of the Act and Section 830.120 of this Part) shall be included in the program brochure ~~if in the event~~ Department approval for certification examinations is ~~to be~~ granted.
- d)e) Any seminar sponsor ~~request for~~requesting the Department's participation ~~shall~~must be submitted for approval no later than ~~eight~~8 weeks prior to the meeting date.

(Source: Amended at 37 Ill. Reg. 3288, effective March 1, 2013)

Section 830.630 Pest Control Seminars

- a) Pest control recertification training seminars shall be in increments of three or more classroom contact hours~~a minimum of 1 day (7 classroom contact hours~~ excluding breaks) and shall cover one or more categories as outlined in ~~Subpart D,~~Section 830.530.
- b) The seminar sponsor shall notify all interested participants of the seminar date or dates and location.
- cb) Sponsors shall incorporate audio-visual aids, handouts ~~and~~/or demonstrations into their programs to help assure audience attentiveness and comprehension. In addition, a written evaluation form ~~provided by the Department~~ shall be included for completion by all participants. The sponsor shall use the evaluation form ~~shall be utilized by the seminar sponsor in order~~ to improve seminar content and presentation.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- e) ~~The seminar sponsor shall be responsible for notifying all interested participants of the seminar date(s) and location.~~

(Source: Amended at 37 Ill. Reg. 3288, effective March 1, 2013)

Section 830.640 Record of Completion

- a) Each educational institution or other entity whose pest control recertification training seminar has been approved by the Department shall issue a letter or certificate of completion to each enrollee or participant who successfully completes the seminar.
- b) Each educational institution or other entity shall maintain a copy of the typed list of individuals attending each seminar, which shall be signed by each attendee and shall include sign in/out times~~submit a copy of the letter or certificate for each individual who has successfully completed the seminar to the Department. The original~~A typed listing of those individuals who have satisfactorily completed the seminar ~~shall~~may be submitted to the Department ~~and shall in lieu of a copy of the letter or certificate which was issued to the participant. The list shall~~ include the following:
- 1) ~~Information~~information pertaining to the seminar (i.e., title, dates and locations of seminar ~~and~~; sponsoring agency);
 - 2) ~~Participant's~~participant's printed name and signature beside sign-in and sign-out times;
 - 3) ~~Participant's~~participant's Illinois certification number (052-);
 - 4) ~~Date~~date of ~~participant's~~participant's certificate expiration;
 - 5) ~~Participant's~~participant's home address; and
 - 6) ~~Employer's~~employer's name and address.
- c) ~~The list required in subsection (b)~~Notification shall be filed with the Department no later than 45 calendar days after the conclusion of the seminar. ~~The seminar sponsor may also electronically submit to the Department a spreadsheet containing each participant's name and certification number, along with the title,~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

location, program date or dates and the number of classroom contact hours awarded for the program. This electronic filing will enable seminar hours to be credited to the participant prior to the Department's receipt of the original copy of the list.~~An individual must attend all classroom portions pertaining to the seminar in order to receive credit.~~

(Source: Amended at 37 Ill. Reg. 3288, effective March 1, 2013)

SUBPART F: HEARINGS AND ADMINISTRATIVE FINES

Section 830.700 Hearings

All hearings held pursuant to this Part shall be in accordance with the Act and the Department's ~~Rules of~~ Practice and Procedure in Administrative Hearings ~~(77 Ill. Adm. Code 100)~~.

(Source: Amended at 37 Ill. Reg. 3288, effective March 1, 2013)

Section 830.710 Administrative Fines

- a) The Department is authorized to assess administrative civil fines against a licensee, registrant, ~~or~~ certified technician, public school, licensed day care center or other person for violations of the Act or this Part. These fines may be assessed in addition to, or in lieu of, license, registration, or certification suspensions and revocations.
- b) The amount of a fine shall be determined in accordance with the Schedule of Administrative Civil Fines in ~~Section 830~~. Table A and the following criteria:
 - 1) A violation, for the purposes of this Section, will be considered to mean a finding of violation of a Section of the Act or this Part by a court of competent jurisdiction in this or any other state, or by the Director in a Final Order issued pursuant to the Act, or by a notice of warning issued in accordance with Section 14 of the Act.;
 - 2) For purposes of determining a second violation, an initial violation means the first violation of a particular Section of the Act or this Part within the previous three years ~~or since the effective date of this amendment,~~ whichever is less.;

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 3) Each location shall be considered separately with regard to violation determinations under this Part.
- 4) A Type A violation is any one of the following:
 - A) Failure to observe the general safety precautions of Section 830.800.
 - B) Failure to abide by any stop sale or stop use order issued under Section 830.860.
 - C) Failure to notify the Department of any incident or accident involving pesticides as required in Section 830.870.
 - D) Use of a pesticide in a manner inconsistent with its labeling directions (Section 830.810).
 - E) Performing a pesticide application or inspection in a faulty, careless, or negligent manner (Section 13(d) of the Act).
 - F) Performing structural pest control in violation of the license and registration requirements of Section 4(a) or 4(b) of the Act.
 - G) Performing structural pest control in violation of the certification requirements of Sections 4(c) and 5 of the Act and Sections 830.230 and 830.270.
 - H) Performing structural pest control in violation of an order issued by the Director or designee ~~his authorized representative~~ (Sections 10(f), 13(a) and 14 of the Act).
 - I) Failure to use methods or materials suitable for structural pest control (Section 13(c) of the Act).
 - J) Performing structural pest control utilizing or authorizing the use or sale of pesticides which are in violation of the FIFRA or the Illinois Pesticide Act. ~~Performing structural pest control utilizing or authorizing the use or sale of pesticides which are in violation of FIFRA or the Illinois Pesticide Act~~ (Section 13(i)(4) of the Act).

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

K) Failure to notify employees and parents and guardians of students of a public school or licensed day care center two business days before a pesticide application as specified in Section 10.3 of the Act.

5) A Type B violation is any one of the following:

- A) Failure to cease pest control operations when there is an interruption in insurance coverage (Section 830.260(d)).
- B) Making or reporting false, misleading, or fraudulent information. (See Section 13(c) of the Act).
- C) Fraudulent advertising or solicitations relating to structural pest control. ~~Fraudulent advertisements or solicitations relating to structural pest control~~ (Section 13(f) of the Act).
- D) Allowing a license, permit, registration or certification to be used by another person in violation of Sections ~~(Section 4(f) and 6(b) of the Act).~~
- E) Using the certification of a structural pest control technician ~~in order~~ to secure or maintain a license or registration when that individual is not actively employed at the business location, in violation of ~~(Section 6(b) of the Act).~~
- F) Aiding or abetting a person to evade any provision of the Act. ~~Aiding or abetting a person to evade any provision of this Act~~ (Section 13(g) of the Act).
- G) Impersonating any federal, State, county, or city official. ~~Impersonating any federal, State, county or city official~~ (Section 13(h) of the Act).
- H) Failure to allow the Department to perform inspections and investigations in accordance with Section 10(g) and (h) of the Act.
- I) Failure to comply with a written notice issued in accordance with

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 830.860.

- 6) A Type C violation is any one of the following:
- A) Failure to observe the pesticide storage requirements of Section 830.830.
 - B) Failure to observe the service vehicle requirements of Section 830.840.
 - C) Failure to observe the pesticide storage practices of Section 830.850.
 - D) Failure to establish and maintain insurance in accordance with Section 9 of the Act and Sections 830.250 and 830.260 and excluding subsection (b)(5)(A) of this Section.
 - E) Failure to establish and maintain records of pesticide applications in accordance with Section 830.820.
 - F) Failure of a licensee or registrant to provide written notification to the Department concerning the loss of the licensee's or registrant's ~~their~~ only certified technician and subsequent shutdown in accordance with Section 8 of the Act and Section 830.240(b).
 - G) Failure of a certified technician to provide written notification to the Department in accordance with Section 830.240(a).
 - H) Failure to renew a license or registration in accordance with Section 4(e) of the Act and Section 830.180.
 - I) Failure to renew a structural pest control technician certification in accordance with Section 6 of the Act and Section 830.200.
 - J) Failure to notify the Department of a change in business ownership in accordance with Section 830.190.
 - K) Failure to perform the notification and license replacement procedures in accordance with Section 4(d) of the Act when there

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

is a change in business location.

- L) Failure to provide information to the Department upon request in accordance with Section 13(e) of the Act.
 - M) Failure to display or provide a current license, registration and certification in accordance with Section 830.310.
 - N) Failure to observe the groundwater protection requirements in accordance with Subpart I of this Part.
 - O) [Failure to follow and observe the integrated pest management requirements of Section 10.2 of the Act.](#)
- c) Any penalty not paid within 60 days after notice from the Department shall be submitted to the Attorney General's Office for collection. Failure to pay a penalty shall also be grounds for suspension or revocation of a license, permit, registration, ~~or and~~ certification.

(Source: Amended at 37 Ill. Reg. 3288, effective March 1, 2013)

SUBPART G: SAFE PESTICIDE STORAGE AND HANDLING

Section 830.820 Records

- a) Each commercial structural pest control business location shall be required to keep records of all pesticide applications for a minimum period of two years.
- b) Each non-commercial structural pest control business location shall be required to keep records of all restricted pesticide applications at the location for a minimum period of two years.
- c) The certified technician responsible for using pesticides, or overseeing the use of pesticides by non-certified personnel, shall provide written verification (i.e., signature and certification number) of review for all pesticide records to determine compliance with this Section.
- d) Records of restricted pesticide usage shall be kept separate from those pertaining to general pesticide usage, and both shall include the following:

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

- 1) Named name and address of customer or site of application;
- 2) Named name of technician applying the pesticide;
- 3) Date and time date of the application;
- 4) Target target pest or purpose for the application;
- 5) Pesticide pesticide use recorded in the following manner:
 - A) Brand or common name;₃
 - B) USEPA Registration Number;₃
 - C) Percentage of Percent active ingredient in the finished product;₃ and
 - D) An estimate of the amount of the finished product used.
- e) All records except those for the week prior to the inspection shall be kept at the business location and be available for inspection by the Department in accordance with the ~~provisions prescribed under the Act, and~~ this Part and the Electronic Commerce Security Act.

(Source: Amended at 37 Ill. Reg. 3288, effective March 1, 2013)

SUBPART J: INTEGRATED PEST MANAGEMENT COURSE REQUIREMENTS

Section 830.2000 Application

- a) An educational institution or any other entity that has established or proposes to establish an integrated pest management course to satisfy the requirements of Section 10.2 of the Act shall submit its program to the Department for review and approval.
- b) The request shall be submitted to the Department at least 45 days prior to the beginning of the course and shall include:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 1) Information on the course sponsor, including name, address, telephone number, e-mail address (if available), and contact person;
 - 2) A complete outline and description of the subject material, including, but not limited to, proposed lesson plans, course textbook, handouts, worksheets, and laboratory exercises;
 - 3) Proposed dates and locations where the integrated pest management course is to be offered;
 - 4) Total classroom hours required to complete the course. Integrated pest management courses shall be a minimum of six classroom contact hours, excluding breaks;
 - 5) Background information and qualifications of instructors and speakers;
 - 6) Pre- and post-class knowledge evaluation sheet;
 - 7) Course evaluation form; and
 - 8) Course certificate of completion.
- c) The Department will issue a course approval number for each approved integrated pest management course.

