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EXECUTIVE ORDERS AND PROCLAMATIONS

PROCLAMATIONS

October 12-18, 2003, as Illinois Arts Week (Revised)
April 2, 2003, as Day of Hope

April and May 2003 as Arts in Education Spring Celebration Months

April 9, 2003, as Electric and Telephone Cooperatives Youth Day

May 2, 2003, as Allied Health Professionals Day

May 2003 as Children's Mental Health Month

April 20-26, 2003, as Foresters Prevention of Child Abuse Week

April 2003 as Homeland Security Youth Mentoring Month

April 7, 2003, as Horizon Hospice Day

May 2003 as Lyme Disease Awareness Month

May 9, 2003, as Provider Appreciation Day

May 1, 2003, as Wings of Hope Day

April 28-May 2, 2003, as Charter Schools Week

April 10, 2003, as American EX-POW Recognition Day

April 14-19, 2003, as Credit Education Week

April 15, 2003, as Probation and Court Services Officer Day

April 21-27, 2003, as Licensed Practical Nurse Week

May 13, 2003, as A Day to Honor the Members of the 2nd/32nd Field Artillery Unit

April 6, 2003, as Student Athlete Day

October 2003 as Elk Grove Village Italian Sister Cities, Inc. Month

May 2003 as Electrical Safety Month

April 13-19, 2003, as Paralyzed Veterans of America Awareness Week
National Standards for Parent/Family Involvement Programs shall guide state efforts to support and improve schools

April 25-27, 2003, as Our World Underwater Scholarship Society

April 29, 2003, as Recall Round-Up Day

May 2003 as Foster Care Month

April 26, 2003, as Lincoln Trail Hike Day

February 9-15, 2003, as Vocational Education Week

March 2003 as American Red Cross Month

NOTICES REQUIRED BY LAW TO BE PUBLISHED IN THE ILLINOIS BANKS AND REAL ESTATE, OFFICE OF

Notice of Fine Imposed Under the Residential Mortgage License Act of Preferred Funding Services, Inc. Wrightstown, New Jersey.


ISSUES INDEX I – 1

Editor’s Note 1:  The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedules for the quarterly and annual indexes are (End of March, June, Sept, Dec) as follows:

Issue 28 - July 11, 2003: Data through June 30, 2003 (2nd Quarter)

Issue 41 - October 10, 2003: Data through September 29, 2003 (3rd Quarter)

Issue 2 - January 9, 2004: Data through December 29, 2003 (Annual)

Issue 15 - April 00, 2004: Data through March 31, 2004 (1st Quarter)

Editor’s Note 2:  Submit all rulemaking documentation to the following address:

Secretary of State
Department of Index
Administrative Code Division
111 East Monroe Street
Springfield, Illinois 62756
Editor’s Note:

To: All State Agencies
From: Secretary of State
Department of Index
Administrative Code Division

The Code Division will be conducting a monthly workshop. This is the opportunity for the Administrative Code Division to ask the question “How can we help you?” Each month will consist of different discussion topics. State agencies will be able to select one or more workshops to attend. Please return the included registration form at least two weeks prior to the scheduled workshop. Topics will come from the Secretary of State’s Style Manual and 1 Ill. Admn. Code 100. All workshops will be scheduled from 8:30am to 12:00pm on selected dates. unless otherwise announced workshops will be held at the Illinois State Library, 300 S. Second St., Rm. 403-404, Springfield, IL. 62701. If you have any questions or concerns please contact our office (217)782-6537.

To: All State Agencies in the Chicago Area
From: Secretary of State
Department of Index
Administrative Code Division

Our department will be conducting a bi-monthly workshop. This is the opportunity for the Administrative Code Division to ask the Chicago area “How can I help you?” Each session will consist of different discussion topics. Topics will range from – Trouble shooting with formatting, Secretary Style Manual and 1 Illinois Administrative Code 100.

WORKSHOP I DATE IS
MAY 28th
100 West Randolph, Room 9040
from 9:00 A. M. to 4:00 P.M.

Workshop Schedule and Signup Sheet on following page:
### CHICAGO May 28, 2003

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<td>• Introduction to the Secretary of State Style Manual</td>
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**Agency Name:** ____________________________

**Contact Name:** __________________________

**Address:** ______________________________

**City/Zip:** ______________________________

**Phone Number:** __________________________

**Please return this registration sheet to:**

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<th>Chicago Workshops</th>
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<td>300 S. Second St.</td>
<td>100 West Randolph</td>
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<td>Rm. 403-404</td>
<td>Room 9040</td>
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<td>Springfield, IL 62701</td>
<td>Chicago, IL</td>
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<td>8:30am – 12:00pm</td>
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**Fax Number:** (217) 524-0308

*If you have any question please call (217) 782-6537.*
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. The Register will also contain the Cumulative Index and Sections Affected Indices will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are the end of March, June, Sept, Dec.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repeaters 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 weekly update 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’

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

2003 REGISTER SCHEDULE

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Printed by authority of the State of Illinois
July 2001 - 675 - GA -82
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

1) **Heading of the Part**: Youth Hunting Seasons

2) **Code Citation**: 17 Ill. Adm. Code 685

3) **Section Numbers**: Proposed Action:
   - 685.20 Amendment
   - 685.80 Amendment
   - 685.90 Amendment
   - 685.100 Amendment
   - 685.110 Amendment

4) **Statutory Authority**: Implementing and authorized by Sections 1.3, 1.4, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.24, 2.25, 2.26 and 3.36].

5) **A Complete Description of the Subjects and Issues Involved**: This Part is being amended to update the address where completed applications should be mailed; add a site-specific regulation for the youth white-tailed deer hunt at Crab Orchard National Wildlife Refuge; add language indicating that the public sites open to hunting for the Heritage Youth Wild Turkey Hunt will be determined annually; and to remove language concerning Banner Marsh State Fish and Wildlife Area and Snakeden Hollow State Fish and Wildlife Area from the Section on youth waterfowl hunting permit requirements.

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

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

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

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

10) **Statement of Statewide Policy Objective**: This rulemaking does not affect units of local government.

11) **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:

    Stanley Yonkauski, Jr.
    Department of Natural Resources
12) **Initial Regulatory Flexibility Analysis:**

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

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

C) **Types of professional skills necessary for compliance:** None

13) **Regulatory Agenda on which this rulemaking was summarized:** July 2002

The full text of the Proposed Amendments begins on the next page:
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 685
YOUTH HUNTING SEASONS

Section
685.10 Statewide Season for White-Tailed Deer Hunting
685.20 Statewide Deer Permit Requirements
685.30 Statewide Firearm Requirements for Hunting the Youth Deer Season
685.40 Statewide Deer Hunting Rules
685.50 Reporting Harvest of Deer
685.60 Rejection of Application/Revocation of Deer Permits
685.70 Regulations at Various Department-Owned or -Managed Sites
685.80 Youth White-Tailed Deer Hunt
685.90 Heritage Youth Wild Turkey Hunt - Spring Season
685.100 Youth Pheasant Hunting
685.110 Youth Waterfowl Hunting
685.120 Youth Dove Hunting

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.24, 2.25, 2.26 and 3.36].


Section 685.20 Statewide Deer Permit Requirements

a) Illinois resident hunters must have a current, valid "Youth Deer Hunt Permit" ($10). The Youth Deer Season is only open to Illinois residents who have not reached their 16th birthday, have completed a State-approved Hunter Education course and have a hunting license, unless exempt, by the start of the Youth Deer Season. A permit is issued for one county or special hunt area and is valid only in the county or special hunt area stated on the permit. For permit applications and other information write to:
b) Applications shall be accepted beginning August 1 and ending on the tenth weekday in August for the Youth Deer Season in October. Applications received after the tenth weekday shall not be included in the drawing. Permits shall be allocated in a random drawing. Applications not correctly filled out shall be rejected from the random drawing. Permits shall be issued as antlerless only. If more space is available than the number of applications received, remaining permits will be filled in random daily drawings.

c) In-person and mail-in applications shall receive equal treatment in the drawings.

d) Each applicant must apply using the official agency Youth Deer Hunt Permit Application, and must complete all portions of the form. No more than six applications per envelope shall be accepted. Each applicant must submit a separate personal check or money order. Separate envelopes must be used to send permit applications for regular firearm, muzzleloading rifle, archery, handgun, free or paid landowner/tenant permits, and youth deer season permits.

e) For the applicant to be eligible to receive a Youth Deer Season Permit ($10), applicant must be an Illinois resident and not have had his or her deer hunting privileges suspended or revoked in this State pursuant to Section 3.36 of the Wildlife Code [520 ILCS 5/3.36].

f) Deer hunting seminars covering deer hunting safety and aspects of deer hunting will be made available to participating youths.

g) Recipients of the Youth Deer Season Hunt Permit shall record their signature, on the permit and must carry it on their person while hunting.

h) Permits are not transferable. Refunds shall not be granted unless the Department has erroneously issued the permit after the quota has been depleted or where the applicant was unsuccessful in obtaining a permit.

i) A $3 service fee shall be charged for replacement permits issued by the
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Department, except when permits are lost in the mail there will be no charge. Monies derived from this source will be deposited in the Wildlife and Fish Fund.

j) Each applicant must enclose a separate $10 check or money order payable to the Department of Natural Resources, or the application shall be returned. Applicants should not send cash with their applications. The Department shall not be responsible for cash sent through the mail.

k) Permits issued for the Youth Deer Hunt season will not be counted in the number of gun permits a person can receive for the Firearm and Muzzleloader-Only Deer Season.

l) Providing false information on an application is a Class A misdemeanor (see 520 ILCS 5/2.38).

m) Hunting without a valid permit is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 27 Ill. Reg. ______________, effective ________________)

Section 685.80 Youth White-Tailed Deer Hunt

Statewide regulations shall apply except as noted in parentheses at the following sites by special permit allocated through the regular statewide drawing. Shooting is allowed from elevated tree stands, except as noted in parentheses. Applicants must not have reached their 16th birthday, have completed a State-approved Hunter Education course and have a hunting license, unless exempt, by the start of the Youth Deer Season. Only one tree stand is allowed per person. Tree stands must comply with restrictions listed in 17 Ill. Adm. Code 510.10(c)(3) and must be portable. Tree stands may be set up the day before the hunt and shall be removed the day after. All tree stands must be marked with a site assigned identification number. Check-in, check-out and report of harvest is required. Violation of a site-specific regulation is a Class B misdemeanor (see 520 ILCS 5/2.24).

Crab Orchard National Wildlife Refuge (public hunting area only, except area north of Route 13 is closed to firearm deer hunting - first season only)

Dixon Springs State Park

Fort Massac State Park (first season only)
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Lake Le Aqua Na State Park (hunting from Department established ground blinds only; first season only; permits shall be antlerless only; youth hunters may purchase a $5 either sex permit after harvesting an antlerless deer; supervisors may hunt, but may only take antlerless deer)

(Source: Amended at 27 Ill. Reg. __________, effective _______________)

Section 685.90 Heritage Youth Wild Turkey Hunt - Spring Season

a) Turkey Permit Requirements - Heritage Youth Turkey Hunt

1) The Heritage Youth Wild Turkey Hunt is open only to Illinois residents under the age of 16 at the start of the Heritage Youth Wild Turkey Hunt. All participating youths must have completed a Department-approved Hunter Education course. All youth hunters must have a current, valid Heritage Youth Wild Turkey Hunt Permit ($10). For permit application and other information write to:

Illinois Department of Natural Resources
Youth Turkey Hunt
One Natural Resources Way
P.O. Box 19227
Springfield IL 62794-9227

2) Each applicant must enclose a separate fee (check or money order) payable to the Department of Natural Resources, or the application will be returned. Applicants should not send cash with their applications. The Department will not be responsible for cash sent through the mail.

3) Each applicant must complete the official Department Heritage Youth Wild Turkey Permit application.

4) The season dates, and open counties and open public sites will be determined annually by the Director of the Illinois Department of Natural Resources. The number of permits issued will be in addition to the established county permit quotas. The dates of the application period for permits will be publicly announced annually by the Department.

5) The applicants must not have had their hunting privileges suspended or
6) If more than one application for an Illinois Heritage Youth Wild Turkey Hunt Permit is received from the same person, all applications submitted in that name will be rejected and permits revoked.

7) A $3 service fee will be charged for replacement permits issued by the Department.

8) Each Illinois Heritage Youth Wild Turkey Hunt Permit holder is required to be accompanied by a parent/guardian or responsible adult who possesses a valid Firearm Owners Identification (FOID) Card. The accompanying adult must be present for the permit holder (youth) to hunt. The adult and/or adult caller is not allowed to hunt, but may accompany the youth hunter as a caller or observer. The supervising adult shall be criminally liable for the actions of the youth in the hunting party, and be subject to the criminal penalties provided by law.

9) The Heritage Youth Wild Turkey Hunt Permit will only be valid for the dates and counties listed on the permit. Each youth must also possess a valid Illinois hunting license prior to hunting, unless exempt.

10) Turkey hunting seminars covering turkey hunting safety and aspects of turkey hunting will be made available to participating youths. Hunting without a permit is a Class B misdemeanor (see 520 ILCS 5/2.9).

11) Permits issued for the Heritage Youth Wild Turkey Hunt will be counted in the number of permits a person can be issued for the regular Spring Wild Turkey Season.

b) Turkey Hunting Regulations

It is unlawful:

1) to use live or electronic turkey decoys, recorded calls, dogs, or bait (an area is considered as baited during the presence of and for 10 consecutive days following the removal of the bait). Violation is a Class B misdemeanor (see 520 ILCS 5/2.9);
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2) to take any wild turkey except a hen with a visible beard or a gobbler (male). Violation is a Class B misdemeanor (see 520 ILCS 5/2.9);

3) to take, or attempt to take, more than three wild turkeys during the spring season, and hunters must have a valid permit for each turkey that is taken;

4) to use any hunting device except a shotgun or bow and arrow. #4 shot is the largest and #7 ½ is the smallest size shot that may be legally used. Archers may use a long, recurved, or compound bow with a minimum pull of 40 pounds at some point within a 28-inch draw. Minimum arrow length is 20 inches, and broadheads must be used. Broadheads may have fixed or expandable blades, but they must be barbless and have a minimum 7/8 inch diameter when fully opened. Broadheads with fixed blades must be metal or flint-, chert-, or obsidian-knapped; broadheads with expandable blades must be metal. Any mechanical device capable of maintaining a drawn position or partially drawn position on a bow is illegal. All other bows and arrows, including electronic arrow tracking systems, are illegal. Violation is a Class B misdemeanor (see 520 ILCS 5/2.9);

5) to hunt except from ½ hour before sunrise to 1:00 p.m. during each day of the season. Hunting after 1 p.m. is a Class B misdemeanor (see 520 ILCS 5/2.9). Hunting prior to ½ hour before sunrise is a Class A misdemeanor, with a minimum $500 fine and a maximum $5,000 fine, in addition to other statutory penalties (see 520 ILCS 5/2.33(y));

6) for any person having taken the legal limit of wild turkeys to further participate with a hunting device in any hunting party for the purpose of taking additional wild turkeys. Violation is a Class B misdemeanor (see 520 ILCS 5/2.9);

7) for any person to possess, while in the field during wild turkey season, any turkey permit issued to another person (permits are non-transferable). Violation is a Class B misdemeanor (see 520 ILCS 5/2.9);

8) to transport or leave a wild turkey without first affixing the adhesive-backed turkey permit securely around the leg. Immediately upon kill and before the turkey is moved, transported or field dressed, the hunter must cut out the designated notch on the leg tag to invalidate it, and the tag must be affixed to the turkey. Successful hunters must register their harvest by
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3:00 p.m. on the same calendar day the turkey was taken by calling the toll-free telephone number provided with their turkey hunting permit. Hunters must provide all information requested by the telephone check-in system, and will be provided with a confirmation number to verify that they checked in their harvest. The confirmation number must be written by the hunter onto the leg tag. The leg tag must remain attached to the leg of the turkey until it is at the legal residence of the person who legally took or possessed the turkey and the turkey has been checked in. The turkey must remain whole (or field dressed) until it has been checked in. Violation is a Class B misdemeanor (see 520 ILCS 5/2.9); and

9) for any person to shoot a wild turkey while it is in a tree before 7:00 a.m. Violation is a Class B misdemeanor (see 520 ILCS 5/2.9).

(Source: Amended at 27 Ill. Reg. ______________, effective _______________)

Section 685.100 Youth Pheasant Hunting

a) Permit Requirements

1) Applicants must contact the Department to obtain a permit reservation. Starting dates and methods for making reservations will be publicly announced. Only applications for reservations submitted by Illinois residents will be processed during the first two weeks of the application period. Reservations will be confirmed. Up to six reservations, but only one per applicant, may be made. Multiple reservations for the same person will not be accepted and that person will forfeit his right to acquire a reservation for the season. There is no fee for the youth pheasant hunting permit.

2) Only one permit per person will be issued until the daily quota is filled. The daily quota is determined by the formula: one hunter per 10 to 40 huntable acres. Huntable acres are determined by, but not limited to, the biological studies on the number of the species available, 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.

3) The Springfield Permit Office cannot transfer or alter reservations to
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change hunting areas, dates or hunters' names. Permits cannot be transferred on the hunting areas. For other information write to:

Illinois Department of Natural Resources
Youth Pheasant Hunt
One Natural Resources Way
P. O. Box 19457
Springfield IL  62794-9457

4) Reservations for the Illinois Youth Pheasant Hunt will be issued from the Springfield Permit Office for Chain O'Lakes State Park, Des Plaines Conservation Area, Edward R. Madigan State Park, Eldon Hazlet State Park (Carlyle Lake), Iroquois County Conservation Area, Lee County Conservation Area (Green River), Moraine View State Park, Wayne Fitzgerrell (Rend Lake) State Park, Richland County Controlled Pheasant Hunting Area, Mackinaw River State Fish and Wildlife Area, Horseshoe Lake State Park (Madison County), Sand Ridge State Forest, Sangchris Lake State Park and Jim Edgar Panther Creek State Fish and Wildlife Area (Controlled Area).

b) Hunting Regulations

1) At the following sites, the Illinois Youth Pheasant Hunt will be held on:

A) the Saturday preceding the opening of the statewide upland game season:

Mackinaw River State Fish and Wildlife Area

B) the first Sunday of the site’s controlled pheasant hunting season:

Chain O’Lakes State Park
Des Plaines Conservation Area
Eldon Hazlet State Park (Carlyle Lake)
Lee County Conservation Area (Green River)
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Iroquois County Conservation Area

Jim Edgar Panther Creek State Fish and Wildlife Area
Controlled Unit

Moraine View State Park

Sand Ridge State Forest

Wayne Fitzgerald State Park (Rend Lake)

C) the Sunday following the opening of the statewide upland game season:

Edward R. Madigan State Park

Sangchris Lake State Park

D) the second Sunday following the opening of the statewide upland game season:

Horseshoe Lake State Park (Madison County)

E) the Sunday preceding Thanksgiving Day:

Richland County Controlled Pheasant Hunting Area

2) Hunting hours are from 9:00 a.m. to 4:00 p.m., except at Sangchris Lake hunting hours are from 12 noon to 4:00 p.m. Hunters with reservations or permits are required to check in at the check station between 7:00 a.m. and 8:00 a.m. (between 10:00 a.m. and 10:30 a.m. at Sangchris Lake State Park).

3) All hunters must be between the ages of 10 - 15 inclusive and have a youth hunting permit. Stand-by permits will not be available except at Sangchris Lake and Edward R. Madigan State Park.

4) All hunters are required to deposit their hunting licenses in the check station while hunting. Each permit holder MUST be accompanied by a
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non-hunting supervisory adult. If the hunter does not have a valid Firearm Owner's Identification (FOID) Card, the supervisory adult is required to have a valid FOID Card. Only one supervisory adult in a hunting party is required to have a valid FOID Card if the hunters in the hunting party stay under the immediate control (accompany youth hunter at all times) of the supervisory adult possessing the valid FOID Card. The supervising adult shall be criminally liable for the actions of the youth in the hunting party, and be subject to the criminal penalties provided by law.

5) Supervising adults are required to wear a cap and upper outer garment of solid and vivid blaze orange of a least 400 square inches. Hunters must wear a back patch issued by the check station.

6) Anyone who has killed game previously and has it in his possession or in his vehicle must declare it with the person in charge of the area prior to hunting on the area. All previously killed game found in a hunter's possession after he has started hunting on the area will be considered illegally taken if the hunter has not declared it prior to going into the field.

7) All hunting must be done with shotguns. Only shot shells with a shot size of #5 lead, tungsten-iron, tungsten-polymer, tungsten-matrix, #4 bismuth or #3 steel or tin or smaller may be used, except at Chain O’Lakes State Park, Eldon Hazlet State Park, Lee County Conservation Area (Green River) and Wayne Fitzgerrell State Park where only shot shells approved as non-toxic by the U.S. Fish and Wildlife Service with a shot size of # 3 steel or tin, # 4 bismuth, # 5 tungsten-iron, tungsten-polymer, tungsten-matrix or smaller may be used.

8) Daily limit.

A) Two pheasants of either sex at Eldon Hazlet State Park, Iroquois County Conservation Area, Des Plaines Conservation Area, Richland County Controlled Pheasant Hunting Area, Wayne Fitzgerrell State Park, Horseshoe Lake State Park (Madison County) and Sand Ridge State Forest.

B) Two cock pheasants only at Lee County Conservation Area (Green River), Moraine View State Park, Mackinaw River State Fish and Wildlife Area and Chain O’Lakes State Park.
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C) Statewide Upland Game Limits at Sangchris Lake State Park, Edward R. Madigan State Park and Jim Edgar Panther Creek State Fish and Wildlife Area Controlled Unit.

9) All pheasants must be affixed with a Department tag before they are removed from the area. The tag must remain on the leg of the pheasant until the pheasant is finally prepared for consumption.

10) Violation of this subsection (b) is a petty offense (see 520 ILCS 5/2.6).

(Source: Amended at 27 Ill. Reg. _________, effective _________________)

Section 685.110 Youth Waterfowl Hunting

a) Permit Requirements

1) Permit reservations shall be accepted starting in September. Initial acceptance dates shall be publicly announced. Applicants must be between the ages of 10 - 15 inclusive on the date of the hunt.

2) Only one permit per person shall be issued for the hunt on the first weekday after December 26 other than a Monday at Horseshoe Lake Conservation Area (Alexander County) and Union County Conservation Area and on the Sunday immediately preceding the first firearm deer season as set forth in 17 Ill. Adm. Code 650.10 at Donnelley/DePue State Wildlife Area (3 "i" unit), Banner Marsh State Fish and Wildlife Area and Snakeden Hollow State Fish and Wildlife Area, and on the first weekend and third Saturday of the Illinois Central Zone Waterfowl season at Donnelley State Wildlife Area.

3) The permit shall be for the use of the entire blind and it shall be the responsibility of the permit holder to bring one supervising adult who may also hunt. The supervising adult shall be criminally liable for the actions of the youth in the hunting party, and be subject to the criminal penalties provided by law.

4) Permit reservations and transferability.
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A) All duplicate permit reservations shall be rejected and the hunter shall forfeit his rights to a permit. Permits are not transferable. Previous participants are ineligible to apply for a permit.

B) For other information write to:

Illinois Department of Natural Resources
Youth Waterfowl Hunt
One Natural Resources Way
P.O. Box 19457
Springfield IL 62794-9457

5) Permits for the Illinois Youth Waterfowl Hunt will be issued from the Springfield Permit Office.

b) General Waterfowl Hunting Regulations at the Youth Waterfowl Hunting Areas

1) Hours, Permits and Stamp Charges

A) Hunting hours at Horseshoe Lake (Alexander County) and Union County are from legal opening until 12:00 Noon on the day of the Youth Goose Hunt. Hunting hours at Donnelley/DePue State Wildlife Area (3 "i" Unit), Banner Marsh State Fish and Wildlife Area and Snakeden Hollow State Fish and Wildlife Area are from statewide opening to 1:00 p.m. on the days of the youth waterfowl hunts.

B) At Union County Conservation Area, Horseshoe Lake Conservation Area (Alexander County) and Snakeden Hollow State Fish and Wildlife Area, hunters with Illinois Youth Waterfowl Hunt Permit reservations are required to check in at the check station between 4:30 a.m. and 5:00 a.m. Permits are void after 5:00 a.m. A drawing shall be held on the morning of the hunt to allocate blind sites.

C) At Donnelley/DePue State Wildlife Area (3 "i" Unit) and Banner Marsh Fish and Wildlife Area, hunters with Illinois Youth Waterfowl Hunt Permit reservations are required to check in one hour before shooting time. The blinds will be allocated by
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drawing. For the youth hunts other than the Illinois Youth Waterfowl Hunt, hunters with permit reservations must check in at the check station no later than one hour before shooting time or the permit is void.

D) There is no fee for the Illinois Youth Waterfowl Hunting Permit.

2) Hunting must be done from assigned blinds only and hunters, unless authorized, shall not move from blind to blind or leave the blind and return.

3) Guns must be unloaded and encased at all times when not hunting.

4) At Union County Conservation Area, Horseshoe Lake Conservation Area (Alexander County) and Snakeden Hollow State Fish and Wildlife Area, each youth shall not possess more than 25 shells. Each adult shall not possess more than 5 shells for each Canada goose allowed in the daily bag. Hunters without their guns may leave the blind to retrieve crippled waterfowl.

5) Each youth and supervising adult may be accompanied by a non-hunting guide. The maximum number of people in a blind is two hunting youth, two non-hunting adults and a non-hunting guide.

6) At Rend Lake, hunters participating in the youth hunt must sign in and out, no entry into subimpoundments before 4:30 a.m. and must be out of subimpoundments by 2:00 p.m.

e) Special Hunts

If, by regulation published in the Federal Register, the U.S. Fish and Wildlife Service sets any special dates for youth-only waterfowl hunting, the Department shall, by public announcement, open those Department sites that, under the circumstances prevailing at the time, the Department believes may be opened without unduly disturbing other Department programs.

d) Violations of this Section are Class B misdemeanors (see 520 ILCS 5/2.18), except that hunting prior to ½ hour before sunrise is a Class A misdemeanor with a minimum $500 fine and a maximum $5,000 fine in addition to other statutory
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penalties (see 520 ILCS 5/2.33(y)).

(Source: Amended at 27 Ill. Reg. __________, effective _________________)
**ATTORNEY GENERAL**

**NOTICE OF ADOPTED AMENDMENT**

1) **Heading of the Part:** Motor Vehicle Advertising

2) **Code Citation:** 14 Ill. Adm. Code 475

3) **Section Numbers:**
   - 475.110 Amend
   - 475.330 Repeal
   - 475.420 Amend
   - 475.530 Amend
   - 475.560 New
   - 475.590 Amend

4) **Statutory Authority:** 815 ILCS 505/2 and 4

5) **Effective Date of Rules:** April 16, 2003

6) **Does this rulemaking contain an automatic repeal date?**
   - Yes [X] No  If so, please specify date:

7) **Does this amendment contain incorporations by reference?** No

8) A copy of the adopted amendment is on file and is available for public inspection in the Attorney General=s principal office in Chicago (12th Floor, James R. Thompson Center).

9) **Notice of Proposal Published in Illinois Register:**
   - November 22, 2002, 26 Ill. Reg. 16880 (issue date)

10) **Has JCAR issued a Statement of Objections to this (these) rule(s)?** 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 agreed.

13) **Will this amendment replace an emergency amendment currently in effect?** No

14) **Are there any amendments pending on this Part?** Yes
15) **Summary and Purpose of Rule:**
The primary purpose of this rulemaking is to address certain concerns regarding motor vehicle advertising practices, which arose subsequent to the most recent amendments to these regulations in March 2001. These concerns were voiced during regular meetings of law enforcement, industry, and trade group representatives at the Attorney General’s Auto Dealers Advisory Council.

With respect to general provisions, a definition for “Limited Rebate” is added to clarify Section 475.530 concerning rebates, and a definition for “Shopped Area” is added to clarify Section 475.560, a new regulation concerning shopped price.

With respect to price advertising, Section 475.330 is repealed to eliminate the prohibition against advertising “low prices” or words of similar import. Section 475.420 is amended to require that dealers comply with the Federal Truth In Lending Act, 15 U.S.C. 1601, et seq., when advertising buy-down rates.

With respect to other advertising practices, Section 475.530 is amended to broaden its applicability to the advertising of rebates in connection with leases and installment payment amounts, and to prohibit dealers from advertising a total rebate amount if a portion of that amount consists of a limited rebate. Section 475.560 is added to allow manufacturers to advertise a “shopped price” as an alternative to a manufacturer’s suggested retail price. This new Section sets out certain criteria which must be met before a manufacturer can advertise a “shopped price.” Section 475.590 is amended to allow dealers to advertise or offer a free gift in connection with the purchase or lease of a vehicle, if the free gift is offered through a manufacturer’s program or a manufacturer’s authorized and approved dealer advertising association.

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

Name: Patricia D. Kelly  
Address: Office of the Attorney General  
100 West Randolph Street - 12th Floor  
Chicago, Illinois 60601  
Telephone: (312)814-3749

The full text of the Adopted Rules begins on the next page.
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TITLE 14: COMMERCE
SUBTITLE B: CONSUMER PROTECTION
CHAPTER II: ATTORNEY GENERAL

PART 475
MOTOR VEHICLE ADVERTISING

SUBPART A: GENERAL PROVISIONS

Section
475.110 Definitions

SUBPART B: GENERAL ADVERTISING PRACTICES

Section
475.210 Clear and Conspicuous – Disclosure of Material Terms
475.220 Footnotes and Asterisks
475.230 Print Size
475.240 Photographs and Illustrations
475.250 Abbreviations

SUBPART C: PRICE ADVERTISING

Section
475.310 Advertised Price
475.320 Advertising Limitations
475.330 Low Prices (Repealed)
475.340 Lowest Prices – Guaranteed Lowest Prices
475.350 Price Matching
475.360 Disclosure of Basis for Price Comparison
475.370 Sales
475.380 Liquidation Sale
475.390 Range of Savings or Price Comparison Claims
475.410 Dealer Cost/Invoice Pricing
475.420 Buy-Down Rate

SUBPART D: OTHER ADVERTISING PRACTICES

Section
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475.510 Demonstrator, Executive, Official, or Promotional Vehicles
475.520 Rental Vehicles
475.530 Rebates
475.540 Trade-Ins
475.550 No Money Down
475.560 Shopped Price
475.570 Factory Outlet
475.580 Contract Add-Ons
475.590 Gifts and Free Offers

SUBPART E: CREDIT SALES ADVERTISING

Section
475.610 Credit Sales Advertising Disclosures
475.620 Advertised Terms Unavailable
475.630 Advertised Finance Rate
475.640 Advertisement of Credit Terms

SUBPART F: LEASE ADVERTISING

Section
475.710 Lease Advertising Disclosures
475.720 Other Limitations, Restrictions or Conditions (Repealed)

SUBPART G: EXEMPTION PROVISIONS

Section
475.810 Exemption

AUTHORITY: Implementing Sections 2 and 3 and authorized by Section 4 of the Consumer Fraud and Deceptive Business Practices Act [815 ILCS 505/2, 3 and 4].


SUBPART A: GENERAL PROVISIONS

Section 475.110 Definitions
"Advertisement" (including the terms "advertise" and "advertising") means any oral, written, graphic, or pictorial statement made concerning motor vehicles by publication, dissemination, solicitation or circulation, in the course of "trade" and "commerce," as those terms are defined in this Section herein. Advertisement includes any statement or representation made in a newspaper, magazine, or other publication; or on radio or television; or appearing in any notice, handbill, sign, billboard, banner, poster, display, circular, pamphlet, letter, or other printed material; or contained in any window sticker or price tag.

"Buy-down rate" means a financing rate which, as a result of the dealer's advance payment of finance charges to a third party, is below the prevailing market financing rate.

"Clear and conspicuous" (including the terms "clearly" and "conspicuously") means that the statement, representation or term being conveyed is: in close proximity to the statement, representation or term it clarifies, modifies, or explains, or to which it otherwise relates; readily noticeable; reasonably understandable by the person(s) to whom it is directed; and not contradictory to any terms it purports to clarify, modify or explain.

A statement, representation or term is not clear and conspicuous unless it shall:

For printed, written, typed or graphic advertisements:

- employ abbreviations only if they are commonly understood by the public (e.g., abbreviations commonly understood – AC, AM/FM, AUTO, AIR, 2DR, CYL, MSRP, and e.g., abbreviations not commonly understood – WAC, PEG) or approved by federal or State law (e.g., terms allowed by the Federal Truth in Lending Act, 15 USC 1601, et seq., or the Consumer Leasing Act of 1976, 15 USC 1601, et seq., such as "APR");

- be of sufficient prominence in terms of print, size and color contrast, as compared with the remainder of the advertisement, so as to be readily noticeable to the person(s) to whom it is directed. Any type size which is 10-point type or larger is deemed readily noticeable.

For radio advertisements and the audio portion of television
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advertisements or advertisements in any other audio-visual medium:

be at a decibel level equal to the highest decibel level used in the advertisement; and

be at a speed equal to or slower than any other statement, representation or term contained in the advertisement.

For required superimposed written copy ("super") in a television advertisement or advertisements in any other audio-visual medium:

the minimum height of supers should be:

capital and lower case letters: 24 video scanlines

capital letters only: 18 video scanlines

appear on the screen for a duration sufficient to allow a viewer to have a reasonable opportunity to read and understand the statement, representation or term.

It shall be a rebuttable presumption that the super is sufficient if the super meets the following on-screen minimum display time:

three seconds for the first line of text; and

one second for each additional line.

"Dealer" means a dealer as defined in the Illinois Vehicle Code and includes used car dealers, also as defined in the Vehicle Code therein. [625 ILCS 5] (Ill. Rev. Stat. 1989, ch. 95 ½, pars. 1-100 et seq.).

"Dealer's cost" (including but not limited to: "cost," "factory invoice," "factory billing") means the actual cost or total consideration paid by the dealer to the manufacturer for the vehicle, and where no other consideration, fee or charge, including, without limitation, overhead, rebates, promotional fees, advertising, or any other consideration, has been or will be paid by the manufacturer or a third party to the dealer prior or subsequent to the purchase of the vehicle, which in any way reduces, diminishes or offsets the cost to the dealer of purchasing the vehicle.
"Demonstrator" means a motor vehicle of a current or previous model year that has not been registered or titled to a member of the public prior to the appearance of the advertisement, and had been used by the dealership personnel for demonstration purposes.

"Documentary service fee" or words of similar import, including, without limitation, "documentation and handling" fee or "D and H" fee, means a fee for services actually rendered to, for, or on behalf of the retail buyer in preparing, handling, and processing documents pertaining to the motor vehicle and the closing of the transaction, and shall not exceed the amount of forty dollars ($40.00); provided, however, this said fee may be adjusted on January 1st of each calendar year for inflation, employing the Consumer Price Index published by the United States Department of Labor as the basis for adjustment.

"Executive vehicle" or "official Official" vehicle" Vehicle means a motor vehicle that has been driven exclusively by executives of the parent motor vehicle manufacturer's personnel or by an executive of an authorized dealer in the same make of car, as defined in the Illinois Consumer Fraud and Deceptive Business Practices Act [815 ILCS 505] (Ill. Rev. Stat. 1989, ch. 121 1/2, par. 262L(g)).

"Free" means without charge or cost, monetary or otherwise, to the recipient, and includes terms of essentially identical import, such as "give away." A free offer in conjunction with the sale or lease of goods or services is one that conveys to customers the message that the goods or services are offered at no cost in conjunction with the purchase of other goods or services for no more than their regular price.

"Leased vehicle Vehicle" means a vehicle that has been driven for a specific period of time pursuant to a lease, as that term is defined in the Illinois Vehicle Code (Ill. Rev. Stat. 1989, ch. 95 1/2, pars. 1-100 et seq.).

"Limited rebate" means any payment of money to a consumer, or any payment to a dealer or third party on behalf of a consumer, on the condition that the consumer purchase or lease a motor vehicle, and that is confined, restricted, or circumscribed to a certain class of consumers, such that it is not generally available to every consumer seeking to purchase or lease the motor vehicle, including, but not limited to, on the basis of the consumer's status, sponsorship, affiliation, or association.
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"New motor vehicle Motor Vehicle" means a motor vehicle that is of the current or previous model year and which has not been previously registered or titled except to a franchised distributor or franchised new vehicle dealer.

"Rebate" means the payment of money to a consumer or payment to a dealer or third party on behalf of a consumer on the condition that the consumer purchase or lease a motor vehicle, unless the rebate is offered through a manufacturer's rebate program or a third party independent of the dealer.

"Rental vehicle Vehiclle" means a vehicle that has been offered to the public for business or personal use driving for short periods of time, such as on a daily or weekly basis.

"Shopped area" means the geographic area where the motor vehicle advertisements are disseminated and where the shopped dealerships are located.

"Trade" and "commerce Commerce" mean the advertising, offering for sale, sale, or distribution of any services and any property, tangible or intangible, real, personal or mixed, and any other article, commodity, or thing of value wherever situated, and shall include any trade or commerce directly or indirectly affecting the people of this State, as defined in the Consumer Fraud and Deceptive Business Practices Act (Ill. Rev. Stat. 1989, ch. 121 1/2, par. 261(f)).

"Trade area" means the geographic area where the motor vehicle dealership is located and where the dealer's advertisements are disseminated.

(Source: Amended at 27 Ill. Reg. 7960, effective April 16, 2003)

SUBPART C: PRICE ADVERTISING

Section 475.330 Low Prices (Repealed)

It is an unfair or deceptive act to advertise the term "low prices", or words of similar import, in the advertisement, unless the prices offered are lower than those usually offered by the dealer or other dealers in the same trade area.
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(Source: Repealed at 27 Ill. Reg. 7960, effective April 16, 2003)

Section 475.420 Buy-Down Rate

a) It is an unfair or deceptive act to advertise the sale of any motor vehicle at a "buy-down" rate, as that term is defined in Section 475.110 herein, without clearly and conspicuously disclosing in the advertisement that the interest rate is not exclusively sponsored or subsidized by the manufacturer, if such is, in fact, true. "Manufacturer" includes any subsidiaries of the manufacturer that advertise or offer motor vehicle financing.

b) It is an unfair or deceptive act to advertise or offer below market finance rates, unless the advertised "buy-down" rate complies with the Federal Truth In Lending Act, without clearly and conspicuously disclosing that the difference between the "cash" and "credit" price (i.e., buy-down rate) is a hidden finance charge, which may, in fact, affect the purchase price and which must be included in the Annual Percentage Rate (APR) calculation.

(Source: Amended at 27 Ill. Reg. 7960, effective April 16, 2003)

SUBPART D: OTHER ADVERTISING PRACTICES

Section 475.530 Rebates

a) It is an unfair or deceptive act to advertise any cash rebates, including, without limitation, a payment or an offset to a consumer or payment to a dealer or third party on behalf of the consumer on the condition that the consumer purchase or lease a motor vehicle, unless the rebate is offered through a manufacturer's rebate program.

b) It is an unfair or deceptive act for any dealer to advertise a price or amount of an installment payment, wherein rebates have been deducted, unless every consumer seeking to purchase or lease the advertised vehicle is eligible for may purchase the rebate vehicle at the advertised price.

c) Dealers may advertise the availability of a limited rebate if the terms of the limitation are clearly and conspicuously disclosed. It is an unfair or deceptive act for any dealer to advertise a price or amount of an installment payment in which limited rebates have been deducted, or to advertise a total amount of rebate if a
portion of the total consists of a limited rebate.

(Source: Amended at 27 Ill. Reg. 7960, effective April 16, 2003)

Section 475.560 Shopped Price

It is an unfair or deceptive act to advertise any sale or lease price modified by phrases such as “based on shopped price”, “based on a recent survey of prices”, or similar terms, unless:

a) the model of vehicle selected is a model sold and available at most dealer stores of the same line make in the shopped area in which the advertisement appears;

b) the survey conducted is independent, and the survey agency used to conduct the survey was not related to or affiliated with any manufacturer or dealer carrying that vehicle in inventory;

c) the survey takes place immediately prior to the first advertisement being placed;

d) at least one half of the dealers of the applicable line make in the shopped area were surveyed;

e) the survey result has not been used over an extended period if costs or other factors change such that the average survey price has become significantly less than the prevailing price in the shopped area, and in no event shall be used for a period exceeding 90 days;

f) if the product is pictured in the survey ad, the picture is of the exact type and model surveyed; also the picture includes only features included in the survey price;

g) the dates of the survey period and the numbers of dealers shopped are disclosed in the ad, with a statement that individual dealer prices may be higher or lower; and

h) all dealerships shopped for the survey are located within the shopped area.

(Source: Added at 27 Ill. Reg. 7960, effective April 16, 2003)

Section 475.590 Gifts and Free Offers
ATTORNEY GENERAL

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a) It is an unfair or deceptive act to advertise or offer free prizes, gifts or other incentives in connection with the purchase or lease of a vehicle where the vehicle is sold or leased at a price arrived at through bargaining or negotiation, unless the dealer meets the requirements of subsection (b) of this Section.

b) Provided, however, a free prize, gift or other incentive may be advertised or offered in connection with the purchase or lease of a vehicle if:

1) the free prize, gift or other incentive is offered through a manufacturer's program or a manufacturer's authorized and approved dealer advertising association without any participation by the dealer, excluding dues or assessments that are required to participate in the advertising association. The program or association shall be clearly and conspicuously disclosed; and

2) all material terms and conditions relating to the offer are clearly and conspicuously disclosed at the outset of the offer; and

2) the receipt of the free prize, gift or incentive is not contingent upon the purchase of a motor vehicle.

c) Nothing in this Section shall prohibit a dealer from including a warranty with the purchase or lease of a vehicle. A warranty shall not be advertised as free using the word "free".

(Source: Amended at 27 Ill. Reg. 7960, effective April 16, 2003)
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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1) **The Heading of the Part:** Audits, Reviews, and Investigations

2) **Code Citation:** 89 Ill. Adm. Code 434

3) **Section Numbers:**

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4) **Statutory Authority:** Implementing and authorized by Section 4 of the Children and Family Services Act [20 ILCS 505/4] and the Fiscal Control and Internal Auditing Act [30 ILCS 10]

5) **Effective Date of Amendments:** April 30, 2003

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

7) **Do these amendments contain incorporations by reference?** Yes

8) **A copy of the adopted amendments, including incorporations by reference, is on file at the agency’s principal office and is available for public inspection.**


10) **Has JCAR issued a statement of Objection to these amendments?** No

11) **Differences between proposal and final version:** The Department removed proposed language incorporating the American Institute of Certified Public Accountants (AICPA) standards for auditing. The Department will continue to rely on Government Auditing Standards.

12) **Have all the changes agreed upon by the agency and JCAR been made as indicated in the**
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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agreements issued by JCAR?  Yes

13) Will these amendments replace any emergency amendments currently in effect?  No

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

15) Summary and Purpose of Amendments: The rulemaking amends the Department’s excess revenue determination process and codifies the Department’s Office of Field Audits (OFA).

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

   Jeff Osowski
   Department of Children and Family Services
   406 East Monroe, Station # 65
   Springfield, Illinois 62701-1498
   Telephone: (217) 524-1983
   TTY: (217) 524-3715
   FAX: (217) 557-0692
   E-mail: cfpolicy@idefs.state.il.us

The full text of the Adopted Amendments begins on the next page:
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER f: GENERAL ADMINISTRATION

PART 434
AUDITS, REVIEWS, AND INVESTIGATIONS

Section 434.1 Purpose
The purpose of this Part these rules is to define the scope of the audits/reviews and investigations conducted by the Department. This Part These rules also explains explains the process the Department will use when conducting audits/reviews and investigations of private agencies internal units of the Department, providers who contract with the Department, and agencies that which are licensed by the Department.
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(Source: Amended at 27 Ill. Reg. 7971, effective April 30, 2003)

Section 434.2 Definitions

"Audit/Review" means an examination of financial transactions, accounts and reports, and an evaluation of internal controls or an evaluation of compliance with applicable laws and regulations. An audit/review may also include an examination of efficiency and economy in the use of resources (such as personnel, property, space), or an examination to determine whether desired results are effectively achieved.

"Certified Audits" means the entity's annual financial and compliance report which has been examined by an Independent Licensed Certified Public Accountant.


"Department" means the Illinois Department of Children and Family Services.

"Desk Review", as used in this Part, means a review by the Department's Office of Field Audits Internal Auditors of certified public audits and cost reports submitted by the provider agency.

"Field Auditor" is a Department employee whose responsibilities include conducting audits of contracted purchase of service providers to confirm their compliance with applicable laws and regulations, and to make recommendations to the Director regarding the results of those audits.

"Follow-up Review" means a viewing of past occurrences or contemplation or consideration of past events, circumstances, or facts.

"Internal Auditor" is a Department employee whose responsibilities include conducting audits of Department activities and contracted purchase of service providers in order to make recommendations to the Director regarding the results of such audits.

"Investigation" means an examination of employee conduct, security systems, and contractor conduct to assure compliance with State, federal and
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Departmental rules and regulations. A Department investigation is not intended to focus on criminality or prepare cases for prosecution, but rather to obtain sufficient documentation to assure the Director of the appropriateness of Department and service provider employee conduct and the safeguarding of Department assets.

"Limited Review" means an examination of financial transactions, accounts and reports, an evaluation of internal controls, or an evaluation of compliance with applicable laws and regulations that is limited in scope to examine only certain areas. (Although this is not a full scope audit, it may include an examination of efficiency and economy in the use of resources (such as personnel, property, space), and an examination to determine whether desired results are effectively achieved.)

"Preliminary Review" means a limited review of financial transactions, accounts and reports, internal controls and compliance with contract provisions to assess the full scope needed during an upcoming audit.

"Program Type" means services provided through the same appropriation account for similar services.

"Related Party Transaction" means a financial transaction in which one party has the ability to influence the management or operating policies of the other party. Disclosure of related party transactions should include the nature of the relationship, a description of the transactions, including dollar amounts, and amounts due to and from related parties.

"Scope of the Audit or Investigation" means the activities and testing procedures that the auditor or investigator deems necessary to conduct an examination or investigation.

(Source: Amended at 27 Ill. Reg. 7971, effective April 30, 2003)

Section 434.3 Audit Standards to be Applied and Audit Procedures to be Followed for Office of Field Audits – OFA Internal Auditing

The audits of entities shall be performed in accordance with the Standards for Professional Practice of Internal Auditing (The Institute of Internal Auditors, 1978) or where required, in accordance with Government Auditing Standards (United States General Accounting Office,
Section 434.4 Scope of the OFA Internal Audit/Review or Investigation

a) The Department reserves the right to conduct audits/reviews, limited reviews, follow-up reviews and/or investigations of entities that contract with or who are licensed by the Department. The Department may elect to designate qualified individuals to do this on its behalf when an independent (non-DCFS) audit is required by law or contract. Outside independent auditors will be used to conduct audits when a grant award from an outside funding source requires an independent certified audit as a condition of the grant. Audits/reviews and investigations shall encompass some or all of the following general objectives:

1) an examination of financial transactions, accounts, and reports, including an evaluation of compliance with applicable laws and regulations and Department rules.

2) an evaluation of whether the entity is maintaining effective control over revenues, expenditures, assets and liabilities.

3) an examination to verify that financial and cost reports contain accurate and reliable financial and client service data, and are presented fairly.

4) an examination to verify that related party transactions are properly accounted for and disclosed appropriately.

5) an examination to verify that funds are used for their stated purpose as prescribed in the contract with the Department.

6) an examination to verify that costs and services were incurred, expended or provided as billed.

b) A preliminary review of entities may be conducted prior to the full audit. The purpose of the preliminary review is to define and limit the general objectives of the audit so that the audit can be conducted in an efficient manner. The preliminary review may encompass a selective review of financial transactions, accounts, reports, internal controls and compliance with contract provisions. At
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the conclusion of this review and based upon the results, the auditors auditor(s) may:

1) conduct a full scope audit that which encompasses all of the general objectives. A full scope audit will be conducted when major internal control weaknesses or significant deviations from generally accepted accounting principles are observed during the preliminary review.

2) conduct a limited scope audit to include only the areas of observed weaknesses in the entity's recordkeeping or compliance with contracts. A limited scope audit will be conducted when weaknesses in internal controls are observed or minor deviations from generally accepted accounting principles are observed during the preliminary review.

3) cancel additional field work if no major areas of weaknesses are observed in the entity's recordkeeping or compliance with contracts.

c) In the event that a full or limited scope audit is not completed, a written report of the results of the preliminary review shall be prepared and distributed as specified in Section 434.5 of this Part.

d) Current employees of entities or licensees and/or clients of the Department will be interviewed as necessary in conjunction with audits/reviews, limited reviews, and investigations.

e) The scope of the OFA's audit/review or investigation Internal Audit/Review or Investigation is not intended to identify fraud; but when fraud is suspected, the Department reserves the right to surrender all records pertaining to the audit/review or investigation to the appropriate law enforcement body without notice to the entity with whom the Department has the contracts contract(s).

f) Follow-up reviews may be conducted when entities have had major internal control weaknesses identified in the final audit report. Major internal control weaknesses include, but are not limited to, the following:

1) lack of controls over cash accounts or petty cash controls,

2) lack of control over fixed assets,
3) noncompliance with recordkeeping contractual requirements,

4) major deviations from generally accepted accounting principles in the provider's financial reporting and recordkeeping practices,

5) major deviations from federal or State law or Department rules and procedures.

(Source: Amended at 27 Ill. Reg. 7971, effective April 30, 2003)

Section 434.5 Reports of OFA Internal Auditors

a) All entities that undergo a Department audit, review or investigation shall be provided a draft copy and a final copy of the report.

b) The audited entity shall be provided with a draft copy of the audit or review within 30 business days after the fieldwork is completed. Fieldwork may include additional work after the "onsite" work has been completed. At that time, the entity will be requested to provide written comments on the findings and recommendations corresponding to each issue. The draft copy will be distributed to the appropriate officials of the Department and the audited entity.

c) The draft report shall present findings and detailed supporting information to the extent necessary to clarify the findings. Where possible, the report shall contain the auditor's recommendations to effect improvements in problem areas noted in the audit and to otherwise make improvements in operations.

d) Upon receipt of the draft report, the entity may submit a response to the findings and recommendations. The response must be submitted to the Office of Field Audits within 30 business days after the date of receipt of the draft report.

e) A final report shall be issued within 30 business days after the date of the draft report unless the entity requests an exit conference or an administrative hearing of the audit findings per Sections 434.6 and 434.10 of this Part.

(Source: Amended at 27 Ill. Reg. 7971, effective April 30, 2003)

Section 434.6 Exit Conferences

All entities that undergo a Department audit, review or investigation shall be given the
opportunity for an exit conference and an administrative hearing of the Department's findings and recommendations. The requirements for requesting a review of the findings and recommendations are as follows:

a) After receipt of the draft report or desk review report, the entity may request an exit conference. The request for an exit conference must be received within 15 business days after receipt of the draft report or desk review report. The request must be sent to the Department's Office of Field Audits Chief Auditor and must explain which findings and recommendations the entity does not understand or does not agree with.

1) The exit conference shall be scheduled within 15 business days after the request and shall be a general discussion between the agency representatives and the auditors who performed the fieldwork or desk review. Proposed responses to the draft report or desk review may be presented at the time of the discussion.

2) When an exit conference is held, the final report shall contain a brief narrative regarding the date that the conference was held; the names of the persons attending; the topics discussed; and any mutually agreed changes to the draft or report that were decided upon during the exit conference.

b) If the entity disagrees with the audit findings, it may request an administrative hearing regarding the findings and recommendations. A request for an administrative hearing must be received in writing within 15 business days after the conclusion of the exit conference and shall be directed to the administrator of the Administrative Hearings Unit with a copy forwarded to the Office of Field Audits. A request for an administrative hearing must be accompanied by supporting documents or factual matter that refutes or modifies the Department's draft findings.

(Source: Amended at 27 Ill. Reg. 7971, effective April 30, 2003)

Section 434.7 Certified Audits, Cost Reports and Desk Reviews

a) The Department's requirements for providers include the annual filing of a cost report (for all providers in accordance with 89 Ill. Adm. Code 357) and a certified audit of entities who receive annual payments in excess of $150,000 in any one contract year. The certified audit for all entities must be completed and submitted
within 180 calendar days after the completion of their fiscal year as required by Purchase of Service (89 Ill. Adm. Code 357.120-11(f)). All governmental and not-for-profit entities must complete audits in accordance with OMB Circulars A-128 or A-133, whichever is applicable.

b) The certified audit and related cost reports are to be reviewed by the Office of Field Audits Internal Auditors and, when appropriate, a report on the certified audit or cost reports will be issued to Department officials who are responsible for the contracts. The general objectives of the desk review and report shall determine whether:

1) financial and service unit information is appropriately presented and is consistent with the generally accepted accounting principles;

2) costs incurred in operating the contracted service are not less than the revenues received directly for the program;

3) related party transactions are appropriately recorded and disclosed;

4) significant accounting practices and other information that require disclosure (as described by generally accepted accounting principles) are disclosed appropriately; and

5) funds were used in accordance with Department policy and whether the entity has received monies in excess of actual reimbursable costs.

c) The Office of Field Internal Audits is responsible for answering all questions regarding the preparation of a certified audit. If the Department has not received the certified audit by the deadline of 180 calendar days after the completion of the entity's fiscal year, the Office of Field Internal Audits will notify the entity of the delinquency and send a copy of the notice to the Department's Contracts and Grants unit and Department regional administrative staff.

d) All certified audits are logged in upon receipt by the Office of Field Internal Audits and an audit digest (summary of findings) is prepared for each audit received. If the audit does not contain adequate information, the Office of Field Internal Audits will send a letter to the entity to request additional information. If the certified audit does not meet the standards set out in subsection (a) of this Section, the entity will be given 30 business days to submit a new certified audit.
e) The Office of Field Internal Audits will prepare a desk review report that will highlight any deficiencies that are found in the audit and will contain specific recommendations for procedural changes in the preparation of certified audits. The completed desk review report will be sent directly to the entity, with a copy to appropriate Department regional staff.

f) Department regional staff are responsible for reviewing the recommendations contained in the desk review report and providing assistance as necessary to the entity in follow-up on the recommendations made. The desk review report may contain recommendations for contract or budget revisions that must be acted upon by the regional staff.

g) The desk review report may contain recommendations that require an additional response from the entity before the certified audit is accepted. The entity's response and concurrence with the recommendations of the desk review report will close the desk review process.

h) Excess revenue calculations shall be based on the information reported in the Consolidated Financial Report or other suitable financial report accepted by the Department. The certified independent audit report may be used to develop excess revenue calculations if sufficient detail exists within the report to support the excess revenue calculations, and an accurate Consolidated Financial Report or other suitable financial report is not available.

1) Programs Subject to Excess Revenue Determination:
The Department shall determine individual program excess revenues attributable to Department funding for contracted provider agency 24-hour substitute care programs. Examples of provider agency programs include, but are not limited to:

A) childcare institutions;
B) shelter care;
C) group homes;
D) independent living;
E) community integrated living arrangements;
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F) agency foster care; and

G) other programs or contracted agencies, as determined by the Director or his/her designee.

2) Excess Revenue Determination Procedure

A) Excess revenue is the amount of purchase of service fees and governmental grant funding that exceeds total audited costs, less:

i) disallowable costs as listed in 89 Ill. Adm. Code 356.60 (Disallowable Cost and Reduced Reimbursement);

ii) fringe benefit costs, as defined in 89 Ill. Adm. Code 356.20 (Definitions), that exceed 25% of salaries and wages; and

iii) administrative costs that exceed 20% of all other allowable costs.

B) For excess revenue determinations, profit is considered as an allowable cost to the extent permitted in 89 Ill. Adm. Code 356 (Rate Setting).

C) Excess revenue attributable to Department funding is the amount of program excess revenues times Departmental revenue divided by all program purchase of service fees and government non-restricted grants.

3) Excess Revenue Amounts that May Be Retained

In each fiscal year, provider agencies may retain an amount of program excess revenues attributable to substitute care programs reimbursed by means of an actual cost based rate that has been calculated consistent with the process and standards defined in 89 Ill. Adm. Code 356. The amount retained may not exceed 7% of the program reimbursable costs, provided that:

A) for programs with a license capacity, the total utilization is between 85% and 95% of the licensed or approved program capacity;
B) for all programs subject to the excess revenue review, administrative costs do not exceed 20% of reimbursable cost; and

C) the program staffing level meets the minimum requirements defined in the contract program plan and licensing standards where applicable. Provider agencies choosing to retain excess revenues in accordance with this Section will be required to provide documentation supporting historical staffing levels in a report format prescribed by the Department.

All DCFS identified program excess revenue amounts retained by the provider agency must be invested in direct service (non-administrative) activities in programs funded by the Department. Provider agencies unable to demonstrate that retained program excess revenue amounts have been invested consistent with the provisions of this subsection (h)(3) will be subject to forfeiture of the retained funds.

4) Amounts Returned to the Department
   Amounts to be returned to the Department must be received within 60 days after the date the excess revenue notification is mailed to the provider agency's director or his/her designee or after a payment plan has been approved.

5) Program Excess Revenue Offsets
   Program excess revenue may not be offset against other program deficits occurring in the year reviewed, or any other year, without the approval of the Director or his/her designee. When the rates for group homes, institutions, independent living, homemakers, Medicaid and unmarried mothers services are set by audited costs, the entity is exempt from recapture of any excess revenues associated with these services. The total amount of excess revenues identified during FY 1981-FY 1994 must be recorded as a liability on the entity's financial statements and may be retained by the entity until the specified program type is no longer in effect. If, beginning with State fiscal year 1995 and in any subsequent years, payments from the Department exceed expenses attributable for a specified program type, any excess revenues that are identified will be recaptured during the following fiscal year contract period.

i) Waiver of the certified audit requirement must be requested in writing and
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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directed to the Department's Chief Internal Auditor. The request should state the reason for the waiver request. A request for an extension of the deadline for submittal of the audit beyond the time specified in the contract must also be submitted in writing to the Associate Deputy Director of the Office of Field Audits Chief Auditor. The Department's Chief Internal Auditor and Associate Deputy Director of the Office of Field Audits will respond to requests for waivers or extensions within 30 business days, specifying approval or rejection of the waiver or extension.

(Source: Amended at 27 Ill. Reg. 7971, effective April 30, 2003)

Section 434.8 Records Maintenance and Availability for Audit

All records specified in the Department's rules on Service Delivery (89 Ill. Adm. Code 300-313), Fiscal Administration (89 Ill. Adm. Code 351-362), and Licensing License Standards (89 Ill. Adm. Code 377-410, as appropriate for the facility type), and any documents that support financial transactions, or billing statements, or that should be included in a case or personnel file must be or maintained by the provider for a period of five years. Department requests for review of records shall be subject to the following guidelines:

a) entities shall be issued a written request verbally requested to provide required records by properly authorized Department staff or designees at the after the commencement of desk review, limited review, preliminary review, limited scope audit, full scope audit or receipt of a questionable business paper;

b) entities who fail to provide requested records shall be issued a written request for the documents. The request shall be from the Department Director, the Chief Auditor or the contract administrator;

b(1) if the records (requested in writing) are not provided within 15 business days after of the date of the request, the Department's Director or authorized designee shall issue a subpoena for the requested records;

c) continued failure to provide the requested records shall, with the Director's approval, result in termination of the Department's contract with the entity and forfeiture or withholding of payment.

(Source: Amended at 27 Ill. Reg. 7971, effective April 30, 2003)
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Section 434.9 Responsibilities of the Office of Field Internal Audits

The Department of Children and Family Services is mandated by the Fiscal Control and Internal Auditing Act (Ill. Rev. Stat. 1991, ch. 15, pars. 1001 et. seq.) [30 ILCS 10] to monitor, report on, and enforce Department compliance with federal and State statutes, Department rules, policy, and management directives, as well as to ensure the integrity of Department assets through the review and monitoring of internal accounting controls. The Associate Deputy Director Chief Auditor reports and is directly responsible to the Deputy Director of the Purchase of Service Monitoring Division Department. In order to fulfill their duties, the Department's Office of Field Internal Audits regularly undertakes audits and annual Desk Reviews reviews of Divisions or Units of the Department and activities of purchase of service providers and other entities that have contracts with or are licensed by the Department in order to assess their compliance with contracts, federal and State rules and regulations established law, policy and directives. Accordingly, Department staff are responsible for full cooperation with the internal audit staff in their efforts to monitor, measure, and recommend improvements in performance.

(Source: Amended at 27 Ill. Reg. 7971, effective April 30, 2003)
NOTICE OF ADOPTED AMENDMENTS

1) **Heading of the Part:** State Administration of the Federal Community Services Block Grant Program

2) **Code Citation:** 47 Ill. Adm. Code 120

3) **Section Numbers:**
   - 120.10 Amendment
   - 120.30 Amendment
   - 120.40 Amendment
   - 120.50 Amendment
   - 120.55 Amendment
   - 120.60 Amendment
   - 120.70 Amendment
   - 120.80 Amendment
   - 120.90 Amendment
   - 120.100 Amendment
   - 120.110 Amendment
   - 120.115 Amendment
   - 120.120 Amendment

4) **Statutory Authority:** Implementing the Illinois Economic Opportunity Act [20 ILCS 625] and authorized by Section 605-95 of the Civil Administrative Code of Illinois [20 ILCS 605/605-95].

5) **Effective Date of Amendments:** April 28, 2003

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

7) **Does this amendment contain incorporations by reference?** No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency’s principal office and is available for public inspection.

9) **Notices of Proposal Published in Illinois Register:** Published at 26 Ill. Reg. 14313 on October 4, 2002.

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

11) **Difference(s) between proposal and final version:**
DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

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In addition to grammatical and stylistic changes and citation updates, the following was also changed:

In Section 120.80(c)(2), added "The report shall include, but not be limited to, the name of the work program, the estimated number of individuals to be served by the program, and the number of individuals actually served by the program.".

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 amendment replace an emergency amendment currently in effect? No

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

15) Summary and Purpose of Rule(s): The federal Community Services Block Grant (CSBG) Act was reauthorized in 1994 and 1998. Both Congressional reauthorizations made changes affecting the State’s administration of the CSBG program. These proposed amendments incorporate the federal law changes and update other aspects of the rules by incorporating CSBG program policy and procedural changes that have occurred since the rules were last updated.

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

Ms. Susan Budzileni
Legal Counsel
Illinois Department of Commerce and Community Affairs
James R. Thompson Center
100 West Randolph
Suite 3-400
Chicago, IL 60601
(312) 814-9593

The full text of the Adopted Amendments begins on the next page:
DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT
CHAPTER I: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

PART 120
STATE ADMINISTRATION OF THE FEDERAL COMMUNITY SERVICES
BLOCK GRANT PROGRAM

Section
120.10 Legislative Base
120.20 Purpose and Scope
120.30 Definitions
120.40 Allocation
120.50 Grant Application Requirements
120.55 Grantee Termination or Reduction in Funding
120.60 Grantee Selection
120.70 Required Board Structure
120.80 Administrative Requirements
120.90 Nondiscrimination
120.100 Complaint Process
120.110 Program Types – Description
120.115 CSBG Loan Programs
120.120 Eligibility Requirements
120.130 Limitations On Use of CSBG Funds
120.140 Incorporation by Reference

AUTHORITY: Implementing the Illinois Economic Opportunity Act [20 ILCS 625] and authorized by Section 605-95 of the Civil Administrative Code of Illinois [20 ILCS 605/605-95].

Section 120.10 Legislative Base

a) Federal

1) On July 31, 1981, Congress passed the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35). This Act established 7 block grant programs, including the Community Services Block Grant. These block grants replace a large number of programs previously administered by the Federal Government. The Omnibus Budget Reconciliation Act also transferred primary responsibility for the administration of the block grant programs to the states and conferred substantial discretion on the states as to use of the block grant funds.

2) The Community Services Block Grant (CSBG) Act (Act) was enacted as Subtitle B of Title VI of the Omnibus Budget Reconciliation Act (Sections 671-683) and replaced the following programs formerly administered by the Community Services Administration under the Economic Opportunity Act of 1964 (42 USC 2701 et seq.):

   A) Community Action/Local Initiative
   B) Senior Opportunities and Services
   C) Community Food and Nutrition

3) The Omnibus Budget Reconciliation Act authorized to be appropriated $389,375,000 for fiscal year 1982 and such sums as may be determined by Congress for the succeeding fiscal years to carry out the provisions of that Act.

4) States were eligible to receive funds under the Community Services Block Grant on October 1, 1981.

b) State

1) On September 9, 1981, the Governor officially requested the Secretary of the U. S. Department of Health and Human Services to delegate to the
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State responsibility for administering the Community Services Block Grant Program in Illinois. At this time, he also designated the Illinois Department of Commerce and Community Affairs as the Agency to administer the program for the State. On September 29, 1981, the Department of Commerce and Community Affairs submitted the application document consisting of the assurances and plan required under Section 675 of the law, and the pre-expenditure report for fiscal year 1982 as required by Section 1742(a).

2) The State must hold at least one legislative hearing every three years in conjunction with the development of the State Plan (42 USC 99087(a)(3)). After the expiration of the first fiscal year in which the State receives funds under the program, the State Legislature is required to conduct public hearings on the proposed use and distribution of Community Services Block Grant funds.

3) As part of its application, the State certified that it agreed to use funds available under the Community Services Block Grant:

A) to support activities that are designed to assist low-income families and individuals, including families and individuals receiving assistance under Part A of Title IV of the Social Security Act (42 USC 601 et seq.), homeless families and individuals, migrant or seasonal farmworkers, and elderly low-income individuals and families, and a description of how such activities will enable the families and individuals:

i) to remove obstacles and solve problems that block the achievement of self-sufficiency (including self-sufficiency for families and individuals who are attempting to transition off a State program carried out under Part A of Title IV of the Social Security Act);

ii) to secure and retain meaningful employment;

iii) to attain an adequate education, with particular attention
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toward improving literacy skills of the low-income families in the communities involved, which may include carrying out family literacy initiatives;

iv) to make better use of available income;

v) to obtain and maintain adequate housing and a suitable living environment;

vi) to obtain emergency assistance through loans, grants, or other means to meet immediate and urgent family and individual needs; and

vii) to achieve greater participation in the affairs of the communities involved, including the development of public and private grassroots partnerships with local law enforcement agencies, local housing authorities, private foundations, and other public and private partners to: document best practices based on successful grassroots intervention in urban areas, to develop methodologies for widespread replication; and strengthen and improve relationships with local law enforcement agencies, which may include participation in activities such as neighborhood or community policing efforts;

B) to address the needs of youth in low-income communities through youth development programs that support the primary role of the family, give priority to the prevention of youth problems and crime, and promote increased community coordination and collaboration in meeting the needs of youth, and support development and expansion of innovative community-based youth development programs that have demonstrated success in preventing or reducing youth crime, such as:

to provide activities designed to assist low-income participants including homeless individuals and families, migrants, and the elderly poor;

i) programs for the establishment of violence-free zones that
would involve youth development and intervention youth mediation, youth mentoring, life skills training, job creation, and entrepreneurship programs; and to secure and retain meaningful employment;

ii) after-school child care programs; to attain an adequate education;

iii) to make better use of available income;

iv) to obtain and maintain adequate housing and a suitable living environment;

v) to obtain emergency assistance through loans or grants to meet immediate and urgent individual and family needs, including the need for health services, nutritious food, housing and employment-related assistance;

vi) to remove obstacles and solve problems which block the achievement of self-sufficiency;

vii) to achieve greater participation in the affairs of the community; and

viii) to make more effective use of other programs related to the purposes of the Act;

C) to make more effective use of, and to coordinate with, other programs related to the purposes of the federal statute (including State welfare reform efforts) (42 USC 9908(b)(1)(A)-(C));

D) to provide on an emergency basis for the provision of such supplies and services, nutritious foodstuffs, and related services, as may be necessary to counteract conditions of starvation and malnutrition among the poor;

E) to coordinate and establish linkages between governmental and other social services programs in order to assure the effective delivery of such services to low-income individuals; and
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(F) to encourage the use of private sector entities of the community in
efforts to ameliorate poverty in the community.

(Source: Amended at 27 Ill. Reg. 7986, effective April 28, 2003)

Section 120.30 Definitions

“Act” means the federal Community Service Block Grant Act (42 USC 9901).