(Source: Added at 37 Ill. Reg. 3288, effective March 1, 2013)

Section 830.2100 Instructors

An instructor in an approved integrated pest management course shall have a high school diploma or General Educational Development (GED) certificate and shall have minimum experience or education prior to the course, consisting of one or more of the following:

- a) Be an Illinois certified structural pest control technician or a pest control specialist in a related field; or
- b) Have one year of practical experience as an integrated pest management coordinator with written verification from an employer; or

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- c) Have an Associate's Degree or higher degree with at least 15 semester hours or the equivalent in the fields of biological science, entomology, zoology, or related fields from a recognized college or university, as verified by that educational institution.

(Source: Added at 37 Ill. Reg. 3288, effective March 1, 2013)

Section 830.2200 Integrated Pest Management Course Content

- a) Integrated pest management (IPM) courses shall cover, at a minimum, the following topics:
- 1) Definition of integrated pest management in accordance with Section 3.25 of the Act;
 - 2) Development of an integrated pest management plan;
 - 3) Development of an official integrated pest management policy statement;
 - 4) Designating pest management roles;
 - 5) Setting pest management objectives;
 - 6) Inspecting, identifying, and monitoring for pests using, at a minimum, the following basic investigative techniques:
 - A) Common locations to look for specific pests;
 - B) Determining the evidence of pests;
 - C) Trap placement, inspection, and trap record keeping;
 - D) Basic pest identification; and
 - E) Communication of findings to staff and pest control operator;
 - 7) Setting action thresholds and determining response times;
 - 8) Applying integrated pest management strategies;

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 9) Evaluating results and record keeping;
 - 10) Selection of a proper pest control contractor for IPM;
 - 11) Safety issues, including the proper storage of pesticides, notification of application requirements, and label information; and
 - 12) Overview of the requirements of the Act and this Part pertaining to integrated pest management in public schools and licensed day care centers.
- b) The Department has published a guide on integrated pest management that shall be used in the development of an integrated pest management course. The guide can be found on the Department's web page at: <http://www.idph.state.il.us/envhealth/ipm/index.htm>.
 - c) The sponsor is responsible for establishing a system such as a sign in/out roster that verifies that participants have attended the training program throughout its stated length.
 - d) Courses shall incorporate audio-visual aids, handouts or demonstrations to help assure audience attentiveness and comprehension. In addition, a written evaluation form, provided by the sponsor, shall be included for completion by all participants. The course sponsor shall use the evaluation form to improve course content and presentation.
 - e) The course sponsor shall be responsible for notifying all interested participants of the course date, time, and location.
 - f) All course material and evaluations, as outlined in this Section, and the list of participants, as outlined in Section 830.2400, shall be kept for a minimum of five years and shall be available to the Department upon request. Electronic copies of these materials will be acceptable.
 - g) The sponsor shall, upon request, allow reasonable access by the Department to all of the records.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- h) If a training provider ceases to conduct training, the training provider shall notify the Department and provide the Department the opportunity to take possession of that provider's integrated pest management training records.

(Source: Added at 37 Ill. Reg. 3288, effective March 1, 2013)

Section 830.2300 Integrated Pest Management Course Evaluation

All approved integrated pest management courses are subject to periodic Department evaluation to determine the level of the ongoing effectiveness of the training course.

(Source: Added at 37 Ill. Reg. 3288, effective March 1, 2013)

Section 830.2400 Record of Completion

- a) Each educational institution or other entity whose integrated pest management course has been approved by the Department shall issue a letter or certificate of completion to each enrollee or participant who successfully completes the course. The letter or certificate shall include the following:
- 1) Information pertaining to the course (i.e., title, dates and locations of course, sponsoring agency, and the course number issued by the Department);
 - 2) Participant's name;
 - 3) Participant's place of employment;
 - 4) Instructor's name and signature; and
 - 5) Five-year expiration date.
- b) Within 30 days after the conclusion of each course, the educational institution or other entity shall electronically submit to the Department via e-mail a typed list of those individuals who have satisfactorily completed the course. The list shall include the following:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 1) Information pertaining to the course (i.e., title, dates and locations of course, sponsoring agency, and the course number issued by the Department);
- 2) Participants' names; and
- 3) Participants' employer information, including name, address, and the day care center license number or public school district's nine-digit number issued by the State Board of Education.

(Source: Added at 37 Ill. Reg. 3288, effective March 1, 2013)

Section 830.2500 Alternative Methods of Training

Alternative methods of training, such as interactive computer programming, interactive video, or distance learning, may not be used as a means to successfully complete an integrated pest management course.

(Source: Added at 37 Ill. Reg. 3288, effective March 1, 2013)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Illinois Safety Responsibility Law
- 2) Code Citation: 92 Ill. Adm. Code 1070
- 3) Section Number: 1070.110 Adopted Action:
Amendment
- 4) Statutory Authority: 625 ILCS 5/7-708
- 5) Effective Date of Rulemaking: February 28, 2013
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Department's Division of Driver's Services, and is available for public inspection.
- 9) Notices of Proposed published in the *Illinois Register*: 36 Ill. Reg. 15458; November 2, 2012
- 10) Has JCAR issued a Statement of Objection to this Rulemaking: No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Public Act 97-1047 requires the Secretary of State to suspend the driver's license of a person who has been adjudicated by a court to have engaged in child visitation abuse, which shall remain suspended until further order of the court. Further, if directed by the court, the Secretary of State must issue a family responsibility driving permit to a person whose driver's license is suspended for child

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

visitation abuse. This rulemaking sets forth the procedures to be used in each of these instances.

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

Jennifer Egizii
Office of the Secretary of State
Driver Services Department
2701 South Dirksen Parkway
Springfield, Illinois 62723

217/557-4462

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

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT
TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATEPART 1070
ILLINOIS SAFETY RESPONSIBILITY LAW

Section	
1070.10	Forms of Security
1070.20	Future Proof
1070.30	Installment Agreements
1070.40	Disposition of Security
1070.50	Failure to Satisfy Judgment
1070.60	Release From Liability
1070.70	Incomplete Unsatisfied Judgment
1070.80	Driver's License Restriction for Exclusive Operation of Commercial Vehicles
1070.90	Dormant and Dead Judgments
1070.100	Bankruptcy
1070.110	Illinois Safety and Family Financial Responsibility Law
1070.120	Nonresidents and Former Residents; When Proof Not Required

AUTHORITY: Implementing and authorized by the Illinois Safety and Family Financial Responsibility Law [625 ILCS 5/Ch. 7].

SOURCE: Filed and effective December 17, 1971; codified at 6 Ill. Reg. 12674; repealed at 7 Ill. Reg. 13678, effective October 14, 1983; New Part adopted at 11 Ill. Reg. 20215, effective November 30, 1987; amended at 14 Ill. Reg. 6859, effective April 24, 1990; amended at 14 Ill. Reg. 10107, effective June 12, 1990; amended at 15 Ill. Reg. 15083, effective October 8, 1991; amended at 16 Ill. Reg. 2172, effective January 24, 1992; amended at 17 Ill. Reg. 8517, effective May 27, 1993; amended at 18 Ill. Reg. 10909, effective June 28, 1994; amended at 20 Ill. Reg. 398, effective December 20, 1995; amended at 20 Ill. Reg. 7956, effective May 30, 1996; amended at 24 Ill. Reg. 1672, effective January 14, 2000; emergency amendment at 27 Ill. Reg. 14361, effective August 20, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18458, effective November 24, 2003; emergency amendment at 30 Ill. Reg. 7974, effective April 14, 2006, for a maximum of 150 days; emergency expired September 11, 2006; amended at 30 Ill. Reg. 6392, effective April 12, 2007; amended at 32 Ill. Reg. 16507, effective September 25, 2008; amended at 32 Ill. Reg. 19163, effective November 25, 2008; amended at 35 Ill. Reg. 1790, effective January 13, 2011; amended at 36 Ill. Reg. 5575, effective March 26, 2012; amended at 37 Ill. Reg. 3319, effective February 28, 2013.

Section 1070.110 Illinois Safety and Family Financial Responsibility Law

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

- a) For purposes of this Section, the following definitions shall apply:

"Administrative Order of Support" – an order for the support of dependent children issued by an administrative body of this or any other state.

"Cancellation" – the annulment or termination by formal action of the Secretary of State of a person's Family Financial Responsibility Driving Permit (FFRP) because of some error or defect in the FFRP or because the permittee is in some form of violation of any of the requirements contained in the Illinois Vehicle Code or Illinois Administrative Code.

"Certification" – the electronic transmission to the Department from the Illinois Department of Healthcare and Family Services when a person is 90 days or more delinquent in payment of support under an order of support entered by an administrative body of this or any other state.

"Department" – the Department of Driver Services within the Office of the Secretary of State.

"Department of Healthcare and Family Services" or "HFS" – the Illinois Department of Healthcare and Family Services.

"Family Financial Responsibility Driving Permit" or "FFRP" – a document issued to persons who have had their full driving privileges suspended that grants and specifies limited driving privileges as specified in IVC Section 7-702.1.

"Illinois Vehicle Code", "Vehicle Code" or "IVC" – 625 ILCS 5.

"Invalidation" – to render a license or permit no longer valid for the purpose it was issued, as specified in IVC Section 6-301.3.

"Law Enforcement" – a police officer, sheriff, coroner, municipal prosecutor, or state's attorney.

"Law Enforcement Sworn Report" – a confirmation of correctness and truth by an affidavit, oath or deposition, or a verification by certification, executed by a law enforcement officer, as specified in IVC Section 11-501.1(d) and Section 1-109 of the Code of Civil Procedure [735 ILCS 5/1-109].

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

"Received by the Department of Administrative Hearings" – a written request for an administrative hearing that is received and date-file stamped at the Department of Administrative Hearings or any formal hearing location .

"Recipient Identification Number" or "RIN" – the file number used by the Department of Healthcare and Family Services to identify child support cases.

"Stay Order" – the temporary suspension of the regular order of proceeding in a cause, by direction or order of the court.

["Visitation Order" – the order of the court involving visitation rights for family members of minor children.](#)

- b) Suspension of Driving Privileges
- 1) The Department shall suspend the driver's license of an obligor, pursuant to IVC Section 7-702(a) or (b), upon receipt of an authenticated report as set forth in IVC Section 7-703. The authenticated report must be on a form prescribed by the Secretary of State and include the obligor's name, address, driver's license number, date of birth and gender, the date and county in which the order was entered, case number, judge's signature, court seal or file stamp, and date certified.
 - 2) The Department shall enter an order of suspension pursuant to IVC Section 7-702(c) upon receipt of certification by HFS that the obligor is 90 days or more delinquent in payment of support under an order of support issued by an administrative body of this or any other state. The certification shall include the obligor's name, address, date of birth, gender and case number.
 - 3) Any submitted authenticated report or Record of Nonpayment of Court-Ordered Child Support that is defective by not containing sufficient information or that has been completed in error shall not be entered onto the obligor's driving record, but shall be returned to the court of jurisdiction and shall indicate why the order of suspension cannot be entered.
 - 4) Any certification from HFS that contains insufficient data or has been completed in error shall not be entered onto the obligor's driving record,

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

but shall be electronically returned to HFS with an indication as to why the order of suspension cannot be entered.

5) The Department shall suspend the driver's license of an individual, pursuant to IVC Section 7-702(d), upon receipt of an authenticated report as set forth in IVC Section 7-703 that indicates the court has adjudicated the individual as engaging in visitation abuse. The authenticated report must be on a form prescribed by the Secretary of State and include the name, address, driver's license number, date of birth and gender, the date and county in which the order was entered, case number, name of the judge entering the order, court seal or file stamp, and date certified.

c) Termination of Suspension

1) Upon receipt of an authenticated document, in a form approved by the Department, that the obligor is in compliance with a court order of support or that the order has been stayed by subsequent order of the court, the Department shall terminate the suspension. The authenticated document must include the obligor's name, address, driver's license number, date of birth and gender, the date and county in which the order was entered, case number, judge's signature, and court seal or file stamp.

2) Upon receipt of an electronic certification of compliance from HFS when the person has paid the delinquent support in full or has arranged for payment of the delinquent support and current support obligations in a manner satisfactory to HFS. The certification must include the person's name, address, date of birth, gender and RIN.

3) Upon receipt of an authenticated document, in a form approved by the Department, that the individual is in compliance with the visitation order or that the order has been stayed by subsequent order of the court, the Department shall terminate the suspension. The authenticated document must include the individual's name, address, driver's license number, date of birth and gender, the date and county in which the order was entered, case number, name of the judge entering the order, and court seal or file stamp.

d) Family Financial Responsibility Permits (FFRP)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

- 1) The Department shall enter an FFRP pursuant to IVC Section 7-702.1(a) or 7-702.1(a-1) if the following conditions are met:
 - A) The Department receives a certified court order, on a form prescribed by the Secretary of State, from the court of jurisdiction.
 - B) The court order includes: obligor's name or the name of the individual violating the visitation order, address, driver's license number, date of birth and gender, date the order was issued, case number, driver's obligor's employer and address if applicable, medical or treatment provider and address if applicable, whether the permit allows the driver obligor to seek employment, hours the driver obligor is permitted to operate a vehicle, routes to be traveled, case number, judge's signature, county in which the order was issued, permit type (original, duplicate or renewal), permit expiration date (maximum duration is one year), and court seal or file stamp.
- 2) The Department shall enter an FFRP pursuant to IVC Section 7-702.1(b) if the following conditions are met:
 - A) The Department receives an order, on a form prescribed by the Secretary of State, from HFS.
 - B) The HFS order includes: obligor's name, address, driver's license number, date of birth and gender, date the order was issued, obligor's employer and address if applicable, medical or treatment provider and address if applicable, whether the permit allows the obligor to drive to seek employment, hours the obligor is permitted to operate a vehicle, routes to be traveled, RIN, signature of the HFS representative, county in which the order was issued, permit type (original, duplicate or renewal), permit expiration date (maximum duration is one year), and HFS stamp or seal.
- 3) Any submitted court or HFS order directing the Department to issue an FFRP that contains insufficient data or fails to comply with any provisions of this Part or IVC Article VII shall not be entered to the obligor's driving record, but shall be returned to the court of jurisdiction or HFS, indicating why the FFRP cannot be issued at that time.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

- e) Invalidation of FFRP
- 1) Upon receipt of any of the following documents from a circuit clerk, law enforcement agency or the Department of Administrative Hearings within the Office of the Secretary of State, the Department shall invalidate an FFRP:
 - A) a copy of a charging document for reckless homicide resulting from operation of a motor vehicle in violation of Section 9-3 of the Criminal Code [720 ILCS 5/9-3], driving under the influence of alcohol and/or other drugs in violation of IVC Section 11-501 or a similar provision of a local ordinance, driving outside of restrictions of permit in violation of IVC Section 6-113(e), leaving the scene of a motor vehicle accident involving death or personal injury in violation of IVC Section 11-401, or street racing in violation of IVC Section 11-506. The law enforcement officer issuing a citation for any of these offenses shall confiscate the FFRP and forward it, along with the citation, to the clerk of the circuit court of the county in which the citation was issued. The circuit clerk shall forward the FFRP and a facsimile of the officer's citation to the Secretary of State as expeditiously as possible; or
 - B) a report of any disposition of court supervision or conviction for reckless homicide resulting from operation of a motor vehicle in violation of Section 9-3 of the Criminal Code [720 ILCS 5/9-3], driving under the influence of alcohol and/or other drugs in violation of IVC Section 11-501 or a similar provision of a local ordinance, leaving the scene of a motor vehicle accident involving death or personal injury in violation of IVC Section 11-401, or street racing in violation of IVC Section 11-506; or
 - C) Law Enforcement Officer's Sworn Report.
 - 2) The Department shall invalidate an FFRP, upon receipt of a court order indicating the ~~driver~~obligor is no longer entitled to the permit, in the same manner that a driver's license may be invalidated.
 - 3) The Department shall invalidate an FFRP if the ~~obligor's~~ driver's license expires during the term of the FFRP and the ~~driver~~obligor does not renew his or her driver's license in the manner set forth in IVC Section 6-115.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

- 4) The Department shall invalidate an FFRP, upon request of HFS, when the obligor has not met the conditions of the issuance of the permit, set forth by HFS. Those conditions include, but are not limited to, maintaining and providing to HFS an employment diary as proof that the FFRP is being used to seek employment. The invalidation request shall be submitted to the Department on a form provided by the Department.
- f) Termination of FFRP
- 1) Upon receipt of authenticated documentation from the court that the ~~driver~~obligor is in compliance with the court order of support or visitation, or that the order of suspension has been stayed, the Department shall terminate the FFRP.
 - 2) Upon receipt of an electronic certification of compliance from HFS, the Department shall terminate the FFRP. The certification of compliance must include the obligor's name, address, driver's license number, date of birth, gender and RIN.
- g) Administrative Hearings
- 1) The obligor or individual violating the visitation order may make a written request for an administrative hearing to contest the family financial responsibility suspension of his or her driver's license, pursuant to IVC Section 2-118.
 - 2) If the Department of Administrative Hearings of the Secretary of State receives a written hearing request by the obligor or individual violating the visitation order, in a manner and form approved by the Secretary of State, prior to the effective date of the family financial responsibility suspension, the Department shall stay the suspension in accordance with IVC Section 7-706.
- h) Fees. The Department shall collect a driver's license reinstatement fee as prescribed by IVC Sections 6-118 and 7-707. A reinstatement fee shall be charged for each suspension entered pursuant to IVC Section 7-702. No reinstatement fee shall be charged for individuals suspended pursuant to IVC Section 7-702(d).

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

(Source: Amended at 37 Ill. Reg. 3319, effective February 28, 2013)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of February 26, 2013 through March 4, 2013 and have been scheduled for review by the Committee at its March 12, 2013 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
4/11/13	<u>State Board of Education</u> , Programs for the Preparation of Principals in Illinois (23 Ill. Adm. Code 30)	11/16/12 36 Ill. Reg. 16156	3/12/13
4/11/13	<u>Illinois Commerce Commission</u> , Distributed Generation Installer Certification (83 Ill. Adm. Code 468)	11/2/12 36 Ill. Reg. 15413	3/12/13

EXECUTIVE ORDER

2013-3

**EXECUTIVE ORDER CREATING THE STEERING COMMITTEE FOR THE
MILLENNIUM RESERVE**

WHEREAS, the area referred to as Calumet region extends from Chicago's southeast side and adjacent south suburbs and extends eastward across Lake and Porter Counties in Indiana;

WHEREAS, the Millennium Reserve: Calumet Core includes the Illinois portion of the Calumet region from 89th Street through the adjacent south suburbs and which connects with Millennium Park through the Burnham Lakefront Core;

WHEREAS, the Millennium Reserve: Calumet Core is a unique ecosystem in the Lake Michigan basin that includes Lake Calumet, Wolf Lake, the Calumet River, the Little Calumet River and the Grand Calumet River, as well as large wetlands and natural areas used by Illinois endangered and threatened species;

WHEREAS, the Great Lakes Water Quality Agreement between the United States and Canada was amended in September 2012, with new provisions to address the nearshore environment, aquatic invasive species, habitat degradation, and the effects of climate change and continued focus on existing threats to people's health and the environment of the Great Lakes;

WHEREAS, much of the natural area is owned by public agencies but is threatened by fragmentation and contamination and requires remediation, ecological restoration and coordinated ecological management;

WHEREAS, the Millennium Reserve: Calumet Core has a rich industrial heritage and associated labor culture that led to a richly diverse and vibrant immigrant community;

WHEREAS, residents of the Millennium Reserve: Calumet Core have justifiable pride in their role in building the United States of America;

WHEREAS, the Millennium Reserve: Calumet Core, although still retaining the largest concentration of industrial jobs in the City of Chicago, now includes significant areas of existing or former industrial and manufacturing land that suffers from contamination, abandonment and fragmented ownership that stands in the way of economic revitalization in the area;

WHEREAS, the area within the Millennium Reserve: Calumet Core boundary has been economically challenged by the decline of heavy industry and the loss of jobs and that there is an opportunity to create new jobs in the land conservation, brownfield remediation, and public recreation industries;

WHEREAS, the Millennium Reserve: Calumet Core -served by major rail, highway and waterway transportation systems - is a center for intermodal freight shipping and the increased economic development that takes advantage of these transportation systems would greatly benefit the City of Chicago, the State of Illinois, and the region as a whole;

WHEREAS, the area within Millennium Reserve has an extensive but incomplete network of trails that creates significant transportation alternatives as well as attractive recreational opportunities for the residents of Chicago's Southeast Side and beyond;

WHEREAS, the past 15 years has witnessed the creation of various plans for the Millennium Reserve region including GO TO 2040, Calumet Area Land Use Plan, Calumet Open Space

EXECUTIVE ORDER

Reserve Plan, Calumet Area Ecological Management Strategy, Chicago Southland's Green Time Zone, South Suburban Calumet Area Open Space Initiative and complementary Indiana-based plans including the Marquette Plan and the 2040 Comprehensive Regional Plan;