"Administering Board" – a tripartite, community based administering board shall be established when a local government or combination of governments is the grantee. All related policies and decisions adopted and implemented by the governmental body shall be based upon recommendations of the administering board. This board shall be established in accordance with Section 120.70(b) of this Part as required in Section 676B(b) 675(e)(2)(B)(3) of the Act (42 USC 9910(b)).

"Community" – The geographic area served by the Grantee and may be a county, a city, or multi-county unit.

"Community Action Agency (CAA)" – A governmental or not-for-profit agency established to carry out anti-poverty activities and possessing a unique governing or administering board structure as outlined in Section 676B(a) and (b) of the Act (42 USC 9910(a) and (b)).

"Department" – The Illinois Department of Commerce and Community Affairs.

"Designating Official" – Chief elected official of the political subdivision encompassed by the CAA. If a multi-jurisdictional CAA, the designating officials shall be the highest elected official from each of the member political subdivisions.

"Eligible Entity" – Any organization that which was officially recognized as a Community Action Agency under the provisions of Section 210 of the Economic Opportunity Act of 1964 or recognized by the Governor or his duly authorized representative under the provisions of the Illinois Economic Opportunity Act and Sections 673 and 676A 675 of the Act (42 USC 9902(1) and 9909).

"Equipment" – Nonexpendable personal property having a useful life of more
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than one year and an acquisition cost of $5,000 or more per unit.

"Grant Document" – Community Services Block Grant contract documents between the Department and the Grantee for a specific program period that details the responsibility of each party.

"Grantee" – The local organization administering the Community Services Block Grant in a specified geographic area.

"Program Income" – Earnings by the grantee realized from grant supported activities.

(Source: Amended at 27 Ill. Reg. 7986, effective April 28, 2003)

Section 120.40 Allocation

a) General Allocation – Under the conditions of the Community Services Block Grant, the State has agreed to disburse, for fiscal year 1982 only, not less than 90 percent of the funds allotted thereto for purposes described in Section 120.10 (of these rules) to eligible entities as defined in Sections 673 and 675C of the Act (42 USC 9902 and 9907) and in Section 120.60 or to organizations serving seasonal or migrant farmworkers; to disburse for fiscal year 1983, and for each subsequent fiscal year, not less than 90 percent of the funds allotted to the State in grants to eligible grantees as defined in Sections 673 and 675C of the Act (42 USC 9902 and 9907) and in Section 120.60 or to organizations serving seasonal or migrant farmworkers; and to expend not more than 5 percent of its allotment for administrative expenses at the State level.

b) Grantee Allocation for Calendar Year 1982 – The State will disburse 90 percent of the CSBG program funds to existing Community Action Agencies by a formula based on the average of two amounts: one calculated on the basis of the previous federal fiscal year 1981 Community Services Administration funding and the other amount based on the Grantee's jurisdictional share of the State's poverty population according to the most recent decennial census.

c) Grantee Allocation for Calendar Year 1983 and Subsequent Fiscal Years Beyond – The State will allocate 90 percent of the CSBG program funds to eligible entities grantees who collectively represent all of Illinois' 102 counties and the City of Chicago. Ninety percent of this allocation will be based upon the
Grantee's jurisdictional share of the State's poverty population. The remaining ten percent will be similarly allocated, however, in such a manner as to best enhance the CSBG program objectives, and will include consideration of agency performance evaluations and State program priorities. For such period as required by law, not less than 90% of the CSBG funds will allotted to eligible entities as defined in these rules or to organizations serving seasonal or migrant farmworkers.

d) CSBG Discretionary Funds – The 5% non-earmarked or discretionary funds will be used to fund various types of low-income assistance projects. This includes but is not limited to the following:

1) provide training and technical assistance to those entities in need of such assistance and such activities will not be considered administrative expenses;

2) coordinating State-operated programs and services, and at the option of the State, locally-operated programs and services, targeted to low-income children and families with services provided by eligible entities and other organizations funded under the federal statute this Subtitle, including detailing appropriate employees of State or local agencies to public employees into entities funded under the federal statute this Subtitle to ensure increased access to services provided by such State or local agencies; and

3) supporting statewide coordination and communication among eligible entities. Additionally, the discretionary funding will be used to support continued training and technical assistance for grantees through the Illinois Community Action Association.

4) analyzing the distribution of funds made available under the federal statute within the State to determine if such funds have been targeted to the areas of greatest need;

5) supporting asset-building programs for low-income individuals, such as programs supporting individual development accounts;

6) supporting innovative programs and activities conducted by community action agencies or other neighborhood-based organizations to eliminate
poverty, promote self-sufficiency, and promote community revitalization; and

7) supporting other activities, consistent with the purposes of the federal statute (42 USC 9907(b)(1)(A)-(G)).

(Source: Amended at 27 Ill. Reg. 7986, effective April 28, 2003)

Section 120.50 Grant Application Requirements

a) Preapplication Requirements

1) Applicants for "90% CSBG funding" as indicated in Section 120.40 will be required to meet certain requirements prior to submitting an application. These requirements are:

A) a properly structured and functioning tripartite board as indicated in Section 120.70;

B) an undelegated (to any other corporate entity) basic central administrative capacity to receive, hold, expend or transfer and account for federal and State assistance funds, to procure facilities, goods and services, to enforce delegation agreements and procurement contracts and to accept, use and account for contributions from non-federal sources;

C) an effective outreach and referral program;

D) a continuing planning process and capability;

E) a centralized fiscal management system; and

F) an effective citizen participation/community involvement program.

2) Applications will not be processed nor grants awarded prior to the Department's review of the applicant's compliance in these five areas.

b) Application Requirements
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In preparing its application for funding assistance under the CSBG program, the grant applicant is required to submit the following items:

1) Community Action Plan: With its Prior to the submission of an application for funding under the CSBG program, the applicant must submit a Community Action Plan which includes information identified in subsections (b)(1)(A) through (G). Subsequent to the Department's receipt of the Community Action Plan, a letter will be transmitted acknowledging receipt and prescribing corrective action for any inadequacies in the plan.

A) Community Action Plan Summary Narrative: This section is submitted annually and should summarize the entire Community Action Plan (CAP) and describe how CSBG funds are used to support the operations of the agency beyond the specific programs provided. Its purpose is to describe the agencywide or CSBG-specific process used to develop the Plan, how the Board, client population and the community were involved in the process, and type of data collected and provide narrative of the needs identified. The narrative is a reference summary for the major components of the Community Action Plan. Its purpose is to specify:

i) the types of data collected;

ii) research methods employed;

iii) persons involved in the planning process and procedures;

iv) criteria used to rank problems, determine problem causes, establish priorities, and select strategies;

v) problems/priorities to be addressed; and

vi) strategies selected for implementation.

B) Needs Assessment: Community Action Agencies (CAAs) must conduct a community-wide needs assessment, including food and nutrition needs of the low-income population. On an annual basis, the results of the survey, changes, and trends are to be submitted to
the Department, Triennially, grantees must compile and analyze data such as demographics, family types, school dropout rates, availability of status of low-income housing stock, youth and domestic violence, and transportation availability and provide a narrative of the needs identified. This component compiles and analyzes quantitative and qualitative information regarding the area's poverty problems and needs (e.g., poverty population by sex, race, age; number of public housing units and occupancy by sex, race, age; welfare payment statistics by sex, race, and age). This section of the Community Action Plan must address the needs of the poverty community for food and nutrition.

C) Description of the Service Delivery System: The Community Action Plan should identify the service delivery in the CAA service area that is targeted toward low-income citizens. It should also identify the accessibility and effectiveness of that system in meeting the needs of low-income clients. This component is to be submitted with the triennial comprehensive CAP and updated annually if there are significant changes in the service delivery system. This part identifies the service delivery systems in applicant's service area that is targeted toward low-income citizens and makes an analysis of the accessibility and effectiveness of those systems.

D) Description of Linkages: The CAP must contain a description of how the agency reaches out to its client community and how it provides information and referral services, case management and follow-up to ensure comprehensive services to its low-income population. This component is to be submitted with the triennial comprehensive CAP and be updated annually if the process changes. This component describes how linkages will be developed to fill identifiable gaps in services to the poverty community through information, referral, case management and follow-up.

E) Coordination: This section describes how CSBG funded services are coordinated with other resources (internal and external), how the coordination is accomplished (both formal and informal), and identify any local groups the agency participates in that enhances
coordinated.

This section is submitted with the triennial comprehensive CAP and updated annually if there are significant changes in coordination. Funding under the CSBG Act will be coordinated with other resources and specifically who the coordination includes and how it will be accomplished.

F) Community and Neighborhood-Based Initiatives Outcome Measures: This section is a requirement that should describe how the agency will use funds to support community and neighborhood-based initiatives, which may include fatherhood initiatives, or other initiatives with the goal of strengthening families and encouraging effective parenting. This section should be submitted with the triennial comprehensive CAP and updated annually if there are significant changes in the initiatives. It describes the outcome measures to be used to evaluate the success of the applicant in promoting self-sufficiency, family stability and community revitalization.

G) Youth Programming: This Section is a new requirement that should describe how the agency will address the needs of youth in low-income communities through youth development programs that support the primary role of family, give priority to the prevention of youth problems and crime and promote increased community coordination and collaboration in meeting the needs of youth. This Section should be submitted with the triennial comprehensive CAP and updated annually if there are significant changes in the programming and coordination.

H) Outcome: This Section describes the outcome measures to be used to evaluate the success of the applicant in promoting self-sufficiency, family stability and community revitalization. This Section is to be addressed annually.

2) Affirmative Action Plan: The applicant agency must submit an affirmative action plan with prior to its annual application for assistance. The affirmative action plan may follow such format as designed by the applicant, but must include information required by the Department.

3) Annual Work Plan Program: The work program will narrate the
objectives and activities proposed to be undertaken with grant funds. The work program will detail specific annual CSBG goals, objectives that include measures, the activities proposed to meet each objective, the agency responsible for carrying out the activity (if other than the grant recipient), and the costs to be incurred in carrying out the activities (including non-CSBG costs).

4) Annual Budget: The applicant shall submit a grant budget by cost categories and line items, on the budget forms provided by the Department. As a result of problems with past audits, inexperience of the Department in dealing with the agency, lack of a cost allocation plan, or other related incidents, the Department may require that a complete annual budget be submitted which provides budget detail on all of the applicant's programs and sources of funding.

5) Cost Allocation Plan: The Department requires grantees who do not have a negotiated indirect cost rate under the jurisdiction of a federal cognizant agency to submit an annual cost allocation plan either for a calendar year or in conjunction with the Grantee’s corporate year.

65) Assurances and Certifications: The applicant will be required to assure compliance with cost and accounting standards of the Office of Management and Budget in addition to certifying its compliance with all applicable state and federal laws and regulations dealing with the receipt and expenditure of grant monies.

c) Application Schedule

At least 30 days before the beginning of its funding year: applicants must submit the Community Action Plan, Affirmative Action Plan, Annual Work Program, Annual Grant Budget, Board information, corporate status documentation and bylaws and supporting documentation to the Department.

(Source: Amended at 27 Ill. Reg. 7986, effective April 28, 2003)

Section 120.55 Grantee Termination or Reduction in Funding

For the purpose of this Part, Section 676 (Assurance 13) and 678C of the Act (42 USC 9908(13) and 9915), administrative requirements of specified in 47 Ill. Adm. Code 1.110, and the
provisions of this Section as follows are applicable.

a) Any Community Action Agency (CAA) shall not have its funding reduced or terminated and shall be awarded continuing CSBG program administering responsibilities in its established jurisdiction unless one or more of the following shall occur:

1) written communication to the Department stating its desire to discontinue operation of the program; or

2) material failure by the CAA to comply with Sections 673, 675, 676, 677, 678, 680, 681, and 682 of the Act (42 USC 9902, 9904, 9908, and 9912) and 45 CFR 96; and 96.30, 96.51, 96.90, and 96.91 (October 1, 1990); the provisions of the grant agreement; the provisions of 47 Ill. Adm. Code 1 and 120. Material failure includes, but is not limited to, fraud, disallowance of costs which could render a CAA insolvent, and denial of access to records of grant-related transactions.

3) Failure to comply with provisions of the grant agreement and the provisions of this Part.

Examples of material failure and failure to comply include, but are not limited to, fraud, disallowance of costs that could render the CAA insolvent, denial of access to records of grant-related transactions, false reporting, serving ineligible clients, not meeting State-mandated service priorities and disregard for timeliness and accuracy in the submittal of grant required documents.

b) Upon discovery of one of the conditions noted in subsection (a), the Department will take the following action:

1) For reduction in funding, other than due to allocation changes, the Department will notify the CAA in writing of its initiation of the reduction, stating the reason, the amount and the process, including corrective action provisions when applicable, and appeal provisions. The Department shall notify the CAA in writing of its initiation of the
termination process and the reasons for termination. The notice will advise the CAA that, in accordance with this Part and Section 675(e)(11) of the Act, it is entitled to a hearing. The CAA will be given fifteen (15) days from receipt of such notification to inform the Department that it wishes to exercise its right to a hearing. The hearing will be conducted within thirty (30) days of the original notification of initiation of the termination process. The notification shall also include:

A) a requirement that the CAA (in order to receive continued CSBG funding) shall agree to submit to a Department appointed official throughout the termination process as a reviewer of all CSBG related expenditures of the CAA. The only costs that will be approved by the Department official are those expenditures which are reimbursable under Section 120.80(a) and which comply with the objectives and program activities specified in accordance with Section 120.50(b)(4); or

B) in the event the CAA does not agree to submit to the Department review specified in subsection (b)(1)(A), notice of funding suspension pending termination pursuant to these rules. (Simultaneous with suspension notice to CAA’s, the Department will notify the U.S. Department of Health and Human Services of same and the Department will advise the suspended CAA of its right to seek direct funding from the U.S. Department of Health and Human Services.)

2) For termination of funding, the Department will provide notice to the CAA of the deficiency causing the initiation of termination proceedings, require the agency to correct the deficiency, and offer training and technical assistance to the agency to assist in correcting the deficiency. The notice will also advise the CAA of its right to a hearing on the matter in accordance with Section 678C of the Act (42 USC 9915) and this Part. If the Department is concerned with potential audit disallowances, it will advise the CAA that in order to receive continued CSBG funding throughout the termination process, it must agree to submit to a Department appointed official as a reviewer of all CSBG-related expenditures. The only CSBG costs that will be approved by the reviewer are those that are allowable under this Part. In the event that the CAA does not agree to the Department’s review of expenditures, notice of
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funding suspension pending termination will be provided to the CAA and simultaneously to the Secretary of the U.S. Department of Health and Human Services. The Department will also advise the CAA of its right to seek direct funding from the U.S. Department of Health and Human Services. The services of a hearing officer, who must be an attorney licensed to practice law in Illinois under Article VII of the Illinois Supreme Court Rules (Ill. Rev. Stat. 1989 and 1990 Supp., ch. 110A, pars. 701-774), will be obtained by the Department, as will the services of a certified shorthand reporter under the Illinois Certified Shorthand Reporters Act of 1984 (Ill. Rev. Stat. 1989, ch. 111, pars. 6201 et seq.). Notice of the actual hearing time and date will be provided, with proof of receipt of notice, to both the CAA and grantor agency at least ten (10) days prior to the hearing. The cost for the hearing officer and the services of the certified shorthand reporter and the original transcript of the proceedings shall be borne by the Department. The CAA shall bear the cost of its copy of the transcript of proceedings.

c) The hearing shall be conducted in accordance with the Department’s administrative hearing rules found at 56 Ill. Adm. Code 2605. Article 10 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1010-5 et seq.). The report of the hearing officer will be sent via registered mail to both parties within thirty (30) days of the hearing's completion.

d) The Director of the Department will review the hearing officer's recommendation and will base his/her decision on findings of fact and conclusions of laws that substantiate grant termination pursuant to Section 120.55(a). The Department will notify the CAA of the Department's final determination within thirty (30) days.

e) Secretary's Review
If the Department's decision is to terminate funding to the CAA, the Department shall also, with its notice to the CAA, advise the CAA of the provisions for review of the termination proceedings by the Secretary of the Federal Department of Health and Human Services pursuant to Section 678C 676(A) of the Act (42 USC 9915).

(Source: Amended at 27 Ill. Reg. 7986, effective April 28, 2003)

Section 120.60 Grantee Selection
a) In areas of the State where the grantee's CSBG funding has been terminated in accordance with Section 120.55, the Department will initiate a process to select a successor agency in accordance with Sections 673 and 675 and 676 of the Act (42 USC 9902 and 9908). The grantee selection process will be initiated in a timely manner (process to select successor agency as defined in this Section shall not exceed 120 days) so as not to cause undue program delays or interruptions.

1) The following are eligible for CSBG 90% funding:

A) Any organization which was officially recognized as a Community Action agency (CAA) under the provisions of Section 210 of the Economic Opportunity Act of 1964 as amended, unless such organization lost its recognition as a result of failure to comply with the Act. (CAAs have a required minimum population base of 50,000.)

B) Any organization officially recognized as a CAA by the Governor, or his duly authorized representative, under the provisions of this Part and in accordance with the Illinois Economic Opportunity Act. Organizations eligible for State CAA recognition include:

i) Any non-profit private community organization serving a jurisdiction of at least 100,000 population, designated by the governments of the jurisdiction, determined to be capable of planning, conducting and administering a community services program under criteria described in Section 120.50 and having a Board which meets the provisions outlined in Section 120.70 of these rules.

ii) Any city within the State with a population in excess of 100,000 or a county or group of contiguous counties with a minimum population base of 100,000. The governmental unit must be capable of planning, conducting and administering a community services program under criteria described in Section 120.50 and must have an Administering Board in accordance with Section 120.70. (The 100,000 population base referenced in subsections (a)(1)(B)(i) and (ii) is waived for CAAs designated and
2) Notification and Special Solicitation

A) The Department shall notify, in writing, each contiguous existing CSBG eligible entity and others within reasonable proximity (corporate headquarters of the eligible entity is within 50 miles of the boundary of the area to be served), that the area is presently unserved by the CSBG program, and the Department is seeking a successor agency. In its notification, the Department shall advise the agency to request, if interested, an application package in order to apply for CSBG service provision in the area to be served. The agency shall have 10 days from date of notice to request the application package. The requests shall be directed to the Manager of the Division of Economic Opportunity.

B) The Department will allow the requesting agency 45 days from the date of mailing the application package, to complete the application and submit three copies to the Department. The Department will adhere to this 45 day period, unless the agency which requested the application package communicates to the Department its lack of interest in applying.

C) The Department will respond in writing indicating acceptance or rejection of any application from an existing eligible entity within 10 days after receipt of the application.

D) If the special solicitation period for the existing eligible entities produces no interest or no acceptable service delivery applications (applications did not meet the criteria specified in Sections 120.50 and 120.60(a)(3)), the Department will solicit applications from organizations within the service delivery areas as specified in subsections (a)(1)(B)(i) and (B)(ii) of this Section.

3) Application Contents

In addition to the requirements found in Section 120.50, the application for CSBG service delivery shall include the following:
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A) The applicant must demonstrate the support of the public, private and client sectors of the population in the service delivery area (e.g., results of public hearings, letters of support).

B) The applicant must obtain the formal designation (documented resolution) or intent to designate from the principal governing body(ies) in the service delivery area.

C) The application must include detailed information on how the required community action agency board will be constituted (see Section 120.70). (For existing eligible entities applying for the new service delivery area, this information must specify how the representatives of the new area will become a part of the applicant's existing CSBG administering/governing board.)

D) The application must demonstrate how service delivery will be made available to all geographic areas of the service delivery area and how all elements of the area's eligible population will be reached.

E) The applicant agency must supply the following information that describes its base and purpose:

   i) statement of the mission of the agency;

   ii) organizational chart of the agency; and

   iii) written assurances that the applicant agency is a legally established entity with authority to operate in the service area for which the application is being submitted.

F) The applicant agency must supply the following information that describes agency experience:

   i) a history;

   ii) a description of past experience (if any) in providing services to the proposed target group (i.e., impoverished population); and
iii) a description of services currently delivered by the agency that which are related or complementary to this program.

G) The applicant agency must provide the following information regarding its Equal Employment Opportunity/Affirmative Action Policies:

i) written documentation which indicates compliance with equal opportunity and affirmative action regulations (Affirmative Action Plan, see Section 120.50(b)(2)); and

ii) the applicant must supply a written statement as to whether the applicant has been party to any proceedings or litigation with regard to equal employment opportunity or affirmative action investigations or complaints conducted by or filed with the Illinois Department of Human Rights or the U.S. Equal Employment Opportunity Commission. If so, a description of the nature of the investigation or complaint and the case resolution or anticipated date of resolution if such case is pending.

4) Application Format

The format for the application will be in accordance with Section 120.50(b)(1) through (5). Forms will be provided by the Department and will be a part of the application package provided to the applicant.

5) Evaluation of Applications

A) Applications must meet all the requirements of Sections 120.50 and 120.60(a)(3) to be placed in consideration for funding.

B) The decision process will include an evaluation of the following agency attributes:

i) ability to conduct multiple programs, with a variety of staff members and funding sources;

ii) have traditionally served impoverished populations in their
C) Applications must address one or more of the program priorities:

- Address specific local needs (e.g., job creation, housing, education);
- Have well-defined outcome measures that can be monitored and used to evaluate the success in promoting self-sufficiency, family stability, and community revitalization;
- Utilize CSBG funding to leverage other funds and services that will benefit the poor in the community; and
- Propose coordination and form partnerships with other low-income residents of the communities, including religious organizations and human service programs.
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described in Section 120.110, with the highest priority being placed on economic development programs which create jobs.

D) The Department will give special consideration, in its selection, to agencies with prior experience in operating similar or other Department funded programs and with documented records of compliance with rules, regulations, and grant conditions relating to their program operation.

E) The Department will conduct and give special consideration to the results of a public hearing in which competing agencies are provided the opportunity to present their case for selection to the public in the area to be served by the program.

F) The Department will consult with and take into account the recommendations of the principal governing bodies in the service delivery area.

G) The final decision will be based upon the weight of the facts and recommendations found in subsections (a)(5)(A)-(F). The most effective, efficient and well coordinated program delivery system available will be selected.

b) Interim Service Provision

When the CSBG funding of an eligible entity is suspended, pending termination (in accordance with Section 120.55) and expected to undergo federal review, appeals, and/or litigation, the Department will, within 30 days after its decision to terminate funding, initiate the following steps to establish an interim provider.

1) First preference for interim service provision will be given to a fiscal/operating agreement with the Illinois Community Action Association (ICAA). The Department will select another interim service mechanism only if the ICAA declines or if agreement cannot be reached on the interim services contract.

2) Establish the services for an interim period through a fiscal/operating agreement with:
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A) a contiguous Community Action Agency, or

B) contracted services of a local public or not-for-profit agency with experience in human service delivery (e.g., Head Start Program, Food Commodity Program, and Women, Infants, Children (WIC) Program), or

C) directly provide the services.

c) Discretionary Funding Eligibility

CSBG discretionary funds may be awarded to entities other than those listed in this Part when it is determined by the Department to be in the best interest of the CSBG program and consistent with the Governor's CSBG assurances and Section 120.40(d) of this Part.

(Source: Amended at 27 Ill. Reg. 7986, effective April 30, 2003)

Section 120.70 Required Board Structure

a) Grantee Board Requirement

1) Each Grantee participating in the "90% funding" category of the Community Services Block Grant Program is required to establish a broadly representative Board of Directors as outlined under section 211(a) of the Economic Opportunity Act of 1964, as amended, and as required in Section 676B of the Act (42 USC 9910).

2) When a private non-profit corporation or a separate public agency is the Grantee, the Board of Directors is a Governing Board with full corporate powers and authority of the governing board. When a local government or combination of governments is the Grantee, it shall operate the program must be administered through an Administering Board with powers and responsibilities delegated to it by the local governments, a community based board.

b) Composition of the Board

1) The Grantee must certify that its governing or administering board will be
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constituted so as to assure that:

A) \( \frac{1}{3} \) one-third of the members of the board are elected public officials, currently holding office, or their representatives, except if the number of elected officials reasonably available and willing to serve is less than \( \frac{1}{3} \) one-third of the membership of the board; membership on the board of appointive public officials may be counted in meeting the \( \frac{1}{3} \) such one-third requirement; public officials shall be appointed by and serve at the pleasure of the designating officials.

B) not fewer than \( \frac{1}{3} \) of the members are persons chosen in accordance with democratic selection procedures adequate to assure that these members are representative of low-income individuals and families (see Section 120.120 of this Part) in the neighborhood served; at least one-third of the members are persons chosen in accordance with democratic selection procedures adequate to assure that they are representative of CSBG eligible clients (per Section 120.120(a)(1) of this Part) in the area served; and

C) each representative of low-income individuals and families selected to represent a specific neighborhood within a community under subsection (b)(1)(B) resides in the neighborhood represented by the member; and

D) the remainder of the members are officials or members of business, industry, labor, religious, law enforcement, welfare, education, or other major groups and interests in the community served (42 USC 9910(a)(2)(B)-(C)). Once an organization is selected, it shall choose the person to represent it on the board.

2) The board shall have at least fifteen (15) and no more than fifty-one (51) members. It shall meet at least four (4) times a year and maintain official meeting records.

3) Tenure for board representatives described in subsections Sections 120.70(b)(1)(B) through (D) and (C) of this Part shall be at the discretion of the local entity.
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4) If a Grantee board is determined by the State, to be improperly seated, the State will prescribe necessary remedial action. The notice of finding and required corrective action shall be provided the Grantee in writing. The Grantee shall have 30 days from notice to bring the board into compliance with this Section these rules. Failure by the Grantee to fully respond to the corrective action demand will result in grant termination procedures as specified in Section 120.55 of this Part.

5) The board shall establish procedures under which a low-income individual, community organization, or religious organization, or representative of low-income individuals that considers its organization, or low-income individuals, to be inadequately represented on the board (or other mechanism) of the eligible entity to petition for adequate representation (42 USC 9908(b)(10)).

Title 45 of the Code of Federal Regulations, October 1, 1979, Chapter X Part 1062 will be referenced by the state for additional board structure guidance.

(Source: Amended at 27 Ill. Reg. 7986, effective April 28, 2003)

Section 120.80 Administrative Requirements

For the purpose of this Part, administrative requirements specified in 47 Ill. Adm. Code 1 and this Section as follow are applicable.

a) Compensation – The Grantee cannot be reimbursed for costs which exceed the total approved budget. If the Grantee believes its operation for the grant period will exceed a budgeted line item or cost category, it shall request approval of the Department in writing and give justification for the requested variation prior to exceeding any approved budget line item or cost category. However, Program Support and Client Assistance cost categories and all inclusive line items may vary up to 20% from the approved budget amount. In no event shall the Administration cost category be increased without prior written approval from the Department and the Special Category may only be increased. The Department will grant approval to modify budgeted amounts when the modification is necessary to achieve program objectives.

b) Carry-over Unexpended Funds—CSBG fund balance from the previous fiscal
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year will be, subject to written approval of the Department, carried into the
grantee’s succeeding fiscal year CSBG program. The carry-over funds will not
reduce the succeeding fiscal year allocation, but the carry-over amount should not exceed 20% of the agency’s annual CSBG allocation and the succeeding year’s
work program must reflect additional planned program achievements with
reasonable probability of accomplishing those planned achievements so as to
eliminate future substantive unexpended balances.

1) Unexpended Funds – CSBG fund balance from the previous fiscal year
will be, subject to written approval of the Department, carried into the
Grantee’s succeeding fiscal year CSBG program. The carry-over funds
will not reduce the succeeding fiscal year allocation, but the carry-over
amount should not exceed 20% of the agency’s annual CSBG allocation
and the succeeding year’s work program must reflect additional planned
program achievements with reasonable probability of accomplishing those
planned achievements so as to eliminate future substantive unexpended balances.

2) Limitation Waiver – CAAs may request the Department to waive the 20%
limitation when unforeseen circumstances, such as a project not
materializing, high staff turnover or other similar reasonable causes
contributed to an excess carry-over. If the CAA has no reasonable excuse
for the excess carryover, the Department will allow the CAA to reprogram
the total carry-over amount, including excess, for one succeeding year. If
the CAA violates the 20% limitation the second succeeding year, without
a valid, reasonable excuse, the Department will deobligate the excess
funds and redistribute them to CAAs, through either a competitive, pilot
program solicitation or formula allocation process.

3) Economic Development Requirement (Section 120.110(b)(1)) Carry-over
Exception – CAAs are considered by the Department to be not in
compliance with their grant agreement when during the grant period they
spend less than 50% of their required 10% earmark for job creating
economic development (Budget Category “D” funds). In this case, the
entire remaining Category “D” balance will be excluded from allowable
carry-over and will be deobligated by the Department. CAAs that spend
at least 50%, but less than the earmarked amount, will be required to place
that carry-over portion into Category “D” of the subsequent grant
agreement.
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c) Reporting

1) Monthly Reports – An expenditure report shall be submitted to the Department at the time of each cash request, but no less frequently than the 10th 15th calendar day of each month after the first month of the grant period. The report shall be in a format established by the Department and shall contain such financial information required by the Department.

2) Quarterly Reports – A Quarterly Program Report, prepared in a form and manner prescribed by the Department, shall be submitted to the Department by the 30th 15th day following the end of each calendar quarter. The report shall include, but not be limited to, the name of the work program, the estimated number of individuals to be served by the program, and the number of individuals actually served by the program.

3) The Grantee shall submit other programmatic reports as may be required by the Department.

d) Subcontracts and Subgrants – The Grantee’s services, duties and responsibilities under CSBG shall not be subcontracted or subgranted by the Grantee without prior written approval of the Department. Any subcontracts or subgrants shall be subject to and conform with all applicable State and federal laws and the terms and conditions of Department grant agreements. Contractual Services – All contractual services require prior approval of the Department. Grantees will request approval of contractual services as part of the annual budget process and in any subsequent modifications to the contractual services line item of the budget. Requests to expend funds for contractual services will be approved when the following conditions are met:

1) services respond to a demonstrated need (i.e., legal services, transportation, licensed drug/alcohol counseling);

2) services are not duplicative of existing program services;

3) the Grantee assures the reasonableness of the costs for the services in accordance with applicable OMB circulars; and

4) services benefit low income participants in accordance with Section
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120.10(b)(3)(B) of this Part.

e) Publication, Reproduction and Use of Material – Any publication produced as a result of a CSBG grant shall include in its title page the following citation: "This project was conducted with funds provided by the Illinois Department of Commerce and Community Affairs and does not necessarily represent in whole or in part the viewpoint of the Illinois Department of Commerce and Community Affairs."

f) Assurances – The State and Grantees must comply, as applicable, with the provisions of section Sections 676(b)(1) through (13) 675(c)(2)(B) through (10) of the Act (42 USC 9908(b)(1)-(13)).

g) Monitoring – In order to determine whether grantees meet the performance goals, administrative standards and financial requirements established by the State, the Department shall conduct the following reviews of grantees:

1) a full onsite review at least once every 3 years;

2) an onsite review of each newly designated grantee during or immediately after the completion of the first year of funding; and

3) follow up reviews including prompt return visits to grantees that fail to meet the goals, standards and requirements established by the Department (42 USC 9914(a)).

(Source: Amended at 27 Ill. Reg. 7986, effective April 28, 2003)

Section 120.90 Nondiscrimination

a) Equal Employment Opportunity

1) In carrying out the program, the Grantee shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, ancestry, age, physical or mental disability unrelated to ability, marital status, or unfavorable discharge from military service. The Grantee shall take affirmative action to insure that applicants for employment are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, national
origin, ancestry, age, physical or mental disability, handicap unrelated to ability, marital status, or unfavorable discharge from military service. Such action shall include, but not be limited to, the following: recruitment, advertisement, application, interview, medical inquiry, employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; promotion, training, layoff, benefits, and privileges of employment, and selection for training, including apprenticeship. The Grantee shall post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause. The Grantee shall state that all qualified applicants shall receive consideration for employment without regard to race, color, religion, sex, national origin, ancestry, age, physical or mental disability, handicap unrelated to ability, marital status, or unfavorable discharge from military service. The Grantee shall incorporate the foregoing requirements of this subsection paragraph (a) in all of its contracts for program work.

2) The Grantee shall cause or require to be inserted in full in any contract and subcontract for work, or modification thereof, all applicable federal and State Equal Employment Opportunity Provisions.


(Source: Amended at 27 Ill. Reg. 7986, effective April 28, 2003)
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Section 120.100 Complaint Process

In the event of an Applicant, Grantee, or CSBG program eligible client complaint, the Department will follow the procedures outlined in the 56 Ill. Adm. 2605 47 Ill. Adm. Code 10, with the exception of complaints relating to funding termination of Community Action Agencies. Those complaints and appeals will follow the process described at Section 120.55 of this Part which is in accordance with the federal Community Services Block Grant Act.

(Source: Amended at 27 Ill. Reg. 7986, effective April 28, 2003)

Section 120.110 Program Types-Description

a) General Program Purposes – The Grantee will use the Community Services Block Grant available through the State of Illinois for purposes as described under Section 676 675(e) of the Act (42 USC 9908) P.L. 97-35 (See State Administration of the Federal Community Services Block Grant Program (Section 120.10)).

b) Program Priorities – The Department's priorities parallel those of the Act, and fall into the following categories:

1) Economic Development – Reflecting the importance of a community's economic viability for the poor, the Department has placed its highest CSBG priority on job creating economic development programs which result in the employment and self-sufficiency of low-income persons. Each CAA designs and operates an individualized economic development program. At least 10 Ten to fifteen percent of each CAA's annual CSBG funding is allocated for economic development/job creation activities. Most CAAs operate a loan program through which below market rate loans are made for business expansion and start-up which results in the hiring of low-income persons. Various other job-creating activities are undertaken, including self-employment training.

2) Education – Recognizing the importance of education in breaking the cycle of poverty, priority is given to education programs which are designed to increase the capability of the poor to function productively in society. A broad spectrum of educational assistance is provided through the CSBG program. Specific examples include: workplace orientation, vocational skills training, family planning education, cultural opportunities
for disadvantaged children, energy conservation education, post-secondary education scholarships, GED assistance for high school dropouts, adult and youth literacy training and nutrition education for single parents and the elderly.

3) Income Management – Counseling and instructing low income individuals and families in the management of their income is an acceptable program activity. This could take the form of addressing consumer education issues, assistance in preparation of federal and State income tax reports, and the provision of workshops on income savings measures. Many CAAs offer programs to encourage better use of available income. A majority of this assistance is in the form of family budget counseling. Information also is provided through workshops or brochures on such topics as financial management, credit, income taxes and Social Security.

4) Housing – The primary housing activities include aid to renters seeking a residence, landlord/tenant rights education and arbitration, information about purchasing/financing a home, packaging housing and housing rehabilitation loans and providing for minor energy efficiency or health and safety related home repair. These activities may be linked with other housing related assistance in the community, such as the Energy Assistance and Weatherization programs.

5) Emergency Assistance – Recognizing that crisis situations (generally life threatening) frequently occur within the low income population, priority is given to programs that intervene for purposes of alleviating the crisis situation. Most CAAs maintain clothes closets and food pantries, many of them in conjunction with other community groups and local churches. Some agencies provide redeemable vouchers or grants to clients that enable them to meet immediate and urgent family needs such as health services, nutritious food, housing, employment-related assistance, day care, medical services and transportation.

6) Nutrition – Poor nutrition and/or lack of proper diet are often synonymous with the effects of poverty. Activities designed to increase eligible clients' awareness of proper diet and food preparation is a concern to the total community. CSBG funding is a primary resource for leveraging and providing nutritional assistance. Typical programs include: federal surplus food distribution, community gardening projects, food banks,
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senior citizen and youth feeding projects, Christmas food packages and assistance in accessing food stamps, WIC and other nutrition-related programs. These activities may include the storing and distribution of surplus United States Department of Agriculture (USDA) agricultural commodities; preparation and service of hot meals; food baskets; and programs designed to prevent malnutrition.

7) Linkages – CSBG funding regularly supports extensive outreach, information and referral services, transportation services, youth recreation and self-sufficiency programs for low-income citizens.

8) Self-Sufficiency – Many CAAs provide for comprehensive family case management programs that promote, empower and nurture family members toward self-sufficiency.

9) Health – CAAs provide many health related activities in the form of transportation to medical services, medical/dental screening, immunization, drug and alcohol abuse prevention and other services which promote good health.

10) Community Involvement – CAAs conduct programs to encourage and facilitate low-income clients to achieve greater participation in the affairs of their communities, including the development of local partnerships with law enforcement agencies, schools, housing authorities and private sector businesses, clubs and other community organizations.

11) Youth Development Programs – CAAs conduct programs that support the primary role of the family in youth development and the prevention of youth problems and youth crime. Additionally, programs such as after school child care and linking grade school students with senior mentors and tutors are targeted to preteen youth.

(Source: Amended at 27 Ill. Reg. 7986, effective April 28, 2003)

Section 120.115 CSBG Loan Programs

a) CSBG Revolving Loan

1) CSBG funds are loaned through Grantees to an Illinois business in a
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separate but companion agreement to a conventional loan.

2) The CSBG loan represents no more than 49% of the total loan package (combined borrowing and equity).

3) The conventional loan is obtained from a licensed Illinois lending institution.

4) The benefiting local government and/or other public resources may be used in the project.

5) The CSBG loan term may not exceed 10 years but may be for a shorter term at the discretion of the Grantee.

6) CSBG Loan interest rate (Fixed-Flexible option)

A) When the CSBG grant funds are used, the loan shall have a fixed interest rate of no more than Prime plus 4% (“Prime” as used in this subsection (a)(6) is the National Prime Interest Rate as published in the Wall Street Journal on the date the parties agree to the loan provisions), 5%; or

B) When recaptured funds are used from a previous CSBG loan, the loan shall have a fixed rate of no more than Prime plus 4%. At the grantee’s option, the interest rate to the borrower may be set at loan inception at a rate not to exceed ½ of the Prime Interest Rate (National Prime Rate as shown on that date in the Wall Street Journal). This calculated rate shall become the loan's fixed interest rate for a one year period. Thirty days before the annual anniversary date of the loan, the Grantee shall notify the borrower of the interest rate to be charged for the next year (based on ½ of Prime at date of notice). The annual interest rate under this flexible option shall never exceed the original interest rate (ceiling) and the Grantee may set a minimum (floor) interest rate of 5% or less for the duration of the loan.

7) The CSBG financing must be committed simultaneously or prior to the closing of other financing.
b) Hiring and Job Retention

1) Establishing a Pre-Loan Base Number of Employees – The Grantee shall have the right to review the borrower's employment verification records at the time of the loan closing to establish the pre-loan employment level in order to assure that no personnel cuts were made by the business in anticipation of the pending loan and its hiring requirements.

2) Hiring Requirements

A) Businesses accepting CSBG loan funds must hire at least one new full-time equivalency (minimum 37½ hour work week, averaged annually) CSBG eligible (in accordance with Section 120.120) employee for each $20,000 or any portion thereof of CSBG monies borrowed.

Minimum

Example:  
<table>
<thead>
<tr>
<th></th>
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<th>1 Job</th>
</tr>
</thead>
<tbody>
<tr>
<td>$1-$20,000</td>
<td>$10,000</td>
<td>1 Job</td>
</tr>
<tr>
<td>$20,001-$40,000</td>
<td>$10,001</td>
<td>$20,000</td>
</tr>
<tr>
<td>$40,001-$60,000</td>
<td>$20,001</td>
<td>$30,000</td>
</tr>
</tbody>
</table>

B) The Department will allow, based on presentation of written verifiable jobs (to be created) salary data submitted as part of its loan application, the Grantee to set the amount loaned per job at 75% of the entry level salary (which may include non-required benefits) for each job up to a maximum of $20,000 per job. (For example: an entry level salary of $50,000 $40,000 would warrant lending of $37,500 $20,000; a $60,000 $20,000 entry salary would warrant lending of $45,000 $15,000; a $10,000 $7,000 entry salary would warrant lending of $7,500 $5,250.) The Department will, upon request, consider the inclusion of fringe benefits (e.g., health insurance) in the salary calculation. (Any No combination of subsections (b)(2)(A) and (B) of this subsection (b)(2) is allowed. The Grantee shall choose one method or the other.)

C) If part-time employment is involved in the created jobs (under either subsection (b)(2)(A) or (B) of this subsection (b)(2)), the full-time equivalency shall be no more than two employees making up one 37½ hour work week.
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D) A hiring schedule must be a part of each loan agreement. The required hiring must be completed within the first 24 months of the loan, with at least 50% of the new employees hired in the first 12 month period. (For purposes of this hiring timeframe, the loan is considered consummated the date the borrower first receives the loan funds.)

E) The job positions for CSBG eligible clients created by the loan must be retained and filled by an eligible client for at least 24 months from the date the job was first created. Grantees should attempt to retain the availability of the loan-created jobs for CSBG eligible clients over the full loan term by maintaining professional contact (e.g., Job Training Partnership Act job referrals, Targeted Jobs Tax Credit Program) with the business and tracking the jobs. Grantees, through their individual loan agreements, may negotiate more restrictive hiring requirements than stated in this subsection (b)(2).

c) Loan Fund Use

CSBG funds loaned may only be used to purchase machinery, equipment or inventory or to provide working capital. CSBG loans may not be used to purchase or improve real property (per Section 120.130 of this Part). This real property restriction does not apply to loans made with "Recaptured Loan Funds" (as described in subsection (i) of this Section).

d) Loan Security

Provisions (collateral) shall be made for first position on loan security. If first position is impossible because of the primary lender's claims, the Grantee should negotiate shared position with the private lender. Subordinate position for loan security should be the CSBG lender's last resort. Loan agreements shall contain precise listings and assignment of collateral established as security for the loan.

e) Loan Contract Provisions

Each Grantee's loan contract with a borrower shall clearly, and in detail, specify the following:
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1) Employment Plan (consisting of mechanism to assure GSBG client eligibility, timeframes, job descriptions);

2) Payment Schedule;

3) Interest Rate Charged;

4) Late Payment Penalty Provision (optional);


A) Events of Default:

   i) Payment Default: the Department shall consider a loan to be in default when payment arrearage reaches 90 days. Grantees may place more restrictive payment arrearage provisions in their loan contracts.

   ii) Hiring Default: a loan shall be considered in default when the hiring provisions specified in this Part and in the loan agreement have not been met.

B) Default Remedies:

   i) Payment Default: the loan will be called or renegotiated (loan renegotiation approval must be requested of the Department and will be approved when the Grantee's written request states that the renegotiation is the only practical means of loan recovery and/or will prevent bankruptcy and/or will prevent a loss of jobs to the local area).

   ii) Hiring Default: an interest acceleration clause shall be a part of each loan contract. At a minimum the clause shall provide that after notice by the Grantee to the borrower that the hiring provisions have not been met, the interest rate for the loan will increase by 5 percentage points to the National Prime Rate as shown in the Wall Street Journal on date of notice. Such increased rate shall remain in effect until hiring deficiencies have been corrected or the loan is called.
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No less than one half of the proceeds from the interest penalty shall be treated as repaid principal. (The Department will allow a one-time waiver per loan to the interest acceleration provision when the Grantee, in writing, shows that such acceleration will cause borrower bankruptcy and further loss of jobs and submits a proposed renegotiated hiring schedule that meets the CSBG job creation and hiring requirements through no more than a 24 month extension.) The Department will allow other equally punitive hiring noncompliance interdictions in grantees' loan contracts in lieu of the interest acceleration penalty. Such other interdictions may include (but are not limited to) fines, partial loan recall and pre-scheduled interim balloon payments;

6) Loan Security Provision (The Grantee shall perfect the loan security. For example: hold title to vehicles; secure a mortgage on pledged real property; require Uniform Commercial Code (U.C.C.) [810 ILCS 5] filing for pledged equipment, fixtures and inventory.);

7) Collateral Description;

8) Prepayment Provisions (optional);

9) Hiring Schedule;

10) Use of Loan (Machinery, Working Capital, Equipment);

11) Hiring Noncompliance Penalty;

12) Other documentation necessary to assure compliance (e.g., hiring reports); and

13) Primary lender – amount; and.

14) Wetland Certification Statement [20 ILCS 830].

f) Loan Payment Provisions
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1) The interest rate for a recaptured principal or Category “D” the CSBG loan shall have a fixed rate not to exceed Prime plus 4% ("Prime" as used in this Section is the National Prime Interest Rate as published in the Wall Street Journal on the date the parties agree to the loan provisions) 5% or an annually adjusted rate as specified in subsection (a)(2)(E) of this Section. Interest for loans made with repaid principal from previous CSBG loans may not exceed 7.5%.

2) Payment Schedules

A) Payments shall include principal and interest calculated in accordance with standard loan tables.

B) Loan payments shall not be deferred, unless written permission is given by the Department.

C) Grantees, through their individual loan agreements, shall impose a late payment penalty of not less than 5% of any monthly installment not received from the borrower within 15 days after the installment is due.

g) Micro-Loan Provisions

The Department has established, within the CSBG Loan Program, a Micro-Loan Program. This program is designed to enable Grantees to assist entrepreneurs in establishing and expanding business ventures. It provides for up to 100% percent CSBG lending, makes less demand for collateral and gives lending discretion to Grantees. To operate a CSBG Micro-Loan Program, a Grantee must have "preferred lender" status, approved loan criteria and an approved lending process.

1) Preferred Lender
To obtain preferred lender status, the Grantee must establish and maintain a loan review committee, with a minimum of 3 members who represent the financial and economic development professions and should include the legal profession. In lieu of legal profession membership, the Grantee must include in their micro-loan procedures a provision for legal review of loans. The committee may be attached to the Grantee's CSBG Board. The Department will, upon receipt of documentation, formally recognize preferred lender status.
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2) Micro-Loan Criteria

A) Businesses eligible for micro-loans may be a proprietorship, partnership or corporation with no more than 5 employees. If proprietors, eligible borrowers must own all business assets; if partners or corporations, eligible borrowers must own more than 50% of the business assets.

B) Eligible borrowers must agree to create and fill a minimum of one job for a CSBG eligible client for the micro-loan lending. The job creation may include the borrower if he/she is CSBG eligible and will gain full-time employment through the borrowing.

C) The business must be located in the CSBG jurisdiction of the Grantee, and the borrowers must demonstrate that they cannot access the funds from other sources.

D) Maximum lending is $20,000 and may be entirely CSBG funded.

E) Recaptured principal will be used for all micro lending. (Exceptions to this provision must be requested in writing and approved in writing by the Department DCCA/CSBG Loan Program Coordinator.)

F) The interest rate may not exceed Prime plus 4% and may be set lower at the discretion of the Grantee as long as it never exceeds 5 percent.

G) Lenders shall make every attempt to fully collateralize the micro-loan and the collateral should be secured. Loan collateral is at the discretion of the Grantee.

H) The term of the loan may not exceed 10 years. The term of the loan should not exceed the life of the loan collateral.

I) A hiring schedule must be a part of each micro-loan agreement. The required hiring must be completed within the first 12 months of the loan.
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J) Funds loaned may be used to purchase machinery, equipment and inventory, to provide working capital and to purchase or improve real property.

3) Micro-Loan Forms and Procedures

The Grantee must establish and maintain DCCA approved loan application forms, loan agreements, loan applicant requirements and screening process, loan review process and loan monitoring procedures.

4) Micro-Loan Administration

A) Since the Grantee must be a "preferred lender" in order to participate in the program, final decisions for lending are at the Grantee level.

B) Recaptured principal disbursed for micro-loans must be so noted in accounting records at the time of fund transfer.

C) Monitoring will be conducted by the Grantee.

D) Reporting will be on one line of the CSBG Quarterly Loan Program Status Report (Hiring and Financial), and the lending will be included in Recaptured Loans on the Reconciliation Form.

E) The file for a micro-loan shall consist of:

i) the application;

ii) committee approval;

iii) the loan agreement/contract;

iv) amortization schedule;

iv) hiring schedule;

v) monitoring information; and
vii) **CSBG Loan Project Fact Sheet.**

F) The micro-loan repaid principal must be maintained in the same account as all other CSBG Loan Program repaid principal.

h) **Loan Approval Process for Loans Under Current Grants**

1) All Grantee CSBG funded loans must be submitted to the Department for approval. The Department's review and determination to approve or disapprove the loan will be given in writing within 20 working days after receipt of a complete set of the loan documents. (Loans submitted for approval after November 15 run the risk of not being processed by the December 31 cut-off due to insufficient time to complete the review. Loans approved after the December 31 date will be obligated against new program funds effective January 1.)

2) The loan application documents to be submitted, and upon which the decision of the Department will be based, consist of:

   A) The loan agreement containing all provisions in compliance with this Part.

   B) Application documents:

      i) History of the Company – a brief history of the business and past employment growth.

      ii) Market Information – information on the company's products or services and identification of existing and potential major customers and competitors.

      iii) Corporate Financial Statements – historical corporate financial statements for the past three years and interim statements dated no more than ninety days prior to application including: Profit and Loss Statements, Balance Sheets, Cash Flow Statements, and Disclosure of Contingent Liabilities.

      iv) Three Year Projections – three year projections of the
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Profit and Loss Statement and Balance Sheet and a one year Monthly Cash Flow Projection.

vi) Description of Inventory – a list of inventory to be purchased using CSBG funds. Include as much detail as possible.

vii) Description of Machinery and Equipment (if applicable) – major equipment or classes of equipment to be acquired with the CSBG loan funds, Department's program identified, including model and serial numbers where possible; for acquisition of new machinery and equipment, attachments of reliable vendor cost estimates; for moving and installation costs, attachments of written estimates; for used machinery and equipment acquisition, an independent appraisal demonstrating that the fair market value is in line with the purchase price.

viii) Description of Working Capital (if applicable) – a detailed explanation of the need for and use of funds.

ix) Company Management – a listing of those people that are responsible for the management of the company, their positions, and percentages of ownership.

ix) Principals Resumes Principal(s) Resume(s) – a resume of each principal.

x) Personal Financial Statement – a personal financial statements statement(s) for each principal owning more than 20% percent of the company.

xi) Letters of Commitment – commitment letters documenting all sources of leveraging; loans from financial institutions must have language indicating the loan amount, the specified term and interest, collateral, conditions attendant to the loan, and the fact that the loan is approved; any commitment to purchase a revenue bond must have an executed inducement resolution and the rates, terms, and
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conditions of approval by the buyer.

3) Financial Evaluation Component – The applicant's financial statements, including annual balance sheets and profit and loss statements for the past three years as well as the most recent 90 ninety days; a three year projected balance sheet and profit and loss statement as well as a one year monthly cash flow statement will be reviewed through a standard credit analysis (as prescribed in the Business Credit Analysis Textbook, 1985, published by the National Development Council) that which will determine the: liquidity and debt coverage for the project; ability of the company to manage debt; business trends and projected earnings. This data will be compared to similar data for companies in the same industry using "Robert Morris Associates Annual Statement Studies" (1990) if such industry is evaluated by this source. This standard credit analysis will determine the financial stability of the company. Determination of the loan approval will also be based on compliance with Section 9-4(a), (d), (e), and (f) of the Small Business Development Act [30 ILCS 750/9-4].

i) Loan Approval Process for Recaptured Loan Funds

1) All Grantee loans using repaid principal from previous CSBG loans (recaptured loan funds) must be submitted to the Department for approval.

2) The Grantee may, at its option, request the Department to review the complete loan application. When this request occurs, the documents upon which the Department will judge its approval or disapproval and the process for this determination will be in accordance with subsection (g) of this Section.

3) If the Grantee chooses to conduct its own loan review, the loan document to be submitted and upon which the decision of the Department will be based is the "Pre-Loan Closing Form" which includes the following information:

A) Grantee Agency name, address and date of submittal;

B) Name and address of borrowing business;

C) Loan amount;
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D) Source of funds;
E) Loan period;
F) Interest rate;
G) Hiring schedule;
H) Loan use;
I) Collateral description and position;
J) Primary lender, amount, and term; and
K) Signature of submitting officials.

4) The approval, or disapproval of the Department will be based on the loan period, interest rate, hiring schedule, loan use, collateral description and position, and primary lender amount being in compliance with this Part. A letter, The "Pre-Loan Closing Form" will have an Approval/Disapproval check box with an explanation section for disapproved submittals and a signature line for the Department's reviewer. This document, with the Department's determination and signature, will be returned to the Grantee within 10 working days after receipt of a completed Pre-Loan Closing Form. (Loans submitted after November 15 run the risk of not being processed by the December 31 cut-off due to insufficient time to complete the review. Recaptured loans approved after the December 31 date will not prevent the declaration of "lapsed principal" and the demand for its return.)

j) Processing a Micro-Loan

1) All micro-loans are approved at the Grantee level.

2) Once the funds have been disbursed, a CSBG Loan Project Fact Sheet must be submitted to the Department. This will be the mechanism for advising the Department that action has taken place.

k) Loan Fund Recovery/Held Principal Limits Re-Use/Disposition/Reversionary
Right

1) Recovery

The repaid loan principal is considered by the Department to be a Community Services Block Grant-related asset, held in trust by the Grantee. The Grantee must place the repaid loan principal in a corporate revolving loan account to continue business assistance efforts in compliance with this Part. This continuation requirement shall be perpetually binding on the Grantee, its successors and assignees until such time as the Department formally negotiates with the agency other CSBG related uses for the recovered loan principal. The interest earned on the CSBG supported business loans is not required to be a part of the perpetuation of the loan program nor subject to the provisions of the Illinois Grant Funds Recovery Act [30 ILCS 705] and may be used for any corporate purpose.

2) Held Principal Limits Re-Use

Recaptured principal amounts will be reported quarterly to the Department. The Grantee shall actively pursue new business start up or expansion loan opportunities for the recaptured principal and maintain a written record of such efforts, which the Department may review, upon request. The grantee is allowed to hold the greater of $20,000 or 20% of the total repaid principal in its CSBG loan program portfolio. In its review of 4th quarter loan reports, the Department will determine if the grantee is holding excess repaid principal (as of the end of the calendar year), excluding any balloon loan payments, and declare the excess “lapsed principal”. Additionally, the Department will impose a penalty on Grantees that do not reduce their repaid principal, through lending or approved waivered use, by at least 25% over a two-year period. At the end of the second year and each subsequent two-year period in which the 25% reduction is not met, the Department will declare the balance of the 25% as lapsed principal. However, the Department will allow the Grantee to maintain the “floor” level ($20,000) repaid principal without lapse declaration. The Department will require, by written notice, lapsed principal to be reduced to these stated limits through a grant fund transfer, (written record of loan attempt activity). When it is found by the Department that recaptured principal has accrued to either $40,000 or 50%
of the annual repaid principal amounts (from the previous calendar year excluding any balloon payments), whichever is greater, the excess of these limits will be declared to be lapsed principal. If the Grantee does not reduce by at least 25 percent, through lending, the allowable held principal for two successive years, the allowable repaid principal to be held will be reduced by $10,000 at the end of the second year and further decreased by $10,000 at the end of each succeeding year in which there is inadequate repaid principal lending. With 30 days written notice from the Department, in the following calendar year all interest earned on lapsed principal during the year and the excess principal held by the Grantee at the end of the calendar year will be payable to the Department's designee, Illinois Ventures for Community Action, Inc., or as an alternative the Grantee will take a deobligation of their current CSBG funding, replacing the deobligated amount with the funds identified as lapsed principal and interest.

3) Disposition

The Grantee may not sell, transfer or in any way dispose of the CSBG funded loans without DCCA's written approval.

4) Reversionary Right

If Grantee funding terminates (as specified in Section 120.55 of this Part) the Grantee's repaid principal loan fund balance and all current loans shall revert to the Department for transfer to the successor (Section 120.60 of this Part) agency.

5) Loan Settlement

In the event of a loan settlement due to bankruptcy or other closing, the cash settlement shall be applied 100% to principal after expenses are paid. Expenses are defined as unplanned costs incurred as a result of the closing/bankruptcy (i.e., storage or attorney) and are not covered by the CSBG grant or earned interest.

1) Reporting/ Monitoring/ Recordkeeping/ Monitoring

1) The Grantee is required to submit two reports to the Department
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for tracking purposes, agency is responsible for monitoring the following provisions of each CSBG loan (including loans made with repaid loan principal):

A) The CSBG Loan Project Fact Sheet is to be submitted immediately following the closing of the loan (loan agreement signed and funds disbursed to the borrowing business). If the loan agreement is amended (i.e., changing the term or interest rate), a revised CSBG Loan Project Fact Sheet shall be submitted.

B) Quarterly CSBG Loan Status Report (6 parts) – This 6 part report (on forms provided by the Department) is to be submitted as part of the CSBG Quarterly Report, due the 30th calendar day following the end of each calendar quarter. The report must include all loan projects that have been closed (loan agreement signed and funds disbursed to business) since the inception of the CSBG Loan Program.

2) Records – The Grantee is required to maintain a CSBG Loan Program file with separate sections for each loan. Each loan file shall contain the loan agreement that encompasses all elements specified in this Section, all correspondence relating to the loan, copies of all forms submitted to the Department, verification of loan payback and monitoring, and, if the loan is in default, documentation of efforts made to return the loan to compliance or to call the loan. The grantee agency monitoring must be completed prior to the Department's quarterly CSBG reporting requirement dates (1/15, 4/15, 7/15 and 10/15). The CSBG quarterly reports from the grantee agency will include a completed Quarterly Fund Hiring/Payback status report which provides the following information:

A) agency name and address, reporting period, and contact person;

B) a list of closed projects;

C) total number of jobs created using CSBG dollars;
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D) total number of jobs retained using CSBG dollars;
E) timetable for hiring (number to be hired by month, day, and year);
F) total number of jobs filled to date (excluding terminations);
G) number of CSBG persons hired who are female or minority employees;
H) comments regarding the projects (terminations are to be noted here);
I) loans totally repaid (name and amount of principal);
J) loans presently being repaid (name, monthly principal, and principal to date);
K) total principal repaid to date on all loans;
L) balance of funds in recaptured account;
M) loans made from recaptured funds (business name and CSBG dollar amount); and
N) loans delinquent in payback (business name, total amount delinquent, how long delinquent).

3) Monitoring The grantee agency must maintain loan program data (e.g., bank statements, copies of W-4's) to verify information reported quarterly to the Department.

A) The Grantee agency is responsible for monitoring the following provisions of each CSBG loan (including loans made with repaid loan principal):
   i) hiring schedule compliance, including CSBG eligibility verification;
   ii) replacement of employees;
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iii) use of loan monies

iv) loan repayment; and

v) Wetland Act compliance.

B)4) The Department's program monitoring and annual auditing will include verification of the Grantee's report on the status of each consummated loan.

m) Carry-over of Loan Program Funds – At least 50% of the grantee’s earmarked (in the grant agreement) loan program funds must be obligated, with a Department approval letter, by December 31 of the grant year. Obligated funds must be disbursed for loans no later than January 31 of the succeeding grant year. The remaining 50% or less of the earmarked loan funds shall be carried over to the succeeding year’s grant, through modification, and placed with the earmarked loan funds in the grant agreement. Any Grantee who has not obligated or disbursed at least 50% of its earmarked loan program funds by the respective December or January 31 cutoff dates shall have the remaining balance deobligated by the Department. All CSBG Grantee funding deobligated by the Department shall be returned to CAAs through a competitive or formula distribution process.

(Source: Amended at 27 Ill. Reg. 7986, effective April 28, 2003)

Section 120.120 Eligibility Requirements

Client eligibility for the Illinois Community Services Block Grant Program is limited to the 3 four-listed categories.

a) Clients served must be “low-income” which is at or below 125% of the poverty line as determined annually and published in the Federal Register by the U.S. Department of Health and Human Services (HHS). CAAs may set more restrictive eligibility provisions (i.e., majority, at least 51% of clients served must be at or below 100% of HHS’ poverty level with the remainder of the clients served at 125% of the poverty line). Client income may be determined by actual annual income or a projection of income based on the prior 90 days (whichever is most beneficial to the client). The majority of clients served (at least 51%) must be at or below the poverty line determined in accordance with criteria established by the Director of the U.S. Office of Management and Budget. Client income
may be determined by actual annual income or a projection of income based on
the prior 90 days. (Whichever is most beneficial to the client.)
At client intake: disregard CSBG scholarship funds, training stipends and other
student financial aid when determining family income.
Ongoing/long-term programs: clients eligible at intake and enrolled in a CAA
Family and Community Development program may remain eligible for up to five
years or until they reach 185% of the poverty line as long as they are progressing
in the program and there is at least quarterly client contact. Clients eligible at
intake and enrolled in other multi-year programs may remain eligible for up to
two years or until they reach 185% of the poverty line as long as they are
progressing in the program. The CAA must assess and document the income each
year for the participants in the multi-year programs; however, original eligibility
prevails until the thresholds and conditions described in this subsection are
reached.

b) Extreme emergency assistance may be provided to individuals and families who
are victims of natural or manmade disasters without regard to income eligibility.
This category is included to allow CAAs to quickly respond to sudden events that
cause swift and temporary poverty. This category includes victims of fire, floods,
tornadoes and other disasters. Special written authorization from DCCA must be
obtained if clients in this category will exceed 10% of the total CSBG clients
served in a grant period. Assistance may also be provided to “low income” clients
(125% of the poverty line).

c) Each CAA is given discretion to calculate income for selected clients net of
extreme expenses in areas such as medical, housing, child care and transportation
and to waive income restrictions for clients who have experienced a substantial
loss of income through an employment or family related crisis. These discreitional
provisions fall under the same limitation that is in place for victims of natural or
manmade disasters. Special written authorization from DCCA must be obtained if
clients in this category and the preceding category (Section 120.120(a)(2)) will
exceed 10% of the total CSBG clients served in a grant period. Individuals and
families receiving benefits under the Department of Energy Weatherization
Assistance Program and the Energy Block Grant (Low Income Home Energy
Assistance Program) are also eligible to receive CSBG service benefits.

d) Extreme Emergency Assistance may be provided to victims of natural or
manmade disasters. This category is included to allow agencies to quickly
respond to sudden accidents which cause swift and temporary poverty. This
category includes victims of fires, floods, tornadoes, and other disasters. Special written authorization from DCCA must be obtained if clients in this category will exceed 10% of total CSBG clients served in a grant period.

(Source: Amended at 27 Ill. Reg. 7986, effective April 28, 2003)
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1) **Heading of the Part:** Rights and Privileges

2) **Code Citation:** 20 Ill. Adm. Code 525

3) **Section Numbers:**

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<th>Adopted Action</th>
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4) **Statutory Authority:** Implementing Sections 3–2–2, 3–7–1, 3–7–2, 3–8–7, 3–8–8, 3–10–8, and 3–10–9 of the Unified Code of Corrections [730 ILCS 5/3–2–2, 3–7–1, 3–7–2, 3–8–7, 3–8–8, and 3–10–8] and Section 1–3 of the Juvenile Court Act of 1987 [705 ILCS 405/1–3] and authorized by Sections 3–2–2 and 3–7–1 of the Unified Code of Corrections [730 ILCS 5/3–2–2 and 3–7–1].

5) **Effective Date of Amendments** July 1, 2003

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

7) Does this amendment contain incorporations by reference? Yes
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8) A statement that a copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice(s) of Proposal Published in Illinois Register:

   12/20/2002  26 Ill. Reg. 17876 (issue date)

10) Has JCAR issued a Statement of Objections to this (these) rule(s)? No

11) Difference(s) 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 rule replace an emergency rule (amendment, repealer) currently in effect? No

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

15) Summary and Purpose of Rule(s) (Amendments, Repealer): Due to organizational changes and for clarification purposes rules regarding mail, telephones, visitation, publications, and marriage of offenders are being updated. Specifically, the more generic term “offender” is being used instead of “committed person” throughout the rules; rules regarding the number and approval of visitors and non-contact visits have been updated and clarified; mail rules have been amended to require the prior written approval of the Chief Administrative Officer before an offender may correspond with an employee, former employee, or a releasee; definitions have been added to the publication rules and the publication review process has been changed to permit reviews by an individual rather than a committee based on specific criteria that has been added; provides a procedure whereby a publication that has been banned in its entirety may be further reviewed after a specific period of time to determine whether the characteristic content of the publication has changed; provides for a review of facility decisions and recommendations regarding publications by a committee appointed by the Director.

16) Information and questions regarding this adopted rule (amendment, repealer) shall be directed to:
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Name: Beth Kiel
Department of Corrections
Address: 1301 Concordia Court
P. O. Box 19277
Springfield, Illinois  62794-9277
Telephone: 217/522-2666, extension 6511

The full text of the Adopted Rule(s) (Amendments) begins on the next page:
SECTION 525
RIGHTS AND PRIVILEGES

SUBPART A: VISITATION

Section 525.10 Applicability
525.12 Definitions
525.15 Responsibilities
525.20 Visiting Privileges
525.30 Clergy Visitation
525.40 Attorney Visitation - Adult Division and Community Services Divisions
525.50 Attorney Visitation Juvenile Division (Court Agreement)
525.60 Restriction of Visitors

SUBPART B: MAIL AND TELEPHONE CALLS

Section 525.100 Applicability
525.110 Definitions
525.115 Responsibilities
525.120 Processing of Mail
525.130 Outgoing Mail
525.140 Incoming Mail
525.150 Telephone Privileges

SUBPART C: PUBLICATIONS

Section 525.200 Applicability
525.202 Definitions
525.205 Responsibilities
525.210 General Guidelines
525.220 Publications Review Officer Committee
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SUBPART D: MARRIAGE OF OFFENDER.COMMITTED PERSONS

Section
525.300 Applicability
525.302 Definitions
525.305 Responsibilities
525.310 Request for Permission to Marry

AUTHORITY: Implementing Sections 3-2-2, 3-7-1, 3-7-2, 3-8-7, 3-8-8, 3-10-8, and 3-10-9 of the Unified Code of Corrections [730 ILCS 5/3-2-2, 3-7-1, 3-7-2, 3-8-7, 3-8-8, and 3-10-9] and Section 1-3 of the Juvenile Court Act of 1987 [705 ILCS 405/1-3] and authorized by Sections 3-2-2 and 3-7-1 of the Unified Code of Corrections [730 ILCS 5/3-2-2 and 3-7-1]. Subpart A is also implementing a Consent Decree (Tillman vs. Rowe, #77 C 1008, N.D. Ill., 1977).


SUBPART A: VISITATION

Section 525.10 Applicability

This Subpart applies to all correctional facilities within the Adult, Juvenile, and Community Services Divisions of the Department of Corrections.

(Source: Amended at 27 Ill. Reg. 8039, effective July 1, 2003)

Section 525.12 Definitions

"Chief Administrative Officer" means the highest ranking official of a correctional facility.
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"Department" means the Department of Corrections.

"Director" means the Director of the Department of Corrections.

“Offender” means a person committed to the Department or to the custody of the Department.

(Source: Amended at 27 Ill. Reg. 8039, effective July 1, 2003)

Section 525.20 Visiting Privileges

a) The Chief Administrative Officer of each correctional facility shall establish regular visiting hours.

1) All rules and regulations pertaining to visiting shall be posted and made available to visitors and offenders.

2) Visitors who travel great distances to visit an offender may request extended visits. These requests should be submitted sufficiently in advance to the Chief Administrative Officer for consideration.

3) Visitors shall be subject to search in accordance with 20 Ill. Adm. Code 501.220.

4) Visitors may be permitted to wear religious headgear if:

A) There are no safety or security concerns; and

B) The headgear has been removed and thoroughly searched; and

C) The visitor has indicated that the headgear has religious significance; and

D) Either:

  i) The headgear is a kufi, yarmulke, turban, habit, or fez; or

  ii) A written request to wear headgear other than those listed
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in subsection (a)(4)(D)(i) of this Section was submitted to the Chief Administrative Officer at least ten days prior to the visit and the Chief Administrative Officer approved the request. Failure to submit a timely request shall result in denial of the request.

5) All offenders’ visits shall be subject to monitoring and recording at any time by departmental staff, unless prior special arrangements have been made for confidential attorney visits or other privileged visits. For purposes of this Section, a privileged visit means any conversation or communication between visitors that is protected by a privilege of law or by decision, rule, or order of the Illinois Supreme Court. Notices stating that visits are subject to monitoring and recording shall be posted in places in which offenders are normally permitted to visit and in the offenders’ orientation manual.

6) Visits may be restricted to non-contact visits by the Chief Administrative Officer for reasons of safety, security, and order. This may include, but not be limited to, restricting contact visits to non-contact visits for known or believed to be engaged in gang activity.