WHEREAS, although local initiatives have emerged that have both generated and implemented these and other plans over the past 20 years, the region lacks a common action agenda that would unify the plans and partner organizations behind objectives common to all of these plans and to synergies between them;

WHEREAS, conservation and ecologically sustainable land use is inextricably linked to a robust economy and healthy communities, all of which contribute toward quality of life;

WHEREAS, the rich and intertwined cultural, industrial and natural history of the Millennium Reserve affords ample opportunities for school-based and interpretive education that can engage residents, visitors and future stewards;

WHEREAS, President Obama launched America's Great Outdoors Initiative which seeks to re-focus federal conservation efforts by listening to conservation voices at the state and local level and then aligning federal programs behind those local efforts;

WHEREAS, the Obama Administration selected Millennium Reserve as an initiative behind which federal agencies would align and toward which the United States Fish and Wildlife Service has committed approximately two million dollars in federal funds toward ecological restoration;

WHEREAS, the Millennium Reserve Initiative was launched in 2012 by Governor Pat Quinn and the Illinois Department of Natural Resources with the support of Mayor Rahm Emanuel and the City of Chicago, with the vision of a new economy built on re-investment in the ecology, culture and economy of the Calumet region;

WHEREAS, the goal of Millennium Reserve is to transform a region in transition into a vibrant urban space, one that equally values and promotes healthy nature, industry and community;

WHEREAS, Millennium Reserve is intended to catalyze new action in the Calumet region by committing, focusing and leveraging existing resources and attracting new resources that will provide tangible benefits for this important region;

WHEREAS, Millennium Reserve recognizes the important, vital work underway or already completed by many individuals and organizations that creates the foundation for this initiative;

WHEREAS, Millennium Reserve spans a broad and complex physical and political geography and requires collaboration and shared leadership in order to leverage ideas and resources sufficient to accomplish shared goals and objectives;

WHEREAS, various state agencies have authority and resources to advance the objectives of Millennium Reserve, and

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, pursuant to the supreme executive authority vested in me by Article V of the Illinois Constitution, do hereby order as follows:

I. CREATION

There is hereby created a Millennium Reserve State Agency Task Force (hereinafter "Task Force") and a Millennium Reserve Steering Committee (hereinafter "Steering Committee").

EXECUTIVE ORDER

- a. Task Force
- The Task Force shall consist of the Directors or Secretaries of the following State agencies:
- i. Department of Natural Resources
 - ii. Department of Commerce and Economic Opportunity
 - iii. Department of Transportation
 - iv. Illinois Historic Preservation Agency
 - v. Illinois Environmental Protection Agency

The purpose of the Task Force shall be to both inform and consider the priorities and specific actions and initiatives of the Steering Committee. In full consideration of existing state priorities and available state resources, State agency task force members shall align and focus their resources and authorities to advance the work of the Millennium Reserve Initiative as identified through the Steering Committee work plan process. The Task Force Chair shall call Department leaders together regularly to advise and direct activities of the State towards this effort and demonstrate full force and commitment of the State of Illinois towards the effort. The Task Force shall be chaired by the Director of the Department of Natural Resources.

b. Steering Committee

The Steering Committee shall have the structure, duties and powers set forth herein. Members of the Steering Committee shall serve four (4) year terms and shall be unpaid. Members shall represent organizations that are active in the Calumet region, and shall represent one or more of the following three primary areas of expertise and involvement: 1) environmental protection and restoration, and outdoor recreation; 2) economic development; and 3) community development. Members of the Steering Committee shall be appointed by, and serve at the pleasure of, the Governor and shall include the following individuals:

- i. Director, Department of Natural Resources, acting on behalf of the State of Illinois and representing Departments of Transportation, Commerce and Economic Opportunity, Illinois Historic Preservation Agency and the Illinois Environmental Protection Agency;
- ii. One representative each from the following landowning organizations: Chicago Park District, Forest Preserve District of Cook County, Illinois International Port Authority, and Metropolitan Water Reclamation District;
- iii. One representative from the Chicago Metropolitan Agency for Planning;
- iv. One representative from the South Suburban Mayors and Managers Association;
- v. Three representatives from the private business sector whose companies are active in the Millennium Reserve region;
- vi. Three representatives from community groups active in the Millennium Reserve region or from organizations engaged in community development initiatives in the region;

EXECUTIVE ORDER

- vii. Three representatives from non-profit organizations whose primary focus is environmental protection and restoration, and/or outdoor recreation;
- viii. One representative from a federal agency representing the President's America's Great Outdoors initiative;
- ix. Two representatives from the City of Chicago;
- x. Three representatives from foundations which have an established track record in funding successful community, environmental, and/or economic development initiatives and
- xi. Additional members may be appointed as necessary.

The Governor shall appoint a Chair and Vice-Chair, who shall oversee the Steering Committee's engagement, determining the priorities, goals and work plans of Millennium Reserve.

II. PURPOSE

The purpose of the Steering Committee is to serve as a central governing body that shall have leadership responsibilities for the overall execution of the Millennium Reserve Initiative.

III. DUTIES

- a. The Steering Committee shall develop overall goals, objectives, and priorities for action in the Millennium Reserve region relative to environmental restoration and remediation, outdoor recreation, economic development, and community development.
- b. The Steering Committee shall provide direction into the development and implementation of short- and long-term plans of work for the initiative.
- c. The Steering Committee shall identify specific projects of regional significance and recommend major policy initiatives that should be pursued by the State of Illinois and other partner organizations.
- d. The Steering Committee shall assist in identifying resources for undertaking these actions.
- e. The Steering Committee will make every effort to engage with Indiana-based representatives of like organizations to coordinate opportunities and priorities for the entire Calumet Core region.

IV. SEVERABILITY

The Steering Committee shall submit a preliminary report to the Governor within six months of its first meeting and regular reports every six months thereafter.

V. EFFECTIVE

EXECUTIVE ORDER

This Executive Order shall take effect upon filing with the Secretary of State immediately upon its execution.

Issued by the Governor: March 1, 2013

Filed with the Secretary of State: March 1, 2013

PROCLAMATIONS

2013-51**Arts in Education Spring Celebration Months**

WHEREAS, the arts are the personification of beauty in the world and help to preserve our cultural heritage; and,

WHEREAS, arts education, which includes dance, drama, music and visual arts, is an essential part of basic instruction for all students, providing them with a balanced education that will aid in developing their full potential; and,

WHEREAS, the Peoria County Regional Office of Education is committed to the establishment and continuation of school programs that provide students with the opportunity to achieve academic excellence; and,

WHEREAS, the Peoria County Regional Office of Education is committed to supporting the development and promotion of fine and applied arts programs; and,

WHEREAS, the Arts in Education Spring Celebration, winner of several awards, is held at the Peoria County Courthouse Plaza and provides a venue for students in grades pre-Kindergarten through 12 to showcase their works and talents; and,

WHEREAS, the 28th annual Arts in Education Spring Celebration will be held April 15 through May 24, 2013; and,

WHEREAS, the State of Illinois supports events such as the Arts In Education Spring Celebration, and commends the students and teachers who work to bring the beauty of art to this great state; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April and May 2013 as **ARTS IN EDUCATION SPRING CELEBRATION MONTHS** in Illinois.

Issued by the Governor February 14, 2013

Filed by the Secretary of State February 28, 2013

2013-52**Emergency Medicine Day**

WHEREAS, Emergency Medicine is responsible for treating the most critically ill and injured patients and is part of the first response to public health emergencies such as natural disasters and terrorist attacks; and,

PROCLAMATIONS

WHEREAS, Emergency Physicians must have the skills of many specialists—the ability to resuscitate a patient (Critical Care Medicine), manage a difficult airway (Anesthesia), suture a complex laceration (Plastic Surgery), reduce (set) a fractured bone or dislocated joint (Orthopedic Surgery), treat a heart attack (Cardiology), manage a stroke (Neurology), work-up a pregnant patient with bleeding (Obstetrics and Gynecology), care for the very young (Pediatrics) and very aged (Geriatrics) and care for the mentally ill (Psychiatry); and,

WHEREAS, Emergency Medicine has been described as society's medical safety net since it is the only place where patients know they can be seen regardless of their financial resources or time of day; and,

WHEREAS, in their safety net role, Emergency Physicians and Emergency Departments face a steady demand for uncompensated care, which raises concern about the financial viability of their operations; and,

WHEREAS, the growth in Emergency Department (ED) visits over the last decade coupled with the decline in the number of hospitals operating an ED have led some experts to declare that emergency care has reached a breaking point; and,

WHEREAS, the closures of Emergency Departments have led to an increasingly common ED overcrowding crisis, where the demand for care exceeds the ability of the ED to provide care in a timely way; and,

WHEREAS, there is a need for increased awareness and support for Emergency Medicine and to preserve this safety net; and,

WHEREAS, the observance of Emergency Medicine Day provides an opportunity for people and families whose lives have been positively impacted by Emergency Medicine to honor the field of Emergency Medicine and the Emergency Physicians who have helped in a time of need; and,

WHEREAS, the establishment of Emergency Medicine Day will also provide the opportunity to share experience and information with the public and the media, in order to raise public awareness about Emergency Medicine and the issues critical to its continuation as society's medical safety net; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim March 13, 2013 as **EMERGENCY MEDICINE DAY** in Illinois, in order to increase awareness of Emergency Medicine and its contribution to the lives of the people of Illinois.

Issued by the Governor February 14, 2013

Filed by the Secretary of State February 28, 2013

PROCLAMATIONS

2013-53**Fellowship Chicago Day**

WHEREAS, on Saturday, January 19, 2013, the 28th Annual Stellar Awards took place at the Grand Ole Opry house in Nashville, Tennessee; and,

WHEREAS, the Annual Stellar Awards has now become a premier Gospel event that recognizes and honors African American Gospel artists and many television and film stars; and,

WHEREAS, it has been 28 years since the first awards show was taped at the Arie Crown Theater in Chicago, and at the 28th Annual Stellar Music Awards, Pastor Jenkins and Fellowship Chicago won five awards, including Choir of the Year and Song of the Year; and,

WHEREAS, Pastor Jenkins' unwavering commitment to the members of his congregation has undoubtedly touched numerous lives, provided a source of inspiration to many people throughout the Chicagoland area; and,

WHEREAS, his years of service to the community are truly a wonderful blessing; and,

WHEREAS, the Annual Stellar Awards provide an opportunity to celebrate Fellowship Missionary Baptist Church's success, while also reaffirming the faith and dedication that has supported the church; and,

WHEREAS, Reverend Dr. Clay Evans founded the Fellowship Missionary Baptist Church in 1950, along with five founding members that preserved the gospel heritage through their perpetuated excellence in gospel music ministry and through their faith in God; and,

WHEREAS, the Fellowship Missionary Baptist Church encourages high standards of performance, conduct and professionalism in the music industry, and exhibits the wealth of talent that Illinois has to offer; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim February 17, 2013 as **FELLOWSHIP CHICAGO DAY** in Illinois, in recognition of the their success and contributions to music, art, and culture in the Land of Lincoln.

Issued by the Governor February 14, 2013

Filed by the Secretary of State February 28, 2013

2013-54**Youth Art Month**

PROCLAMATIONS

WHEREAS, the study of art leads to a fuller, more meaningful life; and,

WHEREAS, art education in the State of Illinois contributes educational benefits to all elementary, middle, and secondary students; and,

WHEREAS, art education teaches students sensitivity to beauty, order, and other expressive qualities; and,

WHEREAS, art education gives students a deeper understanding of multi-cultural values and beliefs, while also bringing to life what is learned in other subjects; and,

WHEREAS, the problem solving skills promoted through art education lead to creative thinking; and,

WHEREAS, our nation's leaders have acknowledged the necessity of including arts experiences in all students' education; and,

WHEREAS, the National Art Education Association, in conjunction with the Illinois Art Education Association, is striving to better the human condition by upgrading visual awareness and the cultural strength of Illinois and the United States as a whole; and,

WHEREAS, the citizens of Illinois have joined the National Art Education Association and the Illinois Art Education Association in supporting the youth of our community in their artistic development; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim March 2013 as **YOUTH ART MONTH** in Illinois, and urge all citizens to give their full support to quality school art programs for children and youth.

Issued by the Governor February 14, 2013

Filed by the Secretary of State February 28, 2013

2013-55**Kenny McReynolds Day**

WHEREAS, Kenny McReynolds has quickly risen to become one of the most accomplished sports broadcasters in the State of Illinois; and,

WHEREAS, Kenny McReynolds is a five-time Chicago Emmy Award winner and the host of CPS Sports Edition on Me-TV; and,

PROCLAMATIONS

WHEREAS, Kenny McReynolds provides color commentary for all live high school football and basketball games broadcast on Me-TV and WCIU; and,

WHEREAS, throughout his broadcasting career, Kenny McReynolds has held numerous other positions including morning sports anchor on WCIU's stock market show and weekend sports anchor and reporter at WFLD-Fox 32 in Chicago; and,

WHEREAS, Kenny McReynolds started his communications career at WVON in Chicago and has served as Sports Director for radio stations WGCI-FM, WBMX-FM, and WVAZ-FM; and,

WHEREAS, highly regarded for his coaching ability and basketball knowledge, Kenny McReynolds is currently a scout for the Golden State Warriors and was previously a scout for the Orlando Magic and Charlotte Bobcats; and,

WHEREAS, Kenny McReynolds was an assistant basketball coach at DePaul University under legendary coach Ray Meyer; and,

WHEREAS, in recognition of his character and success as a coach, Kenny McReynolds was inducted into the Chicago Public Schools' Hall of Fame in May of 2006, and into the Illinois Basketball Coaches Association Hall of Fame in April of 2008; and,

WHEREAS, Kenny McReynolds appeared in the hit movie Hoop Dreams; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim February 18, 2013 as **KENNY MCREYNOLDS DAY** in Illinois, in recognition of his accomplishments as a basketball coach and sports broadcaster.

Issued by the Governor February 15, 2013

Filed by the Secretary of State February 28, 2013

2013-56**Certified Government Financial Manager Month**

WHEREAS, the Association of Government Accountants (AGA) is a professional organization with more than 15,000 members in 90 chapters throughout the United States and around the world, including chapters in Illinois, in Chicago and Springfield; and,

WHEREAS, since 1950, the AGA has been dedicated to addressing the issues and challenges facing government financial managers; and,

PROCLAMATIONS

WHEREAS, there are more than 250 active members representing state, federal, municipal and private sector accountants, auditors, and financial managers in Illinois; and,

WHEREAS, AGA Chicago and Springfield Chapter members have responded to AGA's mission of Advancing Government Accountability, as it continues to broaden education efforts with emphasis on high standards of conduct, honor and character in its Code of Ethics; and,

WHEREAS, the AGA Chicago and Springfield chapters are making significant advances both in professional ability and in service to the citizens of Illinois by mastering increasingly technical and complex requirements; and,

WHEREAS, the Certified Government Financial Manager (CGFM) program of AGA provides a means of demonstrating professionalism and competency by requiring CGFM candidates to have appropriate educational and employment history and to pass a 3-part examination requiring expertise in the Government Environment, Governmental Financial Management and Control, and Governmental Accounting, Financial Reporting and Budgeting; and,

WHEREAS each CGFM holder is required to maintain certification by completing comprehensive training sessions totaling 80 hours over a 2-year period; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim March 2013 as **CERTIFIED GOVERNMENT FINANCIAL MANAGER MONTH** in Illinois, in recognition of the unique skills and special knowledge of the professionals who specialize in government financial management.

Issued by the Governor February 22, 2013

Filed by the Secretary of State February 28, 2013

2013-57**Electrical Safety Month**

WHEREAS, electricity is an increasing presence in our modern lives, but as our reliance on electricity grows, so does the potential for electrical safety hazards; and,

WHEREAS, hundreds of people die and thousands are injured each year in the United States as a result of electrically-related incidents; and,

WHEREAS, there are, on average, 450 civilian deaths related to electrical home structure fires each year; and,

WHEREAS, more than seven people are electrocuted each week in the United States; and,

PROCLAMATIONS

WHEREAS, property damage resulting from home fires caused by electrical failure or malfunction amounts to more than \$1.5 billion annually; and,

WHEREAS, following basic safety precautions can help prevent injury or death to thousands of people each year; and,

WHEREAS, citizens are encouraged to check their homes and workplaces for possible electrical hazards to help protect lives and property. This includes loose wall receptacles and wires, improperly used extension cords, and overloaded circuits; and,

WHEREAS, citizens are encouraged to protect their homes and families with the latest safety technology such as ground fault circuit interrupters, arc fault circuit interrupters, and tamper resistant receptacles; and,

WHEREAS, citizens are encouraged to install, test, and properly maintain an adequate number of smoke alarms; and,

WHEREAS, the Electrical Safety Foundation International (ESFI) is dedicated to promoting electrical safety in the home, school, and workplace, through education, awareness and advocacy; and,

WHEREAS, the Electrical Safety Foundation International has designated the month of May as Electrical Safety Month; and,

WHEREAS, the observance of Electrical Safety Month is designed to promote a healthy respect for electricity and to educate the public about the safe use of electrical appliances and safety practices around electrical equipment; and,

THEREFORE, I Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 2013 as **ELECTRICAL SAFETY MONTH** in Illinois, and encourage all citizens to conduct an electrical safety check of their homes, schools and workplaces, and to establish and practice electrical safety habits to reduce electrical hazards, injuries, and property damage, and to prevent deaths.

Issued by the Governor February 22, 2013

Filed by the Secretary of State February 28, 2013

2013-58

Fabry Disease Awareness Month

PROCLAMATIONS

WHEREAS, Fabry Disease is a rare, progressive, destructive, and life-threatening inherited genetic disorder that causes children and adults to suffer a cascade of life-altering symptoms such as pain, decreased ability to perspire, intolerance to heat and exercise, unexplained fevers, chronic gastrointestinal upset, chronic fatigue, anxiety, depression, and excessive school and work absences. It progresses to include hearing loss, lung disease, heart disease, kidney disease, cerebrovascular disease, and other symptoms. It often causes premature death in adults due to heart attacks, strokes and kidney failure; and,

WHEREAS, Fabry Disease is caused by deficient activity of the lysosomal enzyme, alpha-galactosidase-A, which results in insufficient breakdown of lipids. Lipids are therefore able to build into harmful levels inside the body which causes lysosomal and cellular dysfunction; and,

WHEREAS, Fabry Disease is severely under-recognized and misdiagnosed. When diagnosed, it is often too late after irreversible organ damage occurs; and,

WHEREAS, the current most commonly used estimate of classic Fabry Disease incidence is about 1 in 50,000 males. Because of its x-chromosome inheritance pattern, twice as many females are potentially affected but with a random, more varied distribution of disease symptoms than in males; and,

WHEREAS, recent studies suggest that many more people may have Fabry Disease than are currently identified, in part due to misdiagnosis; and,

WHEREAS, there is an approved treatment for Fabry Disease, but without proper diagnosis, many those suffering from the disease may not receive proper treatment; and,

WHEREAS, an enzyme assay test for males and molecular DNA test for females can confirm Fabry disease. Increased education among physicians and the community is critical to increased disease recognition; and,

THEREFORE, I, Pat Quinn Governor of the State of Illinois, do hereby proclaim April 2013 as **FABRY DISEASE AWARENESS MONTH** in the State of Illinois, in order raise awareness about Fabry Disease and the affect that it has on the lives of many residents of the Land of Lincoln.

Issued by the Governor February 22, 2013

Filed by the Secretary of State February 28, 2013

2013-59

Illinois Arts Education Week

PROCLAMATIONS

WHEREAS, the State of Illinois recognizes that arts education, which includes dance, drama, music, and visual arts, is an essential part of basic education for all students, providing them with a balanced education that will aid in developing their full potential; and,

WHEREAS, the arts enrich the lives of children in Illinois and throughout the country by helping them to develop creative ability, self-expression, self-reflection, cognitive skills, discipline, a heightened appreciation of beauty and cross-cultural understanding; and,

WHEREAS, experience in the arts develops insights and abilities central to the experience of life; and,

WHEREAS, the arts are collectively an important repository of our culture; and,

WHEREAS, many national and state professional education associations hold celebrations in the month of March focused on students' participation in the arts; and,

WHEREAS, these celebrations give Illinois schools a unique opportunity to focus on the value of the arts for all students, to foster cross-cultural understanding, to recognize the state's outstanding young artists, to focus on careers in the arts available to Illinois students, and to enhance public support for this important part of their curriculum; and,

WHEREAS, the fine arts are a significant component of students' educational development, teaching them the language and production of the arts, and helping them understand the role of the arts in civilizations, past and present; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim March 11-17, 2013, as **ILLINOIS ARTS EDUCATION WEEK** and encourage all residents to celebrate the arts with meaningful student activities and programs that demonstrate learning and understanding in the visual and performing arts.