A) Offenders who are assigned to an adult closed maximum security facility or who are in disciplinary segregation or who are extremely high escape risks shall be restricted to non-contact visits.

B) Offenders found in possession of illegal drugs or who fail a drug test shall be restricted to non-contact visits for at least 6 months.

C) Offenders involved in gang activity or found guilty of assault against a Department employee in accordance with 20 Ill. Adm. Code 504 shall be restricted to non-contact visits for a period of at least 6 months.

b) At the time of admission to a reception and classification center, a committed person shall submit a list of proposed visitors to designated facility staff. A visiting list shall be established after verification, review, and approval by the Chief Administrative Officer. Permission to visit may be denied due to the safety, security, or operations of the facility based on reasons that are reasonably
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related to legitimate penological concerns. Visitors must be approved in order to visit.

1) Department staff may interview or request background information from potential visitors to determine whether the individual would pose a threat to the safety or security of the facility or any person or to the order of the facility.

2) Visitors 17 years of age or older must be on the approved list in order to visit.

A) An individual 12 years through 16 years of age who is not a member of the offender’s immediate family may be on the approved list only with the written consent of his or her parent or guardian. Immediate family shall include children, brothers, sisters, grandchildren, whether step, adopted, half, or whole, and spouses.

B) When visiting, anyone under the age of 17 years must be accompanied by an approved visitor who is 17 years of age or older, unless prior written approval has been granted by the Chief Administrative Officer.

C) Visitors under 12 years of age need not be on the approved list in order to visit. However, such visits may only be permitted to visit:

iA) When accompanied by a parent or guardian who is an approved visitor;

iiB) When prior written consent has been given by a parent or guardian who is in the free community for the child to visit when accompanied by an approved visitor designated in writing who is at least 17 years of age; or

iiiC) As otherwise approved by the Chief Administrative Officer.

In determining whether an exception shall be granted pursuant to subsections (b)(2)(B) and (b)(3)(C), the Chief Administrative Officer may consider, among other factors, the proposed visitor’s age, emancipation,
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and relationship to the offender; whether a legal guardian has been appointed for the proposed visitor; the inability of an approved visitor to accompany the proposed visitor; and any applicable court order.

45) A proposed visitor who has been convicted of a criminal offense or who has criminal charges pending, including, but not limited to, an individual on bond, parole, mandatory supervised release, or probation or an ex-offender, may visit an offender only with the written approval of the Chief Administrative Officer. In determining whether to approve or deny a request, the Chief Administrative Officer may consider, among other matters, the following:

A) The nature, seriousness, and the date of commission of the offense.
B) The proposed visitor's criminal history.
C) The proposed visitor's relationship to the offender.
D) The date of discharge from parole, supervision, or probation or of completion of service of a term of incarceration.

5) The number of approved visitors may be limited by the Department due to operations and security reasons. Any limitations imposed shall be conveyed to offenders.

6) Offenders may request to change the names of requested visitors no more frequently than monthly except in emergencies or to add or change attorney names.

76) A visitor may be disapproved. The visiting list of a committed person may be amended at any time by the Chief Administrative Officer in accordance with this Subpart.

(Source: Amended at 27 Ill. Reg. 8039, effective July 1, 2003)

Section 525.30 Clergy Visitation

Clergy and religious leaders from religious groups may visit offender committed persons during
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regularly scheduled visiting hours and during other hours as approved by the Chief Administrative Officer subject to safety and security concerns.

(Source: Amended at 27 Ill. Reg. 8039, effective July 1, 2003)

Section 525.40  Attorney Visitation - Adult Divisions

a) Licensed attorneys and any investigators, law students, or paralegals working under their supervision may visit an offender during regularly scheduled visiting hours unless permission has been granted by the Chief Administrative Officer to visit during other hours.

b) Investigators, law students, or paralegals shall be required to present a written statement from a registered attorney indicating that they are working under the supervision of an attorney who is representing an offender and indicating the names of the offenders with whom they are authorized to visit.

c) Attorneys or those working under their supervision are requested to notify the Chief Administrative Officer of the designated time and date of the visit at least two days in advance of the visit in order to make special visiting room arrangements.

(Source: Amended at 27 Ill. Reg. 8039, effective July 1, 2003)

Section 525.50  Attorney Visitation - Juvenile Division (Court Agreement)

a) To assure that persons committed to the Juvenile Division may privately confer in person with attorneys of their choice or with attorneys retained by their parents or with attorneys appointed by courts, the following procedures are established:

1) Attorneys may routinely visit offenders between the hours of 9:00 a.m. and 5:00 p.m. daily, unless other arrangements have been made with the Chief Administrative Officer of the facility.

A) Except in emergencies, at least 24 hours before the visit, attorneys are requested to notify an employee of the facility designated by the Chief Administrative Officer to arrange visitations, the date and time, at which they wish to confer with the offender.

A
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B) The designated employee will immediately confirm or deny the arrangements.

2) The visiting attorneys may establish that they are attorneys registered with the Attorney Registration and Disciplinary Commission of the Supreme Court of Illinois (130 East Randolph, Suite 1500, Chicago, Illinois 60601) by exhibiting their Commission identification card.

   A) If no card is available, the facility shall call the Commission (800/826-8625 or 312/565-2600) to determine if the attorneys are registered.

   B) Visiting attorneys not listed with the Commission or those practicing out of state shall be approved by the Chief Administrative Officer only after it has been established that they are licensed to practice law.

3) Any time prior to any attorney-offender committed person conference, the offender committed person shall sign an authorization. The authorization shall be filed in the offender committed person's master record file and shall be substantially in the following form:

   I, (name of offender committed person), hereby authorize (name of attorney), Attorney at Law, to represent me as my attorney and advocate.

   Date: _______________ _______________ 
   Signature

   A) In the event that the offender committed person's written authorization is not submitted for the attorney, the designated employee will immediately confer with the offender committed person for the purpose of obtaining written authorization.

   B) In lieu of the above authorization, any time prior to the visit, an attorney may present a copy of a court order appointing the attorney to represent the offender committed person.
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b) The aforementioned shall apply also to law students, paralegals, or attorneys' agents to the extent that such persons present a written statement from registered attorneys indicating that the person is working under the supervision of an attorney.

c) Before this Section of the Subpart may be modified, the Department legal staff shall be consulted. This Section was promulgated pursuant to the settlement of litigation by order of the court. It may not be modified without the approval of the court.

(Source: Amended at 27 Ill. Reg. 8039, effective July 1, 2003)

Section 525.60 Restriction of Visitors

a) The Chief Administrative Officer may limit the frequency and duration of visits in accordance with the availability of space and staff.

b) The Chief Administrative Officer may limit the number of persons allowed per visit in accordance with considerations of space, time, and security.

c) Visiting privileges may be temporarily suspended by the Chief Administrative Officer during an institutional emergency or lockdown and for a reasonable time thereafter, upon the approval of the Director.

d) Visitors and committed persons shall not be permitted to exchange any item during a visit, except with prior approval of the Chief Administrative Officer.

e) The Chief Administrative Officer may deny, suspend, or restrict visiting privileges based, among other matters, upon the following:

1) Security and safety requirements;

2) Space availability;

3) Disruptive conduct of the committed person or visitor;

4) Abuse of the visiting privileges by the committed person or visitor; or
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5) Violation of State or federal laws or departmental rules by the offender or visitor.

f) Any of the following actions on the part of a visitor may result in a temporary restriction of up to six months:

1) Disruptive conduct of a minor nature.
2) Disobeying an order or posted rule.
3) Refusal to submit to search.
4) Possession of drugs when the visitor has demonstrated there was no intent to conceal or introduce drugs into the facility.
5) Possession of alcohol when the visitor has demonstrated there was no intent to conceal or introduce alcohol into the facility.
6) Being under the influence of alcohol or drugs.
7) Possession of other contraband as defined under State, federal, or local laws or other departmental rules not specifically outlined in this Subpart.

g) Any of the following actions on the part of a visitor may result in a permanent restriction:

1) Assaultive behavior on any individual.
2) Sexual misconduct.
3) Possession of weapons.
4) Possession of drugs or drug paraphernalia.
5) Unauthorized possession of money.
6) Possession of escape paraphernalia.
7) Possession of alcohol.
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8) Providing false identification or information.

9) Disruptive conduct of a major nature.

10) Violation of State, federal, or local law during a visit, including arrest or conviction based on any action committed during a visit.

11) Any recurrence of an action that previously resulted in a temporary restriction.

h) Employees who have been involved with offendercommitted persons or former employees who have either resigned or have been terminated as a result of involvement with offendercommitted persons may be permanently restricted from visits if it is determined they may be a threat to safety or security.

i) If contraband is discovered in the possession of an offender committed person either during or after a visit, it will be assumed that the contraband was introduced by the offender committed person’s visitor.

j) Visits of offendercommitted persons hospitalized in the community may be restricted to the immediate family and shall be subject to the general visiting policies of the hospital.

k) Written notification of temporary or permanent restriction of visiting privileges shall be sent to the visitor and to the offendercommitted person. Any person excluded from an offender’s committed person’s visiting list at one correctional facility shall may be excluded at all facilities. The notice of temporary restriction shall state the exact length of the restriction.

l) Notices of permanent restrictions shall inform visitors and offendercommitted persons that they may request that the Chief Administrative Officer review the decision after a six month period. After the initial six month review, permanent restrictions shall be reviewed by the Chief Administrative Officer on an annual basis upon request of the offendercommitted persons or their visitors. Written notification of the decision shall be sent to the visitor and to the offendercommitted person.

m) The Chief Administrative Officer may restore visiting privileges at any time.
SUBPART B: MAIL AND TELEPHONE CALLS

Section 525.100 Applicability

This Subpart applies to all correctional facilities within the Adult, Juvenile, and Community Services Divisions of the Department of Corrections.

(Source: Amended at 27 Ill. Reg. 8039, effective July 1, 2003)

Section 525.110 Definitions

a) "Associate Director" means the second highest ranking official of the Department.

b) "Chief" or "Deputy Director" means the highest ranking official of a bureau, district, or division within the Department.

c) "Chief Administrative Officer" means the highest ranking official of a correctional facility.

d) "Department" means the Department of Corrections.

e) "Deputy Director" means the highest ranking official of a division or bureau within the Department or the Chief Deputy Director of the Department.

f) "Director" means the Director of the Department of Corrections.

g) "Incoming privileged mail" means mail from the following:

1) The Director;

2) Associate Director, Chiefs, Deputy Directors, Deputy Chiefs and Assistant Deputy Directors of the Department;

3) Department attorneys;

4) Members of the Administrative Review Board;
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5) Members of the Prisoner Review Board;
6) The Governor of Illinois;
7) Federal or Illinois legislators;
8) Chief Executive Officers of the Federal Bureau of Investigation, the Drug Enforcement Administration, the Criminal Division of the Department of Justice, the United States Customs Service, the Secret Service, the Illinois State Police, and Sheriff's Offices and Police Departments in the State of Illinois;
9) John Howard Association; and
10) Legal mail.

gf) "Outgoing privileged mail" means mail to the following:

1) The Director;
2) Associate Director, Chiefs, Deputy Directors, Deputy Chiefs, and Assistant Deputy Directors of the Department;
3) Department attorneys;
4) Members of the Administrative Review Board;
5) Members of the Prisoner Review Board;
6) The Governor of Illinois;
7) Federal or Illinois legislators;
8) Chief Executive Officers of the Federal Bureau of Investigation, the Drug Enforcement Administration, the Criminal Division of the Department of Justice, the United States Customs Service, the Secret Service, the Illinois State Police, and Sheriff's Offices and Police Departments in the State of Illinois;
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9) John Howard Association;
10) Clerks of courts or of the Illinois Court of Claims; and
11) Legal mail.

h) "Legal mail" means mail to and from the following:
   1) Registered Attorneys, except Department attorneys;
   2) The Illinois Attorney General;
   3) Judges or magistrates of any court or the Illinois Court of Claims Judges; and
   4) Any organization which provides direct legal representation to offenders, but not including organizations which provide referrals to attorneys, such as bar associations.

i) “Offender” means a person committed to the Department or to the custody of the Department.

(Source: Amended at 27 Ill. Reg. 8039, effective July 1, 2003)

Section 525.120 Processing of Mail

a) Mail shall be delivered and posted promptly.

b) Offenders, committed persons may correspond with anyone in the free community in accordance with this Subpart without prior written approval of the Chief Administrative Officer, except with employees, former employees, or releasees of the Department. Permission for offenders to correspond between intra-state and inter-state correctional facilities shall require the approval of the Chief Administrative Officers of both facilities and shall be based on safety and security concerns.

c) Each facility shall establish procedures in cooperation with the local post office for processing certified or registered mail. To send certified or registered mail, offenders must have sufficient funds in their trust fund accounts and must attach to the envelopes signed money
vouchers so that the proper postage may be applied and the amount deducted from their trust fund accounts.

d) OffendersCommitted persons shall not be permitted to open, read, or deliver another offender's committed person's mail without the person's permission. However, offenderscommitted persons may transport mail in sacks or other closed containers under the direct supervision of an employee.

e) No disciplinary restrictions shall be placed on an offender's committed person's mail privileges.

(Source: Amended at 27 Ill. Reg. 8039, effective July 1, 2003)

Section 525.130 Outgoing Mail

This Section applies to all correctional facilities within the Department only to the Adult and Juvenile Divisions.

a) OffendersCommitted persons shall be permitted to send privileged and non-privileged letters at their own expense. OffendersCommitted persons with insufficient money in their trust fund accounts to purchase postage shall be permitted to send reasonable amounts of legal mail and mail to clerks of any court or the Illinois Court of Claims, to certified court reporters, to the Administrative Review Board, and to the Prisoner Review Board at State expense if they attach signed money vouchers authorizing deductions of future funds to cover the cost of the postage. The offendercommitted person's trust fund account shall be restricted for the cost of such postage until paid or the offendercommitted person is released or discharged, whichever is soonest.

b) OffendersCommitted persons must clearly mark all outgoing mail with their name and in adult facilities the Adult Division with their institutional number. Mail that is not properly marked, including privileged mail, shall be opened and returned to the sender if the sender's identity can be determined. If the sender's identity cannot be determined, the mail shall be destroyed.

c) Outgoing privileged mail must be clearly marked as "privileged" and sealed by the offendercommitted person. Outgoing mail which is clearly marked as privileged and addressed to a privileged party may not be opened for inspection except as provided in subsection (d) of this Section.
d) In Adult facilities, outgoing privileged mail shall be examined for dangerous contraband, using an x-ray, fluoroscope, or other similar device. Such examination may be conducted in Juvenile facilities. Outgoing privileged mail may be inspected for dangerous contraband by other means which do not damage the mail and which do not permit the mail to be read. Except in an emergency, outgoing privileged mail shall not be opened, unless there is reasonable suspicion that dangerous contraband is contained therein, legal services is consulted, and the mail is opened in the offender's presence.

e) With the exception of privileged mail, all mail shall be unsealed when collected or placed in housing unit mailboxes. Sealed mail that is not privileged will be opened and returned to the sender if the sender's identity can be determined. If the sender's identity cannot be determined, the mail shall be destroyed.

f) Each correctional facility shall establish procedures for the collection of outgoing mail. Collections shall be made daily, Monday through Friday, except on State holidays. Every effort shall be made to ensure that mail is delivered to the U.S. Postal Service on the same day.

g) Outgoing non-privileged mail shall be inspected for contraband. If a letter from an offender or committed person is confiscated because it contains contraband, the offender or committed person shall be notified promptly in writing.

h) Department employees may spot check and read outgoing non-privileged mail. Outgoing non-privileged mail or portions thereof may be reproduced or withheld from delivery if it presents a threat to security or safety, including the following:

1) The letter contains threats of physical harm against any person or threats of criminal activity;

2) The letter contains threats of blackmail or extortion;

3) The letter contains information regarding sending contraband into or out of the facility, plans to escape, or plans to engage in criminal activity;

4) The letter is in code and its contents cannot be understood by correctional staff;
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5) The letter violates any departmental rules or contains plans to engage in activities in violation of departmental or institutional rules;

6) The letter solicits gifts, goods, or money from other than family members;

7) The letter contains information which, if communicated, might result in physical harm to another;

8) The letter contains unauthorized correspondence with another offendercommitted person; or

9) The letter or contents thereof constitute a violation of State or federal law.

i) Any outgoing letter may be stopped and returned to the sender if the person to whom it is addressed (or a parent or guardian, if the addressee is a minor or incompetent) has notified the Chief Administrative Officer in writing that the person does not wish to receive mail from the offendercommitted person. This rule shall not be construed to prevent offenderscommitted persons from corresponding with their children unless their parental rights have been terminated.

j) If an offendercommitted person is prohibited from sending a letter or portions thereof, the offendercommitted person shall be informed in writing of the decision.

k) Material from a letter which violates subsection (h) of this Section may be placed in an offender’scommitted person’s master file.

l) Offenderscommitted persons may not send packages without approval of the Chief Administrative Officer, whose decision shall be based on administrative, safety, and security considerations.

(Source: Amended at 27 Ill. Reg. 8039, effective July 1, 2003)

Section 525.140 Incoming Mail

a) Incoming privileged mail must be clearly marked as "privileged" and be clearly marked with the name, title, and address of the sender.
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b) Incoming privileged mail may be opened in the presence of the offender to whom it is addressed to inspect for contraband, to verify the identity of the sender, and to determine that nothing other than legal or official matter is enclosed.

c) Incoming privileged mail may contain communications only from the privileged correspondent whose name and address appear on the envelope. If non-privileged material or correspondence from a third party is found to be enclosed, such material shall be treated as non-privileged mail.

d) All incoming non-privileged mail, including mail from clerks of courts, shall be opened and inspected for contraband.

e) Cashier's checks, money orders, and business checks subject to the restrictions imposed by 20 Ill. Adm. Code 205 shall be deposited in the offender's trust fund account, with a record made of the sender's name, the amount received, and the date. For purposes of this Section a business check shall mean a check written on any agency's or firm's account and any check written on an employer's personal account for wages due a person assigned to a transition center the Community Services Division. OffendersCommitted persons shall be notified of all monies received and deposited in their trust fund accounts. However, any checks or money orders which exceed the limitation on the amounts (20 Ill. Adm. Code 205) shall be returned to the sender, and the offenderCommitted person shall be notified.

f) Personal checks and cash shall be returned to the sender, and the sender shall be notified that funds cannot be received in that form.

g) Correctional officials may spot check and read incoming non-privileged mail. Incoming mail or portions thereof may be inspected, reproduced, or withheld from delivery for any of the reasons listed in Section 525.130 (h) of this Subpart or in if determined to be obscene by the Publications Review Committee in accordance with Subpart C of this Part.

h) When an offenderCommitted person is prohibited from receiving a letter or portions thereof, the committed person and the sender shall be notified in writing of the decision.

i) If an offenderCommitted person has been transferred or released, first class mail
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shall be forwarded to the person if the address is known. If no forwarding address is available, the mail shall be returned to the sender.

j) If an offender committed person has been absent from the facility on a furlough or pursuant to writ, the person's mail shall be held at the facility for a period of one month, unless the offender committed person has made a written request to the Chief Administrative Officer to have the mail forwarded to another address. At the conclusion of the month, first class mail shall be forwarded to the offender's committed person's address, if known, or returned to the sender, unless alternative arrangements have been made.

k) Offenders Committed persons may receive publications, including books, periodicals and catalogs, in accordance with Subpart C of this Part, and may receive typewriters ordered directly from a supplier through the commissary. Other packages may be received only as approved by the Chief Administrative Officer. All packages shall be opened and searched prior to delivery.

(Source: Amended at 27 Ill. Reg. 8039, effective July 1, 2003)

Section 525.150 Telephone Privileges

a) Telephone privileges shall be granted to offender committed persons in accordance with their institutional status and provisions of this Section.

b) Collect calls may be made to persons in the continental United States and Puerto Rico, where billable.

c) Offenders Committed persons may not place telephone calls to:

1) Toll free area codes, including but not limited to 800 series area codes, or to area codes or prefixes for which a charge is assessed to the line from which the call was placed, including but not limited to 800 or 900 series area codes or 976 prefixes;

2) Emergency or directory assistance or to long-distance carriers;

3) Persons or companies which have requested that a block be placed on their telephone numbers;
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4) Numbers suspected of being used fraudulently or for fraudulent purposes;

5) Parolees, ex-offenders, former employees, or current employees absent the approval of the Chief Administrative Officer; or

6) Numbers or persons restricted for other legitimate penological reasons, including security and order.

d) A block may be placed on telephone calls to:

1) The local community except to the offender’s committed person’s friends, family, and others in the local community who request to receive calls from the offender’s committed person.

2) A telephone number for which there is a large unpaid balance on the account, with the exception of telephone numbers of attorneys and law firms.

3) Any telephone numbers listed in subsection (c) of this Section.

e) Offenders committed persons may not engage in call forwarding or in conference calls.

f) In the case of valid emergencies, such as critical illness or death in an offender’s committed person’s immediate family, consideration shall be given to allowing a special telephone call, regardless of the individual's institutional status. Immediate family shall include parent or guardian, children, brother, sister, grandparent, whether step, adopted, half, or whole, and spouse.

g) Offenders committed persons who are the subject of a new criminal indictment, information, or complaint shall be permitted to make reasonable telephone calls to attorneys for the purpose of securing defense counsel, regardless of the individual's institutional status.

h) All offenders’ committed persons’ telephone calls shall be subject to monitoring and recording at any time by departmental staff, unless prior special arrangements have been made to make or to receive confidential telephone calls to or from their attorneys.
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i) Notices shall be posted at each telephone from which offenders or committed persons are normally permitted to place calls and in the offenders’ or committed persons’ orientation manual. The notices shall state that offenders’ or committed persons’ telephone calls may be monitored or recorded or both.

(Source: Amended at 27 Ill. Reg. 8039, effective July 1, 2003)

SUBPART C: PUBLICATIONS

Section 525.200  Applicability

This Subpart applies to all correctional facilities within the Adult and Juvenile Divisions of the Department of Corrections.

(Source: Amended at 27 Ill. Reg. 8039, effective July 1, 2003)

Section 525.202  Definitions

"Chief Administrative Officer" means the highest ranking official of a correctional facility.

"Department" means the Department of Corrections.

"Director" means the Director of the Department of Corrections.

“Obscene” means any material that the average person, applying contemporary adult community standards, would find that, taken as a whole, appeals to the prurient interest; and the average person, applying contemporary adult community standards, would find that it depicts or describes in a patently offensive way, ultimate sexual acts or sadomasochistic sexual acts, whether normal or perverted, actual or simulated, or masturbation, excretory functions or lewd exhibition of the genitals; and taken as a whole, it lacks serious literary, artistic, political, or scientific value [720 ILCS 5/11-20(b)].

“Offender” means a person committed to the Department or to the custody of the Department.

“Publication” means any book, booklet, magazine, newspaper, periodical, or similar materials.
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(Source: Amended at 27 Ill. Reg. 8039, effective July 1, 2003)

Section 525.210 General Guidelines

a) Each facility shall maintain a current approved list of publications. Additions to this list, including all books, magazines, newspapers and other publications found acceptable by the Publications Review Committee, shall be made every three months.

b) Offenders shall be informed of the procedures governing publications during orientation and this Subpart shall be available to offenders. This Subpart, the updated approved list, further explication or interpretation of institutional policies regarding publications, and the current names and positions held by each member of the Publications Review Committee shall be prominently posted.

c) Each offender may subscribe to, solicit free copies of, or buy individual copies of approved newspapers, magazines, books and other publications for delivery to the facility in accordance with this Subpart by placing a request with the Chief Administrative Officer. A member of the individual's family or a friend may also order, solicit or bring approved publications to the facility. However, publications shall be limited to maximum of 5 per visit and shall not packaged, wrapped, or otherwise contained in any way.

d) All approved publications shall be delivered promptly after necessary inspection for contraband. If it appears to violate the standards set forth in Section 525.230, the publication shall first be referred to the Publication Review Officer for review and determination.

e) Publications determined to be unacceptable shall be disposed of as contraband in accordance with 20 Ill. Adm. Code 501: SubpartC or shall be returned to the sender at the sender's expense.

(Source: Amended at 27 Ill. Reg. 8039, effective July 1, 2003)

Section 525.220 Publications Review Officer Committee

The Chief Administrative Officer shall appoint at least 2 employees to serve as Publication Review Officers to review publications. At least one individual shall be from program staff and at least one individual shall be from security staff. A Publications Review Committee shall be
established at each facility to handle requests for publications not on the approved list. The Committee shall be a standing body of not less than three nor more than five persons appointed by the Chief Administrative Officer and shall be composed of members of the treatment, counseling and security staff. The Committee shall take no action in review of a publication unless all members participate and vote, and all decisions shall require a majority vote.

a)——The approval of publications may vary in the different facilities because of the variance in the nature of the facility and the communities they contain, but only to the extent that these factors may relate to the evaluation of publications set forth under the standards indicated in subsection (c)(2) of Section525.230.

b)——Policies underlying the approval or disapproval of publications shall be explained in writing, both to staff and committed persons.

(Source: Amended at 27 Ill. Reg. 8039, effective July 1, 2003)

Section 525.230 Procedure for Review of Appeal Process for Non-approved Publications

a) A Publication Review Officer, hereafter referred to as Officer, shall review publications to determine whether to recommend prohibiting acceptance of any publications that he or she finds to contain material determined to be:

1) Obscene;

2) Detrimental to security, good order, rehabilitation, or discipline or if it might facilitate criminal activity, or be detrimental to mental health needs of an offender as determined by a mental health professional.

b) A publication may not be rejected solely because its content is religious, philosophical, political, social, or sexual or because its contents are unpopular or repugnant. A publication that may be rejected includes, but is not limited to, a publication or portion thereof that meets one of the following criteria:

1) It is obscene;

2) It is written in code or facilitates communication between offenders;
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3) It depicts, describes, or encourages activities that may lead to the use of physical violence or group disruption or it facilitates organizational activity without approval of the Chief Administrative Officer;

4) It advocates or encourages violence, hatred, or group disruption or it poses an intolerable risk of violence or disruption;

5) It encourages or instructs in the commission of criminal activity;

6) It includes sexually explicit material that by its nature or content poses a threat to security, good order, or discipline or it facilitates criminal activity;

7) It is otherwise detrimental to security, good order, rehabilitation, or discipline or it might facilitate criminal activity or be detrimental to mental health.

cb) If a review is initiated, the offender shall be notified order two issues of the periodical or a copy of the book requested, if such material is available and/or accessible. At the same time, the committee shall immediately notify the committed person in writing that the publication is under review and the notice shall include an explanation why the publication is deemed to contain unacceptable material in accordance with the standards set forth in this Section. The written notice shall indicate in the notice that:

1) He or she may submit a written supportive statement or other documentation within 7 days after the date of the notice that the publication is under review. An extension will be granted if in the opinion of the Officer there is a legitimate reason why relevant information could not be submitted timely. He has the right to submit a written supportive statement, book reviews or opinions of other individuals with regard to the merits of the publication in question.

2) He may correspond with five publishers, reviewers, experts, critics or other persons concerning the requested publication using a form letter provided by the Committee. If an individual is unable to pay the postage for such correspondence, it shall be sent at the facility's expense.

23) He or she may request and, at the Committee's discretion, he may be
allowed to appear before the Officer. The appearance will be allowed if the Officer determines that such appearance is necessary for an appropriate review Committee when the circumstances warrant an oral presentation.

34) He or she may ask for assistance on information regarding the publication review procedure Committee's procedure, or a further specification of the alleged offending portions of the publication in question. One or more members of the Committee may confer with him in his cell or any other place of mutual convenience.

4) If the publication is approved, it will be forwarded to the offender upon completion of the review. If the publication is not provided to the offender within 60 days after the date of the written notice, the publication shall be deemed disapproved and the offender may file a grievance in accordance with 20 Ill. Adm. Code 504: Subpart F.

5) The Committee shall complete its review and render its final decision within four weeks, unless delay is caused by circumstances beyond its control.

6) He may have an extension of time to prepare his presentation. When an extension of time is granted, the four-week review period shall be suspended until after the last day of the extension or the date on which he informs the committee in writing that his preparation is concluded, whichever is sooner.

c) The Committee shall only prohibit acceptance of any material it finds to be:

1) Obscene, according to the definition of obscenity established by the U.S. Supreme Court; or

2) A clear and present danger to the physical safety and security of persons and property within the facility.

d) Any recommendation for denial shall be forwarded to the Chief Administrative Officer with an explanation. If the Chief Administrative Officer concurs with the recommendation to deny the publication, the publication shall be disapproved. If a request for a publication is denied, the Committee shall prepare a written
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statement explaining why the material is unacceptable. The statement shall explain briefly how the requested material violated the standards for review and shall reasonably identify the offending portions of the publication. Copies of this statement shall be forwarded to the requesting individual and to the Chief Administrative Officer.

e) The Publication Review Officer shall maintain copies of decisions in a designated area for at least 3 years. The Publications Review Committee shall record and maintain for a period of five years a written summary of all proceedings in review, conferences and meetings, and shall preserve file copies of all notices and other documents pertinent to the case. These files shall be kept in an area of the facility readily accessible to individuals using the legal library. The names of individuals shall be deleted from the file copies maintained in the legal library. The fact that a deletion has been made shall be noted on the copy.

f) The Chief Administrative Officer shall review all recommendations of the Committee. When the Chief Administrative Officer overrules the Committee's decision, he must advise the Director.

fg) If after 6 consecutive issues of a publication have been denied and it is determined unlikely that future issues of the publication will be approved, the publication may be banned. Once a publication has been approved by the Committee and the Chief Administrative Officer, it shall not be excluded because an occasional feature violates the standards for review.

1) The offending issue of the periodical, upon determination of unacceptability by the Committee, shall be retained in the Committee's file.

2) If, over a period of time, the record indicates that the characteristic content of an approved publication has changed, it shall be reviewed again by the Committee. Notice of such review shall be given to all individuals then receiving the publication and they shall be afforded a hearing.

gh) If the characteristic content of a banned publication significantly changes to no longer warrant denial of the publication in accordance with this Section, an offender may request another review of the publication by the Publication Review Officer. A previously banned publication shall be subject to review no more frequently than every 4 months. If a review is to be initiated, the offender shall be
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advised to arrange for one or more issues of the publication to be submitted to the Publication Review Officer at the offender’s expense. If, over a period of time, the characteristic content of a disapproved publication changes so as to warrant its acceptability, the Committee shall again review the publication upon request of any individual.

1) The review shall be conducted in the same manner as the initial review of the publication.

2) If an issue of a previously banned publication is approved, an offender may request subsequent issues to be reviewed notwithstanding the 4 month review period.

3) The Publication Review Officer may recommend that a previously banned publication be approved.

h) The Director may establish a Central Publication Review Committee to periodically review and make recommendations regarding facility determinations or recommendations to the Director who may approve or disapprove the recommendations based on the standards set forth in this Section. If a Committee is appointed:

1) Committee members shall consist of at least one representative each from administrative and operational staff.

2) Reviews need only be conducted by one member of the Committee.

3) The facility and the offender shall be notified of any decision made by the Director.

(Source: Amended at 27 Ill. Reg. 8039, effective July 1, 2003)

SUBPART D: MARRIAGE OF OFFENDERS COMMITTED PERSONS

Section 525.300 Applicability

This Subpart applies to all correctional facilities within the Adult, Juvenile, and Community Services Divisions of the Department of Corrections.

(Source: Amended at 27 Ill. Reg. 8039, effective July 1, 2003)
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Section 525.302 Definitions

"Chief Administrative Officer" means the highest ranking official of a correctional facility.

"Department" means the Department of Corrections.

"Director" means the Director of the Department of Corrections.

“Offender” means a person committed to the Department or to the custody of the Department.

(Source: Amended at 27 Ill. Reg. 8039, effective July 1, 2003)

Section 525.310 Request for Permission to Marry

a) Marriage between two commitments confined in Department facilities shall be prohibited.

b) An offender committed person who wishes to become married shall submit a written request to the Chief Administrative Officer a minimum of 30 days in advance of the date requested for the marriage ceremony.

1) The notice shall include the name and address of the intended spouse and a description of any actions which have been taken in obtaining a marriage license and in complying with applicable provisions of the law.

2) All financial obligations shall be the responsibility of the offender or the intended spouse committed person.

3) A request for a transition community correctional center leave may be submitted at the same time as the request to marry. The request shall be reviewed in accordance with 20 Ill. Adm. Code 530:Subpart D.

c) The facility chaplain or an individual designated by the Chief Administrative Officer shall conduct a pre-marital counseling session with the offender committed person or the intended spouse or both.

d) The Chief Administrative Officer shall review the request to marry and shall
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approve or deny the request based on security concerns, the best interest of the offender committed person, or other legitimate penological interests. The Chief Administrative Officer's decision regarding the request to marry and, if applicable, the leave request, shall be made in writing, A, and a copy of the written decision shall be provided to the offender committed person.

e) Except as provided in Section 525.310(f), the facility shall make its chapel or another suitable location available for the performance of the approved marriage ceremony.

1) The facility's chaplain shall review the type of ceremony that is requested and refer a description of the proposed ceremony to the Chief Administrative Officer for approval.

2) Witnesses and guests shall not exceed six in number, excluding the officiating clergyman. Witnesses and guests must be on the offender's committed person's approved visiting list, except as otherwise approved by the Chief Administrative Officer.

3) Facilities for the consummation of marriages or for a reception shall not be provided.

f) The marriage ceremony and reception, if any, of an offender housed at a transition center shall be at the offender’s or intended spouse’s expense and at a suitable location in the free community as approved by the Chief Administrative Officer.

(Source: Amended at 27 Ill. Reg. 8039, effective July 1, 2003)
STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: Certification

2) Code Citation: 23 Ill. Adm. Code 25

3) Section Number: Adopted Action:
   25.11    Amendment
   25.35    Amendment
   25.315   Amendment
   25.720   Amendment
   25.725   Amendment
   25.900   New Section
   25.905   New Section
   25.910   New Section
   25.915   New Section
   25.920   New Section
   25.925   New Section
   25.930   New Section
   25.935   New Section
   25.940   New Section
   25.945   New Section

4) Statutory Authority: 105 ILCS 5/2-3.6, 14C-8, and Art. 21

5) Effective Date of Rules: April 28, 2003

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

7) Does this rule contain incorporations by reference? No

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency’s principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register:
   December 13, 2002; 26 Ill. Reg. 17531

10) Has JCAR issued a Statement of Objections to these rules? No
11) Differences between proposal and final version:

Section 25.11(d)(3) was revised to provide for a year of reinstatement for individuals who have completed four years of teaching on an initial certificate but have not yet qualified for the standard certificate.

Section 25.315(a)(1) was amended to exempt retired administrators from the requirement for a plan.

Two new subsections were added to Section 25.315(c)(1) to give additional examples of allowable activities.

The word “eventual” was deleted from Section 25.315(c)(2)(A).

Section 25.315(d) was revised to allow administrators to choose among all offerings of the Administrators’ Academy each year and to permit making up missed courses at any time during the remaining period of the certificate’s validity.

Subsections (f)(2) and (h) of Section 25.315 were amplified to state how an administrator could receive a response to submission of a plan or evidence of completion in the event that the responsible reviewer does not respond within the required timeframe.

Section 25.315(f)(5) was revised to provide more specifically for the confidentiality of administrators’ records.

Section 25.315(g)(2) was rewritten to be more explicit about the role of a new reviewer and the basis on which such an individual could require changes in an administrator’s existing plan. Subsection (g)(3) was slightly revised to conform to that change.

Section 25.315(i)(5) was changed with respect to the regional superintendent’s handling of the registration fee for his or her own certificate.

Section 25.315(i)(7) was amplified to explain the requirements that will be applicable when an administrator receives a reinstated certificate. A related new subsection (i)(8) was also added.

Section 25.315(k) was revised to distinguish between requirements for administrators who serve for less than 50 percent of the school day or school term and requirements for those who are retired but serving on a short-term basis.
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A portion of the proposed requirements was removed from Section 25.910(b)(5).

Language was added to Sections 25.910(c) and 25.915(c) to permit the use of videoconferencing and videotaping.

Sections 25.910, 25.915, 25.920, 25.925, and 25.930 were revised to account for qualifying activities individuals may have completed before the effective date of these rules.

A revision was made in Section 25.945 to give current holders of initial certificates until January 1 of 2004 to notify their local professional development committees of the options they have chosen for qualifying for the standard certificate.

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

13) Will these amendments replace emergency amendments currently in effect? No

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

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15) Summary and Purpose of Amendments: The amendments contained in this set of rules will implement two major aspects of P.A. 92-796 (HB 1436).

New requirements for the renewal of administrative certificates are being presented in
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Section 25.315 as a result of this legislation, to be effective beginning July 1, 2003. Individuals serving in positions that require administrative certification must prepare plans and submit them to reviewers or review panels, respectively, that are identified in the statute. Each administrator’s plan must include annual completion of a program offered by the Administrators’ Academy and one other professional activity per year of the certificate’s validity. Much of the detail provided in Section 25.315 describes processes associated with review of the plans, review of administrators’ evidence of completion for the required activities, and review of applications for certificate renewal.

The legislation provides for congruence among the periods of validity of each individual’s administrative certificate and teaching certificate(s). Therefore, in 2003 some individuals will receive administrative certificates that have fewer than five years of validity, and the requirements for continuing professional development will be reduced accordingly during that first renewal cycle. The rules also describe several other circumstances in which reductions in the requirements will apply.

Requirements for the standard teaching certificate are presented in a series of new Sections. P.A. 92-796 requires that candidates for the standard certificate choose among six specified alternatives and fulfill the requirements associated with the option chosen. The proposed rules identify these options and describe the requirements for each one. In some instances, approval of the State Board is required for the provider, the course, or the activity. The rules state the standards for the granting of that approval, based on the related requirements established by the statute.

The revisions to Sections 25.720 and 25.725 are technical in nature and are needed for further clarification of the applicability of the testing requirement for certified individuals seeking additional certificates.

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

Name: Lee Patton
Professional Preparation and Recruitment
Address: Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777-0001
Telephone: (217) 782-4330

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AUTHORITY: Implementing Article 21 and Section 14C-8 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/Art. 21, 14C-8, and 2-3.6].

NOTE: Capitalization denotes statutory language.

SUBPART B: CERTIFICATES

Section 25.11 New Certificates (February 15, 2000)

Section 21-2 of the School Code [105 ILCS 5/21-2] establishes a new system of teaching certificates effective February 15, 2000. A complete list of the certificates that will be available as of that date is found in Appendix B to this Part. The transition to the new system will affect certified individuals and candidates for certification as set forth in this Section.

a) Holders of certain current Illinois teaching certificates shall receive corresponding standard teaching certificates when they next renew any of their current certificates.

1) Certificates subject to exchange are listed in Appendix C to this Part.

b) Out-of-state candidates who qualify for Illinois teaching certificates pursuant to Section 25.425 of this Part and who pass the applicable examinations shall receive either initial or standard teaching certificates, and those who receive initial certificates shall be subject to the requirements of subsection (d) of this Section in terms of their subsequent receipt of standard teaching certificates. For out-of-state candidates, the “applicable examinations” for a standard certificate shall include not only the relevant standard certification examination but also the examination for the comparable initial certificate. An out-of-state applicant who does not qualify for an initial or standard certificate may qualify to receive a provisional certificate subject to the provisions of Section 21-10 of the School Code [105 ILCS 5/21-10].

1) Standard certificates will be issued to candidates who present evidence of at least four years of teaching experience on a valid certificate issued by a state, territory, or possession of the United States, unless a candidate elects...
to receive an initial certificate to afford himself or herself time to complete the requirements of Subpart K of this Part.

2) Initial certificates will be issued to qualified candidates with fewer than four years of teaching experience. A recipient of an initial certificate pursuant to this subsection (b)(2) shall be eligible to apply for a comparable standard certificate when he or she has accumulated a total of four years’ teaching experience on a valid certificate, including the time credited outside Illinois and may either count his or her teaching time outside Illinois or elect to wait until he or she has accumulated four years’ teaching on the Illinois initial certificate.

3) Certificates will be endorsed according to the coursework presented and the examination(s) passed.

c) A candidate completing an approved Illinois teacher preparation program on or after February 15, 2000, may qualify for an initial teaching certificate by passing the test of basic skills and the appropriate test(s) of subject matter knowledge required pursuant to Section 21-1a of the School Code [105 ILCS 5/21-1a] and Subpart I of this Part the applicable examinations as set forth in Section 25.20, 25.30, 25.40, or 25.80 of this Part.

d) An individual who has completed four years of teaching after receiving an initial certificate (or on another certificate that was issued in conjunction with an initial certificate) may qualify for a comparable standard certificate by passing the relevant standard teaching certificate examination required by Section 21-2 of the School Code. Beginning July 1, 2003, this examination shall be designed to demonstrate whether candidates’ induction to the profession of teaching has enhanced their performance with respect to the standards set forth in Section 25.15(a) of this Part, advanced their command of appropriate teaching practices and strategies, and contributed to the professional judgment required for designing educational experiences to meet the diverse needs of students as set forth in Subpart K of this Part.

1) All endorsements shall be carried forward from an initial to the comparable standard certificate.

2) A candidate who does not complete four years of teaching within twelve years after his or her initial certificate is issued may receive another initial
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certificate by taking and passing the initial certification examination required at that time and meeting all other requirements then in force for that certificate.

3) A candidate who has taught for four years on an initial certificate but fails the standard teaching certificate examination may retake the examination but has not met the requirements of Subpart K of this Part may not receive another comparable initial teaching certificate. For example, a holder of an initial elementary certificate will not be eligible to receive another initial elementary certificate. However, such an individual may receive a reinstated certificate, valid for one year, during which he or she may complete the option chosen as a means of qualifying for the standard teaching certificate. No initial certificate-holder may receive a reinstated certificate more than once pursuant to this subsection (d)(3).

4) When an individual completes four years of teaching experience on an initial certificate, that certificate shall become invalid on the following June 30.

e) A holder of a standard Illinois teaching certificate who has at least four years of teaching experience on a valid certificate may receive an additional standard certificate by passing the examinations required for both the comparable initial certificate and the standard teaching certificate and by meeting the other requirements for that certificate set forth in this Subpart B (see Sections 25.20, 25.30, 25.40, 25.43, 25.45, and/or 25.80 of this Part, as applicable).

f) “Four years of teaching experience” means the equivalent of four years’ full-time employment, i.e., four times 180 days of instruction consisting of no fewer than five clock-hours apiece of eight semesters of scheduled full-time teaching, which may, however, be accumulated in any combination of increments of less than full time. That is, it need not be accumulated through full-time teaching.

g) “Evidence of teaching experience” means a letter signed by the chief administrator or other designated official of the employing school district or nonpublic school documenting the nature and duration of the candidate’s teaching. Experience gained while teaching in a home school shall not be applicable to the fulfillment of this requirement.
For purposes of this Section, “valid certificate” means a certificate equivalent to an Illinois master, standard, initial, or provisional early childhood, elementary, secondary, or special certificate.

Upon application, a holder of certification issued by the National Board for Professional Teaching Standards shall be issued a comparable Illinois master certificate as shown in Appendix D to this Part. Endorsements comparable to those held by the individual shall appear on the master certificate.

(Source: Amended at 27 Ill. Reg. 8071, effective April 28, 2003)

Section 25.35 Temporary Provisions for the Acquisition of Subsequent Standard Certificates

Until applicable standard teaching examinations are in place or July October 1, 2003, whichever occurs first, the provisions of this Section shall apply when an individual who already holds one or more Illinois standard teaching certificates applies to receive an elementary or high school certificate through transcript evaluation.

a) The applicant shall submit to the State Teacher Certification Board, through the office of a regional superintendent of schools:

1) a completed application form;

2) an official transcript of any college credits not already on file with the Certification Board;

3) a letter, signed by the superintendent of the employing district or other authorized official, documenting at least three months’ full-time teaching experience on a valid Illinois elementary, secondary, special, or early childhood certificate; and

4) the application fee required by Section 21-12 of the School Code.

b) An applicant shall qualify for the certificate in question if he or she demonstrates that he or she has met the professional education requirements that, prior to May 1, 2000, were enumerated in Section 25.20(b) or Section 25.30(b) of this Part, as applicable.
c) A deficiency statement shall be issued when an applicant does not qualify for the requested certificate. An applicant who receives a deficiency statement shall present it to an institution that operates a teacher preparation program approved pursuant to Subpart C of this Part. With the assistance of the State Board of Education, the institution shall:

1) compare the applicant’s deficiency to the coursework it offers that corresponds to the NCATE standards for professional education (see Section 25.115 of this Part); and

2) advise the applicant as to the coursework needed to remedy the deficiency.

d) An applicant may remove deficiencies and qualify for the certificate on the original fee, provided that he or she completes the requirements and passes the tests of basic skills and subject matter knowledge on or before June 30, 2003.

(Source: Amended at 27 Ill. Reg. 8071, effective April 28, 2003)

SUBPART E: REQUIREMENTS FOR THE CERTIFICATION OF ADMINISTRATIVE AND SUPERVISORY POSITIONS

Section 25.315 Renewal of Administrative Certificate

a) The requirements set forth in this Section apply to renewal of administrative certificates in accordance with Section 21-7.1 of the School Code (Ill. Rev. Stat. 1990 Supp., ch. 122, par. 21-7.1) [105 ILCS 5/21-7.1].

b) Submission of Plans for the Continuing Professional Education of Administrators

1) Each school district, and each cooperative program operated between or among school districts or by Regional Superintendents of Schools (pursuant to Section(s) 3-15.14, 10-22.31, and/or 10-22.31a of the School Code), which employs persons in positions requiring an administrative certificate, shall submit to the State Board of Education a plan for the continuing professional education of the administrators employed therein (a "Plan"). In the case of cooperative programs, the Plan shall be submitted by the administrative agent of the cooperative entity.
2) Each Regional Superintendent of Schools may submit to the State Board of Education a Plan for the Regional Superintendent and any Assistant Regional Superintendent(s) in the region.

3) All Plans shall be submitted to the State Board of Education no later than December 1, 1991.

4) Whenever any substantive change is to be made to a Plan which has been approved by the State Superintendent of Education, the revised Plan shall be submitted to the Board for review and approval.

e) Content of Plans

1) Each Plan shall include a description of how the affected administrators were involved in its development.

2) Each Plan shall contain a description of the affected administrators’ goals and objectives related to their continuing professional development. These goals and objectives shall include, but need not be limited to:

A) IMPROVING ADMINISTRATORS' KNOWLEDGE OF INSTRUCTIONAL PRACTICES AND ADMINISTRATIVE PROCEDURES;

B) MAINTAINING THE BASIC LEVEL OF COMPETENCE REQUIRED FOR INITIAL CERTIFICATION; AND

C) IMPROVING SKILLS AND KNOWLEDGE REGARDING THE IMPROVEMENT OF TEACHING PERFORMANCE IN CLINICAL SETTINGS AND ASSESSMENT OF LEVELS OF STUDENT PERFORMANCE.

3) Each Plan shall contain a description of professional education activities, which shall be approved by the school district or cooperative, for addressing the goals and objectives set forth. These approved activities may be applicable to individuals or may be extended to groups of administrators and may include:

A) Attendance at Illinois Administrators' Academy seminars;
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B) Attendance at college/university courses and seminars;

C) Participation in state and national conferences of professional organizations;

D) Reading of literature assigned or designated by the district or cooperative;

E) Conducting research;

F) Viewing and/or listening to media materials assigned or designated by the district or cooperative;

G) Working with consultants on projects sponsored by the district or cooperative; and

H) Developing, revising, and updating educational programs related to new professional duties and responsibilities.

4) Each Plan submitted by a school district shall be approved by the local school board. Each Plan submitted by a cooperative shall be approved by its governing board or board of control. Each Plan submitted by a Regional Superintendent shall be signed by such Regional Superintendent.

5) Each Plan shall provide for annual participation by each affected administrator in at least one approved activity which contributes to continuing professional education as outlined in subsection (3), and for at least biennial attendance in a program developed by the Illinois Administrators' Academy.

6) Each Plan shall require that documentation of each administrator’s annual participation in approved activities be placed in his or her personnel file and that he or she be provided with a copy of such documentation.

d) Review and Approval of Plans

1) The State Superintendent of Education shall review all Plans submitted pursuant to subsection (b) and shall approve each Plan which conforms to the requirements set forth in subsection (c).
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2) The State Superintendent of Education shall reject each Plan which does not conform to the requirements set forth in subsection (c). Upon rejection of its Plan, the school district or cooperative shall revise the Plan to provide for compliance with this Section and shall submit such revised Plan to the State Superintendent within 45 days after receipt of the notice of rejection.

e) Notification Procedures

1) Each school district or cooperative shall notify each affected administrator employed by such entity of the requirements for continuing professional education at the beginning of each school year. Such notification shall include reference to the fact that renewal of the administrative certificate is conditioned on satisfaction of these requirements.

2) Each school district or cooperative shall submit to the State Superintendent of Education by June 30 of each year a statement of assurance that each affected administrator has participated in the activities set forth in the approved Plan for the entity or, should this not be the case, shall identify those administrators who have not done so.

3) The State Superintendent of Education shall identify to each Regional Superintendent of Schools those affected administrators in the respective Educational Service Region who have not participated as required.

4) The State Superintendent of Education shall notify each individual certificate holder who has not participated in the required professional education activity that he or she is deficient in meeting the requirements for the next renewal of his or her administrative certificate and of the procedures to follow in removing such deficiency in accordance with subsection (f).

5) Each Regional Superintendent of Schools shall register the administrative certificates of those administrators in the Region who have not participated in an approved Plan as required, and shall note the deficiencies, which must be removed by June 30 of the next calendar year in order for the holder to be eligible for renewal. However, no certificate may be renewed if the requirements of this Section have not been met.
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f) Removal of Deficiencies

1) Work done to remove deficiencies for one particular year shall not be used to satisfy requirements for any other year.

2) Individuals may remove deficiencies only by:

A) earning 3 semester hours of credit from a recognized institution of higher learning in courses related to the certificate holder's contractual administrative duties; or

B) satisfactorily completing an Administrators' Academy training session.

3) An individual who has removed a deficiency shall present evidence thereof to the school district or cooperative. Such evidence shall consist of either an official university transcript indicating that three semester hours of credit have been earned or a certificate of participation in an Administrators' Academy training session.

4) On June 30 of each year, each school district or cooperative shall notify the State Superintendent of Education of all administrators who have removed deficiencies during that year and of those who have not done so. The State Superintendent shall notify those administrators who failed to remove deficiencies and their respective Regional Superintendents that their certificates may not be renewed.

5) Any administrative decision regarding non-renewal of an individual's administrative certificate may be appealed in accordance with the provisions of 23 Ill. Adm. Code 480 (Hearings Before the State Teacher Certification Board).

g) Other Administrative Certificate Holders

1) Persons who hold administrative certificates but are not employed in positions requiring such certification shall be required to comply with the requirements of Section 21-7.1 of the School Code starting with the first year in which they accept such employment.
2) Administrative certificates of such persons, if registered annually with a Regional Superintendent of Schools, shall continue to be valid for future employment in positions requiring the administrative certificate.

a) Professional Development Required

Pursuant to Section 21-7.1 of the School Code, renewal of administrative certificates held by public school administrators who are serving in positions requiring administrative certification is contingent upon certificate-holders’ presentation of evidence of continuing professional education. For the purposes of this Section, the terms “continuing professional education” and “continuing professional development” shall be considered synonymous. Renewal of any affected administrative certificate whose period of validity begins on or after July 1, 2003, shall require the certificate-holder’s:

1) preparation of an individual plan for continuing professional development that conforms to the requirements of subsection (b) of this Section and submission of the plan for review as set forth in subsection (f) of this Section (unless the individual is exempted from the requirement for a plan as provided in subsection (c-15) of Section 21-7.1 of the School Code or is subject to the limits on employment set forth in Section 16-118 of the Illinois Pension Code [40 ILCS 5/16-118] and will use the administrative certificate only within those limits);

2) completion of the activities enumerated in the plan (or completion of a reduced quantity of activities as applicable to the validity or remaining validity of the certificate, if subsection (c-15) of Section 21-7.1 of the School Code applies); and

3) presentation of evidence of completion of the activities enumerated in the plan or completed pursuant to subsection (c-15) of Section 21-7.1 of the School Code, in accordance with subsection (h) of this Section.

b) Requirements of the Plan

1) Each plan shall include at least three goals developed by the individual administrator related to continuing professional development.

2) Each plan shall include at least five professional development activities
that will be completed during the period of the certificate’s validity (see subsection (c) of this Section), for a total of not fewer than 100 continuing professional development hours, unless otherwise provided in subsection (k) of this Section. Each plan shall describe how each of these activities will address one or more of the administrator’s goals, how it will contribute to the achievement of one or more of the Illinois Professional School Leader Standards (see 23 Ill. Adm. Code 29.100), and how it will address one or more of the following purposes:

A) IMPROVING THE ADMINISTRATOR’S KNOWLEDGE OF INSTRUCTIONAL PRACTICES AND ADMINISTRATIVE PROCEDURES;

B) MAINTAINING THE BASIC LEVEL OF COMPETENCE REQUIRED FOR INITIAL CERTIFICATION; AND

C) IMPROVING SKILLS AND KNOWLEDGE REGARDING THE IMPROVEMENT OF TEACHING PERFORMANCE IN CLINICAL SETTINGS AND ASSESSMENT OF LEVELS OF STUDENT PERFORMANCE. (Section 21-7.1 of the School Code)

3) In addition to the activities required under subsection (b)(2) of this Section, each administrator’s plan shall provide for annual completion of a course conducted by the Illinois Administrators’ Academy established pursuant to Section 2-3.53 of the School Code [105 ILCS 5/2-3.53] (see subsection (d) of this Section), resulting in the accumulation of no fewer than 36 continuing professional development hours during the period of the certificate’s validity, unless otherwise provided in subsection (k) of this Section.

4) Each plan shall identify at least one activity from among those completed pursuant to this Section that will address a need identified in the certificate-holder’s school improvement plan at either the district or the school level or, for a regional administrator, the applicable regional improvement plan.

c) Activities selected to fulfill the requirements of subsection (b)(2) of this Section shall be subject to the provisions of this subsection (c).
1) **Activities chosen for this purpose may include but need not be limited to:**

A) **Completion of college/university courses;**

B) **Participation in state and national conferences of professional organizations or in workshops, seminars, symposia, or other, similar training events;**

C) **Teaching college/university courses or making presentations at conferences, workshops, seminars, symposia, or other, similar training events;**

D) **Providing formal mentoring to one or more other administrators;**

E) **Independent study; and**

F) **Other activities related to the Illinois School Leader Standards and other applicable standards (see 23 Ill. Adm. Code 29) such as developing or revising school programs, research, and other, similar projects.**

2) **For each activity completed, the certificate-holder must either:**

A) **apply what he or she has learned in his or her practice and create a written record of its application for submission to the responsible reviewer; or**

B) **disseminate an analysis of what was learned to some other group of educators, including its results, benefits, and/or implications for the needs of one or more districts, schools, or individual administrators.**

3) **Continuing professional development hours for the activities required by subsection (b)(2) of this Section shall be credited as follows.**

A) **Fifteen hours shall be credited for each semester hour of college credit earned.**

B) **One hour shall be credited for each hour of the administrator’s direct participation in a relevant activity other than college**
coursework, as verified by a log the administrator shall maintain and present to the responsible reviewer, describing what was done with respect to each activity, with dates and amounts of time spent in each case.

d) Administrators’ Academy courses may be used to fulfill the requirements of subsection (b)(2) as well as subsection (b)(3) of this Section.

1) An individual who fails to complete an Administrators’ Academy course in a given year as required by Section 21-7.1(c-10)(2)(B) of the School Code shall be required to complete two courses for each one missed. He or she may make these up at any time during the remainder of the certificate’s validity or while holding a reinstated certificate pursuant to subsection (i)(7) of this Section.

2) Each administrator who completes an Administrators’ Academy course shall receive written, dated verification that indicates the title of the course and the number of hours to be credited toward the applicable requirement.

e) Reviewers, Designees, and Panels

Section 21-7.1(c-10)(3) of the School Code identifies the individual reviewers or review panels that will be responsible for considering the plans of administrators who are subject to the requirements of this Section except that, for assistant regional superintendents, the respective regional superintendents shall serve as the responsible reviewers. For purposes of this Section, the term “responsible reviewer” includes both individuals and review panels.

1) Each regional superintendent of schools shall establish one or more panels that will be responsible for reviewing the plans of the region’s district superintendents and directors of special education programs, cooperative programs, and State-operated schools.

A) Each panel shall consist of at least three members and an alternate. No individual shall serve on a panel that reviews his or her plan.

B) Each member of a panel shall be employed as a district superintendent or director of a special education program, cooperative program, or State-operated school in the region for
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which the regional superintendent is responsible.

C) Each panel shall choose one member to serve as facilitator. This individual shall be responsible for providing a signature on behalf of the panel when called for pursuant to this Section.

D) Panels may conduct their reviews of administrators’ plans electronically, provided that at least three members of a panel participate in the determination as to whether each individual’s plan conforms to the applicable requirements of this Section.

2) The State Superintendent of Education shall establish one or more panels to review the plans of regional superintendents. Each panel shall be made up of three members and an alternate, each of whom shall be a regional superintendent. No regional superintendent shall serve on a panel that reviews his or her plan. The provisions of subsections (e)(1)(C) and (D) of this Section shall apply to the operation of panels under this subsection (e)(2) as well.

3) A responsible reviewer, other than a review panel, may identify one or more designees to assist him or her with this function, provided that each designee shall be an individual who serves in a position requiring administrative certification and is employed by the same entity as the responsible reviewer.

f) Submission and Review of the Plan

Each certificate-holder shall submit his or her plan, in a format specified by the State Board of Education, to the responsible reviewer.

1) An administrator may submit his or her plan during the semester preceding the beginning of the certificate’s period of validity and shall submit the plan no later than 120 days after the beginning of the certificate’s period of validity or after the date on which the individual assumes employment requiring administrative certification, whichever occurs later. An administrator shall not accrue credit for activities that are completed outside the certificate’s period of validity or begin before submission of the plan to the responsible reviewer.
2) The responsible reviewer shall respond within 60 days after receiving an individual’s plan as to whether that plan conforms to the requirements of subsection (b) of this Section. Failure of the responsible review to respond within the required time shall entitle the certificate-holder to request a determination from:

A) the regional superintendent, if the certificate-holder is other than a regional superintendent or assistant regional superintendent; or

B) the State Superintendent, if the certificate-holder is serving as a regional superintendent or assistant regional superintendent.

3) Within 30 days after receiving a notice that his or her plan does not conform to the requirements of subsection (b) of this Section, the affected administrator shall either:

A) revise the plan to provide for compliance with subsection (b) of this Section and resubmit it; or

B) submit an appeal to the regional superintendent of schools or the State Superintendent of Education, as applicable under subsection (c-10)(4) of Section 21-7.1 of the School Code.

4) The regional superintendent or State Superintendent shall respond to the certificate-holder within 30 days after receipt of an appeal.

A) If the regional superintendent or State Superintendent disagrees with the original determination, the individual’s plan shall stand as originally submitted.

B) If the regional superintendent or State Superintendent agrees with the original determination, the certificate-holder shall submit a revised plan to the original reviewer or review panel.

C) The regional superintendent or State Superintendent shall notify both the certificate-holder and the original reviewer or review panel of his or her determination, using a format made available by the State Board of Education, and shall facilitate any necessary revisions to a plan so that it will be acceptable.
Administrators’ plans for continuing professional development and all other documents relating to them shall be considered part of those individuals’ certification files. Each certificate-holder’s file shall be maintained by the responsible reviewer separately from other employee and/or personnel files. Access to these documents shall be limited to the certificate-holder and to the individuals who are responsible for reviewing them pursuant to this Section. Each individual who has access to these documents and the information contained in them shall maintain the confidentiality of the documents and information at all times.

Review or Revision of the Plan

1) A certificate-holder may submit proposed revisions to a plan to the responsible reviewer at any time.

2) A certificate-holder shall submit his or her plan to the new responsible reviewer if he or she accepts employment in a different district, special education or cooperative program, or State-operated school, or when he or she assumes or resumes employment requiring the administrative certificate. All activities credited as of the date of submission to a new reviewer shall continue to be credited toward meeting the requirements of this Section, and the new responsible reviewer may indicate that changes are needed to the plan only:

A) to ensure that the certificate-holder will meet the requirement of subsection (b)(4) of this Section, if that requirement has not already been met; or

B) to correct an area of noncompliance with the requirements of this Section or Section 21-7.1 of the School Code.

3) The provisions of subsection (e) of this Section shall apply when review of a plan is sought pursuant to subsection (g)(2) of this Section and when revisions to an existing plan are proposed.

Evidence of Completion

1) When a certificate-holder has completed any of the activities set forth in his or her plan, he or she may transmit to the appropriate reviewer a copy
of the standard format supplied by the State Board of Education for this purpose.

A) The standard format shall require the certificate-holder to describe how he or she met the requirement of subsection (c-10)(2)(A)(v) of Section 21-7.1 of the School Code for communication, dissemination, or application of the knowledge or skills acquired.

B) For at least one activity completed under either subsection (b)(2) or subsection (b)(3) of this Section, each certificate-holder shall include in his or her evidence of completion an analysis of what was presented or learned in terms of its implications for serving students with disabilities in the least restrictive environment as required by the Individuals with Disabilities Education Act (20 USC 1400 et seq.) and Article 14 of the School Code [105 ILCS 5/Art. 14].

2) The responsible reviewer shall respond to each submission of evidence of completion within 30 days after receiving it.

A) If the reviewer determines that the activity meets an applicable requirement of this Section, the reviewer shall sign the evidence to confirm that the activity has been credited and return it to the certificate-holder. The reviewer shall also maintain a summary in a format provided by the State Board of Education that verifies the certificate-holder’s progress toward fulfillment of the requirements of this Section.

B) If the reviewer determines that the activity does not meet any applicable requirement of this Section, the reviewer shall notify the certificate-holder to this effect.

3) A certificate-holder shall have 30 days to appeal an unfavorable determination by the responsible reviewer with regard to evidence of completion.

A) A certificate-holder other than a regional superintendent of schools or assistant regional superintendent shall submit his or her appeal
to the regional superintendent for the region in which he or she is employed. A regional superintendent or assistant regional superintendent shall submit his or her appeal to the State Superintendent of Education. The certificate-holder shall provide a written indication of how the activity in question or the evidence of completion corresponds to an applicable requirement of this Section.

B) The regional superintendent or State Superintendent, as applicable, shall respond to the certificate-holder and the original reviewer within 30 days after receipt of an appeal. If the reviewer at this level disagrees with the original determination, the activity shall be credited toward fulfillment of the requirements of this Section. If the reviewer at this level agrees with the original determination, the certificate-holder shall not receive credit for the activity.

4) Failure of the responsible reviewer to respond within the required time shall entitle the certificate-holder to request a determination from the regional superintendent or the State Superintendent, as applicable under subsection (h)(3)(A) of this Section.

i) Application for Renewal of Certificate

1) During the final year of his or her administrative certificate’s period of validity, each certificate-holder other than a regional superintendent of schools shall request from the responsible reviewer a signed copy of the summary format required pursuant to subsection (h)(2) of this Section, confirming that the certificate-holder has met the requirements of this Section. A certificate-holder who does not make this request by March 1 of the final year may not be able to preserve his or her right of appeal under subsection (j) of this Section.

2) Within 30 days after receipt of a request for verification, the reviewer shall either sign the summary format and provide it to the certificate-holder or provide it unsigned and notify the certificate-holder and the regional superintendent in writing of the basis for refusal to sign.

3) If the reviewer has signed the verification format, the certificate-holder shall enclose it with his or her application for certificate renewal and
forward these materials along with the required fee to the regional superintendent of schools. Based on the individual’s compliance with the requirements for certificate renewal set forth in this Section, the regional superintendent shall forward a recommendation for renewal or non-renewal of the administrative certificate to the State Superintendent of Education and notify the certificate-holder in writing of that recommendation.

4) If the reviewer declines to sign the verification format but the certificate-holder believes that he or she is nevertheless eligible for renewal of the certificate, he or she may request the regional superintendent’s reconsideration of his or her eligibility for certificate renewal by submitting, along with the renewal application and the required fee, a letter outlining the basis for his or her assertion of eligibility and evidence supporting it. A certificate-holder who fails to submit this material so as to ensure its receipt by the regional superintendent no later than May 31 may not be able to preserve his or her right of appeal under subsection (j) of this Section.

5) A certificate-holder who is a regional superintendent of schools shall submit the verification format referred to in subsection (h)(2) of this Section to the State Superintendent of Education along with his or her application for certificate renewal and shall deposit the applicable fee in the region’s institute fund.

6) Within 30 days after receiving an application, the State Superintendent of Education shall notify any certificate-holder whose certificate will not be renewed, including the rationale for nonrenewal.

7) An individual whose certificate is not renewed because of his or her failure to complete professional development in accordance with this Section may apply for a reinstated certificate valid for one year. With respect to the year of reinstatement, completion of one Administrators’ Academy course and one or more additional professional development activities meeting the requirements of subsections (b)(2) and (c) of this Section and totaling no fewer than 20 hours shall be required. After the one-year period of validity of the reinstated certificate, the individual shall receive a renewable administrative certificate only if he or she has also made up activities missed during the preceding renewal cycle by
completing the requirements of subsection (i)(7)(A) of this Section, subsection (i)(7)(B) of this Section, or both, as applicable.

A) The certificate-holder shall complete two Administrators’ Academy courses for each year during which he or she failed to complete one, if not already made up as discussed in subsection (d)(1) of this Section.

B) If the certificate-holder failed to complete the applicable number of professional development activities or hours pursuant to subsections (b)(2) and (k) of this Section, he or she shall complete the balance of that requirement and ten additional hours of professional development meeting the requirements of subsections (b)(2) and (c) of this Section.

8) The period of validity of an administrative certificate issued after a year of reinstatement shall be adjusted to coincide with the validity of the holder’s teaching certificate.

i) Appeal to State Teacher Certification Board

Within 14 days after receipt of notice from the State Superintendent that his or her administrative certificate will not be renewed based upon failure to complete the requirements of this Section, a certificate-holder may appeal that decision to the State Teacher Certification Board, using a form made available by the State Board of Education.

1) Each appeal shall state the reasons why the State Superintendent’s decision should be reversed and shall be sent by certified mail, return receipt requested.

A) Appeals shall be addressed to:

State Teacher Certification Board
   Secretary
   100 North First Street
   Springfield, Illinois 62777

B) No electronic or facsimile transmissions will be accepted.
C) Appeals postmarked later than 14 calendar days after receipt of the non-renewal notice will not be processed.

2) In addition to the appeal letter, the certificate-holder may submit the following material when the appeal is filed:

   A) evidence that he or she has satisfactorily completed activities set forth in his or her approved certificate renewal plan; and

   B) any other relevant documents.

3) The State Teacher Certification Board shall review each appeal regarding renewal of an administrative certificate in order to determine whether the certificate-holder has met the requirements of this Section. The Certification Board may hold an appeal hearing or may make its determination based upon the record of review, which shall consist of:

   A) the original reviewer’s rationale for refusing to sign the verification form or otherwise recommending nonrenewal of the certificate;

   B) any evidence submitted to the State Superintendent along with the individual’s application for renewal; and

   C) the State Superintendent’s rationale for non-renewal of the certificate.

4) If the Certification Board holds an appeal hearing, it may request the certificate-holder to appear before it, in which case no less than ten days’ notice of the date, time, and place of the hearing shall be given to the affected individual.

5) The certificate-holder shall submit to the State Teacher Certification Board such additional information as the Certification Board determines is necessary to decide the appeal.

6) The State Teacher Certification Board shall notify the certificate-holder of its decision regarding certificate renewal by certified mail, return receipt requested, no later than 30 days after reaching a decision.
7) The decision of the State Teacher Certification Board is a final administrative decision and shall be subject to administrative review as set forth in Section 21-24 of the School Code [105 ILCS 5/21-24].

k) Proportionate Reduction; Part-Time Service

The requirements of this Section regarding continuing professional development are subject to reduction in accordance with subsection (c-15) of Section 21-7.1 of the School Code.

1) The requirements of this Section shall be subject to reduction on the same annual basis as provided in subsection (c-15) of Section 21-7.1 of the School Code in relation to years when a certificate-holder is not employed in a position requiring administrative certification.