Issued by the Governor February 22, 2013

Filed by the Secretary of State February 28, 2013

2013-60**Kidney Cancer Awareness Month**

WHEREAS, as of January 1, 2009 there were approximately 320,000 men and women living in the United States who had a history of renal cell carcinomas and transitional cell carcinomas (RCC) also known as kidney cancer; and,

PROCLAMATIONS

WHEREAS, the exact cause of kidney cancer is still unknown, and for reasons that are not totally clear, the rate of people developing kidney cancer has been rising steadily since the 1990s; and,

WHEREAS, kidney cancer is among the 10 most common cancers in both men and women. Overall, the lifetime risk of developing kidney cancer is 1 in 63 (1.6%); and,

WHEREAS, The American Cancer Society estimated in January 2013 that 65,150 new cases of kidney cancer (40,430 men and 24,720 women) will occur and 13,680 will die from the disease; and,

WHEREAS, the risk developing kidney cancer is higher in men than women and most often, but not always, occurs in people 55 and older; and,

WHEREAS, there are currently no early detection tests that can detect the presence of kidney cancer; and,

WHEREAS, in its early stages, kidney cancer usually causes no obvious signs or troublesome symptoms. As a kidney tumor grows, symptoms may occur. These may include: blood in the urine; lower back pain on one side (not from an injury); a mass or lump in the belly, fatigue, loss of appetite, weight loss (if you are not trying to lose weight); fever that does not go away after a few weeks and that is not from a cold, the flu, or other infection; pain in the side that does not go away, swelling of ankles and legs and general feeling of poor health. High blood pressure or a lower than normal number of red cells in the blood (anemia) may also signal a kidney tumor. A doctor should be consulted if any of these problems are occurring; and,

WHEREAS, other than surgery, the most commonly used treatments for kidney cancer are various forms of "targeted therapies" or immunotherapy. Other traditional, but less-often used, treatments include radiation therapy and chemotherapy. Several investigational therapies, including vaccine therapy, are also available; and,

WHEREAS, breakthroughs in research over the last year have given renewed hope to patients who previously had few treatment options

THEREFORE, I, Pat Quinn, Governor of the State of Illinois do hereby proclaim March 2013 as **KIDNEY CANCER AWARENESS MONTH** in support of this important public information campaign

Issued by the Governor February 22, 2013

Filed by the Secretary of State February 28, 2013

PROCLAMATIONS

2013-61**Look Up! Pay It Forward Day**

WHEREAS, home fires, which can often be prevented, are the fifth most common cause of unintentional fatalities in the United States; and,

WHEREAS, fire education is vital for ensuring the safety of people across the State of Illinois; and,

WHEREAS, college students, particularly those living in unsupervised, off-campus housing, are at great risk to the dangers posed by fires; and,

WHEREAS, since 2000, eighty-two off-campus fires have claimed the lives of 119 students, one of whom was Tanner Osborn; and,

WHEREAS, in honor of her son's memory, Tanner's mother, Kathleen Moritz, founded the fire initiative "Look Up! Pay It Forward" in 2005 to teach fire safety to college students and to ensure that they have working and properly placed smoke detectors; and,

WHEREAS, in conjunction with the Office of the State Fire Marshal, the program takes place on a different college campus annually, where they canvas homes and give away smoke detectors; and,

WHEREAS, on September 22nd of this year, the day that would have been Tanner Osborn's 31st birthday, the campaign will visit Illinois universities and colleges, with the hopes of preventing any more tragic campus fire deaths; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 22, 2013 as **LOOK UP! PAY IT FORWARD DAY** in Illinois, in order to raise awareness among students of the importance of fire safety in college life and to encourage all Illinoisans to practice fire prevention measures in their own homes.

Issued by the Governor February 22, 2013

Filed by the Secretary of State February 28, 2013

2013-62**Medical Biller's Day**

WHEREAS, medical billers play an integral part in the healthcare industry and provide much needed services to doctors and other healthcare providers; and,

PROCLAMATIONS

WHEREAS, healthcare providers increasingly rely on billing companies to assist them in processing claims in accordance with applicable statutes and regulations. Additionally, providers also consult with billing companies for advice on reimbursement matters, as well as overall business decision-making; and,

WHEREAS, medical billers can offer expertise in program reimbursement requirements, help ensure that claims are accurately prepared, and free physicians and other practitioners to devote their full efforts to the care of their patients; and,

WHEREAS, medical billers strive to provide the highest possible level of ethical and lawful conduct throughout the entire healthcare industry; and,

WHEREAS, medical billers continue to influence the billing process in a positive and credible manner; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim March 28, 2013 as **MEDICAL BILLER'S DAY** in Illinois in recognition of the important role medical billers play in the healthcare system.

Issued by the Governor February 22, 2013

Filed by the Secretary of State February 28, 2013

2013-63**Overdose Awareness Day**

WHEREAS, Drug Policy Alliance (D.P.A) statistics indicate that accidental drug overdose is the leading cause of injury-related death in the United States for people between the ages of 35-54 and the second leading cause of injury-related death for young people; and,

WHEREAS, more than 28,000 people die each year of an overdose from heroin, cocaine, prescription drugs and a wide variety of other narcotics; more than are killed by guns, murders or HIV/AIDS; and,

WHEREAS, accidental drug overdose cases have quadrupled since 1990. Between 1999 and 2005, national accidental drug overdose deaths more than doubled with approximately 22,400 people dying from accidental drug overdose in 2005; and,

WHEREAS, International Overdose Awareness Day originally began in Australia as an initiative of the Salvation Army in the year 2001; and,

PROCLAMATIONS

WHEREAS, International Overdose Awareness Day provides an opportunity for people around the world to publicly mourn loved ones by honoring and remembering those who have lost their lives to an overdose; and,

WHEREAS, numerous participating countries use this occasion to educate policy makers and the public about the growing overdose crisis in the United States and abroad, thereby offering concrete solutions that could possibly save lives; and,

WHEREAS, according to the AIDS Foundation of Chicago, Illinois is one of sixteen states that have a higher fatality rate from drug overdose than car accidents; and,

WHEREAS, in 2009, Illinois enacted the Overdose Protection Law, which allows trained individuals to administer life-saving drugs in the event of an overdose; this law would further save lives by protecting friends and family who seek medical help for those who overdose from arrest or prosecution for possession of small amounts of drugs; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim August 31, 2013 as **OVERDOSE AWARENESS DAY** in Illinois, in memory of the people who have either lost loved ones, or live with permanent injuries resulting from drug overdose.

Issued by the Governor February 22, 2013

Filed by the Secretary of State February 28, 2013

2013-64**Sarcoidosis Awareness Month**

WHEREAS, Sarcoidosis is an inflammatory disease that affects many of our fellow citizens and people around the world in chronic and debilitating ways; and,

WHEREAS, Sarcoidosis was first recognized more than 100 years ago and can affect people of any age, race, and gender; and,

WHEREAS, Sarcoidosis can affect almost any organ in the body, but commonly targets the lungs and lymph nodes; and,

WHEREAS, Sarcoidosis causes heightened immunity, which can lead to a person's immune system overreacting, resulting in damage to the body's own tissues; and,

WHEREAS, while progress has been made in understanding the symptoms and better diagnosing the disease, little is known about the true burden of Sarcoidosis; and,

PROCLAMATIONS

WHEREAS, though the cause of Sarcoidosis remains unknown, with increased research, discovering the cause, improving treatment and finding a cure may be well within our reach; and,

WHEREAS, the mission of National Sarcoidosis Society is to help patients cope with dealing with this disease over long periods of time and raise awareness of Sarcoidosis and its health issues through educational campaigns, providing services, support, and research; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April 2013 as **SARCOIDOSIS AWARENESS MONTH** in Illinois, and encourage all citizens of this state to join together and learn more about Sarcoidosis.

Issued by the Governor February 22, 2013

Filed by the Secretary of State February 28, 2013

2013-65**The Year of Homeownership**

WHEREAS, the State of Illinois recognizes that home is the cornerstone of stability and opportunity for families and communities and also a foundation of the American Dream; and,

WHEREAS, sustainable homeownership strengthens families and neighborhoods by encouraging residents to take an active role in their communities; and,

WHEREAS, homeownership continues to be one of the most significant strategies for families to build wealth, and strengthens communities by providing economic benefits to neighborhoods and the local economy; and,

WHEREAS, the State of Illinois is committed to fostering a vibrant real estate market because homeownership stimulates construction and related industries, creates jobs, and enhances our prosperity; and,

WHEREAS, in response to the national foreclosure crisis, the State of Illinois has made it a priority to ensure that residents who are faced with home loss are aware of the options available to help them; and,

WHEREAS, the Illinois Housing Development Authority (IHDA), the state's housing finance agency, is focused on foreclosure prevention to keep people in their homes; has rehabilitated vacant properties to put properties back into productive use; and now is focusing on promoting opportunities for homeownership; and,

PROCLAMATIONS

WHEREAS, IHDA provides affordable and secure homeownership opportunities for first-time homebuyers and Veterans at a time when market prices and interest rates are exceptionally low; and,

WHEREAS, IHDA has a variety of loan programs to that assists Illinois individuals and families in reaching the dream of homeownership; and,

WHEREAS, the State of Illinois sponsors outreach events to connect homeowners with a statewide network of HUD-approved counselors who can help determine if they qualify for a mortgage modification for reduced monthly payments and implements programs and initiatives to help homeowners because now is the perfect time to take advantage of these programs that offer affordable mortgages with low interest rates and cash assistance for down payment and closing costs; and

WHEREAS, the State of Illinois must do everything it can to protect and sustain homeownership; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim 2013 as **THE YEAR OF HOMEOWNERSHIP** in Illinois.

Issued by the Governor February 22, 2013

Filed by the Secretary of State February 28, 2013

2013-66**American Eagle Day**

WHEREAS, the Bald Eagle was designated as the United States of America's National Emblem on June 20, 1782 by our Country's Founding Fathers at the Second Continental Congress; and,

WHEREAS, the Bald Eagle is unique to North America and represents such American values and attributes as Freedom, Courage, Strength, Spirit, Justice, Quality and Excellence; and,

WHEREAS, the Bald Eagle is the central image used in the Great Seal of the United States and in the logos of many branches of the U.S. Government, including the Presidency, Congress, Defense Department, Treasury Department, Justice Department, State Department, Department of Commerce, and U.S. Postal Service; and,

WHEREAS, the Bald Eagle's image, meaning and symbolism have played a significant role in the beliefs, traditions, religions, lifestyles and heritage of Americans from all walks of life, including U.S. military servicemen and women, American Indians, Christians, and members of

PROCLAMATIONS

various civic, fraternal, patriotic, veterans, youth, conservation, educational, outdoors, nature, sportsman, wildlife, political and sports organizations; and,

WHEREAS, the Bald Eagle's image, meaning and symbolism have played a significant role in American art, music, literature, architecture, commerce, education, and culture, as well as on United States stamps, currency, and coinage; and,

WHEREAS, the Bald Eagle was once endangered and threatened with possible extinction, but is gradually making an encouraging comeback to America's skies; and,

WHEREAS, the Bald Eagle was federally classified as an "endangered species" in the lower 48 states under the Endangered Species Act in 1973, and was upgraded to a less imperiled "threatened" status under that Act in 1995; and,

WHEREAS, the Department of Interior and U.S. Fish and Wildlife Service delisted the Bald Eagle from Endangered Species Act protection in 2007, but the Bald Eagle will continue to be protected under the Bald and Golden Eagle Act of 1940 and the Migratory Bird Treaty Act of 1918; and,

WHEREAS, the recovery of the United States' Bald Eagle population was largely accomplished due to the vigilant efforts of numerous caring agencies, corporations, organizations, and citizens; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim June 20, 2013 as **AMERICAN EAGLE DAY** in Illinois, and encourage all citizens to join in support of the majestic Bald Eagle's continuing recovery and the protection of its precious natural habitat, and in commemorating the living and symbolic presence of our National Bird.

Issued by the Governor February 25, 2013

Filed by the Secretary of State February 28, 2013

2013-67**Colorectal Cancer Awareness Month**

WHEREAS, colorectal cancer, cancer of the colon or rectum, is the third leading cause of cancer-related deaths in the United States for both men and women combined; and,

WHEREAS, the lifetime risk of being diagnosed with cancer of the colon or rectum is 5.5 percent for men and 5.1 percent for women in the United States; and,

PROCLAMATIONS

WHEREAS, every 3 minutes, someone is diagnosed with colorectal cancer and every 10 minutes someone dies from colorectal cancer; and,

WHEREAS, the survival rate of individuals who are diagnosed during the early stages of colorectal cancer is 90 percent but falls to 10 percent when diagnosed after it has spread to other organs; and,

WHEREAS, if the majority of people in the United States age 50 or older were screened regularly for colorectal cancer, the death rate from this disease is estimated to decrease by up to 70 percent; and,

WHEREAS, today, approximately 90 percent of colorectal cancers and deaths are thought to be preventable thanks to a procedure called a colonoscopy, which, unlike a sigmoidoscopy, allows doctors to look inside the entire large intestine; and,

WHEREAS, most cases of colorectal cancer begin as non-cancerous polyps, which are grape-like growths on the lining of the colon and rectum. These polyps can become cancerous. Consequently, their removal can prevent colorectal cancer from ever developing; and,

WHEREAS, because there are often no symptoms related to polyps, it is important to get screened regularly. Men and women at an average risk for the disease should start getting screened after the age of 50; and,

WHEREAS, African-Americans, Hispanic Americans, Asian Americans, American Indians, and Alaskan Natives are significantly less likely to be screened for colorectal cancer compared to Caucasians, however, recent research has shown that African Americans are more frequently diagnosed at a younger age. Experts suggest they begin screening after the age of 45; and,

WHEREAS, colorectal cancer screening tests can even save lives when they detect polyps that have become cancerous. When discovered early, the disease can be cured in most cases. Unfortunately, less than 50 percent of Americans over the age of 50 receive regular screenings for colorectal cancer; and,

WHEREAS, a number of organizations throughout the country will sponsor activities and events this March that educate the public about the importance of getting screened regularly, as well as other ways to reduce the risk of colorectal cancer, such as adopting a healthy lifestyle and diet; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim March 2013 as **COLORECTAL CANCER AWARENESS MONTH** in Illinois to raise awareness about

PROCLAMATIONS

colorectal cancer, and to promote colonoscopies so that others can avoid the same fate as any of the victims of this terrible disease.

Issued by the Governor February 25, 2013

Filed by the Secretary of State February 28, 2013

2013-68**Preeclampsia Awareness Day**

WHEREAS, preeclampsia is a dangerous condition of pregnancy that can, in its severest form, lead to maternal and/or infant mortality or premature birth with significant health risks for the mother and baby; and,

WHEREAS, more than 350,000 cases of preeclampsia are diagnosed in America every year with 25% classified as severe; and,

WHEREAS, every 6 minutes of every day in America, a pregnant woman and her baby face life threatening consequences because of preeclampsia; and,

WHEREAS, globally, preeclampsia and other hypertensive disorders of pregnancy are a leading cause of maternal and infant illness and death, with conservative estimates claiming that these disorders are responsible for 76,000 maternal and 500,000 infant deaths each year; and,

WHEREAS, public awareness of the symptoms of preeclampsia (spikes in maternal blood pressure, sudden swelling of face, feet, and hands, severe upper abdominal pain, and blurred vision) can help women recognize the condition and seek appropriate medical care; and,

WHEREAS, many citizens of Illinois have joined with the Preeclampsia Foundation to raise public awareness in order to minimize maternal and infant illness and death due to preeclampsia; and,

WHEREAS, along with the Preeclampsia Foundation, the State of Illinois envisions a world where preeclampsia no longer threatens the lives of mothers and babies; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 19, 2013, as **PREECLAMPSIA AWARENESS DAY** and applaud the Preeclampsia Foundation's mission to reduce maternal and infant illness and death due to preeclampsia and other hypertensive disorders of pregnancy.

Issued by the Governor February 25, 2013

Filed by the Secretary of State February 28, 2013

PROCLAMATIONS

2013-69**Dandy-Walker Syndrome and Hydrocephalus Awareness Month**

WHEREAS, Dandy-Walker Syndrome is the most common congenital malformation of the cerebellum and its causes are largely unknown; and,

WHEREAS, between 10,000 and 40,000 people have Dandy-Walker Syndrome in the United States; and,

WHEREAS, though statistics indicate that the incidence of Dandy-Walker Syndrome is at least 1 case for every 2,500 live births, the true number of individuals affected is likely significantly higher due to the difficulties associated with diagnosing this syndrome; and,

WHEREAS, patients with Dandy-Walker Syndrome often show signs of developmental delay, enlarged head circumference, and symptoms of hydrocephalus; and,

WHEREAS, the Dandy-Walker Alliance, Inc. is a nonprofit corporation and the only national organization focusing on supporting education, informational activities and non-partisan research that increases public awareness of the congenital birth defect known as Dandy-Walker Syndrome; and,

WHEREAS, the citizens of the State of Illinois should learn about Dandy-Walker Syndrome and hydrocephalus and recognize the achievements of all Americans with a disability, the important role that disabled Americans have played throughout the history of the United States and the scientific, literary, and social impact of disabled Americans on our world today; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 2013 as **DANDY-WALKER SYNDROME AND HYDROCEPHALUS AWARENESS MONTH** in Illinois, in support of increased awareness of Dandy-Walker Syndrome and hydrocephalus.

Issued by the Governor February 26, 2013

Filed by the Secretary of State February 28, 2013

2013-70**Day of Remembrance and Recognition**

WHEREAS, 2012-2013 marks the sesquicentennial of the Vicksburg Campaign of the American Civil War; and,

PROCLAMATIONS

WHEREAS, the Vicksburg Campaign is considered by many historians to be the most decisive campaign of that war, and one of the more decisive ever waged in American military history; and,

WHEREAS, in testament thereof, the United States Congress established the battlefield at Vicksburg as a national military park in 1899; and,

WHEREAS, the State of Illinois was represented during the Vicksburg Campaign by the gallant officers and men who comprised 74 Infantry Regiments, 20 Artillery units, and 22 Cavalry units; and,

WHEREAS, in recognition of their service, on October 26, 1906, the State of Illinois dedicated the Memorial at Vicksburg National Military Park, which is known as the "art park of the world;" and,

WHEREAS, the State of Illinois recognizes that the Memorial is a tribute and recognition for the courage and service of 36,325 of her noble sons and the sacrifices made by their families and communities throughout the state; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 26, 2013 as a **DAY OF REMEMBRANCE AND RECOGNITION** in Illinois, in order to honor the sacrifices that the people of our state made during the Vicksburg Campaign and Civil War.

Issued by the Governor February 26, 2013

Filed by the Secretary of State February 28, 2013

2013-71**Gastroschisis Awareness Day**

WHEREAS, gastroschisis is a birth defect that causes the intestines to protrude from the abdomen; and,

WHEREAS, 1 out of every 2,229 individuals in the United States are born with gastroschisis, and hundreds of Illinois residents are among those affected by gastroschisis; and,

WHEREAS, many individuals with gastroschisis are in need of multiple organ transplants and have serious and debilitating conditions including slow growth, short bowel syndrome, and long-term feeding issues; and,

PROCLAMATIONS

WHEREAS, individuals and families affected by gastroschisis often experience problems such as a sense of isolation, difficulty in obtaining an accurate and timely diagnosis, few treatment options, and problems related to accessing or being reimbursed for treatment; and,

WHEREAS, due to the cause of gastroschisis being relatively unknown, patients and their families have had to play a critical role in increasing awareness and raising funds for research; and,

WHEREAS, Avery's Angels Gastroschisis Foundation (AAGF) is organizing a nationwide observance of Gastroschisis Awareness Day on July 30, 2013 and every year thereafter; and,

WHEREAS, Avery John Rauen, the son of the founder of Avery's Angels, passed away from the complications of gastroschisis on July 30, 2009 at UNC Hospital, and the date of July 30 will be set in the future to commemorate him and all others living with gastroschisis; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim July 30, 2013 as **GASTROSCHISIS AWARENESS DAY** in Illinois, in support of increased awareness of gastroschisis.

Issued by the Governor February 26, 2013

Filed by the Secretary of State February 28, 2013

2013-72**Illinois Black Chamber of Commerce Day**

WHEREAS, many American's envision starting a business or doing something entrepreneurial at some point in their lifetime; and,

WHEREAS, businesses and entrepreneurs are vital to Illinois' growth and prosperity; and,

WHEREAS, the State of Illinois remains committed to nurturing our entrepreneurs and businesses by providing a network of entrepreneurship and small business centers throughout Illinois to turn promising ideas into promising companies and new jobs; and,

WHEREAS, a broad coalition of partner organizations in Illinois and throughout the United States is actively engaged in enhancing small business and entrepreneurial opportunities; and,

WHEREAS, one such organization is the Illinois Black Chamber of Commerce; and,

WHEREAS, the Illinois Black Chamber of Commerce is committed to promoting the development and growth of minority owned businesses across Illinois; and,

PROCLAMATIONS

WHEREAS, the Illinois Black Chamber of Commerce has demonstrated their dedication to improving entrepreneur's chances for success while stabilizing the business environment throughout the state; and,

WHEREAS, the Black Chamber of Commerce's efforts have helped countless entrepreneurs and business owners across the Land of Lincoln realize their potential by encouraging economic empowerment and sustained growth of black enterprise across the state; and,

WHEREAS, on February 27, 2013, 23 Black Chamber of Commerce chapters from across the state will gather for workshops and planning during a conference hosted by the Champaign County Black Chamber of Commerce that will focus on workforce development and tech training; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim February 27, 2013 as **ILLINOIS BLACK CHAMBER OF COMMERCE DAY** in Illinois, and encourage all residents to support the businesses and merchants that create jobs within our communities and reinvest in our local economies.