2) The number of hours required under subsection (b)(2) of this Section shall also be reduced by 50 percent with respect to periods of time when a certificate-holder is serving on an administrative certificate only and performing services for less than 50 percent of the school day or school term, unless the individual is one whose continued retirement status is subject to the limitations of Section 16-118 of the Illinois Pension Code. Each such individual shall be subject only to the requirement for completion of one Administrators’ Academy course for each year during which he or she is employed on the administrative certificate, provided that his or her employment does not exceed the limitations of Section 16-118.

3) Further, special provisions shall apply when an individual is performing services on more than one type of certificate. The certificate used by the individual for 50 percent or more of the school day or school term shall govern the continuing professional development required of the individual with respect to that period of time.

A) Example: An individual who performs duties on the administrative certificate for 60 percent of the time and teaches for 40 percent of the time shall be subject only to the requirements of this Section with regard to continuing professional development.

B) Example: An individual who teaches for 60 percent of the time
and performs duties on the administrative certificate for 40 percent of the time shall be subject only to the requirements of Subpart J of this Part with regard to continuing professional development.

C) Example: An individual who performs services for 50 percent of the time on an administrative certificate and 50 percent of the time on a standard or master teaching certificate shall choose either the requirements of this Section or the requirements of Subpart J of this Part to fulfill. Completion of one set of requirements shall suffice for renewal of both types of certificates.

i) An individual who chooses to fulfill the requirements of this Section shall notify the local professional development committee that is responsible for his or her teaching certificate that he or she will be completing continuing professional development with respect to the administrative certificate.

ii) An individual who chooses to fulfill the requirements of Subpart J of this Part shall notify the reviewer responsible for the administrative certificate that he or she will be completing continuing professional development with respect to a teaching certificate.

i) Section 21-7.1(c-10) of the School Code provides that THOSE PERSONS HOLDING ADMINISTRATIVE CERTIFICATES ON JUNE 30, 2003 WHO ARE RENEWING THOSE CERTIFICATES ON OR AFTER JULY 1, 2003 SHALL BE ISSUED NEW ADMINISTRATIVE CERTIFICATES. The certificates that are subject to this provision include:

1) Limited Supervisory (Type 60);

2) All-Grade Supervisory (Type 61);

3) Limited Elementary Supervisory (Type 62);

4) Limited High School Supervisory (Type 63);

5) Life General Supervisory (Type 70); and
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7) Life Supervisory (Type 71).

(Source: Amended at 27 Ill. Reg. 8071, effective April 28, 2003)

SUBPART I: ILLINOIS CERTIFICATION TESTING SYSTEM

Section 25.720 Applicability of Testing Requirement

a) Beginning July 1, 1999, each person seeking a school service personnel or administrative certificate or an initial early childhood, elementary, secondary, or special certificate must pass the Illinois Certification Testing System's test of basic skills and a test of subject matter knowledge. Beginning with the 2002-2003 academic year, however, passage of those tests shall be required as specified in Section 21-1a(d) of the School Code. Beginning October 1, 2003, each person seeking an initial early childhood, elementary, secondary, or special certificate shall also be required to pass the applicable assessment of professional teaching, which shall be based upon the standards set forth in “Standards for All Illinois Teachers” (23 Ill. Adm. Code 24). An individual seeking a standard certificate shall be required to pass the test of basic skills, the test of subject matter knowledge, or (beginning October 1, 2003) the applicable assessment of professional teaching only if:

1) he or she has not already passed that examination (except that an individual who met all applicable requirements for certification and applied for an initial certificate before October 1, 2003, shall not subsequently be required to take the assessment of professional teaching for that certificate); or

2) he or she has passed that examination but the score is more than five years old and no certificate has been issued on the basis of that score; or

3) in the case of the basic skills test, the score is more than five years old and the individual was not admitted to an Illinois teacher preparation program on the basis of that score.

b) The required test of subject matter knowledge is that test which corresponds to the individual's major field of study in a teacher education program in the State of Illinois approved pursuant to Subpart C of this Part.
c) Persons who are graduates of colleges or universities outside the State of Illinois and who are seeking an Illinois certificate must take the test of basic skills, the subject matter knowledge test which corresponds to the Illinois certificate or endorsement sought, and, beginning October 1, 2003, the assessment of professional teaching relevant to the certificate sought. For example, someone seeking to teach whose major field of study is urban studies would, in addition to the basic skills test, also take the subject matter knowledge test in the social sciences and the assessment of professional teaching for the secondary certificate.

d) It is the individual's responsibility to take the appropriate tests. Upon request, the State Board of Education shall assist individuals in identifying appropriate tests.

(Source: Amended at 27 Ill. Reg. 8071, effective April 28, 2003)

Section 25.725 Applicability of Scores

a) Each person seeking certification in Illinois must pass the test of basic skills.

b) Each person seeking certification must pass the appropriate test of subject matter knowledge, as set forth in Section 25.720(b) and (c) of this Part, for each certificate sought.

c) Beginning October 1, 2003, each person seeking an early childhood, elementary, secondary, or special certificate must also pass the assessment of professional teaching relevant to the certificate sought, unless he or she has already passed an assessment of professional teaching that encompasses the grade levels of the certificate sought or is subject to the exception stated in Section 25.720(a)(1) of this Part.

d) Except as provided in subsections (c), (e) and (f) of this Section, for each person seeking an Illinois certificate, neither the score on the basic skills test, nor the score on the assessment of professional teaching, nor the score on the subject matter test may be more than five years old at the time application is made. The five-year period shall be calculated from the date the test was taken and passed to the date of receipt of the application by the State Board of Education. Scores more than five years old will not be accepted as part of an application.

e) A person who has passed the test of basic skills as a condition of admittance to an Illinois teacher education program approved pursuant to Subpart C of this Part
shall not be required to retake that test.

f) A person who has passed the basic skills test and has been issued a certificate on the basis of the test shall not be required to retake the basic skills test when seeking any subsequent certificate.

g) Any person may retake any test during any subsequent, regularly scheduled administration of that test, subject only to registration in accordance with the provisions of this Subpart.

(Source: Amended at 27 Ill. Reg. 8071, effective April 28, 2003)

SUBPART K: REQUIREMENTS FOR RECEIPT OF THE STANDARD TEACHING CERTIFICATE

Section 25.900 Applicability of Requirements in this Subpart

Pursuant to Section 21-2(c) of the School Code [105 ILCS 5/21-2(c)], the requirements of this Subpart K shall apply beginning on July 1, 2003, to each holder of an Illinois initial or initial alternative teaching certificate, or an equivalent certificate issued by another state, who has completed four years of teaching and is seeking a standard teaching certificate.

(Source: Added at 27 Ill. Reg. 8071, effective April 28, 2003)

Section 25.905 Choices Available to Holders of Initial Certificates

Pursuant to Section 21-2(c) of the School Code, an individual who is subject to the requirements of this Subpart K shall successfully complete one of the options listed in this Section in order to qualify for a standard teaching certificate. Each affected individual may choose to:

a) COMPLETE A PROGRAM OF INDUCTION AND MENTORING that meets the requirements of Section 25.910 of this Part;

b) COMPLETE AT LEAST FOUR SEMESTER HOURS OF GRADUATE-LEVEL COURSEWORK ON THE ASSESSMENT OF ONE’S OWN PERFORMANCE IN RELATION TO THE ILLINOIS PROFESSIONAL TEACHING STANDARDS (see 23 Ill. Adm. Code 24) that meets the requirements of Section 25.915 of this Part;

c) COMPLETE AT LEAST FOUR SEMESTER HOURS OF GRADUATE-LEVEL
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COURSEWORK ADDRESSING THE REQUIREMENTS FOR CERTIFICATION BY THE NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS that meets the requirements of Section 25.920 of this Part;

d) RECEIVE AN ADVANCED DEGREE FROM AN ACCREDITED INSTITUTION OF HIGHER EDUCATION IN AN EDUCATION-RELATED FIELD, provided that the coursework completed meets the requirements of Section 25.925 of this Part;

e) ACCUMULATE 60 CONTINUING PROFESSIONAL DEVELOPMENT UNITS (CPDUS), or such quantity as may be applicable under Section 21-2(2)(E) of the School Code [105 ILCS 5/21-2(c)(2)(E)], by completing selected activities as specified in Section 25.930 of this Part; or

f) COMPLETE A NATIONALLY NORMED, PERFORMANCE-BASED ASSESSMENT, IF SUCH AN ASSESSMENT IS MADE AVAILABLE pursuant to Section 25.940 of this Part.

(Source: Added at 27 Ill. Reg. 8071, effective April 28, 2003)

Section 25.910 Requirements for Induction and Mentoring

Completion of a program of induction and mentoring as a means of qualifying for the standard teaching certificate shall be subject to the requirements of this Section.

a) The program selected by a certificate-holder must have been approved for this purpose by the State Board of Education in consultation with the State Teacher Certification Board. Two or more school districts or other organizations may jointly offer a program of induction and mentoring under this Section. An entity or group of entities that wishes to offer an approved program of induction and mentoring shall submit to the State Superintendent of Education a written plan for the program that conforms to the requirements of Section 21-2(c)(2)(A) of the School Code [105 ILCS 5/21-2(c)(2)(A)]. A program shall be approved if the plan demonstrates that the program will meet the specifications of subsections (b) through (g) of this Section. Entities that were conducting programs of induction and mentoring prior to July 1, 2003, may apply to the State Superintendent under this Section for verification that those programs met the requirements of this Section so that individuals who have completed them may fulfill the requirements.
of this Subpart K on that basis. The State Board of Education shall annually publish a list of induction and mentoring programs that have been approved for this purpose.

b) A formally trained mentor shall be assigned to assist each new teacher, and no mentor shall be assigned to assist more than five new teachers during any given school year. To the extent possible, mentor teachers shall hold the same type of certificate as the new teachers with whom they will work. Each mentor teacher assigned shall hold, or shall have retired while holding, a standard or master certificate and shall have completed a training program that addresses all the following topics:

1) Content Knowledge and Pedagogy;
2) Adult Learning Theory;
3) Verbal and Non-Verbal Communication Skills;
4) Attributes and Styles of Positive Critiques;
5) Classroom Observation Skills Related to Assessment of Performance;
6) Strategies for Providing Constructive Feedback and Social Support;
7) Problem-Solving Skills; and
8) Formative Assessment and Self-Assessment.

c) Each new teacher shall receive formal mentoring, which may include mentoring conducted electronically, consisting of an established sequence of sessions no less than two school years in duration. The planned sequence for each teacher shall comprise no fewer than three episodes of observation, which may be conducted using videoconferencing or videotaping, that include preparation with the mentor teacher prior to observing the new teacher in the classroom; observation of the new teacher’s teaching practice; and provision of feedback, suggestions, and techniques to the recipient teacher in response to each period of observation.

d) The program shall afford mentor teachers and new teachers systematic opportunities for contact with each other so that new teachers will receive
professional and social support in the school environment. The program shall include a formal mechanism for orienting new teachers to the school improvement and professional development plans that apply and for assisting them in understanding their respective employers’ expectations with regard to the Illinois Professional Teaching Standards and the relevant content-area standards.

e) New teachers shall be afforded at least one opportunity during each semester to participate in professional development opportunities that involve:

1) observing teaching practice modeled by experienced teachers and discussing selected aspects of teaching practice with these teachers; or

2) participating in workshops, conferences, symposia, seminars, or other, similar training events that are designed to increase teachers’ knowledge and skills with respect to the Illinois Professional Teaching Standards or the content-area standards that apply to their respective areas of certification or assignment.

f) The program shall require formative assessment of new teachers’ professional development. The mentor teacher shall participate in formative assessment by providing written feedback after observing the teaching performance of the new teacher and by providing written analysis of written materials prepared by the new teacher. The new teacher shall participate in formative assessment by preparing at least one written reflection on his or her teaching practice for each quarter of a school year, for review by the mentor teacher. New teachers’ written reflections shall be required to focus on relevant aspects of the Illinois Professional Teaching Standards (see 23 Ill. Adm. Code 24) and the content-area standards that apply to their assignments and areas of certification and to issues identified in the feedback received from mentor teachers.

g) Each plan for an induction and mentoring program shall include a specific method for collecting and maintaining information that will permit evaluation of the program and will contribute to an overall assessment of the effectiveness of induction and mentoring. For each program, at least the following information shall be collected and supplied to the State Board of Education upon request:

1) the length of time during which recipients of the program remain employed as teachers (if known) or remain employed as teachers in the district where mentoring and induction were received;
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2) the percentage of recipient teachers who received ratings of “satisfactory” or “excellent” each year since completing the program;

3) any savings realized in the cost of recruiting new teachers due to increased retention; and

4) any decrease in the number or percentage of teachers teaching outside their respective fields.

h) A certificate-holder who elects to complete a program of induction and mentoring as the means of qualifying for the standard teaching certificate shall notify the local professional development committee (LPDC) that is responsible for comparable standard certificates to this effect and identify the program selected. Within 30 days after receipt of this notification, the LPDC shall respond to the certificate-holder in writing, either confirming that the selected program has been listed by the State Board of Education as approved for this purpose or notifying the certificate-holder that the program has not been approved and that completion of the program will not result in eligibility for the standard certificate.

i) As evidence of completion for this requirement, the candidate for a standard certificate shall submit to the responsible LPDC verification, in a format specified by the State Board of Education, signed by the administrator of the approved mentoring and induction program.

j) An individual may transfer between programs approved under this Section.

(Source: Added at 27 Ill. Reg. 8071, effective April 28, 2003)

Section 25.915 Requirements for Coursework on the Assessment of One’s Own Performance

Completion of at least four semester hours of graduate-level coursework on the assessment of one’s own performance as a means of qualifying for the standard teaching certificate shall be subject to the requirements of this Section.

a) Only coursework offered by AN ACCREDITED INSTITUTION OF HIGHER EDUCATION, BY SUCH AN INSTITUTION IN PARTNERSHIP WITH A TEACHERS’ ASSOCIATION OR UNION OR WITH A REGIONAL OFFICE OF EDUCATION, OR BY ANOTHER ENTITY AUTHORIZED TO ISSUE COLLEGE CREDIT shall qualify for this purpose. (Section 21-2(c)(2)(B) of the
b) An eligible entity that offers or plans to offer coursework that will result in candidates’ eligibility for the standard teaching certificate shall submit to the State Superintendent of Education a syllabus, course description, or other material demonstrating that the coursework includes the activities required by Section 21-2(c)(2)(B) of the School Code.

c) The State Board of Education, in consultation with the State Teacher Certification Board, shall approve coursework for this purpose if the syllabus demonstrates that its successful completion will involve observation, review, and analysis of each participant’s teaching practice, as well as demonstration of professional expertise on the part of each participant in reflecting on his or her own practice, in accordance with the requirements of this subsection (c).

1) Each participant’s teaching practice shall be observed on at least one occasion, either in person or through videoconferencing or videotapes, either by the course instructor or by a designee identified by the instructor who:

   A) holds, or at the time of his or her retirement held, a standard or master teaching certificate; or

   B) has completed training covering the topics listed in Section 25.910(b) of this Part; or

   C) in the judgment of the course instructor, has the knowledge and skills required in order to provide appropriate feedback to new teachers regarding their teaching practice.

2) Each participant shall assemble sufficient written lesson plans, assignments to students, samples of students’ work responding to the assignments, and assessment instruments used with respect to the assignments to provide evidence of his or her performance with respect to all the standards set forth in 23 Ill. Adm. Code 24.100(a) through (i), provided that the material required by this subsection (c)(2) shall be presented for no fewer than two separate lessons, at least one of which is the subject of an observation conducted pursuant to subsection (c)(1) of this Section. The participant shall also provide a written discussion of how the material assembled relates to each of the Illinois Professional
Teaching Standards referred to in this subsection (c)(2), with emphasis on the aspects listed in Section 21-2(c)(2)(B)(ii) of the School Code [105 ILCS 5/21-2(c)(2)(B)(ii)]. In using students’ work for this purpose, participants shall ensure that students are not identifiable or shall obtain consent for the release of the students’ work in keeping with the requirements of the Illinois School Student Records Act [105 ILCS 10] and the rules for Student Records (see 23 Ill. Adm. Code 375).

3) The course instructor or a designee who meets the requirements of subsection (c)(1) of this Section shall review the documentation submitted by the participant and provide written feedback regarding the new teacher’s strengths and weaknesses, factors to consider, and techniques with potential for improving the new teacher’s practice.

4) For each of the two lessons documented under subsection (c)(2) of this Section, each participant shall prepare his or her own written analysis of the strengths and weaknesses revealed by the applicable documentation and the implications of that analysis for improving his or her teaching in relation to the Illinois Professional Teaching Standards.

5) The grades issued to participants in the coursework shall reflect the instructor’s assessment of the participants’ performance in reviewing, analyzing, and reflecting on their own practice, rather than the instructor’s assessment of the participants’ performance as teachers.

d) As evidence of completion, the candidate for a standard certificate shall submit to the responsible LPDC a grade report or official transcript issued by the institution or other entity offering the coursework, indicating that the individual passed the course or courses.

e) No course that has not been approved pursuant to subsections (b) and (c) of this Section shall be advertised as leading to eligibility for the standard teaching certificate under this Section.

f) An eligible Illinois entity that offered coursework relevant to this Section prior to July 1, 2003, may apply to the State Superintendent, based on the submission of material meeting the requirements of subsection (b) of this Section, for verification that the coursework met the requirements of this Section so that individuals who have completed it may fulfill the requirements of this Subpart.
on that basis. An individual who wishes to use coursework completed in another state to fulfill the requirements of this Section shall submit to the State Superintendent of Education a course description or syllabus. Based upon a comparison of the course’s content with the requirements of this Section and Section 21-2(c)(2)(B) of the School Code, the State Superintendent shall determine whether the out-of-state course is equivalent and notify the candidate as to whether the course will be accepted.

(Source: Added at 27 Ill. Reg. 8071, effective April 28, 2003)

Section 25.920 Requirements for Coursework Related to the National Board for Professional Teaching Standards (NBPTS)

Completion of at least four semester hours of graduate-level coursework related to the requirements for certification by the NBPTS as a means of qualifying for the standard teaching certificate shall be subject to the requirements of this Section.

a) Only coursework offered by an Accredited Institution of Higher Education, by such an institution in partnership with a Teachers’ Association or Union or with a Regional Office of Education, or by another entity authorized to issue College Credit shall qualify for this purpose. (Section 21-2(c)(2)(C) of the School Code [105 ILCS 5/21-2(c)(2)(C)])

b) An eligible entity that offers or plans to offer coursework that will result in candidates’ eligibility for the standard teaching certificate shall submit to the State Superintendent of Education a syllabus, course description, or other material demonstrating that the coursework addresses the five “core propositions” that guide the National Board’s certification initiatives: the need for high and rigorous standards; reliance on performance-based assessments; acknowledgment of the complexity of teaching; the importance of quality assurance and professional accountability; and the potential for influencing change within the educational system.

c) The State Board of Education, in consultation with the State Teacher Certification Board, shall approve coursework for this purpose if the syllabus demonstrates that its successful completion will involve observation, review, and analysis of each participant’s teaching practice in light of applicable standards, as well as demonstration of professional expertise on the part of each participant in
reflecting on his or her own practice.

1) These required elements may be provided either by means of the activities described in Section 25.915(c)(1) through (c)(4) of this Part or by using another sequence of activities that is designed to provide beginning teachers with direct feedback from experienced teachers and a structure for reviewing their own teaching in light of this feedback and in light of their students’ performance.

2) The grades issued to participants in the coursework shall reflect the instructor’s assessment of the participants’ performance in reviewing, analyzing, and reflecting on their own practice, rather than the instructor’s assessment of the participants’ performance as teachers.

d) As evidence of completion, the candidate for a standard certificate shall submit to the responsible LPDC a grade report or official transcript issued by the institution or other entity offering the coursework, indicating that the individual passed the course or courses.

e) No course that has not been approved pursuant to subsections (b) and (c) of this Section shall be advertised as leading to eligibility for the standard teaching certificate under this Section.

f) An eligible Illinois entity that offered coursework relevant to this Section prior to July 1, 2003, may apply to the State Superintendent, based on the submission of material meeting the requirements of subsection (b) of this Section, for verification that the coursework met the requirements of this Section so that individuals who have completed it may fulfill the requirements of this Subpart K on that basis. An individual who wishes to use coursework completed in another state to fulfill the requirements of this Section shall submit to the State Superintendent of Education a course description or syllabus. Based upon a comparison of the course’s content with the requirements of this Section and Section 21-2(c)(2)(C) of the School Code, the State Superintendent shall determine whether the out-of-state course is equivalent and notify the candidate as to whether the course will be accepted.

(Source: Added at 27 Ill. Reg. 8071, effective April 28, 2003)

Section 25.925 Requirements Related to Advanced Degrees
Qualification for the standard teaching certificate based upon receipt of an advanced degree in an education-related field shall be subject to the requirements of this Section.

a) For purposes of this Section, an “advanced degree” is a master’s degree, a doctoral degree, a certificate of advanced study, or an education specialist that is earned by the individual either while he or she holds an initial teaching certificate or prior to his or her receipt of that certificate.

b) For purposes of this Section, an “education-related field” is one related to the requirements for the early childhood, elementary, secondary, special, or special preschool-age 21 certificate, the school service personnel certificate, the administrative certificate, or any endorsement available on any of these certificates pursuant to the rules of the State Board of Education (see 23 Ill. Adm. Code 23, 23 Ill. Adm. Code 24, 23 Ill. Adm. Code 25, 23 Ill. Adm. Code 26, 23 Ill. Adm. Code 27, and 23 Ill. Adm. Code 29) or the policies of the State Board of Education related to certification in special education under the federal court order of August 15, 2001, in the matter of Corey H., et al., v. Board of Education of the City of Chicago, et al.

c) Regardless of the degree earned, AT LEAST EIGHT SEMESTER HOURS OF GRADUATE-LEVEL CREDIT MUST BE EARNED BY THE CERTIFICATE-HOLDER FOR COURSEWORK THAT WOULD COUNT TOWARD A DEGREE, CERTIFICATE, OR ENDORSEMENT IN A TEACHING FIELD [105 ILCS 5/21-2(c)(2)(D)].

d) As evidence of completion, the candidate for a standard certificate shall submit to the responsible LPDC an official transcript showing that the degree was issued and that the requirements of subsection (c) of this Section were met.

(Source: Added at 27 Ill. Reg. 8071, effective April 28, 2003)

Section 25.930 Requirements for Continuing Professional Development Units (CPDUs)

The applicability of CPDUs toward receipt of the standard teaching certificate shall be subject to the requirements of this Section and Section 25.935 of this Part.

a) Each candidate for the standard certificate shall be required to accumulate 60 CPDUs in conformance with this Section, unless the candidate held an initial teaching certificate on August 10, 2002. A candidate who held an initial teaching
Certificate on that date shall be required to accumulate:

1) 45 CPDUs, if at least three but fewer than four years of teaching time remain on the initial certificate as of July 1, 2003, calculated by including the time when the certificate remains valid between the candidate’s completion of four years of teaching experience and the following June 30 (see Section 25.11(d)(4) of this Part);

2) 30 CPDUs, if at least two but fewer than three years of teaching time remain on the initial certificate as of July 1, 2003, calculated by including the time between the candidate’s completion of four years of teaching experience and the following June 30; or

3) 15 CPDUs, if at least one year but fewer than two years of teaching time remain on the initial certificate as of July 1, 2003, calculated by including the time between the candidate’s completion of four years of teaching experience and the following June 30.

b) At least one-half the CPDUs a person must accrue in order to qualify for a standard teaching certificate must be earned through completion of coursework, workshops, seminars, conferences, and other similar training events that are pre-approved by the State Board of Education, in consultation with the State Teacher Certification Board, for the purpose of reflection on teaching practices in order to address all of the Illinois Professional Teaching Standards. (Section 21-2(c)(3) of the School Code [105 ILCS 5/21-2(c)(3)])

c) The activities selected by a certificate-holder pursuant to subsection (b) of this Section shall conform to the requirements of clauses (A) through (D) of Section 21-2(c)(3) of the School Code [105 ILCS 5/21-2(c)(3)] and may have been completed at any time while the individual held an initial teaching certificate.

d) Any school district, nonpublic school, cooperative or joint agreement, regional office of education, institution of higher education, teacher union or professional association, non-profit organization or corporation, for-profit entity, member of the International Association for Continuing Education and Training (IACET), or individual may apply for approval to offer activities that will be creditable under
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this Section. Each application shall include at least the following information:

1) a description of the organization’s or individual’s experience in providing
   training of a similar nature;

2) the qualifications that will be required of presenters who conduct the
   activities;

3) the specific standards proposed to be addressed in each activity; and

4) an outline, syllabus, videotape, or other descriptive material that
   demonstrates how each activity will fulfill the requirements and offer the
   components required by Section 21-2(c)(3) of the School Code.

e) The State Board of Education, in consultation with the State Teacher Certification
   Board, shall approve the provision of an activity for purposes of this Section if the
   application provides evidence that:

1) the activity will be presented or conducted by persons with education and
   experience in assisting teachers to focus on the fundamental aspects of
   their teaching practice, including:

   A) knowledge of content and pedagogy;

   B) assessment of students’ learning and provision of timely and
      effective feedback to them;

   C) classroom management strategies;

   D) development of instructional goals;

   E) design and delivery of instruction; and

   F) reflection on and analysis of teaching practice and success in
      assisting students to reach instructional goals.

2) The application demonstrates that the activity will address one or more of
   the Illinois Professional Teaching Standards or the content-area standards
   that are relevant to the participating teachers’ areas of certification and
The application demonstrates that the activity requires performance on the part of each participating teacher with respect to reflecting on his or her own teaching practice.

The applicant provides assurances that attendance records for the activity will be maintained for a period of not less than five years and each participant will receive evidence of completion in a standard format required by the State Board of Education.

A certificate-holder may use one activity or several activities to fulfill the requirements of this Section, provided that all applicable standards are addressed. A certificate-holder who chooses this method of qualifying for the standard certificate shall use a standard format (matrix) made available by the State Board of Education to correlate the activities completed with the standards they addressed. In addition, the certificate-holder shall prepare a brief written statement describing new knowledge or skills he or she has gained as a result of each activity completed.

ONE CPDU SHALL BE AVAILABLE FOR EACH HOUR OF DIRECT PARTICIPATION BY A HOLDER OF AN INITIAL TEACHING CERTIFICATE IN A QUALIFYING ACTIVITY under this Section. (Section 21-2(c)(3)(E) of the School Code [105 ILCS 5/21-2(c)(3)(E)])

The balance of the CPDUs an individual is required to accrue in combination with those earned pursuant to subsection (f) of this Section may be earned by completing activities chosen from among those described in Section 25.935 of this Section.

(Source: Added at 27 Ill. Reg. 8071, effective April 28, 2003)

Section 25.935 Additional Activities for Which CPDUs May Be Earned

At the option of the certificate-holder, CPDUs in addition to those required under Section 25.930(b) of this Part may be earned for activities under this Section to complete the total number needed by the individual. The permissible activities, the number of CPDUs to be credited for each, and the required evidence of completion for each shall be as described in Section 25.875(b), (c), (f), (g), (j), (l), (m), (n), (o), (s), (t), (u), (v), (w), (x), and (y) of this Part.
and in subsections (a) and (b) of this Section. In addition to the specific requirements described in those provisions, the evidence of completion required for each of the activities shall include a brief written statement prepared by the certificate-holder which summarizes the activity or experience, discusses the skills and/or knowledge acquired, and indicates, where applicable, how the skills or knowledge will be applied in the context of the participant’s teaching. Alternatively, if the certificate-holder determines that the experience has not yielded knowledge or skills that can be used in his or her teaching, he or she shall indicate that fact and briefly explain why this is the case. Activities shall only be creditable under this Section if completed while the individual held an initial certificate or a comparable certificate issued by another state or territory.

a) COMPLETING NON-UNIVERSITY CREDIT DIRECTLY RELATED TO STUDENT ACHIEVEMENT, THE ILLINOIS PROFESSIONAL TEACHING STANDARDS, OR CONTENT-AREA STANDARDS [105 ILCS 5/21-2(c)(4)(C)(i)]; PARTICIPATING IN OR PRESENTING AT WORKSHOPS, SEMINARS, CONFERENCES, INSTITUTES, AND SYMPOSIUMS [105 ILCS 5/21-2(c)(4)(C)(ii)]

1) Definitions

A) Attendance at and participation in a conference, workshop, institute, seminar, symposium, or other similar training event that is organized by an entity approved pursuant to Section 25.855 or Section 25.860 of this Part and addresses student achievement and/or one or more of the standards set forth in the rules of the State Board of Education at 23 Ill. Adm. Code 24, 26, or 27 (Standards for All Illinois Teachers; Standards for Certification in Early Childhood Education and in Elementary Education; and Standards for Specific Teaching Fields) or the policies of the State Board of Education related to certification in special education described in Section 25.925(b) of this Section.

B) Making a presentation at a conference, workshop, institute, seminar, symposium, or other similar event whose goal is the improvement of teaching skills and knowledge.

2) Credit: One CPDU shall be credited for each hour of a certificate-holder’s attendance or participation. Eight CPDUs shall be credited for an individual’s first presentation of a given topic; three CPDUs shall be credited for a subsequent presentation of the same topic.
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3) Evidence of Completion

A) For attendance: The standard form issued by the provider at the conclusion of the session or event pursuant to Section 25.865 of this Part, including a statement regarding how the certificate-holder will use what he or she learned in the context of his or her teaching; and the program prepared by the entity sponsoring or conducting the event, indicating the topics covered and the length of time devoted to each.

B) For presentation: The program prepared by the entity sponsoring or conducting the event, identifying the certificate-holder as presenter in a topic area relevant to his or her certification or teaching assignment.

b) PARTICIPATING IN STUDY GROUPS RELATED TO STUDENT ACHIEVEMENT, THE ILLINOIS PROFESSIONAL TEACHING STANDARDS, OR CONTENT-AREA STANDARDS [105 ILCS 5/21-2(c)(4)(D)(iii)]

1) Definition: Attendance at and participation in no fewer than two-thirds of the meetings of a group that investigates one or more aspects of student achievement, the Illinois Professional Teaching Standards, or the content-area standards relevant to its members in a series of regular, structured, collaborative interactions with a view to improving the members’ practice or related outcomes among their students.

2) Credit: Six CPDUs shall be credited per semester in which the individual attends three to five meetings; eight CPDUs shall be credited per semester in which the individual attends six or more meetings.

3) Evidence of Completion: A written statement of purpose for the group; a list of the group’s members; and summaries of the meetings showing attendance by the certificate-holder.

(Source: Added at 27 Ill. Reg. 8071, effective April 28, 2003)
The State Board of Education, in consultation with the State Teacher Certification Board, may identify and make available a nationally normed, performance-based assessment of whether candidates’ induction to the profession of teaching has advanced their command of appropriate teaching practices and strategies and contributed to the professional judgment required for designing educational experiences to meet the diverse needs of students. If an examination is made available pursuant to this Section, the State Board of Education shall notify all Illinois school districts and other entities that employ teachers, all Illinois institutions of higher education that prepare educational personnel, and the teachers’ professional associations or unions to this effect. This notification shall include:

a) identification of the examination whose successful completion will be a means of qualifying for a standard teaching certificate;

b) the schedule for the first year of administration of that examination;

c) how prospective candidates may obtain information about registration; and

d) the cost to the candidate of participating in the examination, which shall not exceed the cost of the coursework described in Section 25.915 of this Part.

(Source: Added at 27 Ill. Reg. 8071, effective April 28, 2003)

Section 25.945 Procedural Requirements

a) In order to qualify for a standard teaching certificate, a holder of an initial teaching certificate shall choose one of the methods described in Section 25.905 of this Part. No later than two years after receiving an initial certificate or January 1, 2004, whichever occurs later, he or she shall provide written notification of the method chosen to the local professional development committee (LPDC) established pursuant to Section 25.845 of this Part that is responsible for the type of certificate held or, if applicable, to the regional superintendent who is considered to be the LPDC for holders of standard certificates in similar employment pursuant to Section 25.815(a) of this Part.

b) The responsible LPDC shall respond within 60 days after receiving written notification from an individual as to whether the method he or she has chosen is acceptable as a means of qualifying for a standard teaching certificate. If the individual has chosen a method not in conformance with Section 21-2(c) of the School Code and this Subpart K, the committee’s response shall inform the
individual of the nature of the method’s nonconformance so that he or she may select a method that, upon successful completion, will contribute towards the acquisition of a standard teaching certificate.

e) A PERSON MUST COMPLETE HIS OR HER CHOSEN REQUIREMENT BEFORE THE EXPIRATION OF HIS OR HER INITIAL TEACHING CERTIFICATE AND MUST SUBMIT EVIDENCE OF HAVING DONE SO TO THE LOCAL PROFESSIONAL DEVELOPMENT COMMITTEE. [105 ILCS 5/21-2(c)(5)] The required evidence of completion shall be as specified in Sections 25.910, 25.915, 25.920, 25.925, 25.930, 25.935, and 25.940 of this Part, as applicable to the requirement chosen.

d) WITHIN 30 DAYS AFTER RECEIPT OF A PERSON’S EVIDENCE OF COMPLETION, THE LPDC SHALL FORWARD THE EVIDENCE OF COMPLETION TO THE RESPONSIBLE REGIONAL SUPERINTENDENT OF SCHOOLS, ALONG WITH THE LPDC’S RECOMMENDATION, BASED ON THAT EVIDENCE, AS TO WHETHER THE PERSON IS ELIGIBLE TO RECEIVE A STANDARD TEACHING CERTIFICATE. Concurrently, THE LPDC SHALL PROVIDE A COPY OF THIS RECOMMENDATION TO THE AFFECTED PERSON. [105 ILCS 5/21-2(c)(5)]

e) Upon receipt of notification by the LPDC that a recommendation has been forwarded to the regional superintendent, the certificate-holder shall submit to the regional superintendent his or her application for a standard certificate, along with the fee required pursuant to Section 21-12 of the School Code [105 ILCS 5/21-12].

f) THE REGIONAL SUPERINTENDENT OF SCHOOLS SHALL REVIEW THE EVIDENCE OF COMPLETION SUBMITTED BY A PERSON AND, BASED UPON COMPLIANCE WITH ALL OF THE REQUIREMENTS FOR RECEIPT OF A STANDARD TEACHING CERTIFICATE, including the completion of four years of teaching, SHALL FORWARD TO THE STATE BOARD OF EDUCATION A RECOMMENDATION FOR ISSUANCE OR NON-ISSUANCE. Concurrently, THE REGIONAL SUPERINTENDENT SHALL NOTIFY THE AFFECTED PERSON OF THE RECOMMENDATION FORWARDED. [105 ILCS 5/21-2(c)(5)] Using a format prescribed by the State Board of Education, the regional superintendent shall forward his or her recommendation regarding a particular individual, as well as the LPDC’s recommendation, within 30 days after receiving the LPDC’s recommendation.
The regional superintendent shall be responsible for retaining the evidence of completion submitted with respect to applicants for standard certification in accordance with the requirements of the Local Records Act [50 ILCS 205].

If the regional superintendent’s recommendation with regard to any person is to deny issuance of the standard teaching certificate:

1) the regional superintendent shall state his or her rationale for the recommendation;

2) the individual’s copy of the regional superintendent’s notification shall be sent by certified mail, return receipt requested; and

3) the regional superintendent shall return the application fee with the notification.

UPON REVIEW OF REGIONAL SUPERINTENDENTS’ RECOMMENDATIONS, including any rationales provided pursuant to subsection (g)(1) of this Section, and the respective applications for certification, THE STATE BOARD OF EDUCATION SHALL ISSUE STANDARD TEACHING CERTIFICATES TO THOSE WHO QUALIFY AND SHALL NOTIFY IN WRITING, via certified mail, return receipt requested, PERSONS AFFECTED BY THE DENIAL OF STANDARD TEACHING CERTIFICATES. [105 ILCS 5/21-2(c)(5)] Each notification shall include a rationale for the State Board’s refusal to issue a standard certificate.

Within 14 days after receipt of notice that the State Board of Education has denied him or her a standard teaching certificate based on failure to meet the requirements of this Subpart K, a certificate-holder may appeal that decision to the State Teacher Certification Board, using a form made available by the State Board of Education.

1) Each appeal shall state the reasons why the State Board’s decision should be reversed and shall be sent by certified mail, return receipt requested.

A) Appeals shall be addressed to:

State Teacher Certification Board
B) No electronic or facsimile transmissions will be accepted.

C) Appeals postmarked later than 14 calendar days after receipt of notifications of denial will not be processed.

2) In addition to the appeal form, the certificate-holder may submit the following material when the appeal is filed:
   
   A) evidence that he or she has satisfactorily completed one of the options outlined in this Subpart K as a means of qualifying for the standard teaching certificate; and
   
   B) any other relevant documents.

j) Upon receipt of an appeal, the State Teacher Certification Board shall request the record of review from the State Superintendent of Education for consideration at its next available meeting. In reviewing the appeal, the Certification Board may hold an appeal hearing or may make its determination based upon the record of review, which shall consist of:

1) the individual’s application for a standard certificate;

2) the rationale for the State Board’s refusal to issue a standard certificate;

3) the available evidence of completion;

4) the appeal form; and

5) any additional information submitted by the individual to support the appeal.

k) If the Certification Board holds an appeal hearing, it may request the certificate-holder to appear before it, in which case no less than ten days’ notice of the date, time, and place of the hearing shall be given to the affected individual.
l) The certificate-holder shall submit to the State Teacher Certification Board such additional information as the Certification Board determines is necessary to decide the appeal.

m) The State Teacher Certification Board shall notify the certificate-holder of its decision regarding the issuance of a standard certificate by certified mail, return receipt requested, no later than 30 days after reaching a decision.

n) The decision of the State Teacher Certification Board regarding an appeal is a final administrative decision and shall be subject to administrative review as set forth in Section 21-24 of the School Code [105 ILCS 5/21-24].

(Source: Added at 27 Ill. Reg. 8071, effective April 28, 2003)
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1) The Heading of the Part: Special Education

2) Code Citation: 23 Ill. Adm. Code 226

3) Section Number: Adopted Action:
   226.75    Amendment
   226.100   Amendment
   226.240   Amendment
   226.250   Amendment
   226.350   Amendment
   226.530   Amendment
   226.540   Amendment
   226.605   Amendment
   226.610   Amendment
   226.625   Amendment
   226.690   Amendment
   226.740   Amendment
   226.770   Amendment
   226.800   Amendment

4) Statutory Authority: 105 ILCS 5/Art. 14 and 2-3.6

5) Effective Date of Rules: April 28, 2003

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

7) Do these rules contain incorporations by reference? No

8) A copy of the adopted rules, including any material incorporated by reference, is on file in the agency’s principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: October 4, 2002; 26 Ill. Reg. 14375

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

11) Differences between proposal and final version:
Several changes and additions were made to Section 226.540 to clarify districts’ ability to request due process hearings when parents revoke consent and to describe the differing results of such requests.

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

13) Will these amendments replace emergency amendments currently in effect? No

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

15) Summary and Purpose of Amendments:

These amendments have three purposes. They include a number of wording changes recently identified as necessary by the U.S. Department of Education’s Office of Special Education Programs (OSEP), and they include revisions to the rule on parental consent (Section 226.540) that respond both to OSEP and to recent litigation. In addition, the amendments to Section 226.800 explain how the current system of issuing State approval for individuals to serve as directors of special education will be closed out in favor of a standards-based endorsement. These changes complement recent amendments to Part 29 (Standards for Administrative Certification).

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

Name: Christopher A. Koch
Director of Special Education
Address: Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777-0001
Telephone: (217) 782-4870

The full text of the adopted amendments begins on the next page:
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TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER f: INSTRUCTION FOR SPECIFIC STUDENT POPULATIONS

PART 226
SPECIAL EDUCATION

SUBPART A: GENERAL

Section
226.10 Purpose
226.50 Requirements for a Free Appropriate Public Education (FAPE)
226.60 Charter Schools
226.75 Definitions

SUBPART B: IDENTIFICATION OF ELIGIBLE CHILDREN

Section
226.100 Child Find Responsibility
226.110 Referral
226.120 Identification of Needed Assessments
226.130 Evaluation Requirements
226.140 Mode(s) of Communication and Cultural Identification
226.150 Case Study to be Nondiscriminatory
226.160 Determination of Eligibility
226.170 Criteria for Determining the Existence of a Specific Learning Disability
226.180 Independent Educational Evaluation
226.190 Reevaluation

SUBPART C: THE INDIVIDUALIZED EDUCATION PROGRAM (IEP)

Section
226.200 General Requirements
226.210 IEP Team
226.220 Factors in Development of the IEP
226.230 Content of the IEP
226.240 Determination of Placement
226.250 Child Aged Three Through Five
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226.260 Child Reaching Age Three

SUBPART D: PLACEMENT

Section
226.300 Continuum of Placement Options
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226.320 Service to Students Living in Residential Care Facilities
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AUTHORITY: Implementing Article 14 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/Art.14 and 2-3.6].
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NOTE: Capitalization denotes statutory language.

SUBPART A: GENERAL

Section 226.75 Definitions

Assistive Technology Device: Any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a child with a disability.

Behavioral Intervention: An intervention based on the methods and empirical findings of behavioral science and designed to influence a child’s actions or behaviors positively.

Case Study Evaluation: See “Evaluation”.
Cultural Identification: Identifying the family’s general cultural factors, such as ethnicity and language spoken, which may have an impact on the design of the case study evaluation procedures used.

Date of Referral: The date on which written parental consent to complete an evaluation is obtained or provided.

Day: A calendar day, unless otherwise indicated as “business day” or “school day”.

Business Day: Monday through Friday, except for federal and State holidays (unless holidays are specifically included in the designation of business days, as at 34 CFR 300.403(d)(1)(ii)).

School Day: Any day, including a partial day, during the regular school year that students are in attendance at school for instructional purposes.

Developmental Delay: Delay in physical development, cognitive development, communication development, social or emotional development, or adaptive development (may include children from three through five years of age).

Disability: Any of the following specific conditions.

Autism: A developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three, that adversely affects a child’s educational performance. (A child who manifests the characteristics of autism after age 3 could be diagnosed as having autism if the other criteria of this Section are satisfied.) Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. The term does not apply if a child’s educational performance is adversely affected primarily because the child has an emotional disturbance.

Deaf-Blindness: Concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for children with deafness or children
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with blindness.

Deafness: A hearing impairment that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, that adversely affects a child’s educational performance.

Emotional Disturbance (includes schizophrenia, but does not apply to children who are socially maladjusted, unless it is determined that they have an emotional disturbance): A condition exhibiting one or more of the following characteristics over an extended period of time and to a marked degree that adversely affects a child’s educational performance:

- An inability to learn that cannot be explained by intellectual, sensory, or health factors;
- An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;
- Inappropriate types of behavior or feelings under normal circumstances;
- A general pervasive mood of anxiety or unhappiness or depression; or
- A tendency to develop physical symptoms or fears associated with personal or school problems.

Hearing Impairment: An impairment in hearing, whether permanent or fluctuating, that adversely affects a child’s educational performance but that is not included under the definition of deafness.

Mental Retardation: Significantly subaverage general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, that adversely affects a child’s educational performance.

Multiple Disabilities: Concomitant impairments (such as mental retardation-blindness, mental retardation-orthopedic impairment, etc.), the
 combination of which causes such severe educational needs that they
cannot be accommodated in special education programs solely for one of
the impairments (does not include deaf-blindness).

Orthopedic Impairment: A severe orthopedic impairment that adversely
affects a child’s educational performance; includes impairments caused by
congenital anomaly (e.g., clubfoot, absence of some member, etc.),
impairments caused by disease (e.g., poliomyelitis, bone tuberculosis,
etc.), and impairments from other causes (e.g., cerebral palsy,
amputations, and fractures or burns that cause contractures).

Other Health Impairment: Limited strength, vitality or alertness, including
a heightened sensitivity to environmental stimuli, that results in limited
alertness with respect to the educational environment, that:

is due to chronic or acute health problems such as asthma, attention
deficit disorder or attention deficit hyperactivity disorder,
diabetes, epilepsy, a heart condition, hemophilia, lead poisoning,
leukemia, nephritis, rheumatic fever, and sickle cell anemia; and

adversely affects a child’s educational performance.

Specific Learning Disability: A DISORDER IN ONE OR MORE OF
THE BASIC PSYCHOLOGICAL PROCESSES INVOLVED IN
UNDERSTANDING OR IN USING LANGUAGE, SPOKEN OR
WRITTEN, THAT MAY MANIFEST ITSELF IN AN IMPERFECT
ABILITY TO LISTEN, THINK, SPEAK, READ, WRITE, SPELL, OR
DO MATHEMATICAL CALCULATIONS, INCLUDING SUCH
CONDITIONS AS PERCEPTUAL DISABILITIES, BRAIN INJURY,
MINIMAL BRAIN DYSFUNCTION, DYSLEXIA, AND
DEVELOPMENTAL APHASIA. (THE TERM DOES NOT INCLUDE
LEARNING PROBLEMS THAT ARE PRIMARILY THE RESULT OF
VISUAL, HEARING, OR MOTOR DISABILITIES, OF MENTAL
RETARDATION, OF EMOTIONAL DISTURBANCE, OR OF
ENVIRONMENTAL, CULTURAL, OR ECONOMIC
DISADVANTAGE.) [105 ILCS 5/14-1.03(a)]

Speech or Language Impairment: A communication disorder, such as
stuttering, impaired articulation, a language impairment, or a voice
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impairment, that adversely affects a child’s educational performance.

Traumatic Brain Injury: An acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child’s educational performance. The term applies to open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing; and speech. The term does not apply to brain injuries that are congenital or degenerative or to brain injuries induced by birth trauma.

Visual Impairment: An impairment in vision that, even with correction, adversely affects a child’s educational performance (includes both partial sight and blindness).

Domain: An aspect of a child’s functioning or performance that must be considered in the course of designing an evaluation. The domains are health, vision, hearing, social and emotional status, general intelligence, academic performance, communication status, and motor abilities.

Educational Performance: A student’s academic achievement and ability to establish and maintain social relationships and to experience a sound emotional development in the school environment.

Eligible: Identified in accordance with this Part as having any of the disabilities defined in this Section and needing special education and related services.

Equipment (a programmatic definition, not intended to coincide with the definition of “equipment” given in the Program Accounting Manual at 23 Ill. Adm. Code 110.120):

Machinery, utilities, and built-in equipment and any necessary enclosures or structures to house the machinery, utilities, or equipment; and

All other items necessary for the functioning of a particular facility as a facility for the provision of educational services, including items such as instructional equipment and necessary furniture; printed, published and
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audio-visual instructional materials; telecommunications, sensory, and other technological aids and devices; and books, periodicals, documents, and other related materials.

Evaluation: A series of procedures designed to provide information about a child’s suspected disability; the nature and extent of the problems that are or will be adversely affecting his/her educational development; and the type of intervention and assistance needed to alleviate these problems.

Extended School Year Services: Special education and related services that are provided to a child with a disability beyond the normal school year of the public agency in accordance with the child’s IEP and at no cost to the parents of the child and meet the requirements of Section 226.750(c) of this Part.

Functional Behavioral Assessment: An assessment process for gathering information regarding the target behavior, its antecedents and consequences, controlling variables, the student’s strengths, and the communicative and functional intent of the behavior, for use in developing behavioral interventions.

General Curriculum: The curriculum adopted and/or used by a local school district or by the schools within a district for nondisabled students; the content of the program, as opposed to the setting in which it is offered.

IEP Team: The group of individuals enumerated in Section 226.210 of this Part, except that in three instances the team shall be expanded to include any other qualified professionals whose expertise is necessary to administer and interpret evaluation data and make an informed determination as to whether the child needs special education and related services (i.e., when identifying the specific assessments required in order to evaluate a child’s individual needs; when determining whether the child is eligible pursuant to this Part; and when conducting a Manifestation Determination Review).

Independent Educational Evaluation: An evaluation conducted by a qualified examiner who is not employed by the school district responsible for the education of the child in question. (See Section 226.180 of this Part.)

Individualized Education Program (IEP): A written statement for a child with a disability that is developed, reviewed, and revised in a meeting in accordance with Subpart C of this Part.
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Individualized Family Service Plan (IFSP): A written plan for providing the early intervention services to a child eligible under 34 CFR 303 and the child’s family.

Interim Plan: A portion of an IEP that identifies the services that will be provided as a temporary measure, either when the child’s complete IEP cannot be implemented or when the parents and the district have only agreed to a portion of the services that will be needed, and that sets out the specific conditions and timelines to which both the parents and the district have agreed.

Least Restrictive Environment (LRE): The setting that permits a child to be educated with nondisabled children to the maximum extent appropriate. (See Section 226.240(c) of this Part.)

Parent: A natural or adoptive parent of a child; a guardian but not the State if the child is a ward of the State; a person acting in the place of a parent of a child (such as a grandparent or stepparent with whom a child lives); a person who is legally responsible for a child’s welfare, or a surrogate parent who has been appointed in accordance with Section 226.550 of this Part. A foster parent is a “parent” when the natural parent’s authority to make educational decisions on the child’s behalf has been extinguished under State law and the foster parent has an ongoing, long-term parental relationship with the child, is willing to make the educational decisions required of parents under IDEA, and has no interest that would conflict with the interests of the child.

Participating Agency: A state or local agency, other than the local school district, that is or may be legally responsible for providing or funding services to a student who is eligible under this Part.

Personally Identifiable (with reference to information): Including the name of the child, the child’s parent, or other family member; the address of the child; a personal identifier, such as the child's Social Security number or student number; or a list of personal characteristics or other information that would make it possible to identify the child with reasonable certainty.

Qualified Personnel: Staff members or other individuals who hold the certificate, license, registration, or credential that is required for the performance of a particular task.

Qualified Bilingual Specialist: An individual who holds the qualifications
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described in Section 226.800(f) of this Part.

Qualified Specialist: An individual who holds the applicable qualifications described in Subpart I of this Part.

Referral: A formal procedure established by a school district which involves a request for a case study evaluation.

Related Services: Transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, including speech-language pathology and audiology services, psychological services, physical and occupational therapy, recreation (including therapeutic recreation), early identification and assessment of disabilities in children, counseling services (including rehabilitation counseling), orientation and mobility services, and medical services for diagnostic or evaluation purposes; also including school health services, social work services in schools, and parent counseling and training. (See Section 226.310 of this Part.) Related services do not include those performed by licensed physicians or dentists (except for diagnostic or evaluative services or consultation to staff), registered or licensed practical nurses (except when functioning as school nurses), or other medical personnel involved in the provision of ongoing medical care.

Special Education: Specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability, including instruction conducted in the classroom, in the home, in hospitals, in institutions, and in other settings, and including instruction in physical education.

Special School: An educational setting which is established by the local school district exclusively to meet the needs of eligible children.

Student Record: See Section 2 of the Illinois School Student Records Act [105 ILCS 10/2].

Supplementary Aids and Services: Aids, services, and other supports that are provided in regular education classes or other education-related settings to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate.
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Transition Services: A coordinated set of activities for a student with a disability that:

Is designed within an outcome-oriented process, that promotes movement from school to post-school activities, including postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation;

Is based on the individual student’s needs, taking into account the student’s preferences and interests; and

Includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and, if appropriate, acquisition of daily living skills and functional vocational evaluation.

(Source: Amended at 27 Ill. Reg. 8126, effective April 28, 2003)

SUBPART B: IDENTIFICATION OF ELIGIBLE CHILDREN

Section 226.100 Child Find Responsibility

a) Each school district shall be responsible for actively seeking out and identifying all children from birth through age 21 within the district, including children not enrolled in the public schools, who may be eligible for special education and related services. Procedures developed to fulfill this responsibility shall include:

1) An annual screening of children under the age of five for the purpose of identifying those who may need early intervention or special education and related services.

2) Ongoing review of each child’s performance and progress by teachers and other professional personnel, in order to refer those children who exhibit problems which interfere with their educational progress and/or their adjustment to the educational setting, suggesting that they may be eligible for special education and related services.

3) Ongoing coordination with early intervention programs to identify
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children from birth through two years of age who have or are suspected of having disabilities, in order to ensure provision of services in accordance with applicable timelines.

A) Each local school district shall participate in transition planning conferences arranged by the designated lead agency under 20 USC 1437(a)(8) in order to develop a transition plan enabling the public school to implement an IFSP or IEP no later than the third birthday of each eligible child.

B) A child is considered “referred” to a school district when he or she is identified in writing by staff of an early intervention program pursuant to 34 CFR 303. Such a referral is effective no later than 60 school days prior to the child’s third birthday, regardless of the date on which the notification takes place. (See Section 226.260 of this Part.)

4) Coordination and consultation with nonpublic schools located within the district that results in child find activities comparable to those affecting students in the public schools. Costs of child find and evaluation activities may not be considered as part of the expenditures used by the district to meet its obligation under 34 CFR 300.453(a).

b) When the responsible school district staff conclude that an individual evaluation of a particular child is warranted based on factors such as a child’s educational progress, interaction with others, or other functioning in the school environment, the requirements for referral and evaluation set forth in this Subpart B shall apply.

c) Each school district shall be responsible for ensuring that the confidentiality requirements of 34 CFR 300.560-300.577, 105 ILCS 10/4(a), 23 Ill. Adm. Code 375, and Section 226.740 of this Part apply to all data used to meet the Child Find requirement.

(Source: Amended at 27 Ill. Reg. 8126, effective April 28, 2003)

SUBPART C: THE INDIVIDUALIZED EDUCATION PROGRAM (IEP)

Section 226.240 Determination of Placement
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a) The placement determination shall be made by the IEP Team.

b) The placement determination shall be consistent with the child’s IEP.

c) The placement determination shall provide the least restrictive environment for the child.

1) To the maximum extent appropriate, each child, including children in public or nonpublic residential facilities, shall be educated with children who are nondisabled.

2) Special education classes, separate schooling, or other removal of children with disabilities from the regular education environment shall occur only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

3) Each child’s placement shall be as close as possible to his or her home.

4) Unless the IEP requires some other arrangement, a child shall be educated in the school he or she would attend if not disabled.

5) Consideration shall be given to the possible harmful effect of a placement on the child or on the quality of services received.

6) A child shall not be removed from an age-appropriate regular classroom solely because of needed modifications in the general curriculum.

d) The placement decision shall, to the maximum extent appropriate, permit the child to participate as appropriate in nonacademic and extracurricular services and activities (e.g., meals, recess, recreational activities, and clubs sponsored by the district).

e) The placement determination shall be reviewed at least annually or any time the IEP is revised.

(Source: Amended at 27 Ill. Reg. 8126, effective April 28, 2003)
In the case of an eligible child three through five years of age, an IFSP that contains the material described in 20 USC 1436 may serve as a child’s IEP if using that plan is agreed to by the local school district and the child's parents. If a district proposes to use an IFSP, the local school district shall:

a) Provide a detailed explanation of the differences between an IFSP and an IEP to the child's parents; and

b) Obtain informed, written consent from the parents for the use of the IFSP; and

c) The IFSP shall be developed in accordance with the IEP requirements found in Sections 226.200 through 226.230 of this Part.

(Source: Amended at 27 Ill. Reg. 8126, effective April 28, 2003)

SUBPART D: PLACEMENT

Section 226.350 Service to Children in Private Schools

a) To the extent consistent with their number and locations in the State, provision must be made by school districts for services to children with disabilities who have been enrolled in private schools by their parents.

1) Each school district shall consult annually with representatives of private schools in light of the funding available for serving their students, the number of such students, their needs, and their respective locations to decide:

A) Which children will receive services;

B) What services will be provided;

C) How the services will be provided; and

D) How the services provided will be evaluated; and

E) Where the services will be provided.

2) Each school district shall give representatives of private schools a genuine
opportunity to express their views regarding each matter that is subject to the consultation requirements of this subsection (a).

3) The consultation required by this subsection (a) shall occur before the school district makes any decision that affects the opportunities of private school children with disabilities to participate in services.

4) The school district shall make the final decisions with respect to the services to be provided to eligible children who are enrolled in private schools.

5) The school district shall maintain a written record of actions taken in compliance with the requirements of this subsection (a).

b) The services provided by a school district to children with disabilities enrolled in private schools shall be comparable in quality to the services provided to eligible children enrolled in the district. “Comparable in quality” means provided by similarly qualified personnel.

1) Eligible students in private schools may receive a different amount of services than eligible children in public schools.

2) No individual child must receive a specific service or receive the same amount of service the child would receive in a public school.

3) For any child served pursuant to this Section, the school district shall develop a service plan that identifies the services that the district will provide to the child. The plan shall meet the requirements of Section 226.230 of this Part and shall be developed, reviewed, and revised consistent with Sections 226.200, 226.210, 226.220, and 226.530 of this Part.

c) Services may be provided on site at a child's private school, including a religiously affiliated school, to the extent consistent with the provisions of IDEA (20 USC 1413(d)).

d) Transportation to and from a site other than the private school shall be provided if necessary for a child to benefit from or participate in the services offered by the district at that site. This includes transportation from the service site to the private
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school or to the child’s home, depending upon the timing of services.

e) When a student receives services from a school district pursuant to this Section, the procedural safeguards described in Subpart F of this Part shall be available only with respect to complaints that the district has failed to fulfill the requirements of this Section. The due process requirements of Subpart G of this Part shall not apply.

(Source: Amended at 27 Ill. Reg. 8126, effective April 28, 2003)

SUBPART F: PROCEDURAL SAFEGUARDS

Section 226.530 Parents’ Participation

a) Nothing in this Part precludes routine communication and consultation from occurring among school employees without parents in attendance, including preparatory activities that school personnel engage in to develop a proposal or a response to a parent’s proposal that will be discussed at an IEP meeting.

b) Whenever a meeting is to be held which a parent has a right to attend, the requirements of this subsection (b) shall apply.

1) No later than ten days prior to the proposed date of the meeting, except for a meeting convened pursuant to Section 226.400(g) of this Part, the district shall notify the parent(s) in writing of the purpose of the meeting, the proposed date, time, and place for the meeting, who else will be in attendance, and the parent’s right to invite other individuals with knowledge or special expertise regarding the child. If a parent indicates that the proposed date or time is inconvenient, the district shall make reasonable efforts to accommodate the parent’s schedule.

2) If neither parent can attend, the district shall use other methods to attempt to secure at least one parent’s participation, including rescheduling the meeting, individual or conference telephone calls, or use of such other means of communication as may be available.

3) A meeting may be conducted without a parent in attendance if the district is unable to obtain the parent’s participation. In this case, the district shall maintain a record of its attempts to arrange a mutually agreed on time and place, such as:
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A) Detailed records of telephone calls made or attempted and the results of those calls;

B) Copies of correspondence sent to the parents and any responses received; and

C) Detailed records of visits made to the parent's home or place of employment and the results of those visits.

4) The district shall take whatever action is necessary to facilitate the parent’s understanding of and participation in the proceedings at a meeting, including arranging for an interpreter for parents who are deaf or whose native language is other than English.

5) Any document generated during the meeting, including a copy of the IEP, shall be provided to the parent upon request, unless an applicable federal or State statute or federal regulation requires its automatic provision without a request.

(Source: Amended at 27 Ill. Reg. 8126, effective April 28, 2003)

Section 226.540 Consent

a) A parent shall be considered to have given consent only when:

1) The parent has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language or other mode of communication;

2) The parent understands and agrees in writing to the carrying out of the activity for which his or her consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom; and

3) The parent understands that his or her granting of consent is voluntary and may be revoked at any time by means of the due process described in Subpart G of this Part.

b) A school district may not require parental consent as a condition of any benefit to
the parent or the child except for the service or activity for which consent is required.

c) Parental consent shall be obtained before conducting an initial evaluation of a child. Consent for initial evaluation shall not be construed as consent for initial placement.

d) Parental consent shall be obtained before conducting any reevaluation of a child. If a parent fails or refuses to provide consent for a required triennial reevaluation within ten days after the district requests it, the district shall request a due process hearing.

e) Parental consent shall be obtained prior to the initial provision of special education and related services.

f) Parental consent shall be obtained prior to the use of the parent’s private insurance to pay for services required by a child’s IEP.

g) Parental consent shall be obtained for the disclosure of personally identifiable information about a child, consistent with the requirements of the Student Records Act.

h) Parental consent shall be obtained for the use of an IFSP instead of an IEP.

i) **A parent may revoke consent for any action by the district or cooperative entity serving his or her child that requires parental consent.** If a parent desires to revoke consent, he or she shall request a due process hearing in accordance with Subpart G of this Part. May do so either in writing or orally. If the revocation of consent is communicated orally, the district or cooperative entity shall commit the parent’s request to writing and provide a copy of this written summary to the parent within five days.

j) Any revocation of consent as a result of a due process hearing is effective immediately, subject to the provisions of subsection (k) of this Section, but is not retroactive, i.e., it does not negate an action that occurred after the consent was given and before it was revoked. For purposes of this subsection (j), a district shall be considered to have given immediate effect to a parent’s revocation of consent when it either discontinues the action that is the subject of the revocation prior to its next scheduled occurrence or provides to the parent a written
explanation of the timeline for the district’s action and the reasons for that timeline. The district or cooperative entity shall ensure that each staff member whose activities are affected by the revocation of consent is promptly informed of the revocation.

k) If a district disagrees with a parent’s revocation of consent, the district may request a due process hearing pursuant to Section 226.605 of this Part.

1) If the parent’s revocation of consent pertains to an evaluation or re-evaluation of the student, the district shall not proceed with the evaluation or re-evaluation during the pendency of due process.

2) If the parent’s revocation of consent pertains to a special education placement for the student that is already in effect, the district’s request for a due process hearing shall have the effect of staying that placement, provided that the district submits the request in writing to the State Board of Education in keeping with the provisions of Section 226.615 of this Part and within three business days after the parent’s revocation occurred.

(Source: Amended at 27 Ill. Reg. 8126, effective April 28, 2003)

SUBPART G: DUE PROCESS

Section 226.605 Request for Hearing; Basis

A parent, a school district, or a student may request an impartial due process hearing for any reason connected to the identification, evaluation, or placement of, or the provision of services to, a student who is or may be eligible pursuant to this Part. No other party shall have standing to submit such a request. The school district or public agency must insure that all requests or notices pursuant to due process are maintained in a confidential manner consistent with the Illinois School Student Records Act and the rules of the State Board of Education at 23 Ill. Adm. Code 375.

(Source: Amended at 27 Ill. Reg. 8126, effective April 28, 2003)

Section 226.610 Information to Parents Concerning Right to Hearing

a) Each school district shall inform parents in writing of their right to a hearing and of the procedures for requesting one. The district shall notify the parent of the
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information the parent must provide when requesting a hearing, in one of the following ways:

1) The district may provide the parent with a model form designed by the State Board of Education in accordance with 34 CFR 300.507(c)(1)(v)(3); or

2) The district may inform the parent that the request for a hearing must include the following information:

   A) the name of the child;
   B) the address of the child’s residence;
   C) the name of the school the child is attending;
   D) a description of the nature of the problem relating to the proposed or refused initiation or change, including facts relating to the problem;
   E) a proposed resolution of the problem, to the extent known and available to the parents at the time; and
   F) if known, whether the parents will be represented by legal counsel.

b) The director of special education shall assist parents in taking whatever action is necessary to use the hearing process.

c) The district shall inform the parents of the availability of mediation and of any free or low-cost legal services and other publicly funded advocacy services available in the area if the parent requests the information, or if the parent or the district initiates a hearing.

d) The local education agency may develop procedures that require the parents who elect not to use the mediation process to meet, at a time and location convenient to the parents, with a disinterested party who is under contract with a parent training and information center or community parent resource center in the State that is funded through a federal grant under IDEA.
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(Source: Amended at 27 Ill. Reg. 8126, effective April 28, 2003)

Section 226.625 Rights of the Parties Related to Hearings

a) The parties have the right to be represented at their own expense by counsel, or to be represented and assisted by other persons having special knowledge of this Part.

b) The parents may inspect and review all school records pertaining to their child and, subject to the provisions of 23 Ill. Adm. Code 375.50 (Student Records), may obtain copies of any such records at their own expense.

c) The parents shall have access to the district's list of independent evaluators, and may obtain an independent evaluation of their child at their own expense.

1) If the parents believe that acquisition of a completed independent evaluation will require a delay in convening the hearing, the parents shall request such a delay as provided in Section 226.640(c) of this Part.

2) The parents may ask the hearing officer to determine whether an independent evaluation is needed. If the hearing officer concludes, after reviewing the available information, that an independent evaluation is necessary to inform the hearing officer concerning the services to which the student may be entitled, it shall be so ordered and provided at the school district’s expense. The hearing officer shall delay the hearing as provided for as provided for in Section 226.640(c) of this Part.

3) This subsection (c) shall not apply to expedited hearings conducted pursuant to Section 226.655 of this Part.

d) Either party to a hearing, other than an expedited hearing conducted pursuant to Section 226.655 of this Part, has the right to the disclosure, at least five days prior to the hearing, of any evidence to be introduced. At least five days prior to the hearing, each party shall disclose to all other parties all evaluations completed by that date and recommendations based on the offering party’s evaluations that the party intends to use at the hearing. Either party may prohibit the introduction of evidence which was not disclosed to that party at least five days prior to the hearing. The hearing officer may reschedule the hearing to permit full disclosure. Disclosure of evidence with respect to an expedited hearing shall conform to the
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requirements of Section 14-8.02b of the School Code [105 ILCS 5/14-8.02b].

e) Either party may compel the attendance of any school district employee at the hearing, or any other person who may have information relevant to the needs, the abilities, the proposed program, or the status of the student. At the request of either party, the hearing officer shall authorize the issuance of subpoenas to compel the testimony of witnesses or the production of documents relevant to the case at issue. If any person refuses to comply with a subpoena issued under this Section, court action may be sought as provided in Section 14-8.02a(g) of the School Code [105 ILCS 5/14-8.02a(g)].

f) Pursuant to 34 CFR 300.509(c)(1)(i), the parent has the right to have the child who is the subject of the hearing present at the hearing.

g) Either party, or any other person participating in the hearing, may request that an interpreter be available during the hearing because one of the participants is hearing impaired and/or uses a primary language other than English. Interpreters shall be provided at the school district’s expense.

h) The student’s educational placement shall not be changed pending completion of the hearing except as provided in Section 14-8.02a(j) of the School Code.

i) The hearing officer shall conduct the hearing in a fair, impartial, and orderly manner. The hearing officer shall afford each party an opportunity to present the evidence, testimony, and arguments each party believes necessary to support and/or clarify the issues in dispute and the relief the party is requesting. The hearing officer shall regulate the course of the hearing and the conduct of the parties and their counsel.

j) The hearing shall be closed to the public unless the parents of the child specifically request that it be open. The hearing officer shall advise the parents of their right to have the hearing open to the public. If the parents make such a request, the hearing shall be open. (References to parents in this subsection (j) apply to the student if Section 226.690 of this Part applies.)

k) The parties shall have the right to confront and cross-examine witnesses.

(Source: Amended at 27 Ill. Reg. 8126, effective April 28, 2003)
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Section 226.690  Transfer of Parental Rights

a) When a student with a disability reaches the age of majority (18 years of age; see 755 ILCS 5/11-1) or becomes an emancipated minor pursuant to the Emancipation of Mature Minors Act [750 ILCS 5/Art. 11a] (except for a student with a disability who has been adjudged as a disabled person pursuant to 755 ILCS 5/Art. 11a-1 et-seq.):

1) The school district shall provide any notice required by this Part to both the individual and the parents, and all other rights accorded to parents under Part B of the Individuals with Disabilities Education Act, the implementing regulations at 34 CFR 300, and this Part shall transfer to the student; and

2) All rights accorded to parents under Part B of the Individuals with Disabilities Education Act, the implementing regulations at 34 CFR 300, and this Part shall transfer to a child who is incarcerated in an adult or juvenile, State, or local correctional institution.

b) Whenever rights are transferred to a student pursuant to this Section, the district shall notify the student and the parents of the transfer of rights.

c) All notices that are required under this Part and 34 CFR 300 shall be provided to the student and the parent after the student reaches the age of majority.

(Source: Amended at 27 Ill. Reg. 8126, effective April 28, 2003)

SUBPART H: ADMINISTRATIVE REQUIREMENTS

Section 226.740  Records; Confidentiality

a) Students’ records shall be maintained in accordance with the School Student Records Act [105 ILCS 10] and the rules of the State Board of Education (23 Ill. Adm. Code 375).

b) Each school district shall protect the confidentiality of personally identifiable information during its collection, storage, disclosure, and destruction.

c) All persons collecting or using personally identifiable information shall receive
training or instruction regarding the State's and school district’s policies and procedures and the requirements of this Part for ensuring the confidentiality of any personally identifiable information collected, used or maintained.

d) Each school district shall maintain, for public inspection, a current listing of the names and positions of those employees within the local school district who may have access to personally identifiable information.

e) Parents shall be afforded the opportunity to inspect, review, and copy all educational records with respect to the identification, evaluation, educational placement, and provision of FAPE to their child. Each school district shall provide parents on request a list of the types and locations of educational records collected, maintained, or used by the agency. If any educational record includes information on more than one child, the parents of any of those children have the right to inspect and review only the information relating to their child or to be informed of that specific information.

f) The portion of each district’s policies and procedures that is required pursuant to Section 226.710(b)(3) of this Part shall require that all information maintained concerning a student receiving special education be directly related to the provision of services to that child and shall address:

1) the method by which information concerning a student will be collected;
2) the confidential nature of such the information;
3) the use to which such the information will be put;
4) how such the information will be recorded and maintained;
5) the period for which such the information will be maintained;
6) the persons to whom such the information will be available; and
7) under what circumstances such the information will be made available.

g) The portion of each district’s policies and procedures referred to in subsection (f) of this Section shall be consistent with:
1) The Illinois School Student Records Act;

2) 23 Ill. Adm. Code 375 (Student Records);

3) 23 Ill. Adm. Code 1 (Public Schools Evaluation, Recognition and Supervision);

4) The Family Educational Rights and Privacy Act; and


(Source: Amended at 27 Ill. Reg. 8126, effective April 28, 2003)

Section 226.770 Fiscal Provisions

a) Requirements Related to the Provision of FAPE

1) A school district is responsible for developing students’ IEPs and remains responsible for ensuring that children receive all the services described in their IEPs in a timely fashion, regardless of whether another agency will ultimately pay for the services.

2) A school district may look to non-educational entities such as insurance companies and the Medicaid program to pay for services for which such entities are otherwise responsible. The district must have written consent from parents in order to use their private insurance.

3) Services required by an IEP must be provided at no cost to the child's parents, whether they have public or private insurance. Parents shall be notified that the use of their private insurance proceeds to pay for services is voluntary. In the case of a child who is dually insured (through private insurance and Medicaid), a family shall not be required to draw upon private insurance whose use is a prerequisite to billing Medicaid if that use of insurance will result in financial costs to the family.

4) “Financial costs to the family” include:

   A) Out-of-pocket expenses incurred in filing a claim, such as the payment of a deductible or required co-payment, but not including...
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incidental costs such as the time needed to file an insurance claim or the postage needed to mail the claim;

B) A decrease in available lifetime coverage or any other benefit under an insurance policy;

C) Payment by the family for services that would otherwise be covered by the public insurance program and that are required for the child outside of the time the child is in school;

D) An increase in premiums or the discontinuation of a policy; and

E) A risk in terms of loss of eligibility for home- and community-based waivers, based on aggregate health-related expenditures.

b) The federal regulations implementing the Individuals with Disabilities Education Act (see 34 CFR 300) establish detailed requirements for the use of federal funds in connection with service to students who are eligible under this Part. School districts and cooperative entities are required to comply with those federal requirements.

c) School districts and cooperative entities shall use federal matching funds received under Medicaid or the KidCare program only to supplement special education programs and services. Each school district or cooperative entity shall submit an annual record of its expenditures of these funds on a form supplied by the State Board of Education.

d) Computation of Reimbursement Under Section 14-7.03 of the School Code

The amount of reimbursement for which a district shall be eligible under Section 14-7.03 of the School Code shall be computed by determining the actual cost of maintaining the program in accordance with the State Board’s rules for Determining Special Education Per Capita Tuition Charge (23 Ill. Adm. Code 130), as further specified in this subsection (d).

1) The district’s cost for administration and supervision shall be computed based on the relationship that the average daily membership of children in special education classes bears to the district’s total average daily membership.
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2) The cost of buildings and facilities shall not exceed 10% of the expenditures for classes.

3) All payments authorized by law, including State or federal grants for the education of children, shall be deducted when program reimbursement or per capita tuition is calculated.

4) The total reimbursement for a child who is living in a residential care facility and who has been placed in a nonpublic special education program by the responsible district shall not exceed the amount authorized under Section 14-7.02 of the School Code.

e) Eligibility of Students for Funding Under Section 14-7.03 of the School Code

1) A student who meets the requirements of Section 14-1.11a(5) of the School Code [105 ILCS 5/14-1.11a(5)] is eligible for reimbursement under Section 14-7.03 of the School Code if he or she:

   A) is a resident of one of the residential care facilities described in Section 226.320 of this Part;

   B) would not be a resident of that school district except by virtue of his or her placement in one of the residential care facilities described in Section 226.320(a) of this Part; and

   C) has been declared eligible for special education and related services pursuant to this Part.

2) A student who has been declared eligible for special education and related services pursuant to this Part and is living in a State residential unit or county-operated detention center is eligible for reimbursement under Section 14-7.03 of the School Code.

(Source: Amended at 27 Ill. Reg. 8126, effective April 28, 2003)

SUBPART I: PERSONNEL

Section 226.800 Personnel Required to be Qualified

a) General
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1) Each school district, or the cooperative entity of which it is a member, shall employ sufficient professional and noncertified personnel to deliver and supervise the full continuum of special education and related services needed by the eligible students who reside in the district. The number and types of personnel employed shall be based on students’ need rather than administrative convenience.

2) Each district or cooperative entity shall periodically submit to the State Board of Education, on forms supplied by the State Board, the roster of the individuals who will be or are providing special education or related services. The State Board may request any additional documentation needed in order to verify that each such individual holds the qualifications that are required for his or her assignment(s).

3) Reimbursement for personnel expenditures shall be made by the State Board only with respect to individuals who are qualified pursuant to this Section or pursuant to Section 226.810 or 226.820 of this Part.

4) Each district or cooperative entity shall develop and implement a comprehensive personnel development program for all personnel involved with the education of children with disabilities.

b) Professional Instructional Personnel

Each individual employed in a professional instructional capacity shall hold either:

1) a valid special certificate and the qualifications required for the teaching area pursuant to 23 Ill. Adm. Code 25.40 and 25.43; or

2) another valid teaching certificate and approval issued by the State Board of Education specific to the area of responsibility (see Section 226.810 of this Part).

c) An individual assigned as a vocational coordinator shall be required to hold approval for this position, which shall be granted provided that the individual submits an application demonstrating that he or she:

1) have has two years’ teaching experience;
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2) held holds either a special preschool-age 21 certificate or a high school certificate; and

3) have has completed at least 16 semester hours of college coursework, which shall at least include each of the areas identified in subsections (c)(3)(A) through (D) and may include one or more of the areas identified in subsections (c)(3)(E) through (I) of this Section:

A) Survey of the exceptional child;
B) Characteristics of the mentally retarded student;
C) Characteristics of the socially and/or emotionally maladjusted student;
D) Vocational programming for students with disabilities;
E) Characteristics of other exceptionalities;
F) Methods course in special education;
G) Guidance and counseling;
H) Educational and psychological diagnosis;
I) Vocational and technical education;

4) submit evidence of meeting the requirements of this subsection (c) under cover of an application form supplied by the State Board of Education.

d) An individual assigned as a teacher coordinator shall be required to hold approval for this position, which shall be granted provided that the individual submits an application demonstrating that he or she:

1) hold holds either a special preschool – age 21 certificate endorsed for the disability area of assignment or a high school certificate with special education approval in the applicable disability area issued pursuant to Section 226.810 of this Part;
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2) have has completed a course in vocational programming for students with disabilities; and

3) have has at least one year’s work experience outside the field of education or have has completed at least one course in either guidance and counseling or vocational and technical education; and.

4) submit evidence of meeting the requirements of this subsection (d) under cover of an application form supplied by the State Board of Education.

e) An individual assigned as a business manager’s assistant shall hold an administrative certificate endorsed for chief school business official pursuant to 23 Ill. Adm. Code 25.344.

f) Qualified Bilingual Specialists

Professional staff otherwise qualified pursuant to this Section shall be considered “qualified bilingual specialists” if they meet the applicable requirements set forth in this subsection (f).

1) A holder of a special certificate endorsed in the area of responsibility pursuant to 23 Ill. Adm. Code 25.40 or 25.43 shall successfully complete a language examination in the non-English language of instruction and shall have completed coursework covering:

A) Psychological/educational assessment of students with disabilities who have limited English proficiency;

B) Theoretical foundations of bilingual education and English as a second language, including the study of first and second language acquisition; and

C) Methods and materials for teaching students of limited English proficiency or students with disabilities who have limited English proficiency.

2) A holder of an early childhood, elementary, or high school certificate who also holds special education approval in the area of responsibility (see Section 226.810 of this Part) shall successfully complete a language examination in the non-English language of instruction and shall have
completed the coursework listed in subsections (f)(1)(A), (B), and (C) of this Section.

3) A holder of an early childhood, elementary, or high school certificate who also holds approval to teach bilingual education or English as a second language shall have completed coursework covering:

A) Methods for teaching in the special education area of assignment;

B) Psychological/educational assessment of students with disabilities who have limited English proficiency, or psychological diagnosis for children with all types of disabilities; and

C) Characteristics of students, or characteristics of students with limited English proficiency specifically, in the special education area of assignment.

4) A holder of a transitional bilingual certificate issued pursuant to 23 Ill. Adm. Code 25.90 and endorsed for the language of assignment shall have completed two years of successful teaching experience and have completed coursework covering:

A) Survey of children with all types of disabilities;

B) Assessment of the bilingual student, or psychological/educational assessment of the student with disabilities who has limited English proficiency;

C) Theoretical foundations of bilingual education and English as a second language, including the study of first and second language acquisition;

D) Methods for teaching in the special education area of assignment; and

E) Characteristics of students, or characteristics of students with limited English proficiency specifically, in the special education area of assignment.
5) A holder of a school service personnel certificate endorsed for guidance, school social work, or school psychology shall successfully complete an examination in the non-English language and shall have completed coursework in assessment of the bilingual student or psychological/educational assessment of the student with disabilities who has limited English proficiency.

g) Directors and Assistant Directors of Special Education

Each school district, or the cooperative entity of which it is a member, shall employ a full-time director of special education, who shall be the chief administrative officer of the special education programs and services of the district or cooperative entity. The provisions of subsections (g)(1) and (2) of this Section shall apply through June 30, 2005. Beginning July 1, 2005, directors and assistant directors of special education shall be subject to the requirements of 23 Ill. Adm. Code 29.140 and 29.150.

1) Each director or assistant director of special education shall hold a valid administrative certificate issued pursuant to 23 Ill. Adm. Code 25.315 and a master’s degree, including 30 semester hours of coursework distributed among all the following areas:

A) Survey of exceptional children;

B) Special methods courses (3 areas of exceptionality);

C) Educational and psychological diagnosis and remedial techniques;

D) Guidance and counseling; and

E) Supervision of programs for exceptional children.

2) Each individual who will function as a director or assistant director of special education shall submit an application for special education administrative approval on a form supplied by the State Board of Education.

3) Each school district, or the cooperative entity of which it is a member, shall employ a full-time director of special education and shall submit to
the State Board of Education a letter identifying the individual employed as the director of special education, along with the minutes of the board(s) of education approving the individual’s employment in that capacity. If the individual is qualified as required, the State Board shall confirm that the individual is the State-approved director of special education for the district or cooperative entity.

4) The individual employed pursuant to subsection (g)(3) of this Section shall be the chief administrative officer of the special education programs and services of the district or cooperative entity.

h) Supervisors

1) Each district or cooperative entity shall employ sufficient supervisory personnel to provide consultation to and coordination of special education services.

2) Each individual performing a supervisory function shall hold a master’s degree, including at least 15 semester hours of coursework distributed among all the following areas:

   A) Survey of exceptional children;

   B) Characteristics course(s) courses in the area(s) areas to be supervised;

   C) Methods course(s) courses in the area(s) areas to be supervised;

   D) Educational and psychological diagnosis and remedial techniques; and

   E) Supervision of programs for exceptional children.

3) Each individual performing a supervisory function shall also hold either:

   A) a valid special certificate in the area to be supervised, endorsed for supervision pursuant to 23 Ill. Adm. Code 25.322, with two years’ teaching experience in that area; or

   B) a valid school service personnel certificate; endorsed for
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supervision and two years’ experience in the area to be supervised; and a valid administrative certificate; or

C) a valid administrative certificate and either a valid special certificate endorsed for the area to be supervised or special education approval in that area.

i) Chief Administrator of Special School

The chief administrator of a special school shall hold an administrative certificate with a general administrative endorsement issued pursuant to 23 Ill. Adm. Code 25.344 and either:

1) the qualifications required under 23 Ill. Adm. Code 25.43 in at least one disability area served by the school; or

2) approval issued by the State Board of Education pursuant to Section 226.810 of this Part for at least one disability area served by the school.

j) Other Professional Personnel

Each individual employed in a professional capacity not specified in subsections (a) through (i) of this Section shall, as appropriate to his or her assignment, hold:

1) the school service personnel certificate endorsed as appropriate to the area of responsibility (see 23 Ill. Adm. Code 25, Subpart D); or

2) a valid license or permission to practice, if the individual’s profession is governed by such a requirement and either no educational credential in the same or a related field is issued by the State Board of Education (e.g., for a physical therapist) or the School Code permits the individual to perform the function(s) assigned; or

3) a credential, regardless of title, issued by a professional association or organization in the relevant field, when no educational credential in the same or a related field is issued by the State Board of Education and no license or permission to practice is required by the State (e.g., for a music therapist or a daily living skills specialist).
k) Noncertified Personnel

1) Each noncertified professional individual employed in a special education class, program, or service, and each individual providing assistance at a work site, shall function under the general direction of a professional staff member.

2) Each program assistant/aide, as well as each nonemployee providing any service in the context of special education, shall function under the direct supervision of a professional staff member.

3) Each district shall provide training experiences appropriate to the nature of their responsibilities to the individuals discussed in subsections (k)(1) and (2) of this Section. Such training shall be in lieu of the requirements for noncertified personnel set forth in 23 Ill. Adm. Code 1, Subpart G.

(Source: Amended at 27 Ill. Reg. 8126, effective April 28, 2003)
OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

1) The heading of the Part: Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances

2) Code Citation: 41 Ill. Adm.Code 170

3) Section Numbers: Adopted Action:

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170.Appendix A Amendment
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170.Appendix C Amendment
170.Appendix D Amendment
170.Appendix F Amendment
170.Appendix G Repeal
170.Appendix H Repeal


5) Effective Date of Amendments: May 1, 2003.

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

7) Does this amendment contain incorporations by reference? No.

8) Date filed in the Agency's principal office: April 28, 2003


10) Has JCAR issued a statement of Objection to these rules? No.

11) Differences between proposal and final version? Some editorial changes were made in response to the Joint Committee on Administrative Rules, you may request the list of agreements for details.
OFFICE OF THE STATE FIRE MARSHAL

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

13) Will this Amendment replace an Emergency Amendment currently in effect? No.

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

15) Summary and purpose of Amendment: These rules are designed to prevent releases of petroleum and other regulated substances from underground storage tanks into the environment. Control technology and record keeping requirements have been amended.

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

   Ms. Shelly Martin
   Office of the State Fire Marshal
   1035 Stevenson Dr.
   Springfield, Il 62703-4259
   217 785-5878

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

**OFFICE OF THE STATE FIRE MARSHAL**

**NOTICE OF ADOPTED AMENDMENTS**

**TITLE 41: FIRE PROTECTION**  
**CHAPTER I: OFFICE OF THE STATE FIRE MARSHAL**

**PART 170**  
**STORAGE, TRANSPORTATION, SALE AND USE OF PETROLEUM**  
**AND OTHER REGULATED SUBSTANCES**

**SUBPART A: MISCELLANEOUS**

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SUBPART B: UNDERGROUND STORAGE TANKS – TECHNICAL REQUIREMENTS

Section 170.400 Definitions

"Abandonment-in-place" is the permanent placement of a UST in an inoperative condition by filling it with inert material in accordance with Section 170.670.

"American Suction" is any suction system other than European, and requires a tightness test every 3 years.

"Bulk storage" means the containment in a UST or aboveground storage tank of a regulated substance for direct transference for purposes of distribution into a tank vessel, pipeline, tank car, tank vehicle, portable tank or container – except that the minimum size of the "container" is required to be greater than the maximum allowed for "dispensing." 

"Cathodic protection" is a technique to prevent corrosion of a metal surface by making that surface the cathode of an electrochemical cell. For example, a tank system can be cathodically protected through the application of either galvanic anodes or impressed current.

"Cathodic protection tester" means a person who can demonstrate an understanding of the principles and measurement of all common types of cathodic protection systems as applied to buried or submerged metal piping and tank systems. This person shall have education and experience in soil resistivity, stray current, structure-to-soil potential and component electrical isolation measurements of buried metal piping and tank systems.

"Compatible" means the ability of two or more substances to maintain their
respective physical properties upon contact with one another for the design life of the tank system under conditions likely to be encountered in the UST.

"Containment sump" means manufactured containments resistant to petroleum and chemical products that contain piping, electrical conduits, pumps and leak sensors.

"Contractor" is a licensed person, excluding employees of the contractor, who performs any UST activity.

"Corrosion expert" is a person who, by reason of thorough knowledge of the physical sciences and the principles of engineering and mathematics acquired by a professional education and related practical experience, is qualified to engage in the practice of corrosion control on buried or submerged metal piping systems and metal tanks. This person shall be accredited as being qualified by the National Association of Corrosion Engineers (NACE) or be a registered Professional Engineer with the State, who has certification or licensing that includes education and experience in corrosion control of buried or submerged metal piping systems and metal tanks.

"Days" means, when the reference is to 30 days, calendar days; any other reference to "days" will be considered working days unless otherwise stated.

"Dielectric material" is one that does not conduct direct electric current. Dielectric coatings are used to electrically isolate UST systems from the surrounding soil. Dielectric bushings are used to electrically isolate portions of the UST system (i.e., tank from piping).

"Dispensing" means the transference of a regulated substance from a UST or aboveground storage tank (AST) directly into the fuel tank of a motor vehicle operated by an internal combustion engine, for use by that motor vehicle. Also, "dispensing" is the transference of a regulated substance from a UST or AST directly into a portable container, as prescribed in 41 Ill. Adm. Code 170.150.

"European suction" is a piping system that draws a liquid through the system by suction pump or vacuum pump located at the dispenser. This system shall have the piping sloped back to the tank and may have no more than one check valve, and it shall be located directly under the suction pump. This type of piping system never requires line leak detection.
"Excavation zone" is the volume containing the tank system and backfill material bounded by the ground surface, walls and floor of the pit and trenches into which the UST system is placed at the time of installation.

"Existing tank system" means a tank system used to contain an accumulation of regulated substance or for which installation has commenced before April 21, 1989. Installation is considered to have commenced if the owner or operator has obtained all Federal, State and local approvals or permits necessary to begin physical construction of the site and installation of the tank system if and the system is completed and brought into operation.

A continuous on-site physical construction or installation program has begun; or The owner or operator has entered into contractual obligations— which cannot be canceled or modified without substantial loss— for physical construction at the site or installation of the tank system, to be completed within a reasonable time.

"Farm" is a tract of land devoted to the production of crops or raising of animals, including fish. "Farm" includes all contiguous land and structures and other appurtenances and improvements; also, fish hatcheries, rangeland and nurseries with growing operations. "Farm" does not include agribusiness (as defined in 20 ILCS 3605/2(i)), laboratories where animals are raised, land used to grow timber and pesticide aviation operations. Moreover, this definition does not include retail stores or garden centers where the produce of nursery farms is marketed, but not produced.

"Farm tank" means a motor fuel UST located on a farm and used exclusively for farm purposes.

"Flow-through process tank" is a tank that forms an integral part of a production process through which there is a steady, variable, recurring or intermittent flow of materials during the operation of the process. Flow-through process tanks do not include tanks used for the storage of materials prior to their introduction to the process or for the storage of finished products or by-products from the production process. When the process is shut down, flow-through process tanks do not store product to be used once the process is resumed and may contain no more than a de minimis amount of product.

"Gathering lines" are any pipeline, equipment, facility or building used in the
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transportation of oil or gas during oil or gas production or gathering operations.


"Hazardous substance UST system" means an underground storage tank system that contains a hazardous substance or any mixture of such substances and petroleum and which is not a petroleum UST system.

"Heating oil" means petroleum that is No. 1, No. 2, No. 4-light, No. 4-heavy, No. 5-light, No. 5-heavy or No. 6 technical grades of fuel oil; other residual fuel oils (including Navy Special Fuel Oil and Bunker C) and other fuels when used as substitutes for one of these fuel oils. Heating oil is typically used in the operation of heating equipment, boilers or furnaces.

"Heating oil tank for consumptive use on the premises where stored" means heating oil consumed exclusively on the premises where the heating oil UST is located, for space-heating or water-heating purposes. It does not include using heating oil to heat from a boiler or furnace through direct conductivity any product or substance used in a manufacturing or production process or using heating oil as an ingredient in a manufacturing or production process. Heating oil used to heat grain dryers or kilns is used for consumptive use on the premises.

"Hydraulic lift tank" means a tank holding hydraulic fluid for a closed loop mechanical system that uses compressed air or hydraulic fluid to operate lifts, elevators or other similar devices.

"Interior liner" is a person who applies interior or internal lining.

"Interior or internal lining" means corrosion and chemical resistant materials that are sprayed, brushed or applied to the inside of a tank to protect the tank and its product from contamination by corrosion. Interior lining is applied by an interior liner.

"Kerosene" is a refined petroleum distillate consisting of a homogeneous mixture
of hydrocarbons essentially free of water, inorganic, acidic or basic compounds, and excessive amounts of particulate contaminants. Two classifications are recognized by ASTM D 3699-92, incorporated by reference in Section 170.410, as follows:

No. 1-K – A special low-sulfur grade kerosene suitable for use in nonflue-connected kerosene burner appliances and for use in wick-fed illuminating lamps; and

No. 2-K – A regular grade kerosene suitable for use in flue-connected burner appliances and for use in wick-fed illuminating lamps.

"Liquid traps or associated gathering lines directly related to oil or gas production or gathering operations" refer to sumps, well cellars or other traps used in association with oil or gas production, gathering or extraction operations (including gas production plants), for the purpose of collecting oil, water or other liquids. Such liquid traps may temporarily collect liquids for subsequent disposition or reinjection into a production or pipeline stream or may collect and separate liquids from a gas stream.

"Motor fuel" means petroleum or a petroleum-based substance that is motor gasoline, aviation gasoline, No. 1 or No. 2 diesel fuel or any grade of gasohol and is typically used in the operation of a motor engine.

"New tank system" means a tank system that will be used to contain an accumulation of regulated substances and for which installation commenced on or after April 21, 1989. A new tank system may include a tank which has been installed, contained regulated substances, removed and re-certified. "Noncommercial purposes" with respect to motor fuel means not for resale and shall be exclusively for farm or residential use.

"OMI" or "Operational Maintenance Inspection" is an inspection performed by an STSS to establish a facility's regulatory compliance.

"On the premises where stored" means tanks located on the same or contiguous property where the stored heating oil is used. "On the premises" is not limited to the building where the heating oil is stored. Thus, centralized heating units using heating oil that serve more than one building on the same property are included.
"Operation" or "use" in reference to underground storage tanks means that the tank must have had input or output of petroleum, petroleum products, or hazardous substances, with the exception of hazardous wastes, during the regular course of its usage. "Operation" does not include (i) compliance with leak detection requirements as prescribed by rules and regulations of the Office of the State Fire Marshal or (ii) the mere containment or storage of petroleum products, or hazardous substances, with the exception of hazardous wastes. [430 ILCS 15/4]

"Operator" means any person in control of, or having responsibility for, the daily operation of the UST system.

"OSI" or "Operational Safety Inspection" is an inspection of removal, abandon-in-place, or any tank entry activity requiring an STSS on site.

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

"Overfill release" is a release that occurs when a tank is filled beyond its capacity, resulting in a discharge of the regulated substance to the environment.

"Owner" means:

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

In the case of any UST system in use before November 8, 1984, but no longer in use on that date, any person who owned such UST immediately before the discontinuation of its use.

"PAI" or "Performance Assurance Inspection" is an inspection of UST installation and upgrades, where an STSS is scheduled by Date and Time Certain job schedules.

"Person" means an individual, trust, firm, partnership, joint stock company, corporation, Federal agency, state, municipality, commission, unit of local government or political subdivision of a state or any interstate body. "Person" also includes consortium, joint venture, commercial entity or the United States Government.
"Petroleum" (including crude oil or any fraction of crude oil that is liquid at standard conditions of temperature and pressure (60° F and 14.7 pounds per square inch absolute)), includes, but is not limited to, petroleum-based substances comprised of a complex blend of hydrocarbons derived from crude oil through processes of separation, conversion, upgrading or finishing, such as motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents or used oils.

"Petroleum UST system" means an underground storage tank system that contains petroleum or a mixture of petroleum with de minimis quantities of hazardous substances. Such systems include those containing motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents or used oils.

"Pipe or piping" is any hollow cylinder or tubular conduit that is constructed of non-earthen materials.

"Pipeline facilities (including gathering lines)" include new or existing pipe rights-of-way and any equipment, facilities or buildings used in the transportation of gas (or hazardous liquids, which include petroleum or any other liquid designated by the United States Secretary of Transportation) or the treatment of gas or designated hazardous liquids during the course of transportation.

"Re-Certification" of Removed USTs: A re-certified tank is any tank that has been internally and externally inspected. These inspections and re-certifications shall be conducted by a member of the Steel Tank Institute or Fiberglass Tank Institute, or original manufacturer. The re-certified tank must have a warranty remaining for at least 5 years and the warranty must be submitted in writing to OSFM. "Re-certification" (of a UST) means when the UST is to be re-certified a certified member of the Steel Tank Institute or Fiberglass Petroleum Tank and Pipe Institute (whichever is appropriate) or the manufacturer has inspected the UST and issued its approval as to the adequacy of integrity of the UST to contain regulated product in accordance with applicable laws and regulations. A re-certified UST that is re-installed is classified as a "new tank system." The Fiberglass Petroleum Tank and Pipe Institute address is: 9801 Westheimer, Suite 606, Houston, TX 77042-3951, (713) 465-3310; the address for the Steel Tank Institute is located in Section 170.410.

"Regulated substance" means petroleum or hazardous substance as defined in this Section.
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"Release" means any spilling, overfilling, leaking, emitting, discharging, escaping, leaching or disposing from a UST into groundwater, surface water or subsurface soils.

"Reliner" means "interior liner."

"Repair" means to restore a UST system component that has caused or may cause a release of product from the UST system.

"Residence" means single-family dwelling unit or duplex and parcel of property each is located on, with only one unit or duplex per parcel.

"Residential tank" is a motor fuel UST located on residential property used for noncommercial purposes by a single family and located on property on which that family's residence is located. For purposes of this definition, "residence" shall include a single-family dwelling or duplex.

"Service stations" are defined as:

- "Automotive service station." That portion of property where regulated substances used as motor fuels are stored and dispensed for retail sale (see Section 2 of the Use Tax Act for a definition of "retail sale" [35 ILCS 105/2]) from fixed equipment into the fuel tanks of motor vehicles operated by internal combustion engines, for use by those motor vehicles.

- "Marine service station" or "Marina." That portion of property where regulated substances used as motor fuels are stored and dispensed from fixed equipment on shore, piers, wharves or floating docks into the fuel tanks of self-propelled craft operated by internal combustion engines, for use by those self-propelled craft.

- "Service station," whether automotive or marine, includes attended service station, attended self-service station and unattended self-service station.

"Site assessment" is sampling and analyzing the results of the sampling to determine if a release has occurred and if contamination is present on a site. In making this determination, consideration shall include, but not be limited to, the following factors: whether the site is within an area where it is likely that
contamination may exist; nature of the stored substance; the type of initial alarm or cause for suspicion; the types of backfill; the depth of groundwater; and any other factors appropriate for identifying the presence and source of a release.

"Spill release" is a release that usually occurs at the fill pipe opening of a tank when a delivery truck's hose is disconnected from the fill pipe, while product continues to exit the hose, resulting in a discharge of the regulated substance to the environment.

"Storm-water" or "wastewater" collection system is all piping, pumps, conduit and any other equipment necessary to collect and transport the flow of surface water run-off resulting from precipitation or domestic, commercial or industrial wastewater to and from retention areas or areas where treatment is designated to occur. The collection of storm-water or wastewater does not include treatment, except where incidental to conveyance.

"STSS" means Storage Tank Safety Specialist.

"Surface impoundment" is a natural topographic depression, man-made excavation or diked area formed primarily of earthen materials (although it may be lined with man-made materials) that is not an injection well.

"Tank" is a stationary device designed to contain an accumulation of regulated substances and constructed of non-earthen materials (e.g., steel, fiberglass, concrete or plastic) that provides structural support.

"Ten percent or more beneath the surface of the ground" with reference to a tank, means that its volume (including the volume of its connected underground piping) is 10 percent or more beneath the ground surface or otherwise covered with earthen materials. If a tank is in a vault, it is considered "beneath the surface of the ground," if it cannot be viewed from all sides and top and base.

"Underground pipes connected thereto" means all underground piping, including valves, elbows, joints, flanges and flexible connectors attached to a tank system through which regulated substances flow. For the purpose of determining how much piping is connected to any individual UST system, the piping that joins two UST systems should be allocated equally between the systems. Where tanks are manifolded together with product piping, each tank is considered a separate UST system. Exempt tanks shall not be connected by piping to regulated tanks.
"Underground storage tank system" or "UST" means any one or combination of tanks (including underground pipes, ancillary equipment and cathodic protection connected thereto) used to contain an accumulation of regulated substances, and the volume of which (including the volume of underground pipes connected thereto) is 10 percent or more beneath the surface of the ground. A tank system classified as a UST may not be re-classified as being a non-UST unless there has been a change-in-service as provided in Section 170.630. A non-UST system tank used to store a non-regulated substance may not be converted to a UST system tank unless the tank has been re-certified and is in compliance with all applicable upgrade requirements. A UST system does include an emergency power generator tank that stores any classification of fuel for use exclusively, alternately or concurrently by an emergency power generator, except as otherwise excluded in this definition. The term "underground storage tank system" or "UST" does not include any pipes connected to any tank excluded from this definition. Underground storage tank system or UST does not include any tank system as follows:

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

Heating oil tank of any capacity used exclusively for storing heating oil for consumptive use on a farm or residence;

Septic tank;

Pipeline facility (including gathering lines):

Regulated under the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1671, et seq.);


Regulated under the Illinois Gas Pipeline Safety Act [220 ILCS 20];

Any wastewater treatment tank system (including oil-water separators) that is part of a wastewater treatment facility regulated under Section 402 or 307(b) of the Clean Water Act;
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Surface impoundment, pit, pond or lagoon;

Storm-water or wastewater collection system;

Flow-through process tank;

Emergency spill protection tank or overflow tank that is emptied expeditiously following use;

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

Storage tank situated in an underground area (such as a basement, cellar, mineworking, drift, shaft or tunnel) if the storage tank is situated upon or above the surface of the floor and can be viewed from all sides and top and base;

Storage tank situated in a vault (whether underground or aboveground), if the storage tank is situated upon or above the surface of the floor or ground and can be viewed from all sides and top and base;

Tank abandoned-in-place by filling with inert material in compliance with Section 170.670 issued by the Office of the State Fire Marshal;

Tank with a capacity of 110 gallons or less;

Any UST system holding hazardous wastes listed or identified under Subtitle C of the Solid Waste Disposal Act (42 U.S.C. § 3251 et seq.);

Tank that contains a de minimis concentration of regulated substances, except that such tank shall have been in such status as of April 21, 1989 and may not have been converted to a UST system tank on or after that date, unless the tank has been re-certified and is in compliance with applicable upgrade requirements; or

Equipment or machinery that contains regulated substances for operational purposes such as hydraulic lift tanks or electrical equipment tanks.

The following UST systems are deferred from the requirements of Sections
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170.420 through 170.580 and 170.620 through 170.672 (whether single- or double-wall construction):

Wastewater treatment tank system (including oil-water separators, except that oil-water separators which are components of an oil processing, refining or treatment system are not wastewater treatment tanks);

Any UST system containing radioactive material that is regulated under the Atomic Energy Act of 1954 (42 U.S.C. 2011);

Any UST system that is part of an emergency generation system at a nuclear power generation facility regulated by the United States Nuclear Regulatory Commission;

Airport hydrant fuel distribution system; and

Any field-constructed tank.

Although the systems deferred immediately above are exempt from the requirements in Sections 170.420 through 170.580 and 170.620 through 170.672, they are required to comply with Sections 170.590 through 170.610 and, by December 22, 1998, are required to comply with the following:

Be constructed to prevent releases due to corrosion or structural failure for the operational life of the UST system;

Be cathodically protected against corrosion, constructed of non-corrodible material, steel clad with a non-corrodible material, or designed in a manner to prevent the release or threatened release of any stored substance;

Be constructed or lined with material that is compatible with the stored substance; and

An owner of a UST system with a field-constructed tank shall install a method for leak detection in accordance with written directives issued by the Office of the State Fire Marshal.

"UST activity" means a UST:
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Installation – including retrofitting and cathodic protection installation;

Repair – including upgrade, which includes retrofitting and cathodic protection installation;

Removal – decommissioning, which includes abandonment-in-place;

- **Lining Relining**;
- **Lining inspections, lining touchup**;
- **Tank entry**;
- Tank and/or line precision tightness testing; or
- Cathodic protection testing.

"Upgrade" is the addition or retrofit of some portion of a UST system, such as cathodic protection, leak detection, new dispenser islands, new piping, interior lining (lining relining) or spill and overfill controls, manway, flex connectors or new bungs, to improve the ability of the UST to prevent the release of product.

"Wastewater treatment tank" means a tank that is designed to receive and treat any influent wastewater through physical, chemical or biological methods.

(Source: Amended at 27 Ill. Reg. 8164, effective May 1, 2003)

Section 170.410 Incorporations by Reference

a) The following publications are incorporated by reference in this Subpart:

American National Standards Institute (ANSI). Available from the American National Standards Institute, 11 W. 42nd Street, New York, NY 10036 (212)642-4900:

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American Petroleum Institute (API). Available from the American Petroleum Institute, 1220 L Street, N.W., Washington, D.C. 20005 (202) 682-8375:

API Recommended Practice 1626, "Storing and Handling Ethanol and Gasoline-Ethanol Blends at Distribution Terminals and Service Stations."
API Recommended Practice 1627, "Storage and Handling of Gasoline-Methanol/Consolvent Blends at Distribution Terminals and Service Stations."
API Recommended Practice 1632, "Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems."
API Standard 2015, "Safe Entry and Cleaning of Petroleum Storage Tanks."
API Publication 2200, "Repairing Crude Oil, Liquefied Petroleum Gas, and Product Pipelines."


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NACE International (NACE). Available from NACE International, 1440 S. Creek Dr., Houston, TX 77084, (281) 228-6223 (713) 492-0535:


National Fire Protection Association (NFPA). Available from the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269 (617) 770-3000 or (800) 344-3555:

NFPA 30, "Flammable and Combustible Liquids Code;", issued 2000. Also available from ANSI.

NFPA 30A, "Automotive and Marine Service Station Code;", issued 2000. Also available from ANSI.

NFPA 70, "National Electrical Code;" issued 1999. Also available from ANSI.

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NFPA 326327, "Standard Procedures for Cleaning or Safeguarding Small Tanks and Containers," issued 19994993. Also available from ANSI.

NFPA 385, "Tank Vehicles for Flammable and Combustible Liquids," issued 20001990. Also available from ANSI.

National Leak Prevention Association (NLPA). Available from the National Leak Prevention Association, P.O. Box 1643, Boise, ID 83701-1643 (208) 389-2074:


Petroleum Equipment Institute (PEI). Available from the Petroleum Equipment Institute, Box 2380, Tulsa, OK 74101 (918) 494-9696:


Steel Tank Institute (STI). Available from the Steel Tank Institute, 570 Oakwood Road, Lake Zurich, IL 60047 (847) 438-8265:

STI (F841.01) "Standard for Dual Wall Underground Steel Storage Tanks," effective June 1, 2001 February 15, 1994.


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Underwriters Laboratories of Canada (UL Canada). Available from Underwriters Laboratories of Canada, 7 Crouse Rd., Scarborough, Ontario MIR 3A9 CANADA (416) 757-3611:


UL Canada Subject ULC/ORD-C107.7-1993. "Glass-Fiber Fibre Reinforced
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c) This Section incorporates no later editions or amendments.

d) Where the above-referenced publications conflict with Part 170, the State regulations shall take precedence.

e) The following State of Illinois regulations are referenced in this Part:

35 Ill. Adm. Code 742, Appendix B.

(Source: Amended at 27 Ill. Reg. 8164, effective May 1, 2003)

Section 170.411 USTs Out of Service Operation One Year

USTs may remain non-operational, but shall meet the complete upgrade requirements specified in this Part and 40 CFR, and may continue in a state of nonuse provided the requirements of this Section are met:

a) The UST and product lines are empty, with no more than 1 inch of product remaining in the tank; if not, tank and line release detection must remain in operation and must be maintained.

b) Cathodic protection shall be maintained and operational for all tanks and lines, and tested as required, to include flex/pipe connectors. This will include any monthly logs that need to be maintained.

c) The Office of the State Fire Marshal receives a written request, within 30 days after the date the tanks was last used, requesting out of service status.

d) Leave vent lines open and functioning.
e) Cap and secure all product and electric lines. Secure all pumps, manways and ancillary equipment.

f) A UST system may be put back in operation any time during the first 12 months, subject to the requirement that the OSFM be notified in writing at least 10 days prior to operation.

g) A site assessment shall be conducted at the end of one year from the date of non-use, and a report shall be submitted to the OSFM.

h) Systems out of use for over 1 year may be put back in service provided that:

1) Tanks and lines are to be precision tested.

2) Line leak detectors must be tested.

3) Tank and line release detection is tested and proven operational.

4) Cathodic protection is tested and proven sufficient.

5) Site assessment was conducted at the end of the first year.

6) All test results referenced in subsections (h)(1)-(5) must be performed within 30 days after placing the tank back in service and submitted to the Office of the State Fire Marshal 10 days prior to reopening so that a certification audit can be performed.

i) The state of non-operations may continue for a period of 5 years from the first date of non-operational status. After 5 years the tank system shall be removed.

(Source: Amended at 27 Ill. Reg. 8164, effective May 1, 2003)

Section 170.412 Delegation of Authority to Enforce UST Rules and Regulations
Pursuant to 430 ILCS 15/2, the Office of the State Fire Marshal has authority to delegate to the City of Chicago enforcement of its underground storage tank rules and regulations.

a) The methods and procedures of this enforcement do not have to be identical with those of the Office; however, the Office has oversight concerning such enforcement.

b) Subject to the terms of such a delegation agreement, where the Office of the State Fire Marshal is expressly authorized to initiate enforcement action, the City of Chicago has concurrent authority.

c) The rules and regulations of the City of Chicago shall not be less stringent than this Part.

(Source: Amended at 27 Ill. Reg. 8164, effective May 1, 2003)

Section 170.420  Design, Construction, Installation, Upgrade Procedures and Notification of New UST Systems

a) Tanks. Each tank shall be properly designed, constructed and installed, and any portion underground that routinely contains product shall be protected from corrosion, in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory, as specified below:

1) The tank is constructed of fiberglass-reinforced plastic. (The following industry codes, incorporated by reference in Section 170.410, may be used to comply with this subsection (a)(1): UL 1316; UL Canada Standard CAN4-S615; or ASTM D 4021-92.) To prevent penetration of the tank bottom, all non-metallic tanks shall be equipped with steel striker plates on the tank bottom immediately below any opening which might be used for taking dipstick measurements.

2) The tank is constructed of steel and cathodically protected (The following codes and standards, incorporated by reference in Section 170.410, may be used to comply with this subsection (a)(2): STI-P3; UL Canada Standard CAN4-S603, CAN4-S603.1 and CAN4-S631; NACE RPO285; or UL 58.) in the following manner:

A) Metallic tanks shall be thoroughly coated on the outside with
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suitable rust-resisting dielectric material.

B)  All field-installed cathodic protection systems shall be designed by a corrosion expert.

C)  New impressed current systems shall be designed to allow determination of the systems' current operating status by means of permanently installed lights and gauges as required in Section 170.460(e). Existing impressed current systems must meet these requirements on or before November 1, 2003.

D)  Cathodic protection systems are operated and maintained in accordance with Section 170.460.

3)  Steel tanks shall be set on firm foundations and surrounded with at least 12 inches of non-corrosive inert material such as clean sand or gravel, well-tamped in place. The tank shall be placed in the hole with care, since dropping or rolling the tank into the hole can break a weld, puncture or damage the tank or scrape off the protective coating of coated tanks.

4)  Steel tanks shall be covered with a minimum of three feet of earth. USTs existing on October 1, 1985 shall have been buried so that the tops of the tanks will not be less than two feet below the surface of the ground or shall be under at least 12 inches of earth and a slab of reinforced concrete not less than four inches in thickness; the slab shall be set on a firm, well-tamped earth foundation and shall extend at least one foot beyond the outline of the tank in all directions. When asphaltic or reinforced paving is used as part of the protection, it shall extend at least one foot horizontally beyond the outline of the tank in all directions.

5)  Either:

A)  The tank is constructed of a steel-fiberglass-reinforced plastic composite (The following industry codes, incorporated by reference in Section 170.410, may be used to comply with this subsection (a)(5): Act-100 or UL 1746.); or

B)  The tank construction and corrosion protection are determined by the Office of the State Fire Marshal to be designed to prevent the
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release or threatened release of any stored regulated substance in a manner that is no less protective of human health or the environment than subsections (a)(1) and (2) of this Section above. Before the installation of any such tank, its construction and corrosion protection shall be submitted to the Office in writing and is subject to written approval by the Office.

6) Re-certified tanks may satisfy the requirements of subsections (a)(1) and (2) of this Section above; however, written proof of such re-certification shall be submitted to the Office of the State Fire Marshal and STSS. Re-certified tanks must be reinstalled within 6 months after removal or re-certification, whichever is sooner. Re-certified tanks must have a warranty remaining for at least 5 years. Re-certifications must be conducted by a member of the Steel Tank Institute, Fiberglass Tank Institute, or the original tank manufacturer.

b) Spill and overfill prevention equipment.

1) To prevent spilling and overfilling associated with product transfer to the UST system, owners or operators shall use the following spill and overfill prevention equipment:

A) Spill prevention equipment that will prevent release of product to the environment when the transfer hose is detached from the fill pipe (e.g., a spill catchment basin). New or replaced spill prevention equipment must have a minimum 5 gallon capacity and be maintained in a dry, clean state; and

B) Overfill prevention equipment that:

i) Automatically shuts off flow into the tank when the tank is no more than 95 percent full;

ii) Alerts the transfer operator when the tank is no more than 90 percent full by restricting the flow into the tank or triggering a high-level alarm; or

iii) Provides alternative methods that are no less restrictive than Subpart A or B and no less protective of human health.
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or the environment, as approved in writing by the Office of the State Fire Marshal.

C) **Float vent valves for overfill prevention shall not be allowed on any type suction system.**

2) Owners or operators are not required to use the spill and overfill prevention equipment specified in subsections (b)(1)(A) and (B) of this subsection, if:

   A) Alternative equipment is used that is determined by the Office of the State Fire Marshal in writing to be no less protective of human health or the environment than the equipment specified in subsections (b)(1)(A) and (B) of this subsection; or

   B) The UST system is filled by transfers of no more than 25 gallons at one time, but shall have spill containment.

c) **Installation** tank, piping and upgrade procedures.

   1) Excavation for USTs shall be made with due care to avoid undermining of foundations of existing structures. All USTs under buildings shall be located with respect to existing building foundations and supports so that the loads carried by the latter cannot be transmitted to the tank.

   2) All tanks and piping shall be properly installed in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory and in accordance with the manufacturer's instructions. (Tank and piping system installation practices and procedures described in the following codes, incorporated by reference in Section 170.410, may be used to comply with this subsection (c)(2): API Recommended Practice 1615; PEI Publication RP100; or ANSI B31.3 and B31.4.)

   3) Metallic tanks shall not be surrounded or covered by cinders or other material of corrosive effect. Corrosion protection shall be provided in accordance with Section 2-3.3 of NFPA 30, incorporated by reference in Section 170.410, where soil resistivity is 10,000 ohm-centimeters or less. Such corrosion protection shall be in accordance with API 1615,
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incorporated by reference in Section 170.410.

4) Secure proper permitting and job schedules for installation, piping or upgrades and obtain a stamped acknowledgement from the OSFM.

5) Conduct on-site inspection to ensure accuracy of approved site plans, drawings and actual equipment being installed.

6) Provide equipment with sufficient lifting capacity to unload and place USTs into the tank excavation. Tanks shall not be rolled, dropped or dragged.

7) Upon delivery at the installation site, tanks and piping shall be inspected to detect any evidence of damage to coatings or structure.

8) Upon discovery of any damage to tanks or piping, repairs shall be in accordance with manufacturer’s instructions or supervision.

9) Prepare excavations to ensure safe movement of equipment and materials. Excavations shall provide adequate space for the installation of tanks, piping and ancillary equipment. Special attention shall be given to sloping, benching, stepping or shoring the sides of the excavation to make it stable.

10) Conduct Date and Time Certain inspection by OSFM personnel for testing USTs before installation, as per manufacturer's recommended procedures.

11) To prevent flotation of USTs as a result of high water table or flooding, approved anchorage methods or ballasting shall be installed.

12) Pipe trenches shall meet manufacturer’s specifications and API 1615 Section 10.3.1 for depth, width, slope, spacing and placement of pipe within.

13) Pipe installation shall meet manufacturer’s specifications and API 1615, Sections 9.3 and 9.4. Joint adhesive and thread sealant shall meet manufacturer’s requirements for petroleum products, including ethanol or methanol blended gasoline.
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14) OSFM personnel may conduct Date and Time Certain air test of pipe installation and examine any corrosion protection before backfilling of pipe trenches.

15) Wiring of electric pumps and all electrical equipment in connection therewith shall conform to NFPA 70.

16) After all work has been completed and the system has been put into service, OSFM personnel may conduct a Date and Time Certain final inspection. This inspection will be conducted on the UST installation, leak detection equipment, spill and overfill equipment and the electrical system. The completed Notification of Underground Storage Tanks form will be ready to present to the OSFM STSS during the final inspection.

17) Contractors shall complete the manufacturer’s installation checklist for USTs and piping and submit it to the manufacturer or owner as applicable. The contractor shall maintain a copy of the checklist.

18) There shall be a minimum of two manufactured slotted or perforated observation wells of at least 4” diameter installed in each new tank field of tanks larger than 1,000 gallons and one well for 1,000 gallon tanks or less and shall have two wells for fields with more than one tank. They shall be placed at opposite ends or opposite corners 1 foot below the invert elevation of lowest UST. Lids shall be securely protected against unauthorized activities. Only one well will be required if groundwater flow direction can be proven and such proof is supplied at the time of permitting and the well is then installed in the downstream location.

19) Containments – submersible and dispensers.

A) A water tight containment will be installed on all new tanks or when piping is replaced at the tank.

B) Water tight dispenser containments will be installed under dispensers on all new installations or when piping is replaced at dispensers.

C) A hydrostatic test will be performed on all containment
installations as follows (hydrostatic testing does not apply to piping):

i) **All penetrations must be completed prior to testing, including electrical.**

ii) **Containment is to be filled with water to a height that covers the highest penetration by 2”.**

iii) **Containment is not to be backfilled (backfilling is allowed for support of containment sump, but not to be installed around the sides of the sump) prior to test.**

iv) **Test duration is 30 min. and performed under PAI Time and Date Certain requirements with no drop in water level.**

20) **All repairs, installations, upgrades and maintenance of UST systems shall be done in accordance with manufacturer’s recommended procedures.**

21) **Any installation work performed in or around the excavation area must stop at sunset unless adequate lighting is provided.**

d) **Certification of installation.**

1) **Contractors shall certify on the UST notification form that:**

A) **The installer has been certified or licensed by the Office of the State Fire Marshal.**

B) **The installation has been inspected and approved by the Office of the State Fire Marshal.**

C) **All work listed in the manufacturer's installation checklist has been completed, if applicable.**

D) **All applicable Office of the State Fire Marshal installation requirements, as contained in this Part, have been completed. Checklists as located in Appendix A of this Part for installation have been completed—Upgrade are to follow the appropriate Section of the**
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installation guidelines.

E2) In addition, contractors shall certify on the UST notification form in accordance with Section 170.440(f) that at least one of the following has been completed: A) the installer has been certified by the tank and piping manufacturers if applicable;

B) The installation has been inspected and certified by a registered Professional Engineer with the State who has education and experience in UST system installation; or

C) The owner or operator has complied with another method for ensuring compliance with subsection (c) above, that is determined by the Office of the State Fire Marshal in writing to be no less protective of human health or the environment.

(Source: Amended at 27 Ill. Reg. 8164, effective May 1, 2003)

Section 170.421 Piping

a) Piping, valves and fittings for flammable liquids shall be designed for the working pressures and structural stresses to which they may be subjected and approved for their intended use. The application of any material shall not interfere with the normal operation of the shear valves, fusible links or any equipment installed under the dispensers or submersibles. They shall be of steel or other materials suitable for use with the liquid being handled. Pipe-wall thicknesses being determined in accordance with ANSI B31, incorporated by reference in Section 170.410, shall be deemed to comply with this Section, except that carbon steel pipe shall not be thinner than standard wall thickness listed in ANSI B36, incorporated by reference in Section 170.410.

b) Non-metallic piping systems conforming to the requirements of ANSI B31, incorporated by reference in Section 170.410, for use with flammable and combustible liquids are permitted underground.

c) After installation, pressurized piping shall be tested for 30 minutes at 1.5 times the working pressure or 50 PSI, whichever is higher. Suction and vent piping shall be tested at a minimum positive pressure of 7 psi or in accordance with the
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manufacturer's recommended procedures.

d) Piping that routinely contains regulated substances and is in contact with the ground, backfill or water shall be properly designed, constructed and protected from corrosion in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory, as specified below, and all steel risers, vents, and fills in contact with the ground, backfill or water shall be dielectrically wrapped or coated:

1) The piping is constructed of fiberglass-reinforced plastic (the following codes and standards, incorporated by reference in Section 170.410, may be used to comply with this subsection (d)(1): UL 567; UL Canada Subject C107C; or UL Canada Standard CAN4-S633);

2) The piping is constructed of steel and cathodically protected in the following manner:

   A) The piping is coated with a suitable dielectric material;

   B) Field-installed cathodic protection systems are designed by a corrosion expert;

   C) New impressed current systems are designed to allow determination of system current operating status by means of permanently installed lights, amp, volts and hour gauges as required in Section 170.460(e) and existing impressed current systems must meet these requirements on or before November 1, 2003;

   D) Cathodic protection systems are operated and maintained in accordance with Section 170.460 (the following codes and standards, incorporated by reference in Section 170.410, may be used to comply with this subsection (d)(2): NFPA 30; API Recommended Practice 1615; API Recommended Practice 1632; or NACE RPO285); or

   E) The piping construction and corrosion protection are determined by the Office of the State Fire Marshal to be designed to prevent the release or threatened release of any stored regulated substance,
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in a manner that is no less protective of human health and the environment than the requirements in subsections (b)(1) and (2) above. Before the installation of any such piping, its construction and corrosion protection shall be submitted to the Office in writing, and the Office shall issue written approval.

e) UST wiring procedures. All wiring at UST locations shall be in accordance with NFPA 70, incorporated by reference in Section 170.410. Wiring within 20 feet of tanks, within 20 feet of dispenser pumps or run in the product line trenches shall be installed in rigid metallic conduit or threaded steel conduit (or any petroleum or product resistant conduit approved for that use). Electrical conduit shall maintain at least six inches of separation from product piping to avoid damage from abrasion or stray electrical current and shall be routed away from product piping. Minimum cover is required in accordance with Table 300-5 of NFPA 70, incorporated by reference in Section 170.410. Intrinsically safe wiring shall be in conduit when installed within Class I locations, as specified in NFPA 70, incorporated by reference in Section 170.410. Caution should be taken when grounding since it impairs cathodic protection of metallic tanks or piping. When locating electrical wiring in the same trench as the product lines, the conduit shall be positioned on either side of the product piping but not above or below the product piping. This electrical conduit shall cross over the top of any product piping whenever a cross-over is necessary. A six-inch separation shall be maintained at all times, even during a cross-over. All cross-overs shall be kept to a minimum. All electrical power shall be shut off at the immediate location where installations, repairs or upgrades are in progress. All electrical seal-offs are to be properly filled whether being used or for future use.

f) All related wiring shall be inspected during UST final inspection. Certification of installation shall be as per Section 170.420(d).

g) A positive shut off valve shall be installed on the product line at the submersible or at the tank for all suction systems on all new installations and when piping is replaced at existing sites and made accessible at grade. Extractor valve will be accepted on European suction instead of positive shut off valve.

h) Vent lines will be tested from the tank to grade level at the time of installation. This test will be done at 7 psi minimum or at the pressure recommended by the manufacturer. This test will be performed at the time of the line PAI test.
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i) The application of any material shall not interfere with the normal operation of the shear valves or fusible links, or any equipment installed under dispensers or submersibles.

j) The new installation or total upgrade of product piping shall be double-walled for the entire length of that product line, with the exception of European suction, after May 1, 2003.

k) Any time product piping is broken for repairs, a precision line tightness test must be conducted before the piping is put back into service.

(Source: Amended at 27 Ill. Reg. 8164, effective May 1, 2003)

Section 170.422 Clearance Required for Underground Storage Tanks

a) Distance to basements, etc.:

1) Dispensing USTs shall be 20 or more feet from any basement, cellar, pit or below-grade excavation on or off the property.

2) No new USTs not used for dispensing may be located under a building or not less than 5 feet from a building.

b) Distance to sewers, etc. Individual tanks and piping shall be buried so that the tops of the tanks and piping shall be lower than the bottom level of all sewers, manholes, catch-basins, cesspools, septic tanks, septic tank clean out stations, wells or cisterns within twenty feet, on or off the property, or tanks and piping shall maintain a full clearance of twenty feet. The term "sewer" includes sanitary and storm sewer lines out of service station buildings, provided, however, that these clearances shall not be required when a sewer line out of a service station is constructed throughout of cast iron with lead joints or petroleum resistant o-rings.

c) Distance to property lines. Individual tanks shall be at least twenty feet to property lines, provided, however, that these clearances on the side adjacent to a public street, alley or highway are waived by consent of the authority having immediate jurisdiction over the public street, alley or highway, provided that the required sewer clearances will be maintained.
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d) Distance to special classes of property. Tanks and pumps shall maintain a clearance of not less than 300 feet to any mine shaft, air or escape shaft for any mine and 85 feet to any school, institutional, public assembly or theater occupancy, as defined in NFPA 101, incorporated by reference in Section 170.410. The distance shall be measured from the nearest points of tanks and pumps to the nearest points of buildings or shafts.

e) Where the site size makes compliance with these clearance requirements an impossibility or an imposition, as determined by the Office of the State Fire Marshal during a permit review, a double-wall tank or piping system or both with interstitial monitoring, shall be used and is subject to approval by the Office. Interstitial piping monitoring requirements will only be waived for European suction piping systems Suc tion Piping Systems. Hazardous substance UST systems shall be double-wall, and all such existing systems shall be upgraded to double wall by December 22, 1998.

f) Tanks in service on October 1, 1985 may maintain existing underground tank clearances. Existing service stations' basements less than 20 feet from a UST system shall be provided with mechanical ventilation, and only non-sparking explosion proof motors and compressors shall be permitted in such basements and proof of compliance shall be submitted to OSFM. New setback distances will be required when upgrading these existing systems, if existing tanks are removed or if new tanks or islands are installed.

g) The minimum setback distances indicated in this Section will be required, when upgrading existing systems, only for the portion of that system that is being upgraded, including tank replacement, island replacement or piping.

(Source: Amended at 27 Ill. Reg. 8164, effective May 1, 2003)

Section 170.423 Pressure Testing of Existing Tanks or Lines

After installation, pressure testing, with air or other gases, of underground storage tanks or piping containing, or which have contained, flammable or combustible liquids is prohibited. Except, approved tank or line tightness testing with inert gasses (nitrogen and helium) may be utilized. Preliminary air tests may be used for tanks cleaned and vapor freed for the purposes of testing coverplates or gaskets as specified in Sections 170.530(i) and 170.540(b).

(Source: Amended at 27 Ill. Reg. 8164, effective May 1, 2003)
Section 170.424 Venting of Tanks

This Section is applicable to motor fuel tanks located at service stations, unless otherwise noted.

a) Each tank shall be provided with a separate normal working vent pipe, connected with the top of the tank and carried up to the outer air. Underground manifolding of normal working vents is prohibited. The pipe shall be arranged for proper drainage to the storage tank, and its lower end shall not extend through top of tank for a distance of more than one inch; it shall have no traps or pockets. Float vent valve overfill devices are not considered an extension of the standard vent. Manifolded normal vents installed on USTs located at facilities which were existing prior to April 1, 1995 may be left in place provided that the vents can be shown, by field verification, to comply with NFPA 30 vent requirements, incorporated by reference in Section 170.410.

b) The upper end of the pipe shall be provided with an updraft vent device only, with 40 gauge screening, unless alterations are required by Stage II Vapor Recovery.

b) The upper end of the pipe shall be provided with an updraft vent device only, with 40 gauge screening, unless alterations are required by Stage II Vapor Recovery.

c) The vent pipe shall be of sufficient cross-sectional area to permit escape of air and vapor during the filling operation and in compliance with NFPA 30, incorporated by reference in 170.410, and in no case less than one and one-fourth inches in diameter. If a power pump is used in filling the storage tank, and a tight connection is made to the fill pipe, the vent pipe shall not be smaller than the fill pipe.

d) The vent pipe shall terminate outside buildings at a point one foot above the level of the highest remote fill or any fill from which the tank may be filled, not less than 12 feet above the adjacent ground level and not less than five feet, measured vertically and horizontally, from any window or other building opening, such as a basement, cellar, pit, ventilated soffit or any air intake of any building, and in a location which will not permit pocketing of vapor or liquid. The vent piping shall project above the canopy facia no less than four feet.

e) Underground manifolding of normal working vents is prohibited. Manifolding of special purpose vents, such as for vapor recovery, is allowed in accordance with NFPA 30 2-3.6.3, incorporated by reference in Section 170.410. Manifolding on normal working vents aboveground is allowed providing the following steps are followed:
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1) Manifolding will be installed no less than 3 feet above grade and no more than 5 feet aboveground.

2) Each vent shall be capable of being separated and isolated from the manifold.

3) Class II & III products cannot be attached to a manifold that includes Class I products.

4) Final riser shall be of adequate sizing as specified by NFPA 30, as incorporated in Section 170.410.

Manifolding of tank vent piping shall be avoided, except for required special purposes such as vapor recovery (NFPA 30-3.6.3, incorporated by reference in Section 170.410).

f) No vent piping is allowed inside buildings. Existing vent piping inside buildings may remain if approved by OSFM Division of Fire Prevention. It is recommended that Stage II Vapor Recovery vent piping be connected to an individual tank opening.

g) Adequate collision protection to protect against physical damage shall be provided for vent piping.

h) Hazardous substance tanks and non-motor fuel tanks shall be vented in accordance with NFPA 30, incorporated by reference in Section 170.410 or as approved by the Office of the State Fire Marshal to be no less protective of human health or the environment.

(Source: Amended at 27 Ill. Reg. 8164, effective May 1, 2003)

Section 170.425 Fill Pipes

a) Fill pipes shall be extended to a location outside of any building, as remote as possible from any doorway or other opening into any building and in no case closer than five feet from any such opening. Remote fills are subject to approval by the Office of the State Fire Marshal, on a case by case basis. Fill pipes for used oil tanks are permissible when located inside buildings.
b) Location shall be in a place where there is a minimum danger of breakage from trucks or other vehicles.

c) Each fill pipe shall be closed by a screw cap or other tight fitting cap of a type which can be locked. It is the responsibility of the owner/operator to maintain the security of the UST system. The cap shall be locked at all times when filling or gauging process is not being performed.

d) Each loading pipe or fill pipe riser shall be identified by color code or labeling to indicate the product contained in the tank.

e) Adequate collision protection to protect against physical damage shall be provided for fill pipes which protrude above-grade.

f) All remote fills shall be double walled and constructed of non-corrosive material or cathodically protected except for gravity flow waste oil.

g) All tanks shall be equipped with a drop tube that extends to within 6 inches of the bottom of the tank, with the exception of waste oil.

h) Any new installation with a remote fill over 20 ft. in length shall have interstitial monitoring and an audible and visible overfill alarm. Remote fills shall be sloped back to the tank.

(Source: Amended at 27 Ill. Reg. 8164, effective May 1, 2003).

Section 170.426 Pumps

a) Petroleum and hazardous substances shall be transferred from tanks by means of fixed pumps so designed and equipped as to allow control of the flow and to prevent leakage or accidental discharge except that siphon bars meeting the requirements below shall be allowed between tanks. Siphon bars shall meet the requirements in subsection (a)(2) below or be removed from the UST system by December 22, 1998. Supplemental means shall be provided outside of the dispensing device whereby the source of power may be readily disconnected in the event of fire or other dangerous condition.

1) All dispensing devices for petroleum and applicable hazardous substances shall be UL approved and meet the requirements of UL 842,
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incorporated by reference in Section 170.410. Liquid shall be withdrawn from tanks by means of pumps in conformity with Chapter 5 of NFPA 70, incorporated by reference in Section 170.410, and equipped with static wire hose and non-ferrous discharge nozzle, except that used oil tanks are not subject to the requirement of transfer by means of fixed pumps.

2) Siphon bars between tanks that are used to transfer petroleum and hazardous substances between tanks by means of gravity or negative atmospheric pressure shall be permitted subject to the following requirements:

A) The height of the tops of the tanks shall be within 6 inches,

B) Piping shall meet the requirements of Section 170.421,

C) Release detection methods for tanks and piping shall be of a type approved for tanks connected by siphon bars in accordance with Section 170.530(j), and

D) Siphon bars piping shall be at the top of the tanks with a slope not to exceed \( \frac{1}{4} \) inch per foot.

b) No pump or dispensing device shall be located within a building. This does not include pump houses designed to house transfer pumps only; also, this does not include pump houses designed to house transfer pumps at refineries used in conjunction with pipeline product transfers or any refinery processing. Transfer pumps located at industrial or commercial facilities are excluded from the requirements of this Section. Dispensers located at industrial or commercial facilities that contain a regulated substance shall be approved by the Office of the State Fire Marshal.

1) Existing pumps and dispensing devices within garages, as of October 1, 1985, are permitted provided the dispensing area is:

A) Not below-grade;

B) Separated from motor vehicle repair areas, pits and basements;

C) Protected against physical damage from vehicles by mounting the
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dispensing unit on a concrete island or by equivalent means;

D) Located in a position where it cannot be struck by a vehicle descending a ramp or other slope out of control;

E) Provided with an approved mechanical or gravity ventilation system; and

F) Provided with a clearly identified switch, readily accessible in case of fire or physical damage to any dispensing units to shut off the power to dispensing units.

2) Existing dispensing units located below-grade, as of October 1, 1985, shall have independent mechanical ventilation systems and the entire dispensing area shall be protected by an automatic sprinkler system conforming to the requirements of 41 Ill. Adm. Code 100.220.

A) The ventilation systems shall be electrically interlocked with the gasoline dispensing units, so that the dispensing units cannot be operated unless the ventilation fan motors are energized and operating.

B) Existing dispensing units located below-grade within buildings shall also comply with subsection (b)(1) of this Section above, as applicable.

c) Curb pumps or pumps located in any portion of a public street are prohibited.

d) Wiring of electric pumps and all electrical equipment in connection therewith shall conform to Chapter 5 of NFPA 70, incorporated by reference in Section 170.410. (Product piping and electrical wiring shall be as directed in Section 170.421(e)).

e) Devices which discharge by gravity are prohibited and were to have been removed by January 1, 1986. Gravity devices at service stations that are retained for their novelty or historical interest may be retained at the facility but shall be rendered non-functional.

f) Systems which employ continuous air pressure on storage tanks in connection with gauging or vending devices are prohibited, with the exception of those
systems utilized in Stage II Vapor Recovery.

g) The use of aboveground storage tanks in connection with gauging or vending devices is prohibited, as clarified elsewhere in this Section. Retail sale from aboveground tanks is prohibited except as allowed in 41 Ill. Adm. Code 180.

h) New installations of apparatus for dispensing petroleum into fuel tanks of vehicles shall not be connected to either aboveground or underground bulk storage tanks. This does not include cargo tanks mounted on tanker trucks for transporting purposes. Requests to install new bulk loadout terminals connected to new underground storage tanks located at either self-serve or unattended self-serve service stations must be reviewed and approved by both OSFM Division of Fire Prevention and Division of Petroleum and Chemical Safety. These requests will be evaluated for new installations and on a case-by-case basis only.

i) Dispensing devices at an automotive service station shall be so located that all parts of the vehicle being served will be on the premises of the service station. For dispensing devices located inside buildings, openings beneath dispenser enclosures shall be sealed to prevent the flow of leaking fuel to lower building spaces. Pump houses designed to house transfer pumps only are not considered buildings, as per this Section.

j) Dispensing devices at marine service stations may be located on open piers, wharves, floating docks, on shore or on piers of the solid-fill type and shall be located away from other structures so as to provide room for safe ingress and egress of craft to be fueled. Openings beneath marina dispensing enclosures shall be sealed to prevent the flow of leaking fuel into the water beneath them. Marina installations shall follow guidelines located in Appendix E of this Part, as established by the Office of the State Fire Marshal. Spill containment shall be provided on docks adjacent to dispensers to contain spills that may occur during the filling of approved portable containers.

k) Dispensing units existing prior to September 15, 1978, may be located inside buildings if specific written approval of the Office of the State Fire Marshal was granted by October 1, 1985, and proof of such was submitted by the applicant and verified by the Office. The dispensing area shall be separated from other areas by two-hour fire resistive construction, as defined in Section 707 of the BOCA National-ICC Building Code, incorporated by reference in Section 170.410. The dispensing area shall be provided with a mechanical or gravity ventilation system;
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all components of which shall comply with the requirements of NFPA 70, incorporated by reference in Section 170.410.

l) Kerosene dispensers installed after April 1, 1995 shall not be located on the same island or within 20 ft. of any with petroleum or hazardous substances. Labeling of dispensers shall comply with the Space Heating Safety Act [425 ILCS 65].

m) Hoses at service stations shall not exceed 18 feet in length, as required in NFPA 30A-4.2.6, referenced in Section 170.410, except as permitted in subsection (n) of this Section below.

n) Mechanical retractable devices hose reels are required on dispenser hoses in excess of 18 feet in length. Hose length on mechanical retractors shall not exceed 50 feet and may only be installed with written approval of the Office of the State Fire Marshal.

o) Dispenser pumps shall be located outside of buildings and not less than 5 five feet from any building or less than 5 five feet measured vertically and horizontally from any window or other building opening, such as a basement, cellar, pit, ventilated soffit or any air intake or exhaust of any building, and in a location that will not permit pocketing of vapor or liquid. The Office of the State Fire Marshal shall approve dispenser locations only where in its judgment a safety hazard does not exist. Location of new dispenser pumps shall be in accordance with the following:

1) Not below-grade;

2) Separated from motor vehicle repair areas, pits and basements;

3) Protected against physical damage from vehicles by mounting the dispensing unit on a concrete island or by equivalent means; and

4) Located in a position where it cannot be struck by a vehicle descending a ramp or other slope out of control.

(Source: Amended at 27 Ill. Reg. 8164, effective May 1, 2003)

Section 170.427 Defective or Non-Compliant Equipment
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a) Failed precision tank or line tests and defective tank or line leak detection equipment will require that particular tank system to be shut down until repaired and functioning properly. Another approved method of leak detection may be implemented if approved by OSFM on an interim basis.

b) For defective or improperly operating equipment, such as, but not limited to, spill, overfill and cathodic protection, repairs shall commence, or the equipment shall be replaced, within 48 hours from the time of discovery. Failure to act within this time frame will require the tank system to be taken out of service until repairs are completed.

Equipment that is defective or does not comply with this Subpart shall be taken out of service until repaired, replaced or upgraded by owners or operators with Office of the State Fire Marshal approved equipment. Equipment that has not met an upgrade deadline requirement is in compliance until that deadline; this does not include equipment that has received a variance from the Office.

(Source: Amended at 27 Ill. Reg. 8164, effective May 1, 2003)

Section 170.429 Unloading Operations

a) The unloading hose from a tank truck into an underground tank shall have a static wire or its equivalent and shall be equipped with a non-ferrous nozzle or tight connection metal nipple.

b) The driver, operator, or attendant of any tank vehicle shall not remain in the vehicle but shall not leave the vehicle unattended during the loading or unloading process. Delivery hose, when attached to a tank vehicle, shall be considered to be a part of the tank vehicle.

c) Before unloading operations begin, the depositor shall determine the following:

1) The facility has a Green Tag, issued by the OSFM, that is current and valid and in plain view.

2) Any fill or remote fill that has a Red Tag, issued by OSFM, attached. Depositing into the associated tank is prohibited.

3) The depositor shall determine the quantity of product that can be unloaded
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into each tank (i.e., the tank ullage) without overflow of product. The volume shall be logged with the facility owner/operator. The log may consist of the bill of lading.

A) Any overriding or tampering with an overfill device that may result in the overfilling of any tank is prohibited.

B) The depositor shall inspect the fill device, prior to unloading, to assure that no tampering has occurred. Before unloading may begin into a remote fill, the depositor shall ensure that all fill caps are secure and tight.

d) When transferring Class I liquids, motors of tank vehicles or motors of auxiliary or portable pumps shall be shut down during making and breaking hose connections. If loading or unloading is done without requiring the use of the motor of the tank vehicle, the motor shall be shut down throughout the transfer operations of Class I liquids.

e) Tank trucks and tank wagons used for the transport and delivery of Class I, II or III liquids shall not be parked for other than delivery purposes in residential districts, as defined in the Illinois Vehicle Code [625 ILCS 5/1-172].

f) When unloading product into underground tanks equipped with tank vapor recovery equipment, the driver, operator, or attendant of the tank truck shall ensure that all vapor return paths are liquid and vapor tight to prevent the discharge of vapors at grade level.

g) Smoking on or about any tank truck while unloading any flammable or combustible liquid is forbidden. Extreme care shall be taken during unloading operations to keep fire away and to prevent persons in the vicinity from smoking, lighting matches or carrying any flame or lighted cigar, pipe, or cigarette.

(Source: Added at 27 Ill. Reg. 8164, effective May 1, 2003)

Section 170.430 Interior Lining and Lining Inspection Upgrading of Existing UST Systems

a) Alternatives allowed. Not later than December 22, 1998, all existing petroleum and hazardous substance UST systems were to have complied with one of the following requirements:
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1) New UST system performance standards under Section 170.420;

2) The upgrading requirements in subsections (b) through (d) below; or

3) Temporary out-of-service status, abandonment in-place or removal requirements under Section 170.620 or 170.670, including applicable requirements for initial response and initial abatement under Sections 170.600 and 170.610, respectively.

ab) Tank lining upgrading requirements. Steel tanks must be upgraded to meet one of the following requirements in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory:

1) Interior lining procedures. (Refer to reline checklist located in Appendix B.) A tank may be lined as needed by following the steps outlined in this Section. If the lining is installed in accordance with the requirements of Section 170.480, and the following are complied with:

A) Tank Entry. Before entering tanks, the procedures described in API publication 2015 and 2015A, incorporated by reference in Section 170.410, shall be complied with. This includes checking the oxygen content inside the tank with a properly calibrated oxygen monitor. At all times, personnel entering the tank shall be equipped with positive pressure air supplied equipment with full face enclosure and safety harness connected to a safety line held by an attendant outside the tank. Oil and water-resistant rubber or neoprene boots and gloves shall be worn. Clothing shall cover the arms, legs, torso and head of tank entry personnel. Disposable clothing, impervious to product, is preferred. Clothing saturated with product shall be removed immediately upon departure from the tank. All personnel working inside the tank shall be familiar with ANSI Z117.1, incorporated by reference in Section 170.410. Tests with the combustible gas indicator and oxygen monitor shall be performed periodically in the tank to ascertain that the tank vapors and oxygen content are in the safe range. It shall be recognized that if the tank is perforated, product or vapors that have leaked into the soil may re-enter the tank through a perforation. The vent line shall remain clear and unobstructed to
allow continuous ventilation. All other lines and openings shall be plugged or capped off to insure no liquids or vapors may enter the tank during the lining operation.

B) Application of Lining. Prior to the application of lining material, a ¼ inch steel reinforcing plate rolled to the contour of the tank and with minimum dimensions of 8 inches by 8 inches shall be installed under the fill (drop) tube and gauging tube. This plate shall be covered with fiberglass cloth embedded in resin. The blast-cleaned surface shall be coated within eight hours after blasting and before any visible rusting occurs. Only those lining materials meeting the specifications in API Publication 1631 and NLPA 631, incorporated by reference in Section 170.410, shall be used. Manufacturer's instructions are to be complied with on handling and mixing of resin compounds, and these compounds shall be applied to the entire interior surface of the tank by the manufacturer or the manufacturer's designated distributor following the specified method of application, to the designated thickness and at the recommended application temperature. If a heater is used to accelerate the curing process, all other work which might release flammable vapors shall be halted, and the heating unit shall be attended whenever it is in operation. The coating shall be cured thoroughly to the manufacturer's specifications and checked for air pockets and pinholes using a Holiday Detector. If any exceptions are found, they shall be repaired to manufacturer's specifications. The contractor shall protect the coated surfaces from contamination by foreign matter. The coating thickness shall be checked with an Elcometer Thickness Gauge or equivalent and tested for hardness using a Barcol Hardness Tester or equivalent to ensure compliance with manufacturer's specifications.

C) Tank Closing. If a tank has been previously lined and passes its internal inspection, the following may be done in lieu of the manway requirements: If an opening has been cut, the tank shall be sealed as follows:

i) A ¼ inch thick steel cover plate, rolled to the contour of the tank, shall be made to overlap the hole at least two inches
on each side (e.g., should measure at least 26 inches by 26 inches, if manhole was cut 22 inches by 22 inches); 

ii) The cover shall be used as a template to locate ¾ inch diameter holes not exceeding five inch centers, one inch from the edge of the cover; 

iii) The cover plate shall be sandblasted to White Metal on both sides, and the entire inside surface shall be coated with coating material to act as a gasket; 

iv) Before the coating on the cover cures, the cover shall be fastened to the tank using ½ inch (minimum) diameter bolts. The bolt shafts are to be placed through the holes from the inside of the tank and held in place by spring clips, then fastened with local washers and nuts as illustrated in accordance with API Publication 1631, incorporated by reference in Section 170.410; and 

iv+) After being bolted to the tank, the coverplate and surrounding tank surface shall be properly sandblasted, coated with coating material and allowed to cure before backfilling the hole. 

v) A precision test shall be performed any time an underground storage tank is entered to install a manway, install a coverplate after lining, or do an internal inspection of the tank. This shall be done within 3 days after backfilling and is the responsibility of the contractor. 

D) Tank closing after entry procedures. If a tank is being lined for the first time or subsequently is being totally lined, the following shall apply: 

i) Attach a manway no less than 18 inches in diameter that fits the contour of the tank. This manway shall be surrounded with self-supporting material and be accessible from surface grade.
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ii) The manway shall be used as a template around which will be located 3/4-inch diameter holes, 5 inches apart from center to center, one inch from the edge, and overlapping the entry hole at least 2 inches on each side, or welded in place if soil conditions will allow (no contamination is present). The lining material shall extend into the neck of the manway.

E) Initial tank lining or subsequent total lining shall conform to NLPA Standard 631, incorporated by reference in Section 170.410. The inspection of the manway installation and internal lining shall be made by OSFM, STSS prior to installation of the manway lid.

F(1)) After the STSS inspection, a tank precision test shall be performed Tank Tightness Testing. Before backfilling, the tank shall be tightness tested in accordance with Section 170.530(c). It shall be the responsibility of the contractor to have a precision test performed within 3 days after the lining procedure completion and submit the results within 10 days after completion of the test to the OSFM; test results that fail must be reported in writing on the prescribed form to the OSFM within 3 working days. Particular attention shall be paid to the cover plate and all exposed fittings.

G(3)) Within 10 years after lining, and every five years thereafter, the lined tank shall be internally inspected and found to be structurally sound with the lining still performing in accordance with original design specifications. An interior lining inspection permit must be obtained whenever an existing tank is either cut open, or an existing entrance patch is broken open to do an internal inspection. This does not apply to bolted manway entrances.

2) Cathodic protection. A tank may be upgraded by cathodic protection if the cathodic protection system meets the requirements of Section 170.420(a)(2)(B) through (D), and the integrity of the tank is ensured using one of the following methods:

A) The tank is internally inspected and assessed to ensure that the tank is structurally sound and free of corrosion holes prior to installing the cathodic protection system;
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B) The tank has been installed for less than 10 years and is monitored monthly for releases in accordance with Section 170.530(d) through (h);

C) The tank has been installed for less than 10 years and is assessed for corrosion holes by conducting two tightness tests that meet the requirements of Section 170.530(c). The first tightness test shall be conducted prior to installing the cathodic protection system. The second tightness test shall be conducted between three and six months following the first operation of the cathodic protection system, or

D) The tank is assessed for corrosion holes by a method that is determined by the Office of the State Fire Marshal to prevent releases in a manner that is no less protective of human health or the environment than subsections (b)(2)(A) through (C) above; before the utilization of any such method, it shall be submitted to the Office in writing and is subject to written approval by the Office.

23) Internal lining combined with cathodic protection. A tank may be upgraded by both internal lining and cathodic protection if:

A) The lining is installed in accordance with the requirements of subsection (b)(1) above and Section 170.480; and

B) The cathodic protection system meets the requirements of Section 170.420(a)(2)(B) through (D). (The following codes and standards, incorporated by reference in Section 170.410, may be used to comply with this Section: API Recommended Practice 1631; NLPA Standard 631; NACE RPO285; or API Recommended Practice 1632.)

An interior inspection for an installation of internal lining combined with cathodic protection is required only once, provided an interior inspection was performed in compliance with subsection (3)(A) or (B) above.

b) Within 10 years after initial lining or total subsequent lining of a tank, a physical internal inspection shall be performed as follows:
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1) The procedures for tank lining in subsection (a) shall be followed while entry is made into an existing UST has been intered for internal inspection purposes.

2) Once a UST has been entered, a visual inspection of the lining shall be made. The lining shall be visually inspected for obvious evidence of peeling, blistering, surface wrinkling or roughing of the lining material. Repairs (touchup) to existing linings will be allowed up to 30% of the total surface area of the lining being inspected on a single tank.

A) Testing shall be done to check the thickness of the shell and heads of the tank. The average metal thickness shall be at least 75% of the original tank metal thickness. Ultrasonic testing shall be done in accordance with Chapter B7 of NLPA Standard 631, incorporated by reference in Section 170.410.

i) Tanks not meeting the wall thickness requirements shall be condemned and not put back into service as referenced in Section 8.1 of NLPA 631, 1991 edition.

ii) No welding or cutting will be allowed inside the tank to repair holes or patch thin areas in any part of the tank.

B) After a lined tank passes both the visual and the tank wall thickness test, it must be tested for holidays (air pockets) in the lining material. This test shall be performed using a holiday detector with a silicon brush electrode or other acceptable instrument to ensure the integrity of the lining material. The internal inspection holiday test shall be conducted at a rate of at least 100 volts per mil of nominal lining thickness, but in no case less than 12,500 volts or more than 35,000 volts. Any holidays discovered during this internal inspection may be repaired as long as the repairs do not exceed 30% of the total surface area of a single tank. Tanks with over 30% repaired areas shall be condemned, and not put back into service. The repair contractor must certify to the OSFM that the coating materials used for repair are compatible to both the existing coating and the product being stored in the tank.
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C) If all previous testing ensures the integrity of the lining, it shall then be tested for hardness. Lining hardness test shall be performed using a Barcol Hardness Tester or another acceptable instrument to determine that the lining was properly cured when installed or that it has not been affected by the product stored. The overall hardness must meet the lining manufacturer’s specifications for the product stored. In the event that some areas pass the hardness test and other areas fail the hardness test, the failed area may be removed and replaced as long as the failed area does not exceed 30% of the total surface area of a single tank. Tanks with over 30% repaired areas shall be condemned, and not put back into service. The repair contractor must certify to the OSFM that the coating materials used for repairs are compatible to both the existing coating and the product being stored in the tank.

D) The final test to verify that an existing lining still meets the manufacturer’s original specifications shall determine the thickness of the coating. The entire interior tank lining wall surface shall be no less than 100 mils thick with a nominal (i.e., approximate) thickness of 125 mils. If any areas of the existing coating do not meet the 100 mils minimum thickness requirement, those areas may be overlaid to build up the coating thickness to meet or exceed the minimum requirement. Newly overlaid areas may not exceed a total of 30% of the total surface area on a single tank. Tanks with over 30% of their coating needing overlay to meet the 100 mils minimum thickness requirement shall be condemned and not put back into service. The repair contractor must certify to the OSFM that the coating materials used for repairs are compatible with both the existing coating and the product being stored in the tank.

E) Tanks that are condemned due to the 30% requirement in subsection (b)(2)(B), (C), and (D) of this Section can be lined if the tank meets recertification requirements and, if not, must be decommissioned within 6 months after condemnation.

F) Where applicable, interior inspections of lined fiberglass tanks shall be the same as lined steel tanks, except testing will not be required for tank thickness and for holidays in the lining material.
G) The manufacturer shall certify compatibility of the lining material with product to be stored by submitting to OSFM the following data.

i) Laboratory Data:

- Bonded Linings: When applied to properly prepared steel, concrete, fiberglass, and other tank surfaces, bonded linings shall maintain a minimum useful life of 10 years.

- Coefficient of Thermal Expansion: The coefficient of thermal expansion of the lining shall not result in loss of bonding due to normal operating temperature changes.

- Immersion Tests: Representative lining samples shall be tested to determine compatibility of the lining material with stored products. Samples shall be immersed in the liquids listed below at either 38º C (100º F) for periods of one, 3, 6 and 12 months. Upon completion of each immersion period, testing of the samples must verify that the lining and repair materials have not substantially deteriorated.

ii) Test Data: The following tests, standards and equipment shall be conducted as indicated in the following:

- Bonding Strength, ASTM D4541 using Elecometer 106 with rating of 0-2000 lbs. per sq. inch

- Flexural Strength, ASTM D790

- Impact Resistance, ASTM D2794

- Barcol Hardness, ASTM D2583 using Barber Coleman GYZJ 935-1

- Film integrity ASTM D543 Procedure 1
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iii) Liquids for Immersion Testing shall follow ASTM Reference Fuel C, Unleaded Gasoline, Leaded Gasoline, No. 2 Fuel Oil or Diesel Fuel, Toluene, Xylene, Gasohol (10% Ethanol), Oxinol-50 (90.0% gasoline, 5.00% methanol and 5.00% GTBA) 85% methanol, 15% gasoline, and distilled water. Physical properties, after the final immersion period, shall be a minimum of 30% of the original physical properties before immersion with a stable trend indicating little or no further long-term deterioration for Toluene, Xylene, and distilled water; and 50% for all other listed material.

3) During the Operational Safety Inspection, the contractor will not be allowed to either cut a new access hole into the tank, nor break open an existing entrance patch until all the required testing equipment is on site. Also, a complete set of OSFM reporting forms must also be onsite before the entering process may begin.

4) In cases where the tank itself passes the 75% minimum steel thickness test, yet the lining is condemned, the total original lining may be removed and a new lining installed. This will require another lining permit. However, the tank thickness must be re-tested after lining has been removed to verify that it will still meet minimum thickness requirements of Chapter B of NLPA 631, incorporated by reference in Section 170.410.

5) The entrance manhole, hole or patch opening shall be closed and sealed. When a bolted manway is to be installed as a new access opening for future access use, an upgrade permit will be required to make this type of improvement to the tank. No upgrade permit will be required if a manway is installed in conjunction with a lining permit or lining inspection permit, with manholes bolted to the tank top only when in conjunction with an inspection as not to damage the existing lining.

6) After all work is completed on the inspection process, the tank must be precision tested. This precision test is the responsibility of the contractor. Test results must be submitted to OSFM within 10 days after the test. In the event of a test failure, results must be submitted within 3 days.

7) Written documentation of all inspection data must be submitted to the
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OSFM within 10 days after a passed inspection and within 10 days after repairs to the coating on a form approved by the OSFM.

8) Every 5 years after the 10-year internal inspection, the tank must be re-inspected. This can be done by a physical inspection or by another method approved by OSFM.

9) All interior inspections require an Internal Inspection Permit.

c) UST lining, subsequent lining, and internal inspections shall meet the following OSFM requirements:

1) Secure proper permitting and obtain OSI schedule.

2) Contractor shall present to OSFM inspector the OSHA Confined Space Entry permit for this job.

3) All monitoring equipment shall be maintained according to manufacturer’s specifications.

4) Establish an exclusion zone within which smoking is prohibited. The use of spark producing/non-explosion proof equipment is prohibited in the vapor hazard area.

5) USTs to be entered shall be isolated from all distribution lines, siphons, manifolds and manifold vent systems.

6) Remove all liquids from the tank using explosion proof pumps or hand pumps.

7) The tank atmosphere and the excavation area shall be regularly monitored, with a combustible gas indicator, for flammable or combustible vapor concentration. Monitoring of the UST shall be done at 3 levels in the tank: top, middle and bottom. Lower explosive limits (LEL) of 5% or less, or oxygen of 5% or less, shall be attained.

8) Vapor freeing shall be done in accordance with API 1631 Section 2.4. When vapor freeing the tank with compressed air or using inert gases under pressure, all devices shall be bonded to the tank, and the tank shall
be grounded to a separated ground. When using inert gases, the cylinder shall be equipped with a pressure gauge, so that no more than 5 psi can be discharged into the tank during vapor freeing procedures. To ensure and maintain proper grounding and bonding, such connections shall be tested by the contractor for continuity. This testing shall be done with equipment designed for continuity testing.

9) OSFM personnel shall be on site before cutting and cleaning or entry operations may proceed.

10) If no access exists, an opening with the minimum dimensions of 18 inches by 18 inches shall be cut in the top of the UST using non-sparking equipment in preparation for a manway. Manways must be installed and be accessible from surface grade by way of a non-collapsible structure.

11) Personal protective equipment shall be in accordance with API 1631.

12) Cutting, cleaning and application of lining material shall be done in accordance with manufacturer’s specifications and OSFM requirements.

13) It shall be the responsibility of the lining contractor to have a precision test performed within 3 days after backfilling and to submit the results to the OSFM within 10 days on forms prescribed by OSFM.

14) Tank owner shall file an amended Notification form prescribed by the OSFM within 30 days after the tank has been lined.

15) For performing internal inspections, once a tank has been reclassified as a non-hazardous confined space, a positive flow of fresh air must be supplied into the tank in lieu of supplied air and continuous monitoring must be performed during the operation.

e) Piping upgrading requirements. Metal piping that routinely contains regulated substances and is in contact with the ground shall be cathodically protected in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory and shall meet the requirements of Section 170.421 (The codes and standards listed in Section 170.421 may be used to comply with this requirement.)

d) Spill and overfill prevention equipment. To prevent spilling and overfilling associated with product transfer to the UST system, all existing UST systems
shall comply with new UST system spill and overfill prevention equipment requirements specified in Section 170.420(b).

(Source: Amended at 27 Ill. Reg. 8164, effective May 1, 2003)

Section 170.431 Limitation on Interior Lining of USTs (Repealed)

Effective April 1, 1995, an underground storage tank may only have interior lining applied once without the UST being re-certified. Any additional relinings shall require re-certification prior to each application. This Section supersedes any incorporation by reference as cited in Section 170.410.

(Source: Repealed at 27 Ill. Reg. 8164, effective May 1, 2003)

Section 170.450 Owner/Operator Spill and Overfill Release Control Responsibilities

a) Owners or operators shall ensure that releases due to spilling or overfilling do not occur. The owners or operators shall ensure that the volume available in the tank is greater than the volume of product to be transferred to the tank before the transfer is made and that the transfer operation is monitored constantly to prevent overfilling and spilling. (The transfer procedures described in NFPA, 385, incorporated by reference in Section 170.410, may be used to comply with this subsection. Further guidance on spill and overfill prevention appears in API Recommended Practice 1621 and NFPA Standard 30, incorporated by reference in Section 170.410.)

b) Owners or operators shall report, investigate and clean up any spills and overfills in accordance with Section Sections 170.570 and 170.580.

(Source: Amended at 27 Ill. Reg. 8164, effective May 1, 2003)

Section 170.460 Operation and Maintenance of Corrosion Protection

a) Cathodic Protection. A tank may be upgraded by cathodic protection if the cathodic protection system meets the requirements of this Part, and the integrity of the tank is ensured using one of the following methods:

1) To be suitable for upgrading by cathodic protection, the integrity of the tank must be ensured by one of the following methods:
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A) For tanks installed for less than 10 years, the following methods apply:

i) The tank is internally inspected and assessed to ensure that the tank is structurally sound and free of corrosion holes prior to installing the cathodic protection system;

ii) The tank is monitored monthly for releases using a permanent method of leak detection as approved by OSFM. Monthly inventory control, manual tank gauging and SIR do not meet this requirement;

iii) Two tank precision tests must be conducted that meet the requirements of OSFM precision tank tightness testing. The first precision test shall be conducted prior to the installation of the cathodic protection system. The second precision test shall be conducted between 3 and 6 months following the first operation of the installed cathodic protection system. Both tests must indicate tightness of the tanks;

iv) Use of approved alternate methods approved by OSFM. These acceptable alternate methods are indicated in subsection (a)(1)(B) for tanks that are over 10 years old.

B) For tanks installed for more than 10 years, the following methods apply:

i) An invasive inspection method that ensures the tank is internally inspected and assessed to ensure that the tank is structurally sound and free of corrosion holes prior to installing the cathodic system. The internal inspection procedures shall meet the requirements of NLPA 631, 1991 edition, Internal Inspection of Steel Tanks for Retrofit of Cathodic Protection. This standard for interior lining meets this requirement.

ii) An invasive remote video camera test is conducted prior to the installation of the cathodic protection system. The
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video system must be capable of recording a video survey of the interior surface of the tank with a suitable lighting source.

iii) A non-invasive tank life/corrosion model test is conducted to examine the soil environment in the immediate vicinity of the tank and the relationship of the metal UST to this environment. A statistical model is used to assess the relationship between the aggressiveness of the environment and the rate of corrosion and to predict the remaining life of the UST prior to corrosion failure. Some examples of non-invasive methods are Mean Time to Corrosion Failure (MTCF) and International Lubrication and Fuel Consultants (ILFC).

iv) The tanks are assessed for corrosion holes by other methods determined by OSFM, to prevent releases in a manner that is no less protective of human health and the environment than subsections (a)(1)(B)(i), (ii) and (iii).

2) OSFM requires a tank integrity assessment even if both cathodic protection and interior lining systems are being installed. If the cathodic protection and interior lining are installed at the same time, only one approved integrity assessment is required. Even if both systems have been installed, OSFM requires routine inspection and maintenance of both systems to continue.

3) In all situations, no matter which method is used to assess the integrity of the tank prior to addition of cathodic protection, the cathodic protection system being field installed in Illinois must be designed by a NACE certified corrosion expert. Those contractors installing the cathodic protection systems in Illinois must be licensed as cathodic protection installers. These contractors must successfully pass the International Code Council (ICC) certification exam module for cathodic protection.

4) If one of the non-invasive methods described in this Section has been used to assess tank integrity of a tank older than 10 years, the leak detection method used on these tanks after installing the cathodic protection system may not be either the monthly inventory control method, SIR, or manual
tank gauging method of leak detection. Acceptable leak detection methods that can be used are as follows: automatic tank gauging, vapor monitoring, groundwater monitoring, interstitial monitoring, fiber optics or tracer elements.

5) For UST systems equipped with both interior lining and cathodic protection (sacrificial anodes or impressed current), the following maintenance procedures shall apply:

A) For those UST systems that have documentation, including original field notes from the initial lining, of an invasive method of initial tank integrity assessment that verifies that there were no holes in the tank, only the external cathodic protection system must be maintained and tested.

i) Sacrificial anodes must be tested every 3 years and records kept on site for 3 years.

ii) Impressed current records of operation must be recorded every 30 days and records kept on site for 3 years. The system must be tested yearly and records kept on site for 3 years.

iii) In the event that a reading of -875 millivolts or less is recorded, with testing being conducted above the structure, on any type of corrosion protection system, then yearly testing will be required thereafter. In the event that upgrading of the cathodic protection system results in readings greater than -875 millivolts with readings being conducted above the structure, then testing may be conducted every 3 years, unless the 6 month test after upgrading produces a reading of -875 millivolts or less, then yearly testing will be required thereafter.

B) For those UST systems where a non-invasive tank integrity assessment method was used or if there were any holes present in the tank, the interior lining must be maintained and inspected as described in OSFM lining requirements.
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C) Nothing prohibits the maintenance of both systems.

D) Owners of UST systems with both interior lining and cathodic protection must submit a UST notification form and declare what system they intend to maintain.

b) ACT-100 Tanks. Tank owners with these types of tanks may choose to use either type of protection on the tank. However, the tank owner must be able to produce ACT-100 warranty papers to prove that they actually do have ACT-100 tanks.

c) Internal lining combined with cathodic protection. A tank may be upgraded by both internal lining and cathodic protection if:

1) The lining is installed in accordance with the requirements of Section 170.430; and

2) The cathodic protection system meets the requirements of Section 170.420(a)(2)(B) through (D). (The following codes and standards, incorporated by reference in Section 170.410, may be used to comply with this Section: API Recommended Practice 1631; NLPA Standard 631; NACE RPO285; or API Recommended Practice 1632.)

An interior inspection for an installation of internal lining combined with cathodic protection is required only once, provided an interior inspection was performed in compliance with subsection (d)(1) or (d)(2) of this Section and if performed within 90 days of each other.

d) Piping corrosion protection requirements. All UST metal product piping that is in contact with backfill, ground or water shall be cathodically protected. All metal risers, vents and fills in contact with backfill, ground or water shall be dielectrically coated. Shrink-wrap or boots are not acceptable as a form of cathodic protection in a water environment.

e) When installing, upgrading, or repairing a cathodic protection system, the following steps shall be taken.

1) Secure proper permitting and provide required Cathodic Protection Upgrade Job Schedule to the OSFM and obtain the stamped receipt.
2) Conduct on-site inspection to ensure accuracy of approved site plans, drawings and actual equipment being installed.

3) OSFM personnel must conduct a Time Certain inspection of the corrosion protection installation before backfilling.

4) Wiring of all associated electrical equipment shall conform to NFPA 70.
   A) All wiring that is connected to any anode of an impressed current system shall be no less than No. 10 stranded, with jacketing that is suitable for direct burial and that is petroleum or hazard resistant (including but not limited to HMWPE). Such jacketing is to have a thickness sufficient to cause the wiring to have a diameter of at least $\frac{5}{16}$-inch. Systems existing prior to May 1, 2003 may remain.
   B) All wiring connected to any anode of a sacrificial anode system shall be suitable for direct burial and shall be petroleum and/or hazardous resistant.
   C) All structural lead wiring of any cathodic protection system shall be suitable for direct burial and shall be petroleum and/or hazard resistant.
   D) For installation of cathodic protection systems to existing facilities, anode wiring may be placed into pavement saw-cuts, provided that the following conditions are met:
      i) No part of the wiring is less than one inch below the finished pavement surface, and provided that the portion of the saw-cut groove above the wiring is filled with a combination of at least $\frac{3}{4}$-inch of backerrod and at least $\frac{1}{2}$-inch of self-leveling caulk suitable as a concrete filler.
      ii) Structure lead wiring of impressed current systems shall consist of at least 2 separate leads. Such leads running from the junction box or rectifier to the UST system structures must be in separate saw-cuts, jumpering from one UST system structure to the next. One lead shall connect to the first structure to be protected and continue on to all
structures in the UST system. The second lead will connect to the last structure to be protected. Such loop is to ensure that if one lead were to become cut or disconnected, the other lead would ensure the continued connection of the UST system structures and the junction box or rectifier.

iii) All wiring from anodes shall terminate and be identified (as to location per approved site plan), in strategically located junction boxes, placed in and around the protected field. This will facilitate the testing of each anode.

E) For installation of cathodic protection systems to new facilities, all wiring running outside of manholes or sumps shall be located at least 12 inches below the finished grade, and installed in electrical PVC conduit approved for petroleum and/or hazardous installation. The conduit trenches shall be continuously marked with yellow plastic caution tape, and placed not less than 6 inches above the conduit.

5) After all work has been completed and the system has been put into service, OSFM personnel may conduct a two-hour Time Certain final inspection on the corrosion protection system and the electrical system.

6) The completed Notification of Underground Storage Tanks form shall be ready to present to the OSFM STSS during the final inspection.

f) **Operation and Maintenance of Cathodic Protection.** Owners or operators of steel UST systems with corrosion protection shall comply with the following requirements to ensure that releases due to corrosion are prevented for as long as the UST system is used to store regulated substances:

1a) All corrosion protection systems shall be operated and maintained to continuously provide corrosion protection to the metal components of that portion of the tank and piping that routinely contain regulated substances and are in contact with the ground, backfill or water.

2b) All UST systems equipped with sacrificial anode cathodic protection systems shall be tested and inspected for proper operation, when prior to being put into operation, by a certified ICC qualified cathodic protection
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tester, or OSFM approved tester, in accordance with the following requirements:

A1) Frequency. All cathodic protection systems shall be re-tested within no less than 24 weeks and no more than 28 weeks from the date of six months of installation or repairs and at least every three years thereafter. All sacrificial anode systems shall be tested every 3 years by a certified ICC tester or OSFM approved tester. In the event that a reading of -875 millivolts or less is recorded with testing being conducted above the structure, on any type of corrosion protection system, then yearly testing will be required thereafter. In the event that upgrading of the cathodic protection system results with readings greater than -875 millivolts with readings being conducted above the structure, then testing may be conducted every 3 years, unless the 6 month test after upgrading produces a reading of -875 millivolts or less, then yearly testing will be required thereafter.

B2) Inspection criteria. The criteria that are used to determine that cathodic protection is adequate as required by this subsection (b) shall be in accordance with NACE Standard Recommended Practice RP0169-96 and RP0285-95, incorporated by reference in Section 170.410. Subject to the technical applicability of such criteria given actual site conditions, one or more of the following criteria shall apply for adequacy of cathodic protection.

i) A negative (cathodic) potential of at least 850 millivolts with cathodic protection applied. This potential is measured with respect to a saturated copper/copper sulfate reference electrode contacting the electrolyte.

ii) A minimum 100 millivolt of cathodic polarization between the structure and a saturated copper/copper sulfate reference electrode contacting the electrolyte. Such polarization shall be determined from the taking of a valid "instant-off" test, which, for each testing point, determines the voltage reading at the second drop in voltage following the interruption in cathodic protection being applied, and determines if such voltage reading is at least 100 millivolts.
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higher than either the native reading or any other reading after the structure has had time to depolarize with no cathodic protection applied.

3e) UST systems with impressed current cathodic protection systems shall also be tested and inspected, prior to being put into operation and every 3060 days thereafter, to ensure the equipment is running properly and the entire system must be tested yearly.

4d) For UST systems using cathodic protection, records of the operation of the cathodic protection shall be maintained (in accordance with Section 170.490) to demonstrate compliance with the performance standards in this Section. These records shall provide the following:

A4) The results of testing for sacrificial anode systems, the 6-month test and 3 year or yearly tests must be maintained on site for 3 years from the last two inspections required in subsection (b) above; and

B2) For impressed current systems, a log of the 30-day inspections shall be kept for 3 years and the yearly system test shall be kept for 3 years and these records shall be kept on site. The inspection shall include date of inspection, initials of person inspecting, power status, volt, hour and amp readings. The results of testing from the last three inspections required in subsection (c) above.

5e) Alternative methods of corrosion protection may be used if approved in writing by the Office of the State Fire Marshal provided they are no less protective of human health or the environment.

(Source: Amended at 27 Ill. Reg. 8164, effective May 1, 2003)

Section 170.480 Repairs Allowed

Owners and operators of UST systems shall ensure that repairs will prevent releases due to structural failure or corrosion as long as the UST system is used to store regulated substances. Any hole or penetration made into a tank such as is required for new bung openings or any entrance way established for interior lining inspection or repair shall be installed and closed as per this Section. The repairs must meet the following requirements:
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a) Repairs to UST systems shall be properly conducted in accordance with a code of practice developed by a nationally recognized association or an independent testing laboratory. (The following codes and standards, incorporated by reference in Section 170.410, may be used to comply with this subsection: NFPA 30; API Publication 2200; API Recommended Practice 1631; or NLPA Standard 631.)

b) Repairs to fiberglass-reinforced plastic tanks shall be made by the manufacturer's authorized representative or a representative of any fiberglass tank manufacturer in accordance with NLPA 631, incorporated by reference in 170.410, or in accordance with ANSI Z117.1 or API Recommended Practice 1631.

c) Metal pipe sections and fittings that have released product as a result of corrosion or other damage shall be replaced. Fiberglass pipes and fittings may be repaired in accordance with the manufacturer's specifications.

d) Repaired tanks and piping shall be tightness tested in accordance with Sections 170.530(c) and 170.540(b) within 30 days following the date of the completion of the repair except as provided in subsection (d)(1) through (3) of this Section below.

1) The repaired tank is internally inspected in accordance with Section 170.430; ANSI Z117.1 or API Recommended Practice 1631;

2) The repaired portion of the UST system is monitored monthly for releases in accordance with a method specified in Section 170.530(d) through (h); or

3) Another test method is used that is determined by the Office of the State Fire Marshal to be not less protective of human health and the environment than those listed in subsections (d)(1) and (2) of this Section; before the utilization of any such method, it shall be submitted to the Office in writing, and the Office shall issue written approval.

e) Frequency. All cathodic protection systems shall be re-tested no less than 24 weeks and no more than 28 weeks from the date of installation or repairs. All sacrificial anode systems shall be tested every 3 years by a certified ICC tester or OSFM approved tester. Within six months following the repair of any cathodically protected UST system, the cathodic protection system must be tested in
accordance with Section 170.460(b) and (c) to ensure that it is operating properly. In the event that a reading of -875 millivolts or less is recorded with testing being conducted above the structure, on any type of corrosion protection system, then yearly testing will be required thereafter. In the event that upgrading of the cathodic protection system results in readings greater than -875 millivolts with readings being conducted above the structure, then testing may be conducted every 3 years, unless the 6 month test after upgrading produces a reading of -875 millivolts or less, then yearly testing will be required thereafter.

f) UST system owners or operators shall maintain records of each repair for the remaining operating life of the UST system that demonstrate compliance with the requirements of this Section. The last 3 years of records shall be retained on site.

g) All materials used to make necessary repairs shall comply with Section 170.420.

h) When a tank is determined to be leaking, it can be permanently abandoned-in-place (subject to Section 170.670), removed (subject to Section 170.670), replaced (subject to Section 170.420) or repaired (subject to this Section).

i) Removal or abandonment-in-place of a leaking tank shall be in compliance with Section 170.670. Leaking piping shall be removed or abandoned-in-place in compliance with Section 170.670.

j) Storage tanks may be glass or epoxy lined, provided that:

1) Such repair and the proposed materials are compatible with the product to be stored in such repaired tank.

2) The manufacturers of materials used to line or repair leaking tanks for the storage of petroleum or hazardous substances shall register with the Office of the State Fire Marshal. The manufacturers shall provide and maintain a current annual list of installers of their particular methods and materials for lining and repairing tanks. Such lists shall only contain the names of installers who are certified by the respective manufacturers. This manufacturer's registration shall include the submission of evidence for materials and tank specifications as indicated in NLPA Standard 631, incorporated by reference in Section 170.410.

(Source: Amended at 27 Ill. Reg. 8164, effective May 1, 2003)
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Section 170.481 Emergency Repairs

a) An emergency consists of a defect in an underground storage tank system that is causing or threatens to cause harm to human health or the environment, or presents a threat to fire safety, and contact of the regulated substance with the defect cannot be prevented. In the event of a release, Section 170.580 and any other applicable Section in this Subpart shall be followed.

b) If minor or temporary repairs are required to correct the defect, only the defective area can be repaired.

c) Economic loss or the threat of economic loss does not constitute such an emergency.

d) Minor or temporary repairs, as a result of an emergency, to tanks or piping may begin on weekends, holidays and after business hours, when the repairs would otherwise require a permit prior to being performed. Permit applications, are if required, for any such UST activity and shall be submitted to the Office of the State Fire Marshal after-the-fact, on the next business day. All such repairs shall be inspected and tested prior to the repaired UST system being put back into operation unless otherwise directed by the Office.

e) Contractor shall telephone OSFM and obtain authorization to proceed with the emergency repair. After obtaining authorization, the contractor shall fax a statement to the OSFM indicating what facility and what specific repair is being requested.

(Source: Amended at 27 Ill. Reg. 8164, effective May 1, 2003)

Section 170.490 Reporting and Recordkeeping

a) Reporting. Owners and operators must submit the following information to the Office of the State Fire Marshal:

1) Notification for all UST systems (Section 170.440), which includes certification of installation for new UST systems (Section 170.420(e));

2) Reports of all releases including suspected releases (Section 170.560), spills and overfills (Section 170.590), and confirmed releases (Section
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170.580600;

3) Initial response, including leak abatement, site characterization, and fire and explosion mitigation (40 CFR 280, Subpart F, incorporated by reference in Section 170.410); and


b) Recordkeeping. Owners and operators must maintain the following information:

1) Documentation of operation of corrosion protection equipment (Section 170.460);

2) Documentation of UST system repairs (Section 170.480(f));

3) Recent compliance with release detection requirements (Section 170.550); and

4) Results of the site investigation conducted at removal or change-in-service (Section 170.660).

c) Availability and Maintenance of Records. Owners or operators shall keep the required records at the UST site or available to the OSFM inspector within 30 minutes or less via fax, email, or other transfer of information, either:

d) Unmanned sites will be given prior notification of inspection/audit.

1) At the UST site and immediately available for inspection by the Office of the State Fire Marshal; or

2) At a readily available alternative site in the State and be provided for inspection to the Office of the State Fire Marshal upon request.

3) In the case of removal records required under 40 CFR 280, Subpart F, incorporated by reference in Section 170.410, owners and operators are also provided with the additional alternative of mailing removal records to the Office of the State Fire Marshal if they cannot be kept at the site or an alternative site as indicated in subsections (c)(1) and (2).
Section 170.500  General Release Detection Requirements for All UST Systems

a) Owners or operators of new and existing UST systems shall provide a method, or combination of methods, of release detection that:

1) Can detect a release from the entire tank and any portion of the connected underground piping that routinely contains product;

2) Is installed, calibrated, operated and maintained in accordance with the manufacturer's instructions, including routine maintenance and service checks for operability or running condition; and

3) Meets the performance requirements in Sections 170.530 and 170.540, with any performance claims and their manner of determination described in writing by the equipment manufacturer or installer. In addition, methods used on or after December 22, 1990 (except for methods permanently installed prior to that date) shall be capable of detecting the leak rate or quantity specified for that method in Section 170.530 and 170.540 with a probability of detection of 0.95 and a probability of false alarm of 0.05.

4) All leak detection equipment must be evaluated and be listed in the NWGLDE publication "List of Leak Detection Evaluations for Underground Storage Tank Systems", as referenced in Section 170.410.

b) When a release detection method operated in accordance with the performance standards in Sections 170.530 and 170.540 indicates a release may have occurred, owners or operators shall notify the Illinois Emergency Management Agency in accordance with Sections 170.560, 170.590 and 170.580.

e) Owners or operators of all UST systems shall comply with the release detection requirements of this Section by December 22 of the year listed in Table A.

d) Any existing UST system that has not applied or installed a method of release detection that complies with the requirements of this Section shall perform the removal procedures in Section 170.670 on such UST system, upon issuance of an Administrative Order to do so by the Office of the State Fire Marshal.
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Section 170.510  Release Detection Requirements for Petroleum UST Systems (Repealed)

Owners and operators of Petroleum UST Systems must provide release detection for tanks and piping as follows:

a) Tanks—Tanks must be monitored at least every 30 days for releases using one of the methods listed in Section 170.530(d) through (h) except that:

1) UST systems that meet the performance standards in Sections 170.420 or 170.430, and the monthly inventory control requirements in Section 170.530(a) or (b), may use tank tightness testing [conducted in accordance with Section 170.530(c)] at least every five years until December 22, 1988, or until 10 years after the tank is installed or upgraded under Section 170.430(b), whichever is later;

2) UST systems that do not meet the performance standards in Section 170.420 or 170.430 may use monthly inventory controls [conducted in accordance with Section 170.530(a) or (b)] and annual tank tightness testing [conducted in accordance with Section 170.530(c)] until December 22, 1998 when the tank must be upgraded under Section 170.430 or removed under Section 170.630; or

3) Tanks with a capacity of 550 gallons or less may use weekly tank gauging [conducted in accordance with Section 170.530(b)].

b) Piping—Underground piping that routinely contains regulated substances must be monitored for releases in a manner that meets one of the following requirements:

1) Pressurized piping—Underground piping that conveys regulated substances under pressure must:

   A) Be equipped with an automatic line leak detector conducted in accordance with Section 170.540(a); and

   B) Have an annual line tightness test conducted in accordance with Section 170.540(b) or have monthly monitoring conducted in accordance with Section 170.540(e).
Suction piping. Underground piping that conveys regulated substances under suction must either have a line tightness test conducted at least every three years and in accordance with Section 170.540(b), or use a monthly monitoring method conduct in accordance with Section 170.540(c). No release detection is required for suction piping that is designed and constructed to meet the following standards:

A) The below-grade piping operates at less than atmospheric pressure;
B) The below-grade piping is sloped so that the contents of the pipe will drain back into the storage tank if the suction is released;
C) Only one check valve is included in each suction line;
D) The check valve is located directly below and as close as practical to the suction pump; and
E) A method is provided that allows compliance with subsections (b)(2)(B) through (D) to be readily determined.

(Source: Repealed at 27 Ill. Reg. 8164, effective May 1, 2003)

Section 170.520 Release Detection Requirements for Hazardous Substance UST Systems

Owners or operators of hazardous substance UST systems shall provide release detection that meets the following requirements:

a) Release detection at existing UST systems shall meet the requirements for petroleum UST systems in Section 170.510. All by December 22, 1998, all existing and new hazardous substance UST systems shall meet the release detection requirements for new systems in subsection (b) of this Section below and comply with Section 170.530(g).

b) Release detection for new hazardous substance UST systems shall meet the following requirements:

1) Secondary containment systems shall be designed, constructed and installed to:
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A) Contain regulated substances released from the tank system until they are detected and removed and must have interstitial monitoring capable of detecting a failure from the inner and outer wall;

B) Prevent the release of regulated substances to the environment at any time during the operational life of the UST system; and

C) All interstitial monitoring must be checked every 30 days. This can be done by keeping reports from an ATG interstitial monitoring system status report tape showing a pass, normal, etc., or by keeping a log showing the date of inspection, initials of inspector, system status (pass, normal, etc.). The monthly records for the previous 3 years must be kept on site; and be checked for evidence of a release at least every 30 days.

D) Interstitial monitoring components shall be tested for operation every 3 years and the records for the previous 3 years must be kept on site. This testing shall be done by a person trained by the manufacturer or a licensed contractor.

2) Double-wall tanks shall be designed, constructed and installed to:

A) Contain a release from any portion of the inner tank within the outer wall; and

B) Detect the failure of the inner wall.

3) External liners (including vaults) shall be designed, constructed and installed to:

A) Contain 100 percent of the capacity of the largest tank within its boundary;

B) Prevent the interference of precipitation or groundwater intrusion with the ability to contain or detect a release of regulated substances; and

C) Surround the tank completely (i.e., it is capable of preventing
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lateral as well as vertical migration of regulated substances); and.

D) Detect the failure of the tanks and the external liner.

4) Underground piping shall be equipped with secondary containment that satisfies the requirements of subsections (b)(1) through (3) of this Section above (e.g., trench liners, jacketing or double-walled pipe). In addition, underground piping that conveys regulated substances under pressure shall be equipped with an automatic line leak detector in accordance with Section 170.540(a) and an interstitial monitor in accordance with 170.530(g).

5) Other methods of release detection may be used if owners or operators:

A) Demonstrate to the Office of the State Fire Marshal that an alternate method can detect a release of the stored substance as effectively as the method allowed in Section 170.530(g); written approval is required from the Office to use the alternate release detection method before the installation and operation of the new UST system; and

B) Provide written information to the Office of the State Fire Marshal on effective corrective action technologies, health risks and chemical and physical properties of the stored substance, and the characteristics of the UST site.

(Source: Amended at 27 Ill. Reg. 8164, effective May 1, 2003)

Section 170.530 Methods and Requirements of Release Detection for Tanks

Owners and operators of petroleum UST systems shall provide release detection on tanks. These tanks must be monitored at least every 30 days for releases using one or more of the methods listed below: Each method of release detection for tanks used to meet the requirements of Section 170.510 shall be conducted in accordance with the following:

a) Monthly inventory control.

1) Product inventory control (or another test of equivalent performance) shall be conducted monthly to detect a release of at least 1.0 percent of the
flow-through plus 130 gallons on a monthly basis in the following manner:

A) Inventory volume measurements for regulated substance inputs, withdrawals and the amount still remaining in the tank are recorded each operating day;

B) The equipment used is capable of measuring the level of product over the full range of the tank's height to the nearest one-eighth of an inch;

C) The regulated substance inputs are reconciled with delivery receipts by measurement of the tank inventory volume before and after delivery;

D) Deliveries are made through a drop tube that extends to within 6 inches one foot of the tank bottom;

E) Product dispensing is metered and recorded pursuant to Section 8 of the Weights and Measures Act [(225 ILCS 470/8)];

F) The measurement of any water level in the bottom of the tank is made to the nearest one-eighth of an inch at least once a month (practices described in API Recommended Practice 1621, incorporated by reference in Section 170.410, may be used, where applicable, as guidance in meeting the requirements of this subsection (a)); and

G) To the extent the above measurements or recordkeeping are the responsibility of the UST owner, the owner or whoever performs those activities on the owner's behalf, shall be knowledgeable in such performance;

H) Monthly inventory control records for the previous 3 years must be kept on site;

I) This method can only be used for a period of 10 years from the date cathodic protection was installed on the tank. A precision tank test must be performed at 5 years and 10 years and these
records kept on site for 10 years. At 10 years, another form of leak
detection is required;

J) Inventory control will only be allowed on sites currently using this
method until the 10-year time allowance expires. No new sites
will be allowed to use this method after May 1, 2003;

K) Inventory control may not be used on systems with blending
pumps or siphon tanks.

2) Monthly inventory control cannot be used as a method of release detection
for any tank that, after passing only a noninvasive tank integrity
assessment, was upgraded using the cathodic protection method.

b) Manual tank gauging. Only tanks of 600 to 550 gallons or less nominal capacity may
use the method described in this subsection as the sole method of release
detection. For tanks of 601 to 2,000 gallons, this method may be used for a
period of 10 years from the date cathodic protection was installed on the tank.
For tanks over 2,000 gallons, this method shall not be used. Tanks 601 to 2,000
gallons must receive a precision tank test once every year. The monthly records
required for manual tank gauging and the yearly tank tests must be kept for 3
years on site. At the end of 10 years, another form of tank leak detection is
required for tanks 601 gallons to 2,000 gallons. Tanks of 551 to 2,000 gallons may
use this method in place of monthly inventory control in subsection (a) of this
Section. Tanks of greater than 2,000 gallons nominal capacity may not use this
method to meet the requirements of this subsection (b).

1) Manual tank gauging shall meet the following requirements:

A) Tank liquid level measurements are taken at the beginning and
ending of a period of at least 36 hours during which no liquid is
added to or removed from the tank;

B) Level measurements are based on an average of two consecutive
stick readings at both the beginning and ending of the period;

C) The equipment used is capable of measuring the level of product
over the full range of the tank's height to the nearest one-eighth of
an inch;
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D) A leak is suspected and subject to the requirements of Sections 170.560 through 170.610, if the variation between beginning and ending measurements exceeds the weekly or monthly standards in Table B;

E) The measurement of any water level in the bottom of the tank is made to the nearest one-eighth of an inch at least once a month (practices described in API Recommended Practice 1621, incorporated by reference in Section 170.410, may be used, where applicable, as guidance in meeting the requirements of this subsection (b)); and

F) To the extent the above measurements or recordkeeping are the responsibility of the UST owner, the owner or whoever performs those activities on the owner's behalf, shall be knowledgeable in such performance.

2) Manual tank gauging cannot be used as a method of release detection for any tank that, after passing only a noninvasive tank integrity assessment, was upgraded using the cathodic protection method.

3) This method will not be allowed for tanks 601 to 2,000 gallons after May 1, 2003, except that, for those tanks for which this method was being used on May 1, 2003, the method may be used until the 10-year allowance expires.

c) Precision tank tightness testing, as approved by the Office of the State Fire Marshal. Tank tightness testing (or another test of equivalent performance) shall be capable of detecting a 0.1 gallon per hour leak rate from any portion of the tank that routinely contains product while accounting for the effects of thermal expansion or contraction of the product, vapor pockets, tank deformation, evaporation or condensation, and the location of the water table. There are four types of precision testing:

1) 100 percent volumetric overfill;

2) Volumetric underfill with an approved ullage test of negative pressure or inert gas as approved by the Office of the State Fire Marshal;
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3) A negative pressure; or

4) Other approved methods, in accordance with subsection (i) below.

In the case of a suspected release, tracer elements and ATGs are not an approved method of precision tank testing.

d) Automatic tank gauging (ATG). Equipment for automatic tank gauging that tests for the loss of product and conducts inventory control shall meet the following requirements:

1) The automatic product level monitor test can detect a 0.2 gallon per hour leak rate from any portion of the tank that routinely contains product;

2) The Automatic Tank Gauge (ATG) must be third party evaluated by and listed in the NWGLDE publication "List of Leak Detection Evaluations for Underground Storage Tank Systems" USEPA format and the evaluation must be submitted to the OSFM. The ATG must be installed, calibrated and in compliance with the protocol of the third party evaluation.

3) All new or replacement ATG monitors shall be mounted no more than 6 feet from the floor and must remain unobstructed and accessible.

4) All new ATG systems must be equipped with printers. Existing ATG systems must be equipped with printers by May 1, 2004. If a system has to be retrofitted, a permit will be required. Systems with remote printers will be accepted.

e) Vapor monitoring. Testing or monitoring for vapors within the soil gas of the excavation zone shall meet the following requirements:

1) The materials used as a backfill are sufficiently porous (e.g., gravel, sand or crushed rock) to readily allow diffusion of vapor from releases into the excavation area;

2) The stored regulated substance or a tracer compound placed in the tank system is sufficiently volatile (e.g., gasoline) to result in a vapor level that is detectable by the monitoring devices located in the excavation zone in
the event of a release from the tank;

3) The measurement of vapors by the monitoring device is not rendered inoperative by groundwater, rainfall, soil moisture or other known interferences so that a release could go undetected for more than 30 days;

4) The level of background contamination in the excavation zone will not interfere with the method used to detect releases from the tank;

5) The vapor monitors are designed and operated to detect any significant increase in concentration above the background of the regulated substance stored in the tank system, a component or components of that substance, or a tracer compound placed in the tank system; vapor monitor sensors must be permanently installed in the vapor monitor wells; a monthly inspection of the vapor monitoring system must be made and a log maintained showing the date of inspection, results, and initials of the party doing the inspection;

6) In the UST excavation zone, the site is assessed to ensure compliance with the requirements in subsections (e)(1) through (4) of this Section above and to establish the number and positioning of monitoring wells that will detect releases within the excavation zone from any portion of the tank that routinely contains product;

7) Monitoring wells are clearly marked and secured to avoid unauthorized access and tampering;

8) Vapor monitoring wells shall be of sufficient design to allow vapors to be detected from any portion of the tank being monitored and shall be a minimum of four inches in diameter or as approved by the Office of the State Fire Marshal on the applicable permit; and

9) An adequate number of vapor monitoring wells shall be provided to ensure that a release can be detected from any portion of the tank. Adequacy of such wells is subject to approval of the Office of the State Fire Marshal on the applicable permit.

f) Groundwater monitoring. Testing or monitoring for liquids on the groundwater shall meet the following requirements:
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1) The regulated substance stored is immiscible in water and has a specific gravity of less than one;

2) Groundwater is never more than 20 feet from the ground surface, the hydraulic conductivity of the soil between the UST system and the monitoring wells or devices is not less than 0.01 cm/sec (e.g., the soil should consist of gravels, coarse to medium sands, coarse silts or other permeable materials), and groundwater shall be present in the groundwater monitoring wells at all times;

3) The slotted or perforated portion of the monitoring well casing shall be designed to prevent migration of natural soils or filter pack into the well and to allow entry of regulated substance on the water table into the well under both high and low groundwater conditions;

4) *Groundwater monitoring wells* shall be sealed from the ground surface to the top of the filter pack;

5) Monitoring wells or devices intercept the excavation zone or are as close to it as is technically feasible;

6) The continuous monitoring devices or manual methods used can detect the presence of at least \( \frac{1}{8} \) one-eighth of an inch of free product on top of the groundwater in the monitoring wells.

A) The continuous monitoring devices must be fixed sensors mounted permanently inside the well or samples must be taken by a mechanical bailer capable of detecting the presence of at least \( \frac{1}{8} \)-inch of free product on top of the groundwater in the monitoring wells.

B) Groundwater monitoring must be done monthly and a log of the inspection made showing the date of the inspection, initials of the person conducting the inspection, and results of the well sampling. This log must be done every 30 days and kept on-site, or available within 30 minutes, for 3 years.

7) Within and immediately below the UST system excavation zone, the site is assessed to ensure compliance with the requirements in subsections (f)(1) through (5) of this Section above and to establish the number and
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positioning of monitoring wells or devices that will detect releases from any portion of the tank that routinely contains product;

8) Monitoring wells are clearly marked and secured to avoid unauthorized access and tampering;

9) The minimum diameter of groundwater monitoring wells shall be 8 six inches or as approved by the Office of the State Fire Marshal on the applicable permit; and

10) An adequate number of groundwater monitoring wells shall be provided to ensure that a release can be detected from any portion of the tank. Adequacy of such wells is subject to approval of the Office of the State Fire Marshal on the applicable permit. On new installations, there shall be two 8-inch diameter monitoring wells for the first tanks and 1 additional well for each additional tank installed. The wells will be of manufactured slotted or perforated type. They shall be at opposite ends and corners, one foot below the invert elevations of the lowest UST.

g) Interstitial monitoring. Interstitial monitoring between the UST system and a secondary barrier immediately around or beneath it may be used but only if the system is designed, constructed and installed to detect a leak from any portion of the tank that routinely contains product and, also, meets one of the following requirements:

1) For double-wall UST systems, the sampling or testing method can detect a release through the inner wall in any portion of the tank that routinely contains product; the provisions specified in STI, "Standard for Dual Wall Underground Storage Tank," incorporated by reference in Section 170.410, may be used as guidance for aspects of the design and construction of underground steel double-wall tanks.

2) For UST systems with a secondary barrier within the excavation zone, the sampling or testing method used can detect a release between the UST system and the secondary barrier.

A) The secondary barrier around or beneath the UST system consists of artificially constructed material that is sufficiently thick and impermeable (not in excess of 0.000001 cm/sec for the regulated
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substance stored) to direct a release to the monitoring point and permit its detection;

B) The barrier is compatible with the regulated substance stored so that a release from the UST system will not cause a deterioration of the barrier allowing a release to pass through undetected;

C) For cathodically protected tanks, the secondary barrier shall be installed so that it does not interfere with the proper operation of the cathodic protection system;

D) The groundwater, soil moisture or rainfall will not render the testing or sampling method used inoperative so that a release could go undetected for more than 30 days;

E) The site is assessed to ensure that the secondary barrier is always above the groundwater and not in a 25-year flood plain unless the barrier and monitoring designs are for use under such conditions;

F) Monitoring wells are clearly marked and secured to avoid unauthorized access and tampering; and

G) An adequate number of monitoring wells shall be provided to ensure that a release can be detected from any portion of the tank. Adequacy of the number of such wells is subject to the approval of the Office of the State Fire Marshal.

3) For tanks with an internally fitted liner, an automated device can detect a release between the inner wall of the tank and the liner, and the liner is compatible with the substance stored.

4) The interstitial monitoring system must be tested every 3 years to verify its operation and records from the previous test must be kept on-site, or available within 30 minutes. Testing of the system sensors shall be done in such a way as to verify their function but not damage the sensors.

5) Recordkeeping requirements for interstitial monitoring of tanks and lines requires an inspection once every 30 days and records for the previous 3 years must be kept on-site or available within 30 minutes. The records can
be from an ATG system showing the interstitial monitors' status (pass/normal/other/) on a print out tape or by maintaining a log showing date of inspection, initials of inspector, status of system (pass/normal/other).

h) Statistical Inventory Reconciliation (SIR).

1) The company that uses this method shall provide the Office of the State Fire Marshal a written affirmation that their data collection staff is trained in the data gathering procedures and that only trained staff will be utilized for data collection. Each tank monitored by SIR shall be identified to the Office in writing within 30 days of the commencement of such monitoring, specifying tank size, product stored, facility location and any other pertinent identification information necessary.

2) SIR methods may only be used in conjunction with precision tank tightness testing conducted yearly. SIR methods may only be used in conjunction with precision tank tightness testing conducted either annually for tanks that are not upgraded or every five years for tanks that have been upgraded with corrosion protection and spill/overfill prevention devices.

3) A precision tank tightness test, as approved by the Office of the State Fire Marshal, shall be mandatory, if any data analysis indicates a possible release or is inconclusive or indeterminate, or for any test result other than a pass, if two successive monthly data analyses indicate a possible release or are inconclusive; and

4) The measurement of any water level in the bottom of the tank is made to the nearest ⅛-inch one eighth of an inch at least once a month (practices described in API Recommended Practice 1621, incorporated by reference in Section 170.410, may be used, where applicable, as guidance in meeting the requirements of this subsection (h)).

5) SIR test records for the previous 3 years must be kept on-site (a lag time of 60 days will be allowed for on-site records) or available within 30 minutes.

6) New requests to use SIR after May 1, 2003 will no longer be accepted. If SIR is discontinued at a site, it will not be allowed again.
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7) After January 1, 2006, SIR may not be used on systems with blending pumps or siphon tanks.

i) Other methods. Any other type of release detection method or combination of methods, approved by the Office of the State Fire Marshal, may be used if: The owner or operator can demonstrate that the method can detect a release as effectively as any of the methods allowed in subsections (c) through (h) of this Section. Demonstration of any such method shall be in writing submitted to the Office of the State Fire Marshal. In comparing methods, the Office shall consider the size of release that the method can detect and the frequency and reliability with which it can be detected. If the method is approved, the owner or operator shall comply with any conditions imposed by the Office on its use to ensure the protection of human health or the environment. Before the utilization of the method, the Office shall issue written approval.

j) One copy of each independent third-party evaluation and its protocol, for the release detection methods in subsections (c), (d), (e), (g), (h) and (i) above, shall be submitted to the Office of the State Fire Marshal. Any deviation from the third-party evaluation shall be resubmitted for approval.

k) Only one approved method of primary release detection is required for each tank; although, multiple methods are acceptable.

l) No method of release detection shall be used, unless that method has been approved by the Office of the State Fire Marshal.

(Source: Amended at 27 Ill. Reg. 8164, effective May 1, 2003)

Section 170.540 Methods and Requirements of Release Detection for Piping

Owners and operators of petroleum UST systems shall provide release detection, for piping that was designed to contain regulated substances, by the following methods: for pressurized lines – subsections (a) and (b); for suction lines – subsection (c). Each method of release detection for piping used to meet requirements of Section 170.510 shall be conducted in accordance with the following:

a) Automatic Line leak detectors for pressurized systems. Mechanical and electronic line leak detectors, which alert the operator to the presence of a leak by restricting or shutting off the flow of regulated substances through
piping or triggering an audible or visual alarm may be used only if they detect leaks of three gallons per hour at 10 pounds per square inch line pressure within one hour. All line leak detectors must have an operational test performed annually. An annual test of the operation of the leak detector shall be conducted in accordance with the manufacturer's requirements. One copy of an independent third-party evaluation and its protocol for each piping release detection method shall be submitted to the Office of the State Fire Marshal. Any deviation from the third-party evaluation shall be resubmitted for approval.

b) Line tightness testing requirements may be met by one of the following methods:

1) Pressurized lines must have an annual precision test that is capable of detecting a 0.1 gallon per hour leak rate at 1½ times the operating pressure for 30 minutes.

2) Use of an inert gas to pressurize piping as approved by the OSFM is also acceptable.

3) The use of electronic line leak detection that performs a 0.1 gallon per hour test annually is acceptable as the annual test if records can be supplied that confirm a test pass at the 0.1 rate. These records must be kept on site for 3 years, or available within 30 minutes.

4) A method meeting the requirements of the NWGLDE publication "List of Leak Detection Evaluations for Underground Storage Tank Systems".

c) Suction lines.

1) American suction shall be tested annually using any of the following methods in the NWGLDE publication "List of Leak Detection Evaluations for Underground Storage Tank Systems":

   A) If using positive pressure, use at least 7 psi for 30 minutes.

   B) The use of a monthly monitoring method.

2) European suction does not require a test if it is designed and constructed to meet the following:
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A) The below grade piping operates at less than atmospheric pressure;

B) The below grade piping is sloped so that the contents of the pipe will drain back into the storage tank if the suction is released;

C) Only one check valve is included in each suction line;

D) The check valve is located directly below and as close as practical to the suction pump; and

E) A method is provided that allows compliance with subsections (c)(2)(B), (D) and (E) of this Section to be readily determined.

b) Line tightness testing. A periodic test of piping may be conducted only if it can detect a 0.1 gallon per hour leak rate at one and one-half times the operating pressure for 30 minutes. Use of an inert gas to pressurize piping, as approved by the Office of the State Fire Marshal, is also acceptable. Suction piping shall be tested under a positive pressure of approximately seven PSI for 30 minutes.

de) Applicable tank methods. Any of the methods in Section 170.530(a) through (i) may be used if they are designed to detect a release from any portion of the underground piping that routinely contains regulated substances, as approved by the Office of the State Fire Marshal. SIR is not acceptable as a form of line leak detection or precision test. Interstitial piping leak detection systems that are third party approved and have an audible alarm or shut down the product flow can be used in place of annual testing in conjunction with a mechanical line leak detector.

(Source: Amended at 27 Ill. Reg. 8164, effective May 1, 2003)

Section 170.541 Installer, Repairer, Liner Reliner or Remover of USTs and Obtaining Permits

Any person who is an installer, repairer, liner reliner or remover of underground storage tanks is a contractor. However, in order for a contractor to do lining inspections, lining touch up or cathodic protection, or install, repair, line, reline, upgrade, abandon or remove any UST, the contractor is required to be licensed and obtain a permit for that activity, in compliance with the following:

a) Pay $100 per site to the Office of the State Fire Marshal for a permit to install, repair, or line, reline or perform lining touch up, lining inspections, cathodic
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protection, or abandonment, upgrade or removal of underground storage tanks.

1) A separate fee is required for each type of activity.

2) This fee is to be paid by check or money order made payable to "Office of the State Fire Marshal" and is to be from the installer, repairer, liner or remover.

3) Only contractors licensed and certified in accordance with Subpart E (or their respective employees, who do not have to be licensed and certified), and not barred pursuant to Subpart D, may obtain permits. Contractors are required to be licensed and certified in the UST activity for which they are applying.

4) Only contractors, their employees or subcontractors may perform the permitted UST activity in accordance with Subpart E.

5) Only the most current permit application for the activity is to be submitted.

6) Insufficient information submitted with the permit application or an illegible permit application submission is cause for return or denial.

7) Permits expire six months from the date they are issued, except that the applicant may apply for additional 6 month extensions. Each extension request will be accompanied by a $100 fee. Contractors may apply for one extension at the time of the original application. A new permit application and fee must be submitted if the permit lapses in writing and be entitled to one six-month extension of the permit during the time the permit is valid, with no additional fee required.

8) Permit applications denied or rejected the second time will require a new application submission fee.

9) Permit applications and issued permits are not transferable.

10) Permit applications and issued permits may only be submitted and amended by contractors licensed and certified in the area of UST activity
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for which they are applying.

11) Amended permits. Granted permits may be amended only once in the office or in the field without a new application fee. Additional amendments may be allowed with an additional $100 fee; except, each change that requires a new contractor, a new site plan or another engineering review to determine acceptability will require a new permit application submission and $100 fee.

12) A person who is the owner of a UST for which a permit is obtained shall be listed on the permit application as the owner.

13) In the event there is a delegation of authority to the City of Chicago to enforce UST rules and regulations, pursuant to 430 ILCS 15/2, subject to the terms of such an agreement, the City has the authority to modify this subsection (a) to issue the permits and collect the fees for its own use, regarding UST activities within the jurisdiction of the City.

14) A permit is closed:

A) When the work under the permit is completed and the required notification forms have been submitted to the OSFM; or

B) When the permit has lapsed, expired or been revoked.

b) No permit may be issued when a current owner is listed on a permit application who owes fees pursuant to Section 170.441 or 170.442 until any such fee is paid in full.

c) No UST activity requiring a permit may proceed without a granted permit in the possession of the contractor or representative of the contractor at the UST site, except pursuant to Section 170.481, and the permit shall be available upon request of an Office of the State Fire Marshal representative. Performance by a contractor of a UST activity in violation of this Section may result in the suspension or revocation of the license of that contractor to perform any UST activity. This does not preclude suspension or revocation for a violation of any other applicable Section.

d) No UST owners or operators may perform any UST activity on their UST, unless
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the owner complies with the licensing and certification requirements of Subpart E.

e) UST activity performed that is not in compliance with the conditions of a permit issued to a contractor is cause for permit revocation, or suspension or revocation of the license of that contractor to perform any UST activity. This does not preclude suspension or revocation for a violation of any other applicable Section.

f) For purposes of this Section, the term "installer" includes "replacer" and "install" includes "replace"; the term "repairer" includes a person who upgrades and "repair" includes "upgrade"; and the term "remover" includes a person who "abandons-in-place" and "remove" includes "abandon-in-place" a UST.

g) A permit is required to do any of the following to USTs:

1) remove;

2) abandon-in-place;

3) upgrade;

4) repair;

5) line;

6) inspect linings;

7) lining touch ups;

8) emergency repairs;

9) repair or install cathodic protection;

10) install manways (except in cases associated with a lining permit or lining inspection permit) with manholes bolted to the tank top, only when in conjunction with an inspection and in a manner that does not damage the existing lining; reline and

11) install all UST tanks and piping; or
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12) any time a tank is entered. Primary leak detection systems, corrosion protection, spill containment, overfill prevention and new dispenser islands also require permits.

h) Actions not requiring a permit.

1) No permit is required to do routine maintenance on, or like-for-like replacements for, the following: No permit is required for routine maintenance such as replacement of existing dispensers, provided no new piping is installed. No permit is required for existing equipment located in existing containment sumps, not in direct contact with the earth or covered with backfill, such as submersible pump, a third-party approved line leak detector, shear valve, swing joint or flex connector. Existing automatic tank gauge probes, if defective, may be replaced with those of identical manufacture and model of existing equipment without a permit. Tightening loose fittings does not require a permit. Excavations needed to investigate releases do not require permits provided there is no installation or removal of UST equipment.

A) submersible pumps;

B) spill containment devices;

C) drop tube valves;

D) ball floats;

E) ATG probes;

F) mechanical line leak detectors;

G) electronic line leak detectors;

H) wireless electronic line leak detectors; or

I) rectifiers.

2) The exceptions listed in subsection (h)(i) are the only exceptions from the permit requirement. If the equipment is not present or another type of
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equipment is to be used, a permit shall be required. Any pipe or flex connector work requires a permit.

3) In the event that equipment is not installed like-for-like and/or equipment is installed without a permit, the owner/operator will be required to do the following:

A) Hire an OSFM recognized contractor other than the contractor who did the unauthorized/non-permitted work.

B) OSFM Engineering Department will determine if the equipment is approved for this application.

C) Contractor will submit a Date and Time Certain job schedule to review the installation and determine that the equipment has been installed as per manufacturer’s specifications.

D) Contractor will schedule a Date and Time Certain final inspection. The contractor will have a representative at the final inspection that is knowledgeable and able to work with this equipment. An amended notification form for this installation shall be available for the STSS. The representative will review the equipment with the STSS.

4) Replacing of any of the above equipment must be reported in writing, within 24 hours after the activity, to the OSFM, on an OSFM approved form, listing the make, model, and manufacturer of the equipment, indicating where the equipment is being installed.

5) When replacing an electronic line leak detector that is capable of detecting a release within 0.1gph with a mechanical line leak detector, notification must be made by the contractor to the OSFM in writing, within 8 working hours after replacement, on an approved OSFM form. An original replacement must be completed within 10 working days and notification of completion shall be submitted to the OSFM within 8 working hours after the replacement.

6) A valid permit does not remedy a violation until the work is completed and does not allow for any extensions of time for compliance.
Section 170.542  Site Plans

a) Site plans showing setback distances made to scale shall be submitted in triplicate, by the contractor listed on the permit application, to the Office of the State Fire Marshal and are subject to approval by the Office before any new construction, addition or remodeling which alters building size, dispenser locations or locations or sizes of vehicle service area or storage tanks. Removals, lining relines and upgrades, which involve replacing equipment with that of identical manufacture and model, do not require the submission of site plans; however, permits are required in accordance with Section 170.541. Site plans shall be legible and sizes shall be 8½" x 11", 8½" x 14" or 11" x 17" only; blueprints are not acceptable as site plans. Separate permit application forms are provided for installation, removal, upgrade or repair, relining or abandonment-in-place. Drawings shall carry the name of the contractor proposing the installation, the location with reference to city, village or town, and shall show the following:

1) The plot to be utilized and its immediate surroundings on all sides. All property lines are to be designated and adjacent streets and highways shall be named.

2) The complete installation as proposed, including tanks and their capacities, class of liquids to be stored, pumps, buildings, drives and all UST equipment.

3) Clearance from tanks to property lines as required by Section 170.422.

4) Type of construction of service station building or buildings, clearly showing that there will be no new basement, cellar or excavation within 20 feet of any underground storage tank system.

5) Location of basements, cellars or pits of other buildings on the property or on adjacent property and location of tanks with reference thereto, as required by Section 170.422. If a building has no basement, cellar or pit, a notation to that effect should be made in the proper place. No basements are allowed within 20 feet of a UST system or its components at the time of site plan submittal or system installation.
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6) **If within the setback area, the location of** sewers, manholes, catch basins, cesspools, septic tanks, wells or cisterns (whether on the property, adjacent property or in adjoining streets, highways or alleys), and location of tanks with reference thereto, as required by Section 170.422. If there is no sewer, manhole or catch basin in a street or alley or no sewer, cesspool, septic tank, well or cistern on a property, a notation to that effect should be made in the proper place.

7) **Location of vent pipe and outlets as required by Section 170.424(d) and location of fill pipes, including remote fills, as required by Section 170.425.**

8) Ventilation of greasing pits as required by Section 170.130, if greasing pit is located within a building or an enclosure.

9) Drawings shall be accompanied by an application for approval made out in triplicate on forms furnished by the Office of the State Fire Marshal.

10) Plans will be approved if they meet the requirements contained in this Subpart, and a written granted permit will be issued when the conditions are met.

b) In the event there is a delegation of authority to the City of Chicago to enforce UST rules and regulations, pursuant to 430 ILCS 15/2, subject to the terms of such an agreement, the City has the authority to modify this Section to change any reference to "Office of the State Fire Marshal," or variation thereof, to the appropriate City authority.

(Source: Amended at 27 Ill. Reg. 8164, effective May 1, 2003)

Section 170.543 Notification and Establishment of Time Certain and Date Certain for Underground Storage Tank Activity

a) This subsection applies to underground storage tank activity requiring a permit and consisting of removal, abandonment-in-place, repair, **lining or any tank entry or reline.**

1) **Notification:**
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Notice of UST activity shall be given to the Office of the State Fire Marshal, Division of Petroleum and Chemical Safety, in writing (the permit application, as specified in Section 170.541, shall constitute such writing) by the contractor and must be scheduled. Notice of removal of a UST shall be given to the Office at least 30 days prior thereto, unless such action is in response to a known or suspected release, which has been assigned an incident number by Illinois Emergency Management Agency. In the event of a known or suspected release, the Office of the State Fire Marshal may waive the 30-day waiting period; however, a permit is still required.

2) Establishment of a Date Certain:

A) The contractor the permit was issued to or an employee of that contractor (this does not include a subcontractor) shall establish a date certain to perform the UST activity by contacting the Office of the State Fire Marshal, Division of Petroleum and Chemical Safety, by telephone between 8:30 a.m. and 12:00 p.m., at which time a mutually agreed upon date and time for the UST activity shall be scheduled.

B) No permitted removal, abandonment-in-place, repair, or reline-tank entry, interior lining, lining inspection or installation of manways (except in cases where manway installation is a part of a lining permit or lining inspection permit) is to be performed without an Office of the State Fire Marshal Storage Tank Safety Specialist (STSS) present, as deemed necessary by the Office (see appropriate Appendix).

3) In the event there is a delegation of authority to the City of Chicago to enforce UST rules and regulations, pursuant to 430 ILCS 15/2, subject to the terms of such an agreement and to the extent the City is authorized to supervise the above-referenced activities, the City is authorized to substitute references in this Section to the Office of the State Fire Marshal or its agents or employees with comparable terminology.

b) This subsection (b) applies to underground storage tank activity requiring a permit and consisting of installation and upgrade (including corrosion protection upgrades).
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1) Notification and Establishment of Time Certain and Date Certain:

A) After the approved permit is issued by the Office of the State Fire Marshal, Division of Petroleum and Chemical Safety (DPCS) and received by the contractor, a job schedule shall be submitted for the installation or upgrade by transmitting it (by mail, express mail, package service, fax, or e-mail) to the Office of the State Fire Marshal, DPCS. Permitted activity will be scheduled no less than 5 working days from the approval date shown on the permit and no less than 2 working days from the submission date of the job schedule. Time Certain and Date Certain activities will only be scheduled on State working days. The DPCS will transmit a stamped acknowledgement receipt back to the contractor within one working day. A copy of this receipt, along with a copy of the permit, will be kept on the job site at all times. Work will not commence until the contractor obtains this receipt.

B) Time Certain activities in reference to tank installation are air test on the tank, air test on primary lines, hydrostatic test on containments prior to backfill, and final inspection. Date Certain activities are Tank Installation and Air Test on Secondary Containment. Time Certain activities will be scheduled for a period of at least two working hours and subsequent activities will not proceed until the time period is over. Date Certain activities will be scheduled to start on the scheduled day after appropriate Time Certain events have been completed.

C) No permitted and scheduled Time Certain or Date Certain activity is to be performed outside the schedule without the prior notice to the Office of the State Fire Marshal, DPCS. Changes made to Time Certain and Date Certain schedules will occur a maximum of two times, except for new tank installations where two additional changes may be used for final inspection only. These changes must be received, using the appropriate form (by mail, express mail, package service, fax, or e-mail) a minimum of one working day or 8 working hours before the event is scheduled. A new Time Certain or Date Certain cannot be scheduled prior to 3
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five working days or 24 hours from the submission date of the revised Job Schedule. The DPCS will transmit a stamped acknowledgement receipt of the revised Job Schedule back to the contractor within one working day. Time or Date Certain activities will not resume until the contractor obtains this receipt. A copy of the revised Job Schedule Receipt will be kept, along with the original Job Schedule Receipt and a copy of the permit, on site during all permitted activities.

D) Time Certain and Date Certain activities may be cancelled, with consent of the OSFM Storage Tank Safety Specialist (STSS), without the one working day or 8 hours notice, due to adverse natural occurrences or other emergency. A cancelled activity may be rescheduled, either inside or outside of the five working day/24 hour waiting period. These cancellations do not count as a scheduled Time Certain or Date Certain change under subsection (b)(1)(C).

E) A new permit and fee will be required when there is a failure to meet any of the Time and Date Certain schedules. This includes not showing for inspection, not being totally ready for inspection, allowing permit to expire before completing the final inspection, or not canceling job within the allowed time frame.

F) For spill or overfill final Time and Date Certain inspections, a contractor representative is not required to be on site, but the scheduling of the final inspection is required.

2) In the event authority is delegated to the City of Chicago to enforce UST rules and regulations under 430 ILCS 15/2, and subject to the terms of the delegation agreement and the City’s authority to supervise the activities regulated by this subsection (b), the City may substitute, for references to the OSFM or its agents or employees, comparable references to the City or its agents or employees.

3) There shall be no sale of product from a newly installed UST system until the OSFM Green Tag has been issued.

4) Any time an emergency repair permit is issued, the contractor shall
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schedule and complete the final inspection within 30 days after the issuing of the permit.

(Source: Amended at 27 Ill. Reg. 8164, effective May 1, 2003)

Section 170.544  Tester of Underground Storage Tanks and Cathodic Protection and UST Equipment

a) Any person who is a tester of underground storage tanks or its piping, or cathodic protection, or other UST equipment for another, except a lessor for his or her lessee, is a contractor. Testers shall be licensed and certified in accordance with Subpart E, except they shall not be licensed if they are so barred pursuant to Subpart D. The results of such tests are to be reported to the Office within one month from the date of each such test on a form prescribed by the Office, except when a tank fails a test and is suspected of leaking, the result shall be submitted within three working days of the test.

a)  The following are the requirements for testers for UST systems:

1)  Cathodic protection. To qualify as a tester of cathodic protection, an individual must be ICC certified in the CP module or be approved by the OSFM.

2)  Precision tanks and piping. To qualify as a tester to perform precision tests on tanks or piping, an individual must be certified by ICC in the tank tightness testing module.

Ab)  Tank tightness methods shall be evaluated by an independent third-party as contained in the NWGLDE publication "List of Leak Detection Evaluations for Underground Storage Tank Systems" and are subject to approval by the Office of the State Fire Marshal.

Be)  Tank tightness testers shall be trained by the manufacturer of the testing equipment relied upon to ensure proficiency in the tightness testing method.

3)  UST equipment (including all equipment other than that listed in subsections (a)(1) and (2) of this Section). To qualify as a tester, an individual must be an employee of an ICC certified contractor that has been trained in the testing of the equipment being evaluated for its...
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operation in accordance with manufacturers' specifications.

b) Test results shall be handled as follows:

1) Test results that pass are to be issued to the facility and owner.

2) Test results that fail must be reported to the OSFM within 3 working days.

3) Test results required due to Notice of Violation must be reported to the OSFM within 10 working days.

3) All test results must be reported on a form prescribed by the OSFM.

cd) For purposes of this Section, "license" (or any comparable variation of the term) is synonymous with "registration" (or any comparable variation of the term).

(Source: Amended at 27 Ill. Reg. 8164, effective May 1, 2003)

Section 170.546 UST Restrictions at Service Stations

a) Service station storage shall be underground and the capacity of any single compartment of an underground storage tank for petroleum shall not exceed 20,000 gallons unless approved by the OSFM. (See 41 Ill. Adm. Code 180 "Storage, Transportation, Sale and Use of Gasoline and Volatile Oils" for exclusions.)

b) The total aggregate storage at service stations of petroleum shall be limited by the ability to achieve and maintain clearances to basements, sewers, property lines and special classes of property, in accordance with Sections 170.420 and 170.422, and clearance between tanks is a minimum of 24 12-inches for all tanks installed after May 1, 2003.

(Source: Amended at 27 Ill. Reg. 8164, effective May 1, 2003)

Section 170.550 Release Detection and Cathodic Protection Recordkeeping

UST system owners or operators shall maintain records in accordance with Section 170.490, demonstrating compliance with all applicable Sections of this Subpart. All records are to be kept on site or available within 30 minutes or less via fax, email, or other transfer of information.
Failure to meet this 30 minute time frame at two separate facilities with the same registered ownership will then require the owner to maintain all records at all of that owner's sites thereafter; the 30 minute time frame will no longer be allowed. Multiple incidents of not complying with the 30 minute time frame at one site will also cause the owner to lose this time option. These records shall include the following:

a) All written performance claims pertaining to any release detection system used and the manner in which these claims have been justified or tested by the equipment manufacturer or installer, shall be maintained for five years from the date of installation;

b) The results of any sampling, testing or monitoring conducted or otherwise required shall be maintained for at least 3 years, except that the results of tank tightness testing conducted in accordance with Section 170.530(c) shall be retained until the next test is conducted; and

c) Written documentation of all calibration, maintenance and repair of release detection equipment permanently located on-site shall be maintained for at least 3 years after the servicing work is completed. Any schedules of required calibration and maintenance provided by the release detection equipment manufacturer shall be retained for five years from the date of installation; and

d) At the time of a compliance inspection/audit, the following shall be accomplished:

1) Corrosion Protection

   A) Lined tanks must undergo a physical internal inspection 10 years after installation; and an internal inspection every 5 years thereafter; records must be kept on site for 5 years.

   B) STIP 3 tanks are to be tested every 3 years for proper corrosion protection operation and records from the previous test must be kept on site. In the event that a reading of -875 millivolts or less is recorded from testing conducted above the structure, on any type of corrosion protection system, then yearly testing will be required thereafter. In the event that upgrading of the cathodic protection system results with readings greater than -875 millivolts with readings being be conducted above the structure, testing may be...
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conducted every 3 years; however, if the 6 month test after upgrading produces a reading of -875 millivolts or less, then yearly testing will be required thereafter.

C) Tanks, lines and flex connectors with sacrificial anodes attached must be tested every 3 years to verify proper corrosion protection operation and records from the previous test must be kept on site. In the event that a reading of -875 millivolts or less is recorded with testing conducted above the structure, on any type of corrosion protection system, then yearly testing will be required thereafter. In the event that upgrading of the cathodic protection system results in readings greater than -875 millivolts with readings being conducted above the structure, testing may be conducted every 3 years; however, if the 6-month test after upgrading produces a reading of -875 millivolts or less, then yearly testing will be required thereafter.

D) Impressed current systems must be inspected every 30 days and reports or a log maintained that shows date of inspection, initials of inspector, hour, volt and amp readings and power on verification, with a minimum of 3 years of records kept on site. Also, a corrosion contractor must check the total system yearly from date of installation and results shall be kept on site for 3 years.

2) Leak Detection Tanks

A) Manual tank gauging. Tanks up to 600 gallons require weekly inventory records and monthly reconciliation is allowed indefinitely. Tanks 601 through 2,000 gallons require a yearly tightness test and weekly inventory records, and monthly reconciliation is allowed for only 10 years from cathodic protection installation. Records are to be kept on site for 3 years minimum. Weekly and monthly standards are as follows: 600 gallons or less have a weekly maximum loss of 10 gal. and a monthly standard of 5 gal. averaged over 4 tests (weeks); for tanks 601 to 1,000 gal., 13 gal. weekly and 7 gal. 4 week average; tanks 1001 to 2,000 gal. weekly and 13 gal. 4 week average.
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B) Interstitial monitoring of tanks must be done monthly and records kept on site for 3 years. The records can be a printed system status report from an ATG showing pass, normal, etc., or a log book showing date, initials of inspector, status of system pass, normal, etc. The interstitial system must be tested every 3 years to verify operation and previous test records must be kept on site.

C) Inventory control is allowed for 10 years only from date of corrosion protection installation. A precision tank tightness test must be performed at 5 years and 10 years prior to changing leak detection methods. Daily inventory control records and monthly reconciliation records (minimum 3 years worth) and tightness test records are to be kept on site for 5 years.

D) Automatic tank gauge. A print out tape of the tank leak test showing one pass per tank per month must be kept for 3 years minimum. If no tape is available from the unit, a log showing date, initials of person conducting the test, and leak results shall be maintained with a minimum of 3 years records kept on site.

E) SIR. A tank tightness test is required yearly from start date and the test results must be kept on site for 3 years. Also, the monthly SIR reports are to be saved and records for the previous 3 years must be kept on site.

F) Vapor and groundwater monitoring. A monthly record must be taken on a log showing date of inspection and status (pass or fail) for each monitoring well with a minimum of 3 years records kept on site.

3) Line Leak Detection

A) American suction must have a line tightness test performed yearly and the test report must be kept on site for 3 years.

B) Mechanical line leak detector and lines must be tested yearly with records kept on site for 3 years.

C) Electronic line leak detectors must receive a 0.1 line test annually.
and 3 years worth of records must be kept, or they must be tested yearly along with their associated line and records must be kept on site for 3 years.

D) Interstitial monitoring of lines must be done monthly and comply with the same requirements as interstitial monitoring for tanks (see subsection (d)(2)(B)).

(Source: Amended at 27 Ill. Reg. 8164, effective May 1, 2003)

Section 170.570 Investigation Due to Off-Site Impacts (Repealed)

When required in writing by the Office of the State Fire Marshal, owners or operators of UST systems shall follow the procedures in Section 170.580 to determine if the UST system is the source of off-site impacts. These impacts include the discovery of regulated substances (such as the presence of free product or vapors in soils, basements, sewer or utility lines or nearby surface or drinking waters) that have been observed by the Office or brought to its attention by another party.

(Source: Repealed at 27 Ill. Reg. 8164, effective May 1, 2003)

Section 170.580 Release Investigation Reporting, Site Assessment, Initial Response and Confirmation Steps

a) Investigation Due to Off-Site Impact. When required in writing by OSFM, owners or operators of UST systems shall determine if the UST system is the source of off-site impacts. These impacts include the discovery of regulated substances, such as the presence of free product or vapors in soils, basements, sewer or utility lines or nearby surface or drinking water that have been observed by the OSFM or brought to its attention by another party.

b) Release Investigations and Confirmation Steps. Unless corrective action is initiated, owners or operators shall investigate and confirm all suspected releases of regulated substances requiring reporting within 14 days, using the following procedures:

1) Owners or operators shall repair, replace or upgrade the UST system and begin corrective action, if the test results for the system, tank or delivery piping indicate that a leak exists;
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2) Further investigation is not required if the test results for the tank system and delivery piping do not indicate that a leak exists and if environmental contamination is not the basis for suspecting a release; and

3) Owners or operators shall conduct a site assessment if the test results for the system, tank and delivery piping do not indicate that a leak exists but environmental contamination is the basis for suspecting a release.

c) Site Assessment. Owners or operators shall measure for the presence of a release where contamination is most likely to be present at the UST site. In selecting sample types, locations and measurement methods, owners or operators shall consider the nature of the stored substance, the type of initial alarm or cause for suspicion, the types of backfill, the depth of groundwater and other factors appropriate for identifying the presence and source of the release.

1) If the test results for the excavation zone or the UST site indicate that a release has occurred, owners or operators shall begin initial response and initial abatement procedures.

2) If the test results for the excavation zone or the UST site do not indicate that a release has occurred, further investigation is not required.

d) Initial Response. Upon confirmation of a release or after a release from the UST system or hazardous substance is identified in any other manner, owners or operators shall perform the following initial response actions immediately:

1) Report the release to Illinois Emergency Management Agency, by way of telephone or electronic mail, within 24 hours;

2) Take immediate action to prevent any further release of the regulated substance into the environment; and

3) Identify and mitigate fire, explosion and vapor hazards.

e) Notification of Suspected Release. The owner, operator or designated representative of the UST must notify the Illinois Emergency Management Agency of a suspected release, when directed to do so by the OSFM STSS. This is to be done at the time of discovery and the incident number shall be given to the STSS prior to his/her leaving the site.
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Unless corrective action is initiated in accordance with Sections 170.600 and 170.610, owners or operators shall investigate and confirm all suspected releases of regulated substances requiring reporting under Section 170.560 within seven days, using the following procedures:

a) System test. Owners or operators shall conduct tests (according to the requirements for tightness testing in Sections 170.530(c) and 170.540(b)) that determine whether a leak exists in that portion of the tank that routinely contains product or the attached delivery piping, or both.

1) Owners or operators shall repair, replace or upgrade the UST system and begin corrective action in accordance with Sections 170.600 and 170.610, if the test results for the system, tank or delivery piping indicate that a leak exists;

2) Further investigation is not required if the test results for the system, tank and delivery piping do not indicate that a leak exists and if environmental contamination is not the basis for suspecting a release; and

3) Owners or operators shall conduct a site assessment as described in subsection (b) below, if the test results for the system, tank and delivery piping do not indicate that a leak exists but environmental contamination is the basis for suspecting a release.

b) Site assessment. Owners or operators shall measure for the presence of a release where contamination is most likely to be present at the UST site. In selecting sample types, sample locations and measurement methods, owners or operators shall consider the nature of the stored substance, the type of initial alarm or cause for suspicion, the type of backfill, the depth of groundwater and other factors appropriate for identifying the presence and source of the release.

1) If the test results for the excavation zone or the UST site indicate that a release has occurred, owners or operators shall begin initial response and initial abatement in accordance with Sections 170.600 and 170.610;

2) If the test results for the excavation zone or the UST site do not indicate that a release has occurred, further investigation is not required.

(Source: Amended at 27 Ill. Reg. 8164, effective May 1, 2003)
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Section 170.600 Initial Response for UST Systems Containing Petroleum or Hazardous Substances (Repealed)

Upon confirmation of a release in accordance with Section 170.580 or after a release from the UST system is identified in any other manner, owners or operators shall perform the following initial response actions within 24 hours:

a) Report the release to Illinois Emergency Management Agency (e.g., by telephone or electronic mail); in the event of a release of a hazardous substance, the release is to be reported immediately [40 ILCS 100 and 29 Ill. Adm. Code 430];

b) Take immediate action to prevent any further release of the regulated substance into the environment; and

c) Identify and mitigate fire, explosion and vapor hazards.

(Source: Repealed at 27 Ill. Reg. 8164, effective May 1, 2003)

Section 170.620 Temporary Out-of-Service Status for UST Systems (Repealed)

a) The owner of a UST system in a state of non-use who wants the system classified as temporarily out of service shall submit a written request to the Office of the State Fire Marshal. The written request shall be submitted within three months from the date of non-use.

b) When a UST system is temporarily out of service, owners or operators shall continue operation and maintenance of corrosion protection in accordance with Sections 170.460, and any release detection in accordance with all applicable Sections of this Subpart. Sections 170.560 through 170.610 shall be complied with if a release is suspected or confirmed. However, release detection is not required as long as the UST system is empty. A UST system is empty when its contents have been removed using commonly employed practices, so that no more than 2.5 centimeters (one inch) of residue, or 0.3 percent by weight of the total capacity of the UST system, remain in the system.

c) When a UST system is temporarily out of service for three months or more, owners or operators shall also comply with the following requirements:

1) Leave vent lines open and functioning; and
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2) Cap and secure all other lines, pumps, manways and ancillary equipment.

d) When a UST system is temporarily closed for 12 months, owners or operators shall remove the UST system, within the subsequent 12 months. The UST system shall be removed if it does not meet performance standards in Sections 170.420 and 170.421 for new UST systems; however, this does not include spill and overfill equipment requirements. However, release detection is not required as long as the UST system is empty, as defined in subsection (b) above. Owners or operators shall remove a substandard UST system at the end of this 12-month period in accordance with Section 170.670.

e) Owners or operators of temporary-out-of-service UST systems in compliance with subsections (a), (b) and (c) above, may apply for a second 12-month extension period. To be eligible for this second 12-month extension period, a site assessment in accordance with Section 170.640 shall be completed, and the site assessment and request for an extension shall be submitted in writing to the Office of the State Fire Marshal within the first 12-month period.

f) Temporarily out-of-service tanks, which have received the extension in subsection (e) above, shall be removed at the end of that 12-month period in accordance with Section 170.670.

g) An underground storage tank brought back into use during either 12-month period, for which it had received authorized temporary out-of-service status, is no longer so classified and its owner shall submit an amended notification form, so stating. Any such system shall meet all applicable requirements of Sections 170.420 and 170.421.

h) Any change in the status of a UST system, as a result of adherence to this Section, requires compliance with notification requirements, as specified in Section 170.440(g).

(Source: Repealed at 27 Ill. Reg. 8164, effective May 1, 2003)

Section 170.630 Change-in-Service of UST Systems

a) From a Regulated Substance to a Non-Regulated Substance: Continued use of a UST system to store a non-regulated substance (so that it is no longer classified as an UST system) is considered a change-in-service. Before a change-in-service, owners or operators shall empty and clean the tank by
removing all liquid and accumulated sludge and conduct a site assessment. **The minimum requirements for the site assessment will be two samples: one from each end of the tanks at opposite corners to a depth 2 feet below the invert elevation of the tank and one from under each dispenser in accordance with Section 170.640.** However, a change-in-service may only occur during the first two years, commencing with the date of installation of the tank.

b) From a Regulated Substance to a Regulated Substance:

A change-in-service also consists of a conversion of a petroleum UST to a petroleum UST or a hazardous substance UST to a hazardous substance UST or of a petroleum UST to a hazardous substance UST and vice versa. Before a change-in-service, owners or operators shall empty and clean the tank by removing all liquid and accumulated sludge and verify that the UST system meets the requirements of a hazardous material system if being changed over to a hazardous material substance and conduct a site assessment in accordance with Section 170.640.

c) From a Non-Regulated Substance to a Regulated Substance:

A non-UST system tank, which is used to store a non-regulated substance, may not be converted to a UST system tank unless the tank has been re-certified and is in compliance with all applicable upgrade requirements for new UST systems.

d) **A waste oil tank that is supplying fuel to a waste oil furnace and is taken out of series shall be no longer classified as a heating oil tank. If the tank does not meet all upgrade requirements for release detection, spill, overfill and corrosion protection, then the tank shall be removed.**

e) In all the above, the equipment must be compatible with the product being stored.

(Source: Amended at 27 Ill. Reg. 8164, effective May 1, 2003)

Section 170.640 Assessing the Site at Removal of, Previously Removed, or Change-in-Service of UST Systems

a) After removal is completed, the owner or operator shall:

1) Perform a site assessment by measuring for the presence of a release
where contamination is most likely to be present at the UST site. In selecting sample types, sample locations and measurement methods, the owner or operator shall consider the method of removal, the nature of the stored substance, the type of backfill, the depth to groundwater, and other factors appropriate for identifying the presence of a release. OSFM provides no additional guidance to performing a site assessment. This is the responsibility of the owner or operator.

2) The owner or operator, or his or her designated representative, shall report a release or suspected release to the Illinois Emergency Management Agency and secure an incident number. The incident number shall be provided to the STSS at the conclusion of the removal and prior to the departure of the STSS.

3) If contaminated soils, groundwater or free product as a liquid or vapor, resulting from a UST system release, is discovered, owners or operators shall begin initial response and initial abatement procedures in accordance with Section 170.580.

  b) When directed in writing by the Office of the State Fire Marshal, the owner or operator of a UST system removed before April 21, 1989 shall assess the excavation zone (including, if so ordered, re-excavating and assessing the site where the tank had been located) in accordance with Section 170.640. The OSFM direct removal if a release from the UST may, in the judgment of the OSFM, pose a current or potential threat to human health or the environment.

  c) A site assessment shall be performed, when ordered in writing by the OSFM, when a registered or unregistered regulated UST is removed without the required permit and STSS on site at time of removal. The site assessment shall include, at a minimum, 2 borings/samples from directly under the tank bottom at opposite ends, 2 from outside the tank field, one on each side of tank field, 1 under each dispenser, and 1 for every 20 feet of product piping. A drawing of the site, location of borings and results of testing shall be supplied to the OSFM. A report to IEMA shall be made and an incident number shall be obtained if any of the samples fall within reportable guidelines as detailed in 35 Ill. Adm. Code 742, Appendix B.

  a) After removal or a change in service is completed, the owner or operator shall perform a site assessment by measuring for the presence of a release where
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Contamination is most likely to be present at the UST site. In selecting sample types, sample locations and measurement methods, the owner or operator shall consider the method of removal, the nature of the stored substance, the type of backfill, the depth to groundwater, and other factors appropriate for identifying the presence of a release. The requirements of this Section are satisfied if an external release detection method allowed in Section 170.530(e) and (f) is operating in accordance with the requirements in Section 170.530 at the time of removal and indicates no release has occurred.

b) The Office of the State Fire Marshal provides no additional guidance to performing a site assessment. This is the responsibility of the owner or operator.

c) If contaminated soils, contaminated groundwater, or free product as a liquid or vapor, resulting from a UST system release, is discovered under subsection (a) above, or by any other manner, owners or operators shall begin initial response and initial abatement in accordance with Sections 170.600 and 170.610.

(Source: Amended at 27 Ill. Reg. 8164, effective May 1, 2003)

Section 170.650 Applicability to Previously Removed UST Systems (Repealed)

When directed in writing by the Office of the State Fire Marshal, the owner or operator of a UST system removed before April 21, 1989, shall assess the excavation zone (including, if so ordered, re-excavating and assessing the site where the tank had been located) in accordance with Section 170.640 if a release from the UST may, in the judgment of the Office, pose a current or potential threat to human health or the environment.

(Source: Repealed at 27 Ill. Reg. 8164, effective May 1, 2003)

Section 170.670 Removal or Abandonment-in-Place of Underground Storage Tanks

a) When an underground storage tank has been out of operation for 12 consecutive months, the owner of the tank shall remove it within the immediate subsequent 12-month period, subject to the following exceptions:

1) If the tank is placed in a "temporary out-of-service" status, pursuant to Section 170.620, upon termination of such status, the tank shall be removed pursuant to Section 170.620(d) or (f) of this Part.
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2) If there is a "change in service" during the first 12-month period, pursuant to Section 170.630(a).

3) A waiver to "abandoned-in-place," pursuant to this Section is issued.

4) USTs that have not been in operation at any time after January 1, 1974, may not be required to be removed, unless the Office of the State Fire Marshal has determined that a release from the USTs poses a current or potential threat to human health and the environment.

5) Heating oil USTs, for consumptive use on the premises where stored, do not have to be removed, unless the Office of the State Fire Marshal has determined that a release from the USTs poses a current or potential threat to human health and the environment.

ab) Removal:

1) Remove all petroleum or hazardous substances and all accumulated sludges from the tank and connecting lines;

2) Disconnect piping at all tank openings;

3) Remove all sections of connecting lines that are not to be used further and cap or plug all tank openings. At least one plug or cap must have an \(\frac{1}{8}\)-inch hole;

4) Before removal and at any time thereafter, as determined by the OSFM, the tank shall be gas freed (vapors from the combustible or flammable liquid from the tank are not present in a concentration sufficient to support combustion) on the premises in accordance with API Recommended Practice 1604, incorporated by reference in Section 170.410 Remove tank from ground;

5) Remove tank from ground Before removal and at any time thereafter, as determined by the Office of the State Fire Marshal, the tank shall be gas freed (vapors from the combustible of flammable liquid from the tank are not present in a concentration sufficient to support combustion) on the premises in accordance with Section 4 of API Recommended Practice 1604, incorporated by reference in Section 170.410, or shall be
transported, in compliance with Illinois Environmental Protection Agency regulations (including 35 Ill. Adm. Code 807.210, 807.310, 809.201 or 809.301, as applicable), to an area not accessible to the public and the gas freeing completed at that location;

6) In the event of a tank releasing or suspected of releasing a flammable or combustible liquid, the tank shall be gas freed on the premises in accordance with Section 4 of API Recommended Practice 1604, incorporated by reference in Section 170.410, prior to removal from the excavation zone and may not be gas freed elsewhere; and

62) In subsections (b)(5) and (6) above, references to Section 4 of API Recommended Practice are so modified that At least 5 percent of the lower flammable limit shall be obtained before the tank is considered safe for removal, instead of 20 percent, as required in the above cited API Recommended Practice 1604. Dry ice shall not be allowed as a method of inerting tanks as referred to in API 1604;

78) Compliance with this subsection (ab) is the responsibility of the contractor.

b) Disposal of Tanks:

If a tank is to be disposed of as salvage junk, it shall be retested for combustible or flammable vapors and, if necessary, rendered gas free. After removal and before releasing to a junk dealer, a sufficient number of holes or openings (at least two percent of the total surface area of the tank) shall be made in it to render inoperative for further use as a UST. Sections 4.3 and 7 of API Recommended Practice 1604, incorporated by reference in Section 170.410, provide information on safe procedures for such an operation. If the tank last contained leaded gasoline, an unknown petroleum product or a hazardous substance, it may only be scrapped as salvage junk or re-certified. If tanks are being re-certified, the contractor must give written notice to the OSFM on the removal permit as to the intent to re-certify and re-use the tanks being removed. The re-certified tank must be re-installed within 6 months from removal. Compliance with this subsection (be) is the responsibility of the contractor.

c) Removal Procedures:
1) Secure proper permitting and provide required notice of removal to OSFM;

2) All removal monitoring equipment shall be maintained according to manufacturer’s specifications;

3) Establish an exclusion zone within which smoking is prohibited. The use of spark producing/non-explosion proof equipment is prohibited in the vapor hazard area;

4) Excavate to the top of the tank, drain and remove all piping except the vent lines. Pipe trenches shall remain open for inspection by the OSFM Storage Tank Safety Specialist (STSS);

5) Remove all liquids from the tank using explosion-proof pumps or hand pumps. When suctioning product out of tanks, plastic pipes shall not be allowed as a suction tube;

6) The tank atmosphere and the excavation area shall be regularly monitored with a combustible gas indicator for flammable or combustible vapor concentration until the tank is removed from both the excavation and the site. Monitoring the UST shall be done at 3 levels in the tank: top, middle and bottom;

7) Monitor the tank to insure explosive conditions do not exist. Lower explosive limit (LEL) 5% or less, or oxygen 5% or less, shall be attained;

8) Vapor freeing shall be done in accordance with API 1604 Section 4.2. When vapor freeing the tank with compressed air or using inert gases under pressure, all devices shall be bonded to the tank, and the tank shall be grounded to a separate ground. When using inert gases the cylinder shall be equipped with a pressure gauge, so that no more than 5 psi can be discharged into the tank during vapor freeing procedures. To ensure and maintain proper grounding and bonding, such connections shall be tested by the contractor for continuity. This testing shall be done with equipment designed for continuity testing. When vapor freeing of tanks, plastic pipes shall not be allowed as a vent tube on eductors;

9) Plug and cap all accessible tank holes. One plug should have an ⅛-inch
vent hole;

10) Excavate around the tank to prepare for removal. This shall include excavation along one side and one end, from top to bottom;

11) OSFM STSS is to be on site before cutting and cleaning operations or tank removal can proceed;

12) Protective equipment for tank cleaning personnel shall be a minimum personal protection of:

   A) supplied air with full face mask;

   B) level B personal protective equipment with body harness and tag line;

   C) protective booties;

   D) continual monitoring of LEL and oxygen during cleaning;

   E) attendant/observer;

   F) confined space entry permit to include MSDS sheets;

   G) positive flow of fresh air shall be supplied during the cleaning operations;

   H) Requirements in this subsection (c)(12)(A) – (G) shall not apply in the event that no physical entry is made into the tank;

13) Equipment with sufficient lifting capacity shall be used to lift the tank from the excavation;

14) Any UST removed from the excavation zone shall be cleaned on site the day of the removal and removed from the site within 24 hours;

15) Tanks larger than 2,000 gallons in capacity shall have holes or openings no less than 3 ft. x 3 ft., one on each end or side, for cleaning. Tanks less than 2,000 gallons capacity shall have one entire side removed from end to
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16) Continuous spark producing equipment will only be allowed when proper inerting procedures have been followed according to API 1604 Section 4.2.3;

17) Tank owner must file an amended Notification of Underground Tanks form with OSFM within 30 days after the tank removal.

Any tank being removed without a State permit will be required to be put back in the excavation if it has not been removed from the site and covered with backfill until a permit and licensed contractor can remove it properly.

d) Abandonment-in-Place:

1) Tanks, outside the jurisdiction of the City of Chicago, filled with inert material, as described in subsection (d)(2)(C) of this Section below, prior to October 1, 1985, need not be removed; however, the owners shall provide documentation of fill material and date of fill, upon request by the Office of the State Fire Marshal. The documentation shall be a receipt or a written statement from the contractor who did the fill, a statement from the inspector who inspected the tank or a written statement from anyone designated by the State Fire Marshal or the Director of the Division of Petroleum and Chemical Safety. Tanks, inside the jurisdiction of the City of Chicago, which were abandoned-in-place prior to July 28, 1989 (the date of repeal of home rule by the City over USTs) in accordance with City laws, regulations or ordinances, need not be removed.

2) Waiver of the removal requirement for a tank and piping, allowing them to be abandoned-in-place, shall be granted where it would be infeasible to remove the UST due to loss of adjacent or subjacent support of nearby structures, railroad tracks, streets (as defined in Section 1-201 of the Illinois Vehicle Code [625 ILCS 5/1-201]), other USTs or in unusual situations where removal is infeasible due to other reasons, as determined by the Office of the State Fire Marshal, or is infeasible because of inaccessibility, as determined by the Office. The following criteria shall be met:

A) A complete plan or diagram of the area shall be provided and show
OFFICE OF THE STATE FIRE MARSHAL

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the location of tanks, fill pipes, vent lines, sewers, streets, product lines and buildings;

B) A Certification of Site Condition shall be provided, which includes but is not limited to, facility name and location, number and size of USTs involved and that the subject UST site is clean or contaminated. This certification of site condition shall be based on a professional site assessment from soil sampling and this site assessment must accompany the site certification form;

C) The tank shall be filled with inert material such as sand, gravel, clay, bentonite or inert material mixed with portland cement to increase flowability. The portland cement concentration may not exceed 50 lbs. per cu. yd. of mixed material. Inert foam material may be used upon written approval by the Office of the State Marshal, if a sufficient amount of other inert material is used to counteract buoyancy of the tank. Calculations are necessary to insure that sufficient ballast is provided to counteract buoyant forces created by 100 percent submersion of the tank being filled. Filling a tank with ready mix concrete is prohibited. The procedure for filling shall be in accordance with Sections 3.1 through 3.5 and 4.1.1 of API Recommended Practice 1604, incorporated by reference in Section 170.410;

D) When a UST is allowed to be abandoned-in-place, as specified in this subsection (d), the abandoned-in-place UST shall be removed when the condition for issuing the abandonment permit no longer exists. The removal procedures procedure is exempt, shall be followed and a removal permit is required; from this Part. Issuance of the waiver was conditioned upon compliance with this subsection;

E) Contractors seeking a waiver shall provide all documentation required in this subsection (d) to the Office of the State Fire Marshal, Division of Petroleum and Chemical Safety or any such person duly delegated such authority, shall grant such a waiver;

EE) Compliance with this subsection (d) is the responsibility of the contractor subsections (A) through (E) of this subsection (d)(2) is
OFFICE OF THE STATE FIRE MARSHAL

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The responsibility of the contractor;

(1) When a UST is abandoned-in-place, the owner of the UST shall keep a permanent record of the UST location, the date of abandonment-in-place and the procedure used for abandonment-in-place. Upon request by the Office of the State Fire Marshal, Division of Petroleum and Chemical Safety, the owner shall forward a copy of such record to the Office, within 14 days after receipt of a written request by the Office sent to the last known address by United States registered or certified mail; and

(2) In the event there is a delegation of authority to the City of Chicago to enforce UST rules and regulations, pursuant to 430 ILCS 15/2, subject to the terms of such agreement, the City has the authority to modify subsection (d)(2) of this Section, to issue permits to abandon-in-place USTs located within the jurisdiction of the City and request records of abandonment-in-place; however, any such criteria for abandonment-in-place shall be as stringent as that of the Office of the State Fire Marshal.

For UST abandonment-in-place, the following steps shall be adhered to:

i) Secure proper permitting and provide required notice of abandonment-in-place to OSFM;

ii) An on-site inspection shall be done to determine the accuracy of the Certification of Site Condition and the submitted site drawing. If the ability to abandon-in-place is questioned, a third-party professional structural engineer may be used to determine the feasibility of removal;

iii) All health and safety monitoring equipment shall be maintained according to manufacturer’s specifications;

iv) Establish an exclusion zone within which smoking is prohibited. The use of spark producing/non-explosion proof equipment is prohibited in the vapor hazard area;
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iv) Excavate to the top of the tank, drain and remove all piping except the vent line. Any associated piping to be abandoned-in-place shall have prior approval by OSFM. Pipe trenches shall remain open for inspection by the OSFM Storage Tank Safety Specialist (STSS);

v) Remove all liquids from the tank using explosion-proof pumps or hand pumps;

vi) The tank atmosphere and the excavation area shall be regularly monitored with a combustible gas indicator for flammable or combustible vapor concentration. Monitoring the UST shall be done at 3 levels in the tank: top, middle and bottom. Confined space entry permit and MSDS sheets will be required;

vii) Vapor freeing shall be done in accordance with API 1604. When vapor freeing the tank with compressed air or using inert gases under pressure, all devices shall be bonded to the tank and the tank shall be grounded to a separate ground. When using inert gases, the cylinder shall be equipped with a pressure gauge so that no more than 5 psi can be discharged into the tank during vapor freeing procedures. To ensure and maintain proper grounding and bonding, such connections shall be tested by the contractor for continuity. This testing shall be done with equipment designed for continuity testing;

ix) Monitor tank to insure explosive conditions do not exist. Lower explosive limits (LEL) 5% or less, or oxygen 5% or less, shall be attained.

x) OSFM STSS shall be on site before cutting and cleaning operations of abandonment-in-place can proceed.

xi) A sufficient number of holes or openings shall be made in the tank for abandonment-in-place procedures if existing openings are not adequate.
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xii) **Cleaning procedures, as per API 2015, and protective respiratory equipment for tank cleaning personnel shall be the type that provides positive air pressure to a full-face mask throughout the breathing cycle, in accordance with API 2015;**

xiii) **Proceed to introduce an approved, inert material through openings in the top of the tank to minimize any surface settling subsequent to disposal of the tank in place;**

xiv) **After the tank is filled with inert material, all tank openings shall be plugged or capped unless it was necessary to cut open the tank top. Disconnect and cap or remove the vent line; and**

 xv) **Tank owner shall file an amended Notification of Underground Storage Tanks form with the OSFM within 30 days after the abandonment-in-place.**

e) **Office of the State Fire Marshal checklists, located in Appendix C or D of this Part, shall be adhered to for removal and abandonment-in-place.**

(Source: Amended at 27 Ill. Reg. 8164, effective May 1, 2003)

Section 170.672  Pre-‘74 and Heating Oil USTs

a) **Although USTs not in operation at any time after January 1, 1974 (commonly referred to as "pre-‘74 USTs") are not registrable (see Section 170.440) and are not required to be removed, unless the Office of the State Fire Marshal has determined that a release from the USTs poses a current or potential threat to human health and the environment, they remain classified as USTs; consequently, they must be if they are removed or abandoned-in-place. Permits permits secured in accordance with Section 170.541 are required, as well as compliance with all other applicable Sections in this Subpart.**

b) **Heating oil USTs (for consumptive use on the premises where stored), regardless when last in operation, are not required to be removed, unless the Office of the State Fire Marshal has determined that a release from the USTs poses a current or potential threat to human health and the environment. However, they remain**
OFFICE OF THE STATE FIRE MARSHAL

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classified as USTs; consequently, if they are removed or abandoned-in-place, permits secured in accordance with Section 170.541 are required. Also, they are subject to the notification requirements in Section 170.440, as well as compliance with all other applicable Sections in this Subpart.

c) All USTs referenced in subsections (a) and (b) of this Section, which the Office of the State Fire Marshal has not determined are the source of a release that poses a current or potential threat to human health and the environment, remain classified as USTs and are subject to all applicable Sections in this Subpart.

d) Heating oil USTs installed prior to April 1, 1995 are not required to meet the new tank performance standards or leak detection requirements contained in this Part. Heating oil USTs installed after April 1, 1995 must meet all current upgrade requirements outlined in this Part, including permitting.

e) If any pre-'74 tank, heating oil or otherwise, discovered during any activity, is found to be damaged or is damaged at the time of discovery, it shall be removed. No structure shall be erected over pre-'74 tanks, heating oil or otherwise, and they must be removed by an approved contractor. All applicable permits apply.

(Source: Amended at 27 Ill. Reg. 8164, effective May 1, 2003)

SUBPART E: LICENSING, CERTIFICATION AND IDENTIFICATION CARDS

Section 170.1000 Definitions

"Certification" is the passage by an individual of the ICBO IFCI Certification Examination.

"Contractor" is a licensed person, excluding employees, who performs any UST activity.


"Person" means an individual, trust, firm, partnership, joint stock company, corporation, federal agency, state, municipality, commission, unit of local government or political subdivision of a state or any interstate body. "Person" also includes consortium, joint venture, commercial entity or the United States
"UST" means underground storage tank system.

"UST activity" means a UST:

- Installation – including retrofitting and cathodic protection installation;
- Repair – including upgrade, which includes retrofitting and cathodic protection installation;
- Removal – decommissioning, which includes abandonment-in-place;
- Lining/Relining (interior lining);
- Tank tightness testing; or
- Cathodic protection testing; or
- Lining inspections, lining touch ups, installation of manways, and any tank entry.

(Source: Amended at 27 Ill. Reg. 8164, effective May 1, 2003)

Section 170.1100 Contractor Licensing

In order for a contractor to be considered licensed with the Office of the State Fire Marshal, it is necessary for the contractor to submit to the Office a current contractor license application form, as provided by the office, and comply with the following:

a) Pay an annual licensing fee of $100 per type of UST activity to the Office of the State Fire Marshal on or before 30 days from the date on the invoice requesting payment of the fee. The payment is to be by check or money order made payable to "Office of the State Fire Marshal."

b) Each contractor shall provide a list of its certified individual contractors or certified employees to the Office of the State Fire Marshal, stating any UST activity in which the individual contractor or employee is certified, and sign an affidavit that 41 Ill. Adm. Code 170 (the rules of the OSFM promulgated
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pursuant to the Gasoline Storage Act [430 ILCS 14]) have been distributed to all certified individual contractors and certified employees of the contractor as a prerequisite to becoming licensed. This information shall be submitted on forms as prescribed by the Office. A contractor is required to have a certified individual contractor or certified employee certified in each area of UST activity for which it is applying to be licensed.

c) Each person who is a contractor shall notify the Office of the State Fire Marshal on a form prescribed by the Office, within 10 days:

1) After the termination of employment of a certified individual contractor or certified employee, of such termination;

2) After the re-certification to perform a UST activity by an individual contractor or employee; or

3) Upon certification to perform a UST activity by an individual contractor or employee not previously certified or not previously certified to perform that activity.

d) Each contractor shall maintain a general liability insurance policy of $1,000,000 net, issued to the contractor, proof of which is to be submitted annually to the Office of the State Fire Marshal on a certificate of insurance issued by the insurer. This submission is required for a contractor to be licensed.

e) Any registration or license prior to April 1, 1995 will be valid for one year and will expire on its anniversary date or June 1, 1995, whichever date is later, and will be considered the equivalent of a license. All license applicants on or after June 1, 1995, shall comply with the requirements of this Section in order to be considered licensed.

f) No contractor shall apply for a license who is otherwise barred pursuant to Subpart D.

g) For purposes of this Section, "license" (or any comparable variation of the term) is synonymous with "registration" (or any comparable variation of the term).

(Source: Amended at 27 Ill. Reg. 8164, effective May 1, 2003)
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Section 170.1200 Contractor and Employee Certification

a) In order to be certified to perform a UST activity, the individual must receive a passing score on the ICC IFCI Certification Examination for that UST activity. The ICC can be contacted at 5360 Workman Mill Rd., Whittier CA 90601 or by calling Fire Service Division, Order Dept. at (800) 824-4406 or by accessing ICC's web site at www.icbo.org for IFCI are 9300 Jollyville Road, Suite 105, Austin, TX 78759 7455, (512)345-2633.

1) Certification for lining is regulated under Section 170.430 Section 170.480.

2) Certification for tank tightness testing is regulated by Section 170.544.

3) Any contractor performing a tank entry must be certified by ICC in the decommissioning module.

b) A contractor is considered certified in any UST activity in which an employee of that contractor is certified, except that if the contractor itself is an individual contractor, in order to be considered certified, the contractor shall meet the requirements of subsection (a) above.

c) A contractor shall have at least one employee certified for the UST activity permitted, except, if the contractor itself is an individual contractor who is so certified, no such employee is required.

d) A contractor shall have at least one employee certified in the UST activity for which the permit was issued actively supervising the UST activity being performed on the job site, except, if the contractor itself is an individual who is so certified, no such employee is required, but the individual contractor shall so supervise. At all times during UST operations, there shall be such a certified employee or certified individual contractor on the job site; subcontractors are not employees.

e) Certified individual contractors and certified employees shall possess ICC Identification Cards on UST job sites at all times, and such cards shall be available upon request by any Office of the State Fire Marshal representative.

f) Certified individual contractors and certified employees shall possess OSHA
Identification Cards (as described in Section 170.1300) on UST job sites at all times, and such cards shall be made available upon request by any Office of the State Fire Marshal representative.

g) UST activities may be shut down by any Office of the State Fire Marshal representative if individual contractors or their employees are not in compliance with subsections (d) or (e) of this Section above. Such work shall not resume until approval is granted by the Office.

h) Individuals certified by ICC for UST activity, who passed the National Certification Examination in another state, are considered certified in this State; however, any such individual shall comply with State licensing requirements in Section 170.1100 and the requirements of this Section in order to perform any UST activity for which they are certified.

(Source: Amended at 27 Ill. Reg. 8164, effective May 1, 2003)

Section 170.1300 Possession of OSHA Identification Cards by Certified Individual Contractors and Certified Employees of Contractors

a) Certified individual contractors, certified employees of contractors and subcontract excavation operators (involved in UST related operations) shall possess 40 hour General Site Worker Program Identification Cards and any valid Refresher Cards, which comply with Occupational Safety and Health Administration (OSHA) standards, on UST job sites at all times, and such cards shall be produced upon request by any Office of the State Fire Marshal representative. This is applicable only to UST installations, repairs, relinings, removals, abandonments-in-place and physical interior inspections. Subcontractors, such as electricians, truck drivers, concrete masons, canopy erectors, or crane operators would not be required to have the Site Worker Program Identification Card but must comply with the standards established by the OSHA General Site Worker Program. During times when the certified contractor is present and performing work, the compliance with these standards will be accomplished by direct (line of sight) supervision by the permit holding certified individual contractors and their employees of those people entering the work area. These OSHA standards are located in the document titled: "Occupational Safety and Health Standards and Interpretations," OSHA Standard 1910.120, "Hazardous Waste Operations and Emergency Response," 55 Fed. Reg. F.R. 14074, April 13, 1990 and 56 Fed. Reg. F.R. 15833, April 18, 1991,
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available from United States Department of Labor, Occupational Safety and Health Administration (OSHA), 230 South Dearborn Street, Room 3244, Chicago, IL 60604, (312) 353-2220.

b) UST activities may be shut down by any Office of the State Fire Marshal representative if individual contractors or their employees are not in compliance with this Section. Such work shall not resume until approval is granted by the Office.

(Source: Amended at 27 Ill. Reg. 8164, effective May 1, 2003)

Section 170. APPENDIX A  Checklist for Underground Storage Tank Installation (Repealed)

UST installations shall follow 41 Ill. Adm. Code 170 and any referenced material. The following checklist shall be adhered to as prescribed by the Office of the State Fire Marshal (OSFM) regulations, including adopted standards. These requirements do not exempt anyone from any other State or federal law or regulations. Underground storage tanks of "UST" includes underground pipes and cathodic protection connected thereto.

___A. Secure proper permitting and provide required notice of installation to OSFM.

___B. Conduct on-site inspection to ensure accuracy of approved site plans, drawings, and actual equipment being installed.

___C. Equipment with sufficient lifting capacity shall be used to unload and place USTs into the tank excavation. Tanks shall not be rolled, dropped or dragged.

___D. Upon delivery at the installation site, tanks and piping shall be inspected to detect any evidence of damage to coatings or structure.

___E. Upon discovery of any damage to tanks or piping, repairs shall be in accordance with manufacturer's instructions or supervision.

___F. Prepare excavations to ensure safe movement of equipment and materials. Excavations shall provide adequate space for the installation of tanks, piping and ancillary equipment. Special attention shall be given to sloping or shoring the sides of the excavation to make it stable.

TIME CERTAIN INSPECTION!
G. To prevent flotation of USTs as a result of high water table or flooding, approved anchorage methods or ballasting shall be installed.

H. Pipe trenches shall meet manufacturer's specifications and API 1615, Section 10.3.1, for depth, width, slope, spacing and placement of pipe within.

I. Pipe installation shall meet manufacturer's specifications and API 1615, Sections 9.3 and 9.4. Joint adhesive and thread sealant shall meet manufacturer's requirements for petroleum products, including ethanol or methanol blended gasoline.

TIME CERTAIN INSPECTION!

Conduct two hour Time Certain Air Test of pipe installation and examine any corrosion protection before backfilling of pipe trenches.

J. Wiring of electric pumps and all electrical equipment in connection therewith shall conform to Chapter 5 of NFPA 70.

After all work has been completed and the system has been put into service, a two hour Time Certain Final Inspection will be made on leak detection equipment, spill and overfill equipment and the electrical system.

K. The completed Notification of Underground Storage Tanks form will be ready to present to the OSFM Storage Tank Safety Specialist during the Final Inspection.

L. Contractors shall complete the manufacturer's installation checklist for USTs and piping and submit it to the manufacturer or owner, as applicable. The contractor shall maintain a copy of such checklist.

(Source: Repealed at 27 Ill. Reg. 8164, effective May 1, 2003)

Section 170. APPENDIX B Checklist for Underground Storage Tank Reline (Repealed)

UST relines shall follow 41 Ill. Adm. Code 170 and any referenced material. The following checklist shall be adhered to as prescribed by the Office of the State Fire Marshal (OSFM) regulations, including adopted standards. These requirements do not exempt anyone from any other State or federal laws or regulations. Underground storage tank or "UST" includes underground pipes and cathodic protection connected thereto.
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___A. Secure proper permitting and provide required notice of relining to OSFM.

___B. All monitoring equipment shall be maintained according to manufacturer's specifications.

___C. Establish an exclusion zone (within which smoking is prohibited). The use of spark producing/non-explosion proof equipment is prohibited in the vapor hazard area.

___D. USTs to be relined shall be isolated from all distribution lines, siphons, manifolds and manifolded vent systems.

___E. Remove all liquids from the tank using explosion proof pumps or hand pumps.

___F. The tank atmosphere and the excavation area shall be regularly monitored with a combustible gas indicator, for flammable or combustible vapor concentration. Monitoring of the UST shall be done at 3 levels in the tank (top, middle and bottom).

___G. Vapor-freeing shall be done in accordance with API 1631 Section 2.4. When vapor-freeing the tank with compressed air or using inert gases under pressure, all devices shall be bonded to the tank, and the tank shall be grounded to a separate ground.

STOP!

OSFM Storage Tank Safety Specialists are to be on site before cutting and cleaning operations may proceed.

___H. If no manway exists, an opening with the minimum dimensions of 18” x 18” shall be cut in the top of the UST using non-sparking equipment.

___I. Personnel protective equipment shall be in accordance with API 1631 Section 3.2.2.

___J. Cutting, cleaning and application of lining material shall be done in accordance with manufacturer's specifications and OSFM requirements.

___K. Before backfilling, the tank shall be tightness tested.

___L. Tank owners shall file an amended Notification of Underground Storage Tanks form with OSFM within 30 days after the tank has been relined.
Section 170 APPENDIX C Checklist for Underground Storage Tank Removals (Repealed)

UST removals shall follow 41 Ill. Adm. Code 170 and any referenced material. The following checklist shall be adhered to as prescribed by the Office of the State Fire Marshal (OSFM) regulations, including adopted standards. These requirements do not exempt anyone from any other State or federal laws or regulations. Underground storage tank or “UST” includes underground pipes and cathodic protection connected thereto.

___A. Secure proper permitting and provide required notice of removal to OSFM.

___B. All monitoring equipment shall be maintained according to manufacturer's specifications.

___C. Establish an exclusion zone (within which smoking is prohibited). The use of spark producing/non-explosion proof equipment is prohibited in the vapor hazard area.

___D. Excavate to the top of the tank, drain and remove all piping except the vent lines. Pipe trenches shall remain open for inspection by the OSFM Storage Tank Safety Specialist (STSS).

___E. Remove all liquids from the tank using explosion-proof pumps or hand pumps.

___F. The tank atmosphere and the excavation area shall be regularly monitored with a combustible gas indicator for flammable or combustible vapor concentration until the tank is removed from both the excavation and the site. Monitoring the UST shall be done at 3 levels in the tank (top, middle and bottom).

___G. Vapor freeing shall be done in accordance with API 1604 Section 4.2. When vapor-freeing the tank with compressed air or using inert gases under pressure, all devices shall be bonded to the tank, and the tank shall be grounded to a separate ground.

___H. Monitor tank to insure explosive conditions do not exit. Lower explosive limit (LEL) 5% or less or oxygen 5% or less shall be attained.

___I. Plug and cap all accessible tank homes. One plug should have a 1/8” vent hole.

___J. Excavate around the tank to prepare for removal.
STOP!

OSFM STSSs are to be on site before cutting and cleaning operations or tank removal can proceed.

___K. Equipment with sufficient lifting capacity shall be used to lift the tank from the excavation.

___L. Any UST removed from the excavation zone shall be cleaned on site the day of the removal, except as otherwise allowed in 41 Ill. Adm. Code 170.670.

___M. A sufficient number of holes or openings shall be made in the tank for cleaning if existing tank openings are no adequate or for disposal, except as otherwise allowed in 41 Ill. Adm. Code 170.670. Continuous spark producing equipment will only be allowed when proper inerting procedures have been followed according to API 1604 Section 4.2.3.

___N. Tank owner must file an amended Notification of Underground Storage Tanks form with OSFM within 30 days after the tank removal.

(Source: Repealed at 27 Ill. Reg. 8164, effective May 1, 2003)

Section 170.APPENDIX D Checklist for Abandonment-in-Place of Underground Storage Tanks (Repealed)

UST abandonment-in-place shall follow 41 Ill. Adm. Code 170 and any referenced material. The following checklist shall be adhered to as prescribed by the Office of the State Fire Marshal (OSFM) regulations, including adopted standards. These requirements do not exempt anyone from any other State or federal laws or regulations. Underground storage tank or "UST" includes underground pipes and cathodic protection connected thereto.

___A. Secure proper permitting and provide required notice of abandonment-in-place to OSFM.

___B. An on-site inspection shall be done to determine the accuracy of the Certification of Site Condition and the submitted site drawing. If this on-site inspection reveals that removal of any tanks will not cause structural damage, the abandonment-in-place permit will be voided and removal for such tanks shall be mandatory.

___C. All monitoring equipment shall be maintained according to manufacturer's
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____D. Establish an exclusion zone (within which smoking is prohibited). The use of spark producing/non-explosion proof equipment is prohibited in the vapor hazard area.

____E. Excavate to the top of the tank, drain and remove all piping except the vent line. Any associated piping to be abandoned in-place shall have prior approval by OSFM. Pipe trenches shall remain open for inspection by the OSFM Storage Tank Safety Specialist (STSS).

____F. Remove all liquids from the tank using explosion-proof pumps or hand pumps.

____G. The tank atmosphere and the excavation area shall be regularly monitored with a combustible gas indicator for flammable or combustible vapor concentration. Monitoring the UST shall be done in 3 levels in the tank (top, middle and bottom).

____H. Vapor-freeing shall be done in accordance with API 1604 Section 4.2. When vapor-freeing the tank with compressed air or using inert gases under pressure, all devices shall be bonded to the tank and the tank must be grounded to a separate ground.

____I. Monitor tank to insure explosive conditions do not exist. Lower explosive limits (LEL) 5% or less or oxygen 5% or less shall be attained.

STOP!

OSFM STSSs are to be on site before cutting and cleaning operations or abandonment in-place can proceed.

____J. A sufficient number of holes or openings shall be made in the tank for abandonment-in-place procedures if existing tank openings are not adequate.

____K. Proceed to introduce an approved, inert material through openings in the top of the tank to minimize any surface settling subsequent to disposal of the tank in-place.

____L. After the tank is filled with inert material, all tank openings shall be plugged or capped unless it was necessary to cut open the tank top. Disconnect and cap or remove the vent line.

____M. Tank owner shall file an amended Notification of Underground Storage Tanks form
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with OSFM within 30 days after the abandonment in place.

IF A RELEASE OF A REGULATED SUBSTANCE IS IDENTIFIED, the UST owner shall report such to Illinois Emergency Management Agency (IEMA) within 24 hours (1-800-782-7860 or outside Illinois 217-782-7860) and sample-taking/closure reports will have to comply with IEPA requirements for corrective action; except, if there is a release of a hazardous substance, it shall be reported to IEMA immediately.

(Source: Repealed at 27 Ill. Reg. 8164, effective May 1, 2003)

Section 170 APPENDIX F Required Job Schedule for Cathodic Protection Upgrade (Repealed)

REQUIRED JOB SCHEDULE FOR CATHODIC PROTECTION UPGRADE

<table>
<thead>
<tr>
<th>(1) FACILITY</th>
<th>name and address where tanks are located</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name</td>
<td></td>
</tr>
<tr>
<td>Street Address</td>
<td></td>
</tr>
<tr>
<td>City</td>
<td>County</td>
</tr>
<tr>
<td>Permit Number</td>
<td>Facility Number</td>
</tr>
<tr>
<td>Permit Approval Date</td>
<td>Job Schedule Submission Date</td>
</tr>
<tr>
<td>First allowable Job Schedule Revision</td>
<td>Last allowable job Schedule Revision</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>(3) Excavation</th>
<th>Start: Date Mo./Day/Year</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(Excavation Start will be no-less than 10 working days from Permit Approval or no-less than 5 working days from Submission Date)</td>
</tr>
</tbody>
</table>

| (4) Inspect Installation: | Date Mo./Day/Year | Time AM/PM | Begin | Inspect | End |
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Inspect (Two hour inspection of all underground work, prior to backfilling)

(5) Final:

Date Mo./Day/Year Time Begin Final—End Final AM/PM
(Representative of Contractor to be present for two hours between the Begin Final and End Final)

No permitted and scheduled Time Certain or Date Certain activity is to be performed outside of the schedule without prior notice to the Office of the State Fire Marshal, Department of Petroleum and Chemical Safety (DPCS). Changes made to Time Certain and Date Certain schedules will occur a maximum of two times. These changes must be received, using the appropriate form (by mail, express mail, package service, fax, or e-mail) a minimum of two working days, or 16 working hours, before the event is scheduled. A new Time Certain or Date Certain cannot be scheduled prior to five working days or 40 working hours from the submission date of the revised Job Schedule. The DPCS will transmit a stamped acknowledgement receipt of the revised Job Schedule back to the contractor within one working day. Time or Date Certain activities will not resume until the contractor obtains this receipt. A copy of the revised Job Schedule Receipt will be kept, along with the original Job Schedule Receipt and a copy of the permit, on site during all permitted activities.

(Source: Repealed at 27 Ill. Reg. 8164, effective May 1, 2003)

Section 170. APPENDIX G  Required Job Schedule for Underground Piping Upgrade (Repealed)

REQUIRED JOB SCHEDULE FOR UNDERGROUND PIPING UPGRADE

(1) FACILITY—name and address where tanks are located

(2) CONTRACTOR—person, firm or company performing work

Name
Street Address
City         County        Zip
Permit Number       Facility Number
Permit Approval Date

Name
Street Address
City         State        Zip
Contact        Phone        Fax
Job Schedule Submission Date
OFFICE OF THE STATE FIRE MARSHAL

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<table>
<thead>
<tr>
<th>First allowable Job Schedule Revision</th>
<th>Last allowable job Schedule Revision</th>
</tr>
</thead>
</table>

(3) **Excavation**

<table>
<thead>
<tr>
<th>Start:</th>
<th>Date Mo./Day/Year</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(Excavation Start will be no less than 10 working days from Permit Approval or no less than 5 working days from Submission Date)</td>
</tr>
</tbody>
</table>

(4) **Air Test Primary**

<table>
<thead>
<tr>
<th>Date Mo./Day/Year Time Begin Test—End Test End AM/PM</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Air Test for primary pipe performed from Begin Test time and to (stay on at least two hours to End Test time)</td>
</tr>
</tbody>
</table>

(5) **Air Test Secondary**

<table>
<thead>
<tr>
<th>Date Mo./Day/Year/</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Air Test Secondary if necessary to be performed after Air Test Primary)</td>
</tr>
</tbody>
</table>

(6) **Final**

<table>
<thead>
<tr>
<th>Date Mo./Day/Year Time Begin Final—End Final AM/PM</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Representative of Contractor to be present for two hours between the Begin Final and End Final)</td>
</tr>
</tbody>
</table>

No permitted and scheduled Time Certain or Date Certain activity is to be performed outside of the schedule without prior notice to the Office of the State Fire Marshal, Department of Petroleum and Chemical Safety (DPSC). Changes made to Time Certain and Date Certain schedules will occur a maximum of two times. These changes must be received, using the appropriate form (by mail, express mail, package service, fax, or e-mail) a minimum of two working days, or 16 working hours, before the event is scheduled. A new Time Certain or Date Certain cannot be scheduled prior to five working days or forty working hours from the submission date of the revised Job Schedule. The DPCS will transmit a stamped acknowledgement receipt of the revised Job Schedule back to the contractor within one working day. Time or Date Certain activities will not resume until the contractor obtains this receipt. A copy of the revised Job Schedule Receipt will be kept, along with the original Job Schedule Receipt and a copy of the permit, on site during all permitted activities.

(Source: Repealed at 27 Ill. Reg. 8164, effective May 1, 2003)

Section 170. APPENDIX H Required Job Schedule for Underground Storage Tank Installation
OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

(Repealed)

REQUIRED JOB SCHEDULE FOR UNDERGROUND STORAGE TANK INSTALLATION

<table>
<thead>
<tr>
<th>(1) FACILITY</th>
<th>(2) CONTRACTOR</th>
</tr>
</thead>
<tbody>
<tr>
<td>name and address where tanks are located</td>
<td>person, firm or company performing work</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Name</th>
</tr>
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<tbody>
<tr>
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<table>
<thead>
<tr>
<th>Street Address</th>
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<table>
<thead>
<tr>
<th>City</th>
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<th>Zip</th>
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<table>
<thead>
<tr>
<th>Permit Number</th>
<th>Facility Number</th>
<th>Contact</th>
<th>Phone</th>
<th>Fax</th>
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<tbody>
<tr>
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</table>

<table>
<thead>
<tr>
<th>Permit Approval Date</th>
<th>Job Schedule Submission Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>First allowable Job Schedule Revision</th>
<th>Last allowable job Schedule Revision</th>
</tr>
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<tbody>
<tr>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>(3) Excavation Start: Date Mo./Day/Year</th>
<th>(Excavation Start will be no less than 10 working days from Permit Approval or no less than 5 working days from Submission Date)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
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</table>

<table>
<thead>
<tr>
<th>(4) Air Test Tanks: Date Mo./Day/Year Time Begin Test—End Test End AM/PM</th>
<th>(Air Test for primary pipe performed from Begin Test time and will stay on at least two hours to End Test time)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>(5) Tank Installation: Date Mo./Day/Year</th>
<th>(Tank installation will not proceed until Air Test Tanks is complete)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>(6) Air Test Primary: Date Mo./Day/Year Time Begin Test—End Test AM/PM</th>
<th>(Air test for primary pipe performed from Begin Test time and to stay on at least two hours to End Test time)</th>
</tr>
</thead>
</table>
OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

(7) Air Test
Secondary: \[ \text{Date Mo./Day/Year} \]
(Air Test Secondary if necessary to be performed after Air Test Primary)

(8) Final:
\[ \text{Date Mo./Day/Year Time Begin Final – End Final AM/PM} \]
(Representative of Contractor to be present for two hours between the Begin Final and End Final)

No permitted and scheduled Time Certain or Date Certain activity is to be performed outside of the schedule without prior notice to the Office of the State Fire Marshal, Department of Petroleum and Chemical Safety (DPCS). Changes made to Time Certain and Date Certain schedules will occur a maximum of two times. These changes must be received, using the appropriate form (by mail, express mail, package service, fax, or e-mail) a minimum of two working days, or 16 working hours, before the event is scheduled. A new Time Certain or Date Certain cannot be scheduled prior to five working days or forty working hours from the submission date of the revised Job Schedule. The DPCS will transmit a stamped acknowledgement receipt of the revised Job Schedule back to the contractor within one working day. Time or Date Certain activities will not resume until the contractor obtains this receipt. A copy of the revised Job Schedule Receipt will be kept, along with the original Job Schedule Receipt and a copy of the permit, on site during all permitted activities.

(Source: Repealed at 27 Ill. Reg. 8164, effective May 1, 2003)

Section 170. APPENDIX I Required Checklist for Underground Storage Tank System Upgrade (Repealed)

REQUIRED CHECKLIST FOR UNDERGROUND STORAGE TANK SYSTEM UPGRADE

UST installations shall follow 41 Ill. Adm. Code 170 and any referenced material. The following checklist shall be adhered to as prescribed by the Office of the State Fire Marshal (OSFM) regulations, including adopted standards. These requirements do not exempt anyone from any other State or federal laws or regulations. Underground storage tank or UST includes underground pipes and cathodic protection connected to the tank.
OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

A. Secure proper permitting and provide required Piping Upgrade Job Schedule or Cathodic Protection Upgrade Job Schedule to OSM and obtain the stamped acknowledgement receipt. Copies of stamped Job Schedule Receipt and Permit must be kept on site.

B. Conduct on-site inspection to ensure accuracy of approved site plans, drawings and actual equipment being installed.

C. Upon discovery of any damage to piping, repairs shall be in accordance with manufacturer's instructions or supervisions.

D. Prepare excavations to ensure safe movement of equipment and materials. Sides, excavations shall provide adequate space for the installation of piping and ancillary equipment. Special attention shall be given to sloping or shoring the of the trench to make it stable.

E. Pipe trenches shall meet manufacturers specifications and API-1615, Section 10.3.1, for depth, width, slope, spacing and placement of pipe.

F. Pipe installation shall meet manufacturer's specifications and API-1615, Sections 9.3 and 9.4. Joint adhesive and thread sealant shall meet manufacturer's requirements for petroleum products, including ethanol or methanol blended gasoline.

TIME CERTAIN INSPECTION!

Conduct two hour Time Certain Air Test of pipe installation or examine any corrosion protection installation before backfilling of pipe trenches.

G. Wiring of electric pumps and all associated electrical equipment shall conform to Chapter 5 of NFPA 70.

H. Backfill trenches per PEI RP 100 manufacturer's instructions. Backfilling will not commence until Time Certain inspection or Air Test has concluded.

TIME CERTAIN INSPECTION!

After all work has been completed and the system has been put into service, a two hour Time Certain Final Inspection will be made on leak detection equipment, spill and overfill equipment
and the electrical system.

I. The completed Notification of Underground Storage Tanks form will be ready to present and submit it to the manufacturer or owner, as applicable. The contractor shall maintain a copy of the checklist.

Contractors shall complete the manufacturer's installation checklist for USTs and piping and submit it to the manufacturer or owner, as applicable. The contractor shall maintain a copy of the checklist.

The OSFM requires compliance when a tank system is upgraded with this Required Checklist for Underground Tank Upgrade, pursuant to 430 ILCS 15, the Gasoline Storage Act. Failure to do so may result in the issuance of Contractor Notice of Violation (CNOV) for violations of 41 Ill. Adm. Code 170, potentially resulting in fines.

(Source: Repealed at 27 Ill. Reg. 8164, effective May 1, 2003)
DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Sample Collection for Genetic Marker Indexing

2) Code Citation: 20 Ill. Adm. Code 1285

3) Section Numbers: Proposed Action:
   1285.10  Amendment
   1285.20  Amendment
   1285.30  Amendment
   1285.50  Amendment
   1285.70  Amendment
   1285.90  New Section

4) Statutory Authority: Implementing and authorized by Section 5-4-3 of the Unified Code of Corrections [730 ILCS 5/5-4-3] and authorized by Section 2605-15 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-15].

5) Effective Date of Amendments: April 28, 2003

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

7) Does this amendment contain incorporations by reference? No

8) A copy of this adopted amendment is on file in the agency’s principal office and is available for public inspection.


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

11) Differences between proposal and final version: No substantive differences. Editing and formatting changes recommended by JCAR were made as follows:

   In Section 1285.20, “For purpose of the Part,” was changed to “For purposes of this Part”.

   In Section 1285.20, the definition for “Designated Agency” was changed from “means the entity designated by these rules” to “means the entity designated by this Part.”

   In Section 1285.20, “as” was removed from the definition of “Qualifying offender”.
NOTICE OF ADOPTED AMENDMENTS

In Section 1285.30(b), “which” was changed to “that”.

In Section 1285.30(f), “these rules” was changed to “this Section”.

In Section 1285.50(e), “type” was changed to “types” and “is” was changed to “are”.

In Section 1285.50(g), “kid” was changed to “kit”.

In Section 1285.70, “state” was changed to “State”.

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 amendment replace an emergency amendment currently in effect? Yes

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

15) Summary and Purpose of Amendments: Public Act 92-0829 mandated an extraordinary increase in the number of genetic marker samples to be processed. The proposed amendments will update the methods and procedures associated with sample collection.

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

   Mr. James W. Redlich
   Chief Legal Counsel
   Illinois State Police
   124 East Adams Street, Room 102
   Post Office Box 19461
   Springfield, Illinois 62794-9461
   Telephone: (217) 782-7658

The full text of the Adopted Amendments begins on the next page:
DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED AMENDMENTS

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT
CHAPTER II: DEPARTMENT OF STATE POLICE

PART 1285
SAMPLE COLLECTION FOR GENETIC MARKER INDEXING

SUBPART A: PROMULGATION

Section 1285.10 Purpose
Section 1285.20 Definitions

SUBPART B: OPERATIONS

Section 1285.30 Responsibilities
Section 1285.40 Voluntary Samples
Section 1285.50 Procedures for Collection
Section 1285.60 Privacy Protection
Section 1285.70 Expungement of Records
Section 1285.80 Non-participation
Section 1285.90 Maintenance of Genetic Marker Groupings

AUTHORITY: Implementing and authorized by Section 5-4-3 of the Unified Code of Corrections [730 ILCS 5/5-4-3] and authorized by Section 2605-15 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-15].


SUBPART A: PROMULGATION

Section 1285.10 Purpose

The purpose of this Part is to provide procedures and define responsibilities for the collection of body fluid samples from certain sex offenders. These samples are required by law to be collected to enable genetic marker grouping analysis and indexing. The results shall be available
DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED AMENDMENTS

for future criminal investigations and other forensic analysis purposes. Genetic marker grouping analysis and indexing may include, but is not limited to, those procedures known as DNA profiling, DNA indexing, and other processes used to identify distinctive genetic characteristics.

(Source: Amended at 27 Ill. Reg. 8303, effective April 28, 2003)

Section 1285.20 Definitions

Unless specified otherwise, all terms shall have the meaning set forth in Section 5-4-3 of the Unified Code of Corrections [730 ILCS 5/5-4-3]. For purposes of this Part, the following additional definitions apply:

"Act" means the Unified Code of Corrections [730 ILCS 5].

“CODIS” means the Combined DNA Index System.

"Department" means the Illinois Department of State Police.

"Designated Agency" means the entity designated by this Part to be responsible for the collection of blood specimens.

“FBI” means the Federal Bureau of Investigation.

"Kit" means the Genetic Marker Indexing Kit provided by the Department.

"Qualifying offender" means any person described at Section 5-4-3(a) of the Act.

"Sample" means specimens of biological material of blood collected from a qualifying offender.

(Source: Amended at 27 Ill. Reg. 8303, effective April 28, 2003)

SUBPART B: OPERATIONS

Section 1285.30 Responsibilities

a) When a person becomes a qualifying offender, the State's Attorney shall, at the time of sentencing, request that the court issue an order requiring the qualifying
offender to comply with Section 5-4-3(a) of the Act.

b) At the time of sentencing the qualifying offender, the sentencing judge shall issue an order requiring the offender to provide specimens of blood that shall be submitted to the Department in accordance with Section 5-4-3(a) of the Act.

c) The designated agency responsible for sample collection of qualifying offenders is as follows:

1) The sheriff's office in the county where the qualifying offender is sentenced is the designated agency and is responsible for the sample collection within the time limit specified by statute.

2) If the qualifying offender has not previously had a sample taken and is serving a term of incarceration in a facility under the control of the county sheriff, or is being transferred to another state to serve the sentence, the sheriff's office is the designated agency and is responsible for the collection of the sample prior to the release or transfer of the offender.

3) If the qualifying offender has not previously had a sample taken and is transferred to a facility under the control of the Department of Corrections to serve a term of incarceration, the Department of Corrections is the designated agency and is responsible for the collection of the sample within 45 days of receiving the offender.

4) If the qualifying offender has not previously had a sample taken and is transferred to a facility serving a term of incarceration in a facility under the control of the Department of Corrections to serve a term of incarceration, the Department of Corrections is the designated agency and is responsible for the collection of the sample from the offender before his/her release on parole, or mandatory supervised release or final discharge or, in the event the offender is sentenced to death or natural life, at any time, prior to the release of the offender.

5) If the qualifying offender has not previously had a sample collected and is transferred to the Department of Corrections to be institutionalized as a sexually dangerous person or institutionalized as a person found guilty but mentally ill of a sexual offense or an attempted sexual offense, the
DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED AMENDMENTS

Department of Corrections is the designated agency and is responsible for the collection of the sample any time prior to release of within 45 days after receiving the offender.

46) If the qualifying offender has not previously had a sample collected and is ordered committed presently institutionalized as a sexually violent dangerous person or institutionalized as a person found guilty but mentally ill of a sexual offense or an attempted sexual offense, the Department of Corrections is the designated agency and is responsible for the collection of the sample prior to the release of the offender.

52) If the qualifying offender has not previously had a sample collected and is serving a sentence but not physically incarcerated, the supervising agency (such as a probation office) is the designated agency and is responsible for collection of the sample prior to the termination of the sentence.

6) If the qualifying offender for any reason is not under the control or supervision of any agency listed above, then the probation authority of the sentencing jurisdiction is the designated agency.

d) In the event no court order has been issued at the time of sentencing requiring the qualifying offender to provide a sample, the designated agency shall request the State's Attorney of the county of conviction or the county in which the offender is located to request the court to issue such an order. The court shall issue an order requiring the offender to provide the sample.

e) If for convictions after July 1, 1990, if the offender voluntarily consents to provide the sample without a court order, no court order is necessary and the State’s Attorney is not required to request one.

f) A general order issued under the administrative authority of the chief judge of a circuit of proper jurisdiction is sufficient to satisfy the court order requirements of this Section these rules. In the event such an order exists and is valid with respect to the qualifying offender, the State's Attorney need not seek an individualized order.

(Source: Amended at 27 Ill. Reg. 8303, effective April 28, 2003)

Section 1285.50 Procedures for Collection
a) Genetic Marker Indexing Kits shall be provided as needed by the Department to the designated agencies. The designated agencies shall order Genetic Marker Indexing Kits from a vendor specified by the Department. The kits shall be supplied and shipped at no cost to the designated agency. Each kit shall contain, but not be limited to, a receipt form, an instruction sheet, and containers for sample collections.

b) The collection site shall be any location chosen by the designated agency for sample collection.

c) The offender shall be positively identified before the samples are collected.

d) The samples shall be collected by qualified personnel as described by Section 5-4-3(d) and Section 5-4-3(d-1) of the Act.

e) The Department shall designate which one or more sample types (blood, saliva, or tissue) are acceptable for submission.

f) The receipt form, including the fingerprint of the qualifying offender, shall be completed by the designated agency at the time of sample collection.

g) The completed kit shall be delivered or sent to the Department address indicated in the kit instructions.

h) In the event a sample is lost or destroyed or otherwise found inadequate for analysis purposes, the designated agency and the offender are obligated to produce a substitute sample.

i) Alternative collection procedures may be requested by a designated agency and may be utilized if the proposed procedures ensure the quality of the sample and the reliability of the identification and are approved in writing by the Department Director or designee.

(Source: Amended at 27 Ill. Reg. 8303, effective April 28, 2003)

Section 1285.70 Expungement of Records

In Only-in the event the disposition or conviction upon which a sample collection was based has been reversed based on actual innocence or that a pardon has been granted based on actual
DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED AMENDMENTS

innocence, the genetic marker grouping will be removed from the local, State, and national
databases after receipt of a court order requiring expungement. The sample receipt
containing personal identifiable information will be destroyed; computerized sample records will
be deleted; the sample will be destroyed in a biologically safe manner; and a letter will be sent to
the court verifying the expungement is completed. With respect to electronic and other means of
record keeping for which an index or pointer system is necessary to locate a record, deletion of
the index entry or pointer is equivalent to deletion of the record. and no other grounds exist for
sample collection, the record of the sample will be removed from the database when so ordered
by a court of proper jurisdiction.

(Source: Amended at 27 Ill. Reg. 8303, effective April 28, 2003)

Section 1285.90 Maintenance of Genetic Marker Groupings

The Department may maintain its genetic marker grouping data at the National DNA Index
System (national database) pursuant to agreement with the Federal Bureau of Investigation.

(Source: Added at 27 Ill. Reg. 8303, effective April 28, 2003)
OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF EMERGENCY AMENDMENTS

1) **Heading of Part:** Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances

2) **Code Citation:** 41 Ill. Adm. Code 170

3) **Section Numbers:**
   - Emergency Action:
     - 170.544 Amended Section

4) **Statutory Authority:** Implementing the Gasoline Storage Act [430 ILCS 15] and authorized by Section 2 of the Gasoline Storage Act [430 ILCS 15/2].

5) **Effective Date of amendment:**
   - April 28, 2003

6) **If this emergency amendment is to expire before the end of the 150-day period please specify the date on which it is to expire:** Not applicable

7) **Date Filed with the Index Department:**
   - April 28, 2003

8) A copy of the emergency amendment, including any material incorporated by reference, is on file in the agency’s principal office and is available for public inspection.

9) **Reason for Emergency:** The present precision tank tightness tester certification requirements from the International Code Council (“ICC”) test cover technology that does not reflect all of the types of tank testing in Illinois. Certain types of tank testers who have been trained and certified by the manufacturers of the technology would not be versed in the types of testing covered by the ICC and might not be able to perform tests. Without an adequate number of tank testers, tank tightness testing could be delayed resulting in releases threatening the environment, health and safety.

10) **A complete Description of the Subjects and Issues Involved:** Tank tightness testers do not have an adequate certification test or third party procedure to qualify them for certification from the ICC. Because of the inadequacy of the ICC Tank Tightness Testing module does not cover all types of tightness testing, some tank testers in Illinois are no longer able to perform tightness testing and Underground Storage Tank (“UST”) owner/operators unable to secure timely testing of the UST as required by state and federal law.
11) Are there any proposed amendments to this Part pending?  No.

12) Statement of Statewide Policy Objectives:  This emergency amendment does create of 
expand a state mandate under the State Mandates Act [30 ILCS 805].

13) Information and questions regarding this amendment shall be directed to:
   Mrs. Michele Bradley, Acting Division Director
   Division of Petroleum and Chemical Safety
   Office of the State Fire Marshal
   1035 Stevenson Drive
   Springfield, IL 62703-4259
   217-785-1020

Full text of the Emergency Amendments begins on the following page:
OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF EMERGENCY AMENDMENTS

TITLE 41: FIRE PROTECTION
CHAPTER I: OFFICE OF THE STATE FIRE MARSHAL

PART 170
STORAGE, TRANSPORTATION, SALE AND USE OF PETROLEUM
AND OTHER REGULATED SUBSTANCES

SUBPART A: MISCELLANEOUS

Section
170.10 Definitions
170.11 Incorporation of National Standards
170.15 Bulk Sales Prohibited
170.20 Storage Underground and Limited (Repealed)
170.30 Setting of Tanks (Repealed)
170.40 Clearance Required for Underground Tanks (Repealed)
170.41 Location (Repealed)
170.50 Material and Construction of Tanks (Repealed)
170.60 Venting of Tanks (Repealed)
170.65 Underground Tank Installations (Repealed)
170.70 Fill Pipes (Repealed)
170.71 Registration of Underground Storage Tanks and Payment of Annual Fee (Repealed)
170.72 Late Registration Fee (Repealed)
170.75 Abandonment of Underground Storage Tanks (Renumbered)
170.76 Leaking Underground Tanks (Repealed)
170.80 Unloading Operations
170.90 Pumps (Repealed)
170.91 Labeling of Containers and Pumps
170.100 Piping (Repealed)
170.105 Approval of Plans (Repealed)
170.106 Installer, Repairer or Remover of Underground Storage Tanks (Repealed)
170.107 Tester of Underground Storage Tanks and Cathodic Protection (Repealed)
170.108 Pressure Testing (Repealed)
170.110 Building
170.115 Safe Heat Required
170.120 No Flammable or Combustible Liquids Within Building – Exception
170.130 Greasing Pits
170.140 Wash and Greasing Rooms
OFFICE OF THE STATE FIRE MARSHAL

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<th>Description</th>
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**SUBPART B: UNDERGROUND STORAGE TANKS – TECHNICAL REQUIREMENTS**

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<th>Section</th>
<th>Description</th>
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<td>Definitions</td>
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OFFICE OF THE STATE FIRE MARSHAL

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170.480 Repairs Allowed
170.481 Emergency Repairs
170.490 Reporting and Recordkeeping
170.500 General Release Detection Requirements for All UST Systems
170.510 Release Detection Requirements for Petroleum UST Systems (Repealed)
170.520 Release Detection Requirements for Hazardous Substance UST Systems
170.530 Methods and Requirements of Release Detection for Tanks
170.540 Methods and Requirements of Release Detection for Piping
170.541 Installer, Repairer, Liner or Remover of USTs and Obtaining Permits
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Section 170.544 Tester of Underground Storage Tanks, Cathodic Protection and UST Equipment

EMERGENCY

Any person who is a tester of underground storage tanks or its piping, cathodic protection, or other UST equipment for another, except a lessor for his or her lessee, is a contractor. Testers shall be licensed and certified in accordance with Subpart E, except they shall not be licensed if they are so barred pursuant to Subpart D.

a) The following are the requirements for testers for UST systems:

1) Cathodic protection. To qualify as a tester of cathodic protection, an individual must be ICC certified in the CP module or be approved by the OSFM.

2) Precision tanks and piping. To qualify as a tester to perform precision tests on tanks or piping, an individual must be certified by ICC in the tank tightness testing module designate the testing method(s) for which a license is sought and show proof that they are certified by the manufacturer of the testing equipment.

A) Tank tightness methods shall be evaluated by an independent third-party as contained in the NWGLDE publication "List of Leak Detection Evaluations for Underground Storage Tank Systems" and is subject to approval by the Office of the State Fire Marshal.

B) Tank tightness testers shall be trained by the manufacturer of the testing equipment relied upon to ensure proficiency in the tightness testing method.

3) UST equipment (including all equipment other than that listed in
subsections (a)(1) and (2) of this Section). To qualify as a tester, an individual must be an employee of an ICC certified licensed contractor that has been trained in the testing of the equipment being evaluated for its operation in accordance with manufacturers' specifications.

b) Test results shall be handled as follows:

1) Test results that pass are to be issued to the facility and owner.

2) Test results that fail must be reported to the OSFM within 3 working days.

3) Test results required due to Notice of Violation must be reported to the OSFM within 10 working days.

4) All test results must be reported on a form prescribed by the OSFM.

c) For purposes of this Section, "license" (or any comparable variation of the term) is synonymous with "registration" (or any comparable variation of the term).

(Source: Amended by Emergency Amendment at 27 Ill. Reg. 8311, effective April 28, 2003 for a Maximum of 150 days).
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1) **Heading of the Part:** Hospital Services

2) **Code Citation:** 89 Ill. Adm. Code 148

3) **Section Numbers:** Emergency Action:
   
   148.295 Amendment

4) **Statutory Authority:** Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) **Effective Date:** April 28, 2003

6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable

7) **Date Filed with the Index Department:** April 23, 2003

8) A copy of the emergency amendment, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) **Reason for Emergency:** These emergency amendments provide fiscal year 2003 budget implementation changes concerning inpatient hospital obstetrical care. The amendments provide reimbursement increases for Direct Hospital Adjustments (DHA) under Critical Hospital Adjustment Payments (CHAP) for eligible high volume Medicaid hospital providers. Immediate implementation of these amendments is necessary to ensure access to necessary obstetrical care for medical assistance clients. Emergency rulemaking is specifically authorized for the implementation of these changes for fiscal year 2003 by Section 5-45 of Public Act 92-597.

10) **Complete Description of the Subjects and Issues Involved:** This emergency rulemaking provides fiscal year 2003 budget implementation changes concerning specified inpatient hospital services. The changes allow additional funding for Direct Hospital Adjustments (DHA) under Critical Hospital Adjustment Payments (CHAP) for certain high volume Medicaid providers of hospital services. This funding is necessary to ensure continued access to necessary obstetrical care for the Department=s medical assistance clients. A spending increase of approximately $2 million during fiscal year 2003 is anticipated on the basis of these changes.

11) **Are there any other amendments pending on this Part?** No
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12) **Statement of Statewide Policy Objectives:** These emergency amendments neither create nor expand any state mandates affecting units of local government.

13) **Information and questions regarding this amendment shall be directed to:**

    Joanne Scattoloni  
    Office of the General Counsel, Rules Section  
    Illinois Department of Public Aid  
    201 South Grand Avenue East, Third Floor  
    Springfield, Illinois 62763-0002  
    (217)524-0081

The full text of the emergency amendments begins on the next page:
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SUBCHAPTER d: MEDICAL PROGRAMS

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HOSPITAL SERVICES

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SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS

Section 148.295 Critical Hospital Adjustment Payments (CHAP)

Critical Hospital Adjustment Payments (CHAP) shall be made to all eligible hospitals excluding county-owned hospitals, as described in Section 148.25 (b)(1)(A), unless otherwise noted in this Section, and hospitals organized under the University of Illinois Hospital Act, as described in Section 148.25 (b)(1)(B), for inpatient admissions occurring on or after July 1, 1998, in accordance with this Section.

a) Trauma Center Adjustments (TCA)

The Department shall make a TCA to Illinois hospitals recognized, as of the first day of July in the CHAP rate period, as a Level I or Level II trauma center by the Illinois Department of Public Health (IDPH) in accordance with the provisions of subsections (a)(1) through (a)(3) of this Section.

1) Level I Trauma Center Adjustment.
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A) Criteria. Illinois hospitals that, on the first day of July in the CHAP rate period, are recognized as a Level I trauma center by the Illinois Department of Public Health shall receive the Level I trauma center adjustment.

B) Adjustment. Illinois hospitals meeting the criteria specified in subsection (a)(1)(A) of this Section shall receive an adjustment as follows:

i) Hospitals with Medicaid trauma admissions equal to or greater than the mean Medicaid trauma admissions, for all hospitals qualifying under subsection (a)(1)(A) of this Section, shall receive an adjustment of $21,365.00 per Medicaid trauma admission in the CHAP base period.

ii) Hospitals with Medicaid trauma admissions less than the mean Medicaid trauma admissions, for all hospitals qualifying under subsection (a)(1)(A) of this Section, shall receive an adjustment of $14,165.00 per Medicaid trauma admission in the CHAP base period.

2) Level II Rural Trauma Center Adjustment. Illinois rural hospitals, as defined in Section 148.25(g)(3), that, on the first day of July in the CHAP rate period, are recognized as a Level II trauma center by the Illinois Department of Public Health shall receive an adjustment of $11,565.00 per Medicaid trauma admission in the CHAP base period.

3) Level II Urban Trauma Center Adjustment. Illinois urban hospitals, as described in Section 148.25(g)(4), that, on the first day of July in the CHAP rate period, are recognized as Level II trauma centers by the Illinois Department of Public Health shall receive an adjustment of $11,565.00 per Medicaid trauma admission in the CHAP base period, provided that such hospital meets the criteria described below:

A) The hospital is located in a county with no Level I trauma center; and

B) The hospital is located in a Health Professional Shortage Area (HPSA) (42 CFR 5), as of the first day of July in the CHAP rate period.
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period, and has a Medicaid trauma admission percentage at or above the mean of the individual facility values determined in subsection (a)(3) of this Section; or the hospital is not located in an HPSA and has a Medicaid trauma admission percentage that is at least the mean plus one standard deviation of the individual facility values determined in subsection (a)(3) of this Section.

b) Rehabilitation Hospital Adjustment (RHA)
Illinois hospitals that, on the first day of July in the CHAP rate period, qualify as rehabilitation hospitals, as defined in 89 Ill. Adm. Code 149.50(c)(2), and that are accredited by the Commission on Accreditation of Rehabilitation Facilities (CARF), shall receive a rehabilitation hospital adjustment in the CHAP rate period that consists of the following three components:

1) Treatment Component. All hospitals defined in subsection (b) of this Section shall receive $4,215.00 per Medicaid Level I rehabilitation admission in the CHAP base period.

2) Facility Component. All hospitals defined in subsection (b) of this Section shall receive a facility component that shall be based upon the number of Medicaid Level I rehabilitation admissions in the CHAP base period as follows:

A) Hospitals with fewer than 60 Medicaid Level I rehabilitation admissions in the CHAP base period shall receive a facility component of $229,360.00 in the CHAP rate period.

B) Hospitals with 60 or more Medicaid Level I rehabilitation admissions in the CHAP base period shall receive a facility component of $527,528.00 in the CHAP rate period.

3) Health Professional Shortage Area Adjustment Component. Hospitals defined in subsection (b) of this Section, that are located in an HPSA on July 1, 1999, shall receive $276.00 per Medicaid Level I rehabilitation inpatient day in the CHAP base period.

c) Direct Hospital Adjustment (DHA) Criteria

1) Qualifying Criteria
Hospitals may qualify for the DHA under this subsection (c) under the following categories:

A) Except for hospitals operated by the University of Illinois, children’s hospitals, psychiatric hospitals, rehabilitation hospitals and long term stay hospitals, all other hospitals located in Health Service Area (HSA) 6 that either:

i) were eligible for Direct Hospital Adjustments under the CHAP program as of July 1, 1999, and had a Medicaid inpatient utilization rate (MIUR) equal to or greater than the statewide mean in Illinois on July 1, 1999;

ii) were eligible under the Supplemental Critical Hospital Adjustment Payment (SCHAP) program as of July 1, 1999, and had an MIUR equal to or greater than the statewide mean in Illinois on July 1, 1999; or

iii) were county owned hospitals as defined in 89 Ill. Adm. Code 148.25(b)(1)(A), and had an MIUR equal to or greater than the statewide mean in Illinois on July 1, 1999.

B) Illinois hospitals located outside of HSA 6 that had an MIUR greater than 60 percent on July 1, 1999, and an average length of stay less than ten days. The following hospitals are excluded from qualifying under this subsection (c)(1)(B): children’s hospitals; psychiatric hospitals; rehabilitation hospitals; and long term stay hospitals.

C) Children’s hospitals, as defined under 89 Ill. Adm. Code 149.50(c)(3), on July 1, 1999.

D) Illinois teaching hospitals, with more than 40 graduate medical education programs on July 1, 1999, not qualifying in subsections (c)(1)(A), (B), or (C) of this Section.

E) Except for hospitals operated by the University of Illinois, children’s hospitals, psychiatric hospitals, rehabilitation hospitals, long term stay hospitals and hospitals qualifying in subsection
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(c)(1)(A),(B),(C) or (D) of this Section, all other hospitals located in Illinois that had an MIUR equal to or greater than the mean plus one-half standard deviation on July 1, 1999, and provided more than 15,000 Total days.

F) Except for hospitals operated by the University of Illinois, children=s hospitals, psychiatric hospitals, rehabilitation hospitals, long term stay hospitals and hospitals otherwise qualifying in subsection (c)(1)(A), (B), (C), (D), or (E) of this Section, all other hospitals that had an MIUR greater than 40 percent on July 1, 1999, and provided more than 7,500 Total days and provided obstetrical care as of July 1, 2001.

2) DHA Rates

A) For hospitals qualifying under subsection (c)(1)(A) of this Section, the DHA rates are as follows:

i) Hospitals that have a Combined MIUR that is equal to or greater than the Statewide mean Combined MIUR, but less than one standard deviation above the Statewide mean Combined MIUR, will receive $69.00 per day for hospitals that do not provide obstetrical care and $105.00 per day for hospitals that do provide obstetrical care.

ii) Hospitals that have a Combined MIUR that is equal to or greater than one standard deviation above the Statewide mean Combined MIUR, but less than one and one-half standard deviation above the Statewide mean Combined MIUR, will receive $105.00 per day for hospitals that do not provide obstetrical care and $142.00 per day for hospitals that do provide obstetrical care.

iii) Hospitals that have a Combined MIUR that is equal to or greater than one and one-half standard deviation above the Statewide mean Combined MIUR, but less than two standard deviations above the Statewide mean Combined MIUR, will receive $124.00 per day for hospitals that do not provide obstetrical care and $160.00 per day for...
hospitals that do provide obstetrical care.

iv) Hospitals that have a Combined MIUR that is equal to or greater than two standard deviations above the Statewide mean Combined MIUR will receive $142.00 per day for hospitals that do not provide obstetrical care and $179.00 per day for hospitals that do provide obstetrical care.

B) Hospitals qualifying under subsection (c)(1)(A) of this Section, will also receive the following rates:

i) County owned hospitals as defined in Section 148.25 with more than 30,000 Total days will have their rate increased by $455.00 per day.

ii) Hospitals that are not county owned with more than 30,000 Total days will have their rate increased by $330.00 per day.

iii) Hospitals with more than 80,000 Total days will have their rate increased by an additional $423.00 per day.

iv) Hospitals with more than 4,500 Obstetrical days will have their rate increased by $101.00 per day.

v) Hospitals with more than 5,500 Obstetrical days will have their rate increased by an additional $194.00 per day.

vi) Hospitals with an MIUR greater than 74 percent will have their rate increased by $147.00 per day.

vii) Hospitals with an average length of stay less than 3.9 days will have their rate increased by $41.00 per day.

viii) Hospitals with an MIUR greater than the statewide mean plus one standard deviation that are designated a Perinatal Level 2 Center and have one or more obstetrical graduate medical education programs as of July 1, 1999, will have their rate increased by $227.00 per day.
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ix) Hospitals receiving payments under subsection (c)(2)(A)(ii) of this Section that have an average length of stay less than four days will have their rate increased by $110.00 per day.

x) Hospitals receiving payments under subsection(c)(2)(A)(ii) of this Section that have an MIUR greater than 60 percent will have their rate increased by $202.00 per day.

xi) Hospitals receiving payments under subsection (c)(2)(A)(iv) of this Section that have an MIUR greater than 70 percent and have more than 20,000 days will have their rate increased by $11.00 per day.

C) Hospitals qualifying under subsection (c)(1)(B) of this Section will receive the following rates:

i) Qualifying hospitals will receive a rate of $303.00 per day.

ii) Qualifying hospitals with more than 1,500 Obstetrical days will have their rate increased by $487.00 per day.

D) Hospitals qualifying under subsection (c)(1)(C) of this Section will receive the following rates:

i) Hospitals will receive a rate of $28.00 per day.

ii) Hospitals located in Illinois and outside of HSA 6 that have an MIUR greater than 60 percent will have their rate increased by $55.00 per day.

iii) Hospitals located in Illinois and inside HSA 6 that have an MIUR greater than 80 percent will have their rate increased by $403.00 per day.

iv) Hospitals that are not located in Illinois that have an MIUR greater than 45 percent will have their rate increased by $32.00 per day for hospitals that have fewer than 4,000 Total days; or $246.00 per day for hospitals that have more than 4,000 Total days but fewer than 8,000 Total days; or
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- $178.00 per day for hospitals that have more than 8,000 Total days.

v) Hospitals with more than 3,200 Total admissions will have their rate increased by $248.00 per day.

E) Hospitals qualifying under subsection (c)(1)(D) of this Section will receive the following rates:

i) Hospitals will receive a rate of $41.00 per day.

ii) Hospitals with an MIUR between 18 percent and 19.75 percent will have their rate increased by an additional $14.00 per day.

iii) Hospitals with an MIUR equal to or greater than 19.75 percent will have their rate increased by an additional $87.00 per day.

iv) Hospitals with a combined MIUR that is equal to or greater than 35 percent will have their rate increased by an additional $41.00 per day.

F) Hospitals qualifying under subsection (c)(1)(E) of this Section will receive $188.00 per day.

G) Hospitals qualifying under subsection (c)(1)(F) of this Section will receive a rate of $55.00 per day.

H) Hospitals that qualify under subsection (c)(1)(A)(iii) of this Section will have their rates multiplied by a factor of two.

3) DHA Payments

A) Payments under this subsection (c) will be made at least quarterly, beginning with the quarter ending December 31, 1999.

B) Payment rates will be multiplied by the Total days.
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C) Total Payment Adjustments

i) For the CHAP rate period occurring in State fiscal year 2003, total payments will equal the methodologies described in subsection (c)(2) of this Section. For the period October 1, 2002, to June 30, 2003, Payment payment will equal the State fiscal year 2003 amount less the amount the hospital received under DHA for the quarters ending quarter ended September 30, 2002, December 31, 2002, and March 31, 2003.

ii) For CHAP rate periods occurring after State fiscal year 2003, total payments will equal the methodologies described above.

d) Rural Critical Hospital Adjustment Payments (RCHAP)
RCHAP shall be made to rural hospitals, as described in 89 Ill. Adm. Code 140.80(j)(1), for certain inpatient admissions. The hospital qualifying under this subsection that has the highest number of Medicaid obstetrical care admissions during the CHAP base period shall receive $367,179.00 per year. The Department shall also make an RCHAP to hospitals qualifying under this subsection at a rate that is the greater of:

1) the product of $1,367.00 multiplied by the number of RCHAP Obstetrical Care Admissions in the CHAP base period, or

2) the product of $138.00 multiplied by the number of RCHAP General Care Admissions in the CHAP base period.

e) Total CHAP Adjustments
Each eligible hospital=s critical hospital adjustment payment shall equal the sum of the amounts described in subsections (a), (b), (c) and (d) of this Section. The critical hospital adjustment payments shall be paid at least quarterly.

f) Critical Hospital Adjustment Limitations
Hospitals that qualify for trauma center adjustments under subsection (a) of this Section shall not be eligible for the total trauma center adjustment if, during the CHAP rate period, the hospital is no longer recognized by the Illinois Department of Public Health as a Level I trauma center as required for the adjustment.
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described in subsection (a)(1) of this Section, or a Level II trauma center as required for the adjustment described in subsection (a)(2) or (a)(3) of this Section. In these instances, the adjustments calculated shall be pro-rated, as applicable, based upon the date that such recognition ceased.

g) Critical Hospital Adjustment Payment Definitions
The definitions of terms used with reference to calculation of the CHAP required by this Section are as follows:

1) "CHAP base period" means State Fiscal Year 1994 for CHAP calculated for the July 1, 1995, CHAP rate period; State Fiscal Year 1995 for CHAP calculated for the July 1, 1996, CHAP rate period; etc.

2) "CHAP rate period" means, beginning July 1, 1995, the 12 month period beginning on July 1 of the year and ending June 30 of the following year.

3) ACombined MIUR@ means the sum of Medicaid Inpatient Utilization Rate (MIUR) as of July 1, 1999, and as defined in Section 148.120(k)(5), plus the Medicaid obstetrical inpatient utilization rate, as described in Section 148.120(k)(6), as of July 1, 1999.

4) "Medicaid general care admission" means hospital inpatient admissions that were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, for recipients of medical assistance under Title XIX of the Social Security Act, excluding admissions for normal newborns, Medicare/Medicaid crossover admissions, psychiatric and rehabilitation admissions.

5) "Medicaid Level I rehabilitation admissions" means those claims billed as Level I admissions that were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, with an ICD-9-CM principal diagnosis code of: 054.3, 310.1 through 310.2, 320.1, 336.0 through 336.9, 344.0 through 344.2, 344.8 through 344.9, 348.1, 801.30, 803.10, 803.84, 806.0 through 806.19, 806.20 through 806.24, 806.26, 806.29 through 806.34, 806.36, 806.4 through 806.5, 851.06, 851.80, 853.05, 854.0 through 854.04, 854.06, 854.1 through 854.14, 854.16, 854.19, 905.0, 907.0, 907.2, 952.0 through 952.09, 952.10
through 952.16, 952.2, and V57.0 through V57.89, excluding admissions for normal newborns.

6) "Medicaid Level I rehabilitation inpatient day" means the days associated with the claims defined in subsection (g) (5) of this Section.

7) "Medicaid obstetrical care admission" means hospital inpatient admissions that were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, for recipients of medical assistance under Title XIX of Social Security Act, with Diagnosis Related Grouping (DRG) of 370 through 375; and specifically excludes Medicare/Medicaid crossover claims.

8) "Medicaid trauma admission" means those claims billed as admissions that were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, with an ICD-9-CM principal diagnosis code of: 800.0 through 800.99, 801.0 through 801.99, 802.0 through 802.99, 803.0 through 803.99, 804.0 through 804.99, 805.0 through 805.98, 806.0 through 806.99, 807.0 through 807.69, 808.0 through 808.9, 809.0 through 809.1, 828.0 through 828.1, 839.0 through 839.3, 839.7 through 839.9, 850.0 through 850.9, 851.0 through 851.99, 852.0 through 852.59, 853.0 through 853.19, 854.0 through 854.19, 860.0 through 860.5, 861.0 through 861.32, 862.8, 863.0 through 863.99, 864.0 through 864.19, 865.0 through 865.19, 866.0 through 866.13, 867.0 through 867.9, 868.0 through 868.19, 869.0 through 869.1, 887.0 through 887.7, 896.0 through 896.3, 897.0 through 897.7, 900.0 through 900.9, 902.0 through 904.9, 925, 926.8, 929.0 through 929.99, 958.4, 958.5, 990 through 994.99.

9) "Medicaid trauma admission percentage" means a fraction, the numerator of which is the hospital's Medicaid trauma admissions and the denominator of which is the total Medicaid trauma admissions in a given 12 month period for all Level II urban trauma centers.

10) ARCHAP general care admissions@ means Medicaid General Care Admissions, as defined in subsection (g)(4) of this Section, less RCHAP Obstetrical Care Admissions, occurring in the CHAP base period.
11) ARCHAP obstetrical care admissions@ means Medicaid Obstetrical Care Admissions, as defined in subsection (g)(7) of this Section, with a Diagnosis Related Grouping (DRG) of 370 through 375, occurring in the CHAP base period.

12) ATotal admissions@ means total paid admissions contained in the Department's paid claims database, including obstetrical admissions multiplied by two and excluding Medicare crossover admissions, for dates of service occurring in State fiscal year 1998 and adjudicated through June 30, 1999.

13) ATotal days@ means total paid days contained in the Department's paid claims database, including obstetrical days multiplied by two and excluding Medicare crossover days, for dates of service occurring in State fiscal year 1998 and adjudicated through June 30, 1999.

14) ATotal obstetrical days@ means hospital inpatient days for dates of service occurring in State fiscal year 1998 and adjudicated through June 30, 1999, with an ICD-9-CM principal diagnosis code of 640.0 through 648.9 with a 5th digit of 1 or 2; 650; 651.0 through 659.9 with a 5th digit of 1, 2, 3, or 4; 660.0 through 669.9 with a 5th digit of 1, 2, 3, or 4; 670.0 through 676.9 with a 5th digit of 1 or 2; V27 through V27.9; V30 through V39.9; or any ICD-9-CM principal diagnosis code that is accompanied with a surgery procedure code between 72 and 75.99; and specifically excludes Medicare/Medicaid crossover claims.

(Source: Emergency amendment at 27 Ill. Reg. 8320, effective April 28, 2003, for a maximum of 150 days)
NOTICES: The scheduled date and time for the JCAR meeting are subject to change. Due to Register submittal deadlines, the Agenda below may be incomplete. Other items not contained in this published Agenda are likely to be considered by the Committee at the meeting and items from the list can be postponed to future meetings.

*If members of the public wish to express their views with respect to a rulemaking, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:*

*Joint Committee on Administrative Rules*
*700 Stratton Office Building*
*Springfield, Illinois 62706*
*Email: jcar@legis.state.il.us  Phone: 217/785-2254*

**RULEMAKINGS CURRENTLY BEFORE JCAR**

**PROPOSED RULEMAKINGS**

**Agriculture**

   - First Notice Published: 26 Ill. Reg. 17473 – 12/13/02
   - Expiration of Second Notice: 5/21/03

**Central Management Services**

2. Conditions of Employment (80 Ill. Adm. Code 303)
   - First Notice Published: 27 Ill. Reg. 1450 – 1/31/03
   - Expiration of Second Notice: 5/24/03
3. Organ Donor Leave (80 Ill. Adm. Code 332)
   -First Notice Published: 27 Ill. Reg. 1455 – 1/31/03
   -Expiration of Second Notice: 5/24/03

4. Teachers’ Retirement Insurance Program (80 Ill. Adm. Code 2170)
   -First Notice Published: 26 Ill. Reg. 8200 – 6/7/02
   -Expiration of Second Notice: 5/30/03

5. College Insurance Program (80 Ill. Adm. Code 2180)
   -First Notice Published: 26 Ill. Reg. 8208 – 6/7/02
   -Expiration of Second Notice: 5/30/03

   Commerce Commission

   -First Notice Published: 26 Ill. Reg. 12867 – 8/30/02
   -Expiration of Second Notice: 5/30/03

7. Standard Information Requirements for Public Utilities and Telecommunications Carriers in Filing for an Increase in Rates (83 Ill. Adm. Code 285)
   -First Notice Published: 26 Ill. Reg. 12917 – 8/30/02
   -Expiration of Second Notice Period: 5/30/03

8. Submission of Rate Case Testimony (83 Ill. Adm. Code 286)
   -First Notice Published: 26 Ill. Reg. 13015 – 8/30/02
   -Expiration of Second Notice Period: 5/30/03

9. Rate Case Test Year (83 Ill. Adm. Code 287)
   -First Notice Published: 26 Ill. Reg. 13021 – 8/30/02
   -Expiration of Second Notice: 5/30/03

    -First Notice Published: 26 Ill. Reg. 11653 – 8/2/02
    -Expiration of Second Notice: 6/5/03

11. Telephone Assistance Programs (83 Ill. Adm. Code 757)
    -First Notice Published: 27 Ill. Reg. 1460 – 1/31/03
JOINT COMMITTEE ON ADMINISTRATIVE RULES

MAY AGENDA

-Expiration of Second Notice: 6/7/03

Comptroller

12. Voluntary Deductions from Wages, Salary or Annuities (80 Ill. Adm. Code 2500)
   -First Notice Published: 27 Ill. Reg. 4315 – 3/7/03
   -Expiration of Second Notice: 6/6/03

Educational Facilities Authority

13. Functions and Planning Program (23 Ill. Adm. Code 2310)
   -First Notice Published: 27 Ill. Reg. 3192 – 2/28/03
   -Expiration of Second Notice: 6/4/03

Natural Resources

14. Public Use of State Parks an Other Properties of the Department of Natural Resources (17 Ill. Adm. Code 110)
   -First Notice Published: 27 Ill. Reg. 1867 – 2/7/03
   -Expiration of Second Notice: 5/15/03

   -First Notice Published: 27 Ill. Reg. 2835 – 2/21/03
   -Expiration of Second Notice: 6/7/03

Professional Regulation

   -First Notice Published: 27 Ill. Reg. 2585 – 2/14/03
   -Expiration of Second Notice: 6/4/03

   -First Notice Published: 27 Ill. Reg. 450 – 1/10/03
   -Expiration of Second Notice: 5/14/03

   -First Notice Published: 27 Ill. Reg. 464 – 1/10/03
   -Expiration of Second Notice: 5/14/03
Pollution Control Board

   -First Notice Published: 27 Ill. Reg. 2578 – 2/14/03
   -Expiration of Second Notice: 6/4/03

Public Aid

20. Medical Payment (89 Ill. Adm. Code 140)
   -First Notice Published: 26 Ill. Reg. 13026 – 8/30/02
   -Expiration of Second Notice: 6/4/03

   -First Notice Published: 26 Ill. Reg. 13146 – 9/6/02
   -Expiration of Second Notice: 6/4/03

   -First Notice Published: 26 Ill. Reg. 17143 – 12/2/02
   -Expiration of Second Notice: 6/11/03

   -First Notice Published: 27 Ill. Reg. 484 – 1/10/03
   -Expiration of Second Notice: 6/8/03

Public Health

24. Hospital Licensing Requirements (77 Ill. Adm. Code 250)
   -First Notice Published: 27 Ill. Reg. 2848 – 2/21/03
   -Expiration of Second Notice: 6/6/03

   -First Notice Published: 27 Ill. Reg. 1922 – 2/7/03
   -Expiration of Second Notice: 5/30/03

   -First Notice Published: 27 Ill. Reg. 4343 – 3/7/03
   -Expiration of Second Notice: 6/6/03

Revenue
JOINT COMMITTEE ON ADMINISTRATIVE RULES

MAY AGENDA

27. Telecommunications Excise Tax (86 Ill. Adm. Code 495)
   -First Notice Published: 26 Ill. Reg. 14757 – 10/11/02
   -Expiration of Second Notice: 6/7/03

28. Uniform Penalty and Interest Act (86 Ill. Adm. Code 700)
   -First Notice Published: 27 Ill. Reg. 127 – 1/3/03
   -Expiration of Second Notice: 5/28/03

   Secretary of State

   -First Notice Published: 26 Ill. Reg. 17954 – 12/20/02
   -Expiration of Second Notice: 5/25/03

   Teachers' Retirement System

30. The Administration and Operation of the Teachers' Retirement System (80 Ill. Adm. Code 1650)
   -First Notice Published: 26 Ill. Reg. 17348 – 12/6/02
   -Expiration of Second Notice: 5/25/03

   Transportation

   -First Notice Published: 27 Ill. Reg. 2042 – 2/7/03
   -Expiration of Second Notice: 5/23/03

32. Qualification of Drivers (92 Ill. Adm. Code 391)
   -First Notice Published: 27 Ill. Reg. 2065 – 2/7/03
   -Expiration of Second Notice: 5/23/03

   -First Notice Published: 27 Ill. Reg. 2071 – 2/7/03
   -Expiration of Second Notice: 5/23/03

34. Parts and Accessories Necessary for Safe Operation (92 Ill. Adm. Code 393)
   -First Notice Published: 27 Ill. Reg. 2076 – 2/7/03
   -Expiration of Second Notice: 5/23/03
JOINT COMMITTEE ON ADMINISTRATIVE RULES

MAY AGENDA

35. Hours of Service of Drivers (92 Ill. Adm. Code 395)
   -First Notice Published: 27 Ill. Reg. 2081 – 2/7/03
   -Expiration of Second Notice: 5/23/03

36. Inspection, Repair and Maintenance (92 Ill. Adm. Code 396)
   -First Notice Published: 27 Ill. Reg. 2088 – 2/7/03
   -Expiration of Second Notice: 5/23/03

37. Transportation of Hazardous Materials; Driving and Parking (92 Ill. Adm. Code 397)
   -First Notice Published: 27 Ill. Reg. 2092 – 2/7/03
   -Expiration of Second Notice: 5/23/03

EMERGENCY AND PEREMPTORY RULEMAKINGS

Housing Development Authority

38. Illinois Affordable Housing Tax Credit Program (47 Ill. Adm. Code 355) (Emergency)
   -Notice Published: 27 Ill. Reg. 5033 – 3/21/03

Professional Regulation

   -Notice Published: 27 Ill. Reg. 6363 – 4/11/03

Public Health

40. Assisted Living and Shared Housing Establishment Code (77 Ill. Adm. Code 295)
    (Emergency)
    -Notice Published: 27 Ill. Reg. 6378 – 4/11/03

41. Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300)
    (Emergency)
    -Notice Published: 27 Ill. Reg. 5452 – 3/28/03

42. Sheltered Care Facilities Code (77 Ill. Adm. Code 330) (Emergency)
    -Notice Published: 27 Ill. reg. 5473 – 3/28/03

JOINT COMMITTEE ON ADMINISTRATIVE RULES

MAY AGENDA

-Notice Published: 27 Ill. Reg. 5489 – 3/28/03

44. Long-Term Care For Under Age 22 Facilities Code (77 Ill. Adm. Code 390) (Emergency)
   -Notice Published: 27 Ill. Reg. 5509 – 3/28/03

Secretary of State

45. Issuance of Licenses (92 Ill. Adm. Code 1030) (Emergency)
   -First Notice Published: 27 Ill. Reg. 7340 – 4/18/03

EXPEDITED CORRECTION

Public Health

46. Health Care Professional Credentials Data Collection Code (77 Ill. Adm. Code 965; 27
     Ill. Reg. 6004)

AGENCY RESPONSES

Central Management Services

47. Pay Plan (80 Ill. Adm. Code 310; 26 Ill. Reg. 15154)

Human Services

48. Early Intervention Program (89 Ill. Adm. Code 500; 26 Ill. Reg. 2205)

Professional Regulation


Public Aid

50. Exempt Assets (89 Ill. Adm. Code 120) (Existing Rule)
The following second notices were received by the Joint Committee on Administrative Rules during the period of April 22, 2003 through April 28, 2003 and have been scheduled for review by the Committee at its May 13, 2003 meeting in Springfield. 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.

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WHEREAS, arts are an integral part of life-long learning; and
WHEREAS, arts is the preservation of our cultural heritage; and
WHEREAS, the Illinois Arts Council encourages the development of the arts throughout Illinois; and
WHEREAS, the Illinois Arts Council assists artists, arts organizations and other community organizations that present arts programming by providing financial and technical assistance; and
WHEREAS, the Illinois Arts Council receives funds provided annually by the Illinois State Legislature and the National Endowment for the Arts; and
WHEREAS, the Illinois Arts Council develops the state’s public arts policy, fostering quality culturally diverse programs and approving grant expenditures; and
WHEREAS, the Illinois Arts Council is committed to the cultural, educational and economic growth of the diverse people and communities of our state through support and encouragement of arts:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, proclaim October 12-18, 2003, as ILLINOIS ARTS WEEK.
Issued by the Governor March 31, 2003
Filed by the Secretary of State April 28, 2003

WHEREAS, approximately 3 million reports of suspected or known child abuse and neglect involving five million American children are made to child protective service agencies each year; and
WHEREAS, 588,000 American children are unable to live safely with their families and are placed in foster homes and institutions; and
WHEREAS, it is estimated that every year in America more than 1,200 children, 85 percent under the age of six and 44 percent under the age of one, lose their lives as a direct result of abuse and neglect; and
WHEREAS, the rate of infant homicide has doubled and reached a 30-year high during a period in which there was an overall decrease in infant mortality from all sources; and
WHEREAS this tragic social problem results in human and economic costs due to its relationship to crime and delinquency, drug and alcohol abuse, domestic violence, and welfare dependency; and
WHEREAS, Childhelp USA, one of the oldest and largest national nonprofit organizations dedicated to the treatment and prevention of child abuse and neglect, is working hard to bring these tragedies to an end; and
WHEREAS, to focus the nation’s attention on the plight of abuse victims, the organization
created the Childhelp USA National Day of Hope to be observed on April 2, 2003, during National Child Abuse Prevention Month;
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, proclaim Wednesday, April 2, 2003, as DAY OF HOPE in Illinois.
Issued by the Governor April 23, 2003
Filed by the Secretary of State April 28, 2003

2003-80
April and May 2003 as Arts in Education Spring Celebration Months

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, held at the Peoria County Courthouse and the Peoria Civic Center, provides a venue for students in grades pre-Kindergarten through 12 to showcase their works and talents; and
WHEREAS, the 2003 Arts in Education Spring Celebration will be held April 23 through May 30, 2003;
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, proclaim April and May 2003 as ARTS IN EDUCATION SPRING CELEBRATION MONTHS in Illinois.
Issued by the Governor March 17, 2003
Filed by the Secretary of State April 28, 2003

2003-81
April 9, 2003, as Electric and Telephone Cooperatives Youth Day

WHEREAS, for the past 44 years, the Electric and Telephone Cooperatives of Illinois have sponsored a paid tour to Washington, D.C. for approximately 60 outstanding Illinois high school students who are selected on the basis of essay and youth leadership contests sponsored by member cooperatives; and
WHEREAS, students from Illinois, along with nearly 1,500 contest winners from other states will have an opportunity to witness their federal government in action during the “Youth to Washington” tour June 13-20, 2003; and
WHEREAS, in an effort to provide a broader educational experience for more students throughout the state, the Electric and Telephone Cooperatives of Illinois will also sponsor a trip to our state capital on April 9 for 300 finalists;
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, proclaim April 9, 2003, as ELECTRIC AND TELEPHONE COOPERATIVES YOUTH DAY in Illinois.
Issued by the Governor March 17, 2003
ILLINOIS REGISTER

PROCLAMATIONS

Filed by the Secretary of State April 28, 2003

2003-82
May 2, 2003, as Allied Health Professionals Day

WHEREAS, the Chicago area is recognized as a major resource for medical care, and its health institutions are visited each year by people from around the world seeking the latest and most advanced medical treatment; and
WHEREAS, health care professionals engaged in allied health functions - including dieticians, radiation technicians, recreational therapists, phlebotomists, physical therapists and many others – are an important part of the health care delivery team; and
WHEREAS, in today’s constantly changing health care environment, allied health professionals are continuing to expand their scope while maintaining multiple duties; and
WHEREAS, allied health employees make much-needed contributions in every health care facility and help increase the greater Chicagoland area’s reputation for health care excellence; and
WHEREAS, more than 135 hospitals and health care organizations that are members of the Metropolitan Chicago Healthcare Council honor allied health care staff for their many achievements in both their institutions and to the people of their communities;

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, proclaim May 2, 2003, as ALLIED HEALTH PROFESSIONALS DAY in Illinois and urge all citizens to recognize these devoted healthcare professionals.

Issued by the Governor April 09, 2003
Filed by the Secretary of State April 28, 2003

2003-83
May 2003 as Children’s Mental Health Month

WHEREAS, the Illinois Federation of Families (IFF) for Children’s Mental Health is a not-for-profit corporation, supporting families of children with emotional, behavioral, and/or other mental disorders; and
WHEREAS, through a grant awarded by the U.S. Department of Education, LaGrange Area Department of Special Education initiated Project WRAP for students with emotional, behavioral or mental disorders and their families. It involved wrapping supports in normal school, home and community settings; and
WHEREAS, IFF’s mission is to improve, expand, and individualize services to children, young adults and their families by providing support, education, training and advocacy; and
WHEREAS, IFF’s goal is to create a statewide network of legal, educational and medical resources and research, prevention and early intervention for individuals and groups throughout Illinois; and
WHEREAS, warning signs of mental illness in childhood and adolescence include a drop in
school performance, worry and anxiety, an inability to cope with day-to-day problems and activities, changes in sleeping and eating habits, and aggression towards self and others; and

WHEREAS, in Illinois, there are about 3.3 million children and adolescents, of which about 60,000 children and youth meet the state criteria for having severe emotional health issues;

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, proclaim May 2003 as CHILDREN’S MENTAL HEALTH MONTH in Illinois.

Issued by the Governor April 09, 2003
Filed by the Secretary of State April 28, 2003

2003-84
April 20-26, 2003, as Foresters Prevention of Child Abuse Week

WHEREAS, Foresters are successful throughout the country, including the State of Illinois, because of their financial strength, but also by the positive impact they have on their members’ communities and the children who represent their future; and

WHEREAS, Foresters are committed to volunteering their time, talent and money to help others in their local communities through involvement in local activities, such as fundraising, youth activities, educational support, disaster relief and much more; and

WHEREAS, additionally, since 1974, Foresters Prevention of Child Abuse Funds provide financial support to non-profit organizations that provide child abuse prevention and positive parenting programs and services; and

WHEREAS, Foresters are the largest non-sectarian fraternal benefit society in the world with more than one million members; and

WHEREAS, Foresters’ prevention of child abuse efforts have initiated international public awareness programs including Prevention of Child Abuse Month; and

WHEREAS, Foresters Prevention of Child Abuse Funds and Foresters Fund for Children exist to help educate the public about child abuse and how they can help prevent its occurrence; and

WHEREAS, over the years, Foresters Prevention of Child Abuse Fund has contributed thousands of dollars to help educate the public about child abuse and how they can help protect children;

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, proclaim April 20-26, 2003, as FORESTERS PREVENTION OF CHILD ABUSE WEEK in Illinois, and ask all citizens of the state to be aware and be supportive of the organization’s efforts.

Issued by the Governor April 09, 2003
Filed by the Secretary of State April 28, 2003

2003-85
April 2003 as Homeland Security Youth Mentoring Month

WHEREAS, the Homeland Security Youth Mentoring Coalition is conducting a national study
to reduce violence by raising the level of awareness in our country through an innovative and effective youth mentoring program; and

WHEREAS, the Coalition’s goal is to reach over 8 million youth through the distribution of Good Knight mentoring kits and teach them how to stay safe from crime and violence; and

WHEREAS, the Good Knight network has reached over 10 million families through its crime and violence prevention programs, and now, in support with the homeland security effort, they have been awarded a government grant to teach Americans what it means to become more aware; and

WHEREAS, the Good Knight curriculum teaches families to recognize the methods used to commit crimes against them; and

WHEREAS, the Good Knight network has formed the Homeland Security Youth Mentoring Coalition comprised of community groups, scout troops, families, corporations and individuals who want to contribute their efforts to a pro-active approach to protecting ourselves and our homeland;

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, proclaim April 2003 as HOMELAND SECURITY YOUTH MENTORING MONTH in Illinois.

Issued by the Governor April 09, 2003
Filed by the Secretary of State April 28, 2003

2003-86
April 7, 2003, as Horizon Hospice Day

WHEREAS, Horizon Hospice, Chicago’s first hospice, was founded in 1978 as a not-for-profit, community-based organization whose goal is to provide comfort for the dying and to preserve dignity at the end of life; and

WHEREAS, Horizon Hospice is celebrating 25 years of caring for terminally ill patients and their families throughout the Chicago metropolitan area and now cares for 600-700 patients annually; and

WHEREAS, Horizon Hospice is dedicated to providing professional, volunteer and community education about hospice and palliative care; and

WHEREAS, in Horizon Hospice’s 25-year history, it has taken a leadership role to serve patients who are children, who live in underserved communities and who have been infected with AIDS; and

WHEREAS, Horizon is leading the hospice movement in educating not only the professional healthcare community but also their own staff and volunteer corps with programs that address challenging cases;

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, proclaim April 7, 2003, as HORIZON HOSPICE DAY in Illinois, and congratulate Horizon Hospice for its dedication to providing quality end-of-life care and compassion to the people of the City of Chicago.

Issued by the Governor April 09, 2003
ILLINOIS REGISTER

PROCLAMATIONS

Filed by the Secretary of State April 28, 2003

2003-87
May 2003 as Lyme Disease Awareness Month

WHEREAS, Illinois shares a border with the Lyme endemic state of Wisconsin. This bacteria is named Borrelia burgdorferi and causes Lyme Disease, which is carried by the tick; and
WHEREAS, Lyme Disease is appearing in Illinois fields, woods and suburban yards where the people of Illinois work and play; and
WHEREAS, deer, white-footed mice, and migrating birds carry this tick throughout the state; and
WHEREAS, Lyme disease is an important public health problem for people of all ages. It is the most commonly diagnosed tick-borne disease in the United States; and
WHEREAS, if left untreated, Lyme disease can lead to serious health problems, including chronic arthritis and nerve and heart damage; and
WHEREAS, education and knowledge of Lyme disease and its symptoms can enable the patient and physician to seek a proper diagnosis and treatment soon after infection when they can be most effective;
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, proclaim May 2003 as LYME DISEASE AWARENESS MONTH in Illinois and ask all citizens to educate themselves of this disease.

Issued by the Governor April 09, 2003
Filed by the Secretary of State April 28, 2003

2003-88
May 9, 2003, as Provider Appreciation Day

WHEREAS, Provider Appreciation Day is a special day to recognize child care providers, teachers and educators of young children everywhere; and
WHEREAS, started in 1996 by a group of volunteers in New Jersey, Provider Appreciation Day is celebrated each year on the Friday before Mother’s Day; and
WHEREAS, the founding organizers saw the need to recognize the tireless efforts of providers who care for children of working parents; and
WHEREAS, national studies show that there are at least 2.3 million people who earn their money by caring for preschoolers. Over the past decade, the demand for child care has increased; and
WHEREAS, the child care profession is one of the most underpaid occupations in the country, yet early childhood is the most critical developmental period for all children; and
WHEREAS, parents and community leaders are encouraged to show their appreciation for child care providers through a variety of means; and
WHEREAS, it takes a dedicated person to be successful in the demanding world of today’s
child care professional; and
   WHEREAS, Provider Appreciation Day needs everyone’s support to continue to be successful;
   THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, proclaim May 9, 2003, as PROVIDER APPRECIATION DAY in Illinois, and ask all citizens to show their appreciation to child care providers.
   Issued by the Governor April 09, 2003
  Filed by the Secretary of State April 28, 2003

2003-89
May 1, 2003, as Wings of Hope Day

WHEREAS, Wings of Hope, Inc., is a unique organization located in the St. Louis area which provides humanitarian air services; and
WHEREAS, April through May of 2003 is the Wings of Hope “We Believe…” Annual Campaign; and
WHEREAS, “Wings of Hope Day” is a day set aside whereby citizens of the State of Illinois will proudly lend a hand of humanity to the less fortunate citizens throughout the Illinois as well as worldwide; and
WHEREAS, the mission of Wings of Hope is saving lives, improving the quality of life and bringing hope to people around the world, where the utilization of aviation is vital to the accomplishment of these human endeavors; and
WHEREAS, on May 16, 2003, Wings of Hope will initiate the Wings of Hope Medical Air Transport to transport sick children and their families to medical facilities in throughout the entire Midwest region;
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, proclaim May 1, 2003, as WINGS OF HOPE DAY in Illinois.
   Issued by the Governor April 09, 2003
   Filed by the Secretary of State April 28, 2003

2003-90
April 28-May 2, 2003, as Chatter Schools Week

WHEREAS, Charter Consultants is the educational consulting division of The Governor French Academy; and
WHEREAS, with 20 years of success in delivering the best in individualized education, Charter Consultants brings the business of education to charter school founders and others interested in starting an improved educational delivery system; and
WHEREAS, Charter Consultants specializes in the development of charter schools and, as a division of The Governor French Academy, is approved as a Professional Development Provider for Teacher Certification by the Illinois State Board of Education; and
WHEREAS, there are 23 charter schools in operation throughout Illinois serving approximately 500 students; and
WHEREAS, the pioneering developers, parents, teachers, and students responsible for the success of charter public schools have earned the respect and acknowledgement of the citizens of Illinois;
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, proclaim April 28-May 2, 2003, as CHARTER SCHOOLS WEEK in Illinois.
Issued by the Governor April 15, 2003
Filed by the Secretary of State April 28, 2003

2003-91
April 10, 2003, as American Ex-POW Recognition Day

WHEREAS, many loyal and brave Americans who served in the wars of this nation were captured by the enemy or listed as missing in action; and
WHEREAS, American Prisoners of War have often suffered unconscionable treatment despite international codes on the subject and many have died as a result of cruel and inhumane acts by the enemy captors; and
WHEREAS, it is fitting that we recognize the sacrifices of American Prisoners of War and those missing in action; and
WHEREAS, the Illinois Department of Veterans’ Affairs will host an Ex-POW Recognition Day ceremony on April 10, 2003, in Springfield to honor our American soldiers;
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, proclaim April 10, 2003, as AMERICAN EX-POW RECOGNITION DAY in Illinois.
Issued by the Governor April 18, 2003
Filed by the Secretary of State April 28, 2003

2003-92
April 14-19, 2003, as Credit Education Week

WHEREAS, the use of credit has become increasingly important to the American consumer and to the nation's economy, for the mere fact that consumer installment purchases have more than doubled in the past decade; and
WHEREAS, the nation’s economic status rests in part on the consumer’s wise use of credit and good money management; and
WHEREAS, the prompt payment of bills will help prevent higher prices and curb inflation, as well as give the consumer peace of mind and the right to use credit; and
WHEREAS, the Illinois Student Assistance Commission, in cooperation with ACA International – the Association of Credit and Collection Professionals, is sponsoring National Credit Education Week, an educational program designed to help consumers use credit with caution, spend money wisely and pay bills promptly;
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, proclaim April 14-19, 2003, as CREDIT EDUCATION WEEK in Illinois.

Issued by the Governor April 24, 2003
Filed by the Secretary of State April 28, 2003

2003-93
April 15, 2003, as Probation and Court Services Officer Day

WHEREAS, the safety of Illinois citizens and the rights of crime victims require a competent and thorough administration of the criminal justice system; and
WHEREAS, Illinois law requires that all counties must provide full-time probation and court services to provide a wide range of sentencing options and a continuum of sanctions to protect and safeguard every Illinois community; and
WHEREAS, the continuum of sanctions provided by Illinois probation and courts services departments include: pretrial investigations and supervision, intensive supervision, juvenile intake screening, home confinement, detention, electronic monitoring, community service, teen courts, drug monitoring, drug courts, community corrections, pre-sentencing investigations and specialized services for crime victims like dispute resolution and collection of restitution, among many other services; and
WHEREAS, probation and court service professionals work in collaboration with police, prosecutors, the circuit court and community organizations to provide supervision, programs and services to both juvenile and adult offenders; and
WHEREAS, more than 100,000 juvenile and adult offenders are currently sentenced to a continuum of sanctions, receive active probation supervision or are participating in court-ordered programs; and
WHEREAS, more than 3,000 dedicated probation, detention and court services officers supervise the vast majority of Illinois’ juvenile and adult offenders; and
WHEREAS, these probation, detention and court services officers work in a professional and diligent manner and continuously seek avenues to improve the administration of criminal justice in Illinois and work to improve their job performance with continuing education at the Spring Conference of the Illinois Probation and Court Services Association in Springfield;

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, proclaim April 15, 2003, as PROBATION AND COURT SERVICES OFFICER DAY in Illinois.

Issued by the Governor April 11, 2003
Filed by the Secretary of State April 28, 2003

2003-94
April 21-27, 2003, as Licensed Practical Nurse Week

WHEREAS, the maintenance of good health is a primary concern to everyone; and
WHEREAS, the role of the licensed practical nurse, in caring for people’s health needs, has
advanced in responsibility and complexity; and
WHEREAS, the Licensed Practical Nurse Association of Illinois encourages the continuance of education to ensure competency among its members; and
WHEREAS, the Licensed Practical Nurse Association of Illinois is the voice for LPNs in the health care field and maintains the welfare of the LPN; and
WHEREAS, the Licensed Practical Nurse Association of Illinois is a member of the National Federation of Licensed Practical Nurses;
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, proclaim April 21-27, 2003, as LICENSED PRACTICAL NURSE WEEK in Illinois.
Issued by the Governor April 02, 2003
Filed by the Secretary of State April 28, 2003

2003-95
May 13, 2003, as A Day to Honor the Members of the 2nd/32nd Field Artillery Unit

WHEREAS, the 2nd/32nd Field Artillery Unit proudly served in the Vietnam War and was appropriately nicknamed, “Proud Americans”; and
WHEREAS, the “Proud Americans” outfit is one of the most decorated units from the Vietnam War; and
WHEREAS, last year, in the Armed Forces Day Parade, the “Proud Americans” relived the past by celebrating the restoration of their 175mm self-propelled Howitzer; and
WHEREAS, the tube of the 175mm Howitzer was found in a salvage yard in Maryland and shipped to Fort Sill for repair. It is the only 175mm tube to survive the Vietnam War intact; and
WHEREAS, the 6/32, the sister unit of the “Proud Americans,” found a track body for the tube, put it together, cleaned, painted and put the “Proud Americans” names and numbers on it; and
WHEREAS, the refurbished cannon is now on display at the Fort Sill Museum in Oklahoma; and
WHEREAS