Issued by the Governor February 26, 2013

Filed by the Secretary of State February 28, 2013

2013-73**Occupational Health and Safety Month**

WHEREAS, occupational health and safety is a cross-disciplinary area concerned with protecting the safety, health and welfare of people engaged in work or employment. The goal of all occupational health and safety programs is to foster a safe work environment, which in turn protects co-workers, family members, employers, customers, suppliers, nearby communities, and other members of the public who are impacted by the workplace environment; and,

WHEREAS, workers' health, and especially low-income workers' health, was among the central concerns of the social reform movement to improve public health in the early 20th century, but today the work environment is rarely considered in public health research or intervention programs targeting low-income populations; and,

WHEREAS, conversely, few workplace safety and health programs, especially where low-income workers are employed, effectively address the broader range of public health programs impacting workers health, including smoking, nutrition, and preventative health checkups; and,

PROCLAMATIONS

WHEREAS, believing that all working men and women in our state deserve the opportunity to make a living and raise families by working under the safest conditions possible, the State of Illinois has long been a national leader in promoting health and safety in the workplace; however, occupational health disparities still exist in our state and throughout the nation; and,

WHEREAS, unfortunately, educational and training interventions that aim to reduce these occupational health disparities face a number of challenges, including structural barriers, cultural differences, and lack of resources and knowledge; and,

WHEREAS, safety and health hazards in the workplace include: contact with harmful chemicals, unsafe electrical outlets, fires, bacteria-related diseases, cuts, prolonged exposure to excessive heat or cold, and many more. They are extremely dangerous and often result in serious injuries, and in some cases, death; and,

WHEREAS, it is imperative that employers, employees, and the general public are aware of the importance of preventing illness and injury in the workplace, and understand the many procedures that make prevention possible; and,

WHEREAS, strictly following safety guidelines, minimizing possible workplace risk factors, and providing accessible, and thorough first aid kits for employees, are all ways citizens can cut down workplace injuries and hazards; and,

WHEREAS, this year marks the 102nd anniversary of the publication of the Report on Occupational Disease in Illinois commissioned by Governor Charles Deneen and written by Dr. Alice Hamilton. This investigation made Illinois a model for other states and the federal government and resulted in great advancements in the field of occupational health and safety; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 2013 as **OCCUPATIONAL HEALTH AND SAFETY MONTH** in Illinois, in recognition of the importance of workplace health and safety for all working men and women in the Land of Lincoln.

Issued by the Governor February 26, 2013

Filed by the Secretary of State February 28, 2013

2013-74**Pediatric Stroke Awareness Month**

WHEREAS, stroke occurs at a rate of 1 in 2700 live births each year and 12 in 100,000 children per year, with stroke being the sixth leading cause of death in children; and,

PROCLAMATIONS

WHEREAS between 50 and 85 percent of infants and children who have a Pediatric Stroke will have serious, permanent neurological disabilities, including paralysis, seizures, speech and vision problems, attention, learning and behavioral difficulties, and may require ongoing physical therapy and surgeries; and,

WHEREAS the life-long health concerns and treatments resulting from Pediatric Stroke result in a heavy financial and emotional toll on the child, the family, and society; and,

WHEREAS very little is known about the cause, treatment and prevention of Pediatric Stroke; Pediatric Stroke risk factors, symptoms, prevention efforts, and treatment are often different in children than in adults; only through medical research can effective treatment and prevention strategies for Pediatric Stroke be identified and developed; and,

WHEREAS an early diagnosis and commencement of treatment of Pediatric Stroke greatly improves chances of recovery and prevention of recurrence; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 2013 as **PEDIATRIC STROKE AWARENESS MONTH** in the State of Illinois and urge all citizens to join me in supporting the efforts, programs, services, and advocacy the Children's Hemiplegia and Stroke Association provides as they strive to enhance public awareness of Pediatric Stroke.

Issued by the Governor February 26, 2013

Filed by the Secretary of State February 28, 2013

2013-75**Consumer Driven Health Improvement Week**

WHEREAS, both the private and public sector need to remain aware of the importance of wellness education; and,

WHEREAS, Illinois has always been in the forefront of taking a leadership role in the positive outcomes for an insured citizenry; and,

WHEREAS, Promoting transparency in decision-making leads to a better informed and healthier citizen; and,

WHEREAS, by offering employees choices and empowering them to make more informed, responsible, and cost-conscious decisions about their lifestyle and healthcare, we can create a healthier, stronger, more productive workforce; and,

PROCLAMATIONS

WHEREAS, It is appropriate that all Illinois citizens become empowered and are encouraged in their health and wellness endeavors to become informed and take responsibility; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim MARCH 25-29, 2013 as **CONSUMER DRIVEN HEALTH IMPROVEMENT WEEK** in Illinois.

Issued by the Governor February 27, 2013

Filed by the Secretary of State February 28, 2013

2013-76**Health Care Workers Week**

WHEREAS, health care organizations in the State of Illinois are both dedicated and committed to providing quality care for their communities; and,

WHEREAS, the metropolitan Chicago region is recognized as a preeminent medical resource and its commitment to the community is evident in its health care organizations; and,

WHEREAS, all members of the health care team – nurses, allied health professionals, support staff, financial services personnel, administration, physicians and volunteers – are recognized as a vital component to providing the very best health care available; and,

WHEREAS, health care employees make valuable contributions in every health care facility and help increase the metropolitan Chicago region's reputation for health care excellence; and,

WHEREAS, the more than 150 hospitals and health care organizations that are Metropolitan Chicago Healthcare Council members wish to express their thanks and appreciation to health care workers for their unwavering commitment and contributions at work and in their communities; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim the week of May 6, 2013 as **HEALTH CARE WORKERS WEEK** in Illinois, and urge all citizens to recognize the achievements of these dedicated workers.

Issued by the Governor February 28, 2013

Filed by the Secretary of State February 28, 2013

2013-77**National Limb Loss Awareness Month**

PROCLAMATIONS

WHEREAS, in the United States, there are approximately 2,000,000 people living with limb loss; and,

WHEREAS, over 500 Americans lose a limb every day; and,

WHEREAS, there are 1,000 babies born each year with congenital limb loss; and,

WHEREAS, there are more than 185,000 new amputations performed each year in the United States; and,

WHEREAS, this number will increase unless drastic preventative measures are undertaken to reduce the incidents of diabetic and vascular related diseases; and,

WHEREAS, it is vital to have access to preventative care for diabetes and peripheral vascular disease (PVD), to have weight management as a part of all care plans, and to have safety information to prevent traumatic limb loss readily available; and,

WHEREAS, the Amputee Coalition of America provides education, outreach, advocacy, and a National Limb Loss Information Center for the benefit of persons with limb loss, their families, and health care providers; and,

WHEREAS, the Amputee Coalition of America has designated the month of April as National Limb Loss Awareness Month so that members of the limb loss community can raise awareness and provide added support and preventative information to both the limb loss community and the broader community about the issues the limb loss community faces; and,

WHEREAS, this observance also provides an opportunity to give people with limb loss a time for recognition and a voice to help reintegrate new amputees, raise awareness of the limb loss community, and get the message out that in many cases limb loss can be prevented; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April 2013 as **NATIONAL LIMB LOSS AWARENESS MONTH** in Illinois, in support of the efforts of the Amputee Coalition of America.

Issued by the Governor February 28, 2013

Filed by the Secretary of State February 28, 2013

2013-78
World TB Day

PROCLAMATIONS

WHEREAS, 347 cases of active tuberculosis (TB) disease were reported in Illinois in 2012 and an estimated 650,000 Illinoisans are infected with the bacterium that causes tuberculosis; and,

WHEREAS, Illinois remains among the states reporting the highest number of TB cases in the nation; and,

WHEREAS, there is a disproportionate burden of TB in minorities and persons born outside the United States; and,

WHEREAS, each year thousands of household members, health care employees and others who share the air of infectious tuberculosis patients are at risk of becoming infected with the tuberculosis bacterium and progressing to active TB disease; and,

WHEREAS, the Illinois Department of Public Health is working to promote prompt diagnosis and treatment of tuberculosis cases, implementation of strategies to prevent tuberculosis in children, improved working relationships between public health providers and private providers, hospitals, long-term care facilities, correctional facilities, managed care organizations and others, and decreased tuberculosis transmission in health care facilities and community settings; and,

WHEREAS, an ongoing outbreak of TB in Illinois demonstrates that maintaining control of TB in Illinois requires strengthening current TB control and prevention systems, and progress toward the elimination of TB cannot occur without maintaining infrastructure, mobilizing support and engaging in global TB prevention and control; and,

WHEREAS, for 2013, the Centers for Disease Control and Prevention (CDC) has again adopted the Global Stop TB Partnership's World TB slogan, "Stop TB in My Lifetime," which goes with the theme of calling for a world free of TB and the Illinois theme is "Stop TB In My Lifetime: Addressing TB in High-Risk Groups"; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim March 24, 2013, as **WORLD TB DAY** in Illinois and urge all citizens to increase their awareness and understanding of tuberculosis infection and disease and to join the global effort to stop the spread of this disease.

Issued by the Governor February 28, 2013

Filed by the Secretary of State February 28, 2013

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 37, Issue 11 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

PROPOSED RULES

71 - 600	.....	2748
83 - 590	.....	2753
29 - 410	.....	2757
29 - 420	.....	2766
32 - 335	.....	2775
32 - 401	.....	2783
32 - 605	.....	2807
32 - 620	.....	2831
17 - 3000	.....	2843
35 - 303	.....	2851

ADOPTED RULES

83 - 300	3/1/2013	.....	2864
2 - 2905	2/28/2013	.....	2871
2 - 2905	2/28/2013	.....	2873
50 - 2051	3/4/2013	.....	2895
20 - 1725	2/26/2013	.....	3051
17 - 510	3/4/2013	.....	3068
44 - 1120	3/1/2013	.....	3075
35 - 720	3/4/2013	.....	3180
35 - 721	3/4/2013	.....	3213
35 - 726	3/4/2013	.....	3249
77 - 830	3/1/2013	.....	3288
92 - 1070	2/28/2013	.....	3319

**EXECUTIVE ORDERS AND
PROCLAMATIONS**

13 - 3	3/1/2013	.....	3330
13 - 51	2/14/2013	.....	3335
13 - 52	2/14/2013	.....	3335
13 - 53	2/14/2013	.....	3337
13 - 54	2/14/2013	.....	3337
13 - 55	2/15/2013	.....	3338
13 - 56	2/22/2013	.....	3339
13 - 57	2/22/2013	.....	3340
13 - 58	2/22/2013	.....	3341
13 - 59	2/22/2013	.....	3342
13 - 60	2/22/2013	.....	3343
13 - 61	2/22/2013	.....	3345
13 - 62	2/22/2013	.....	3345
13 - 63	2/22/2013	.....	3346
13 - 64	2/22/2013	.....	3347
13 - 65	2/22/2013	.....	3348

13 - 66	2/25/2013	3349
13 - 67	2/25/2013	3350
13 - 68	2/25/2013	3352
13 - 69	2/26/2013	3353
13 - 70	2/26/2013	3353
13 - 71	2/26/2013	3354
13 - 72	2/26/2013	3355
13 - 73	2/26/2013	3356
13 - 74	2/26/2013	3357
13 - 75	2/27/2013	3358
13 - 76	2/28/2013	3359
13 - 77	2/28/2013	3359
13 - 78	2/28/2013	3360

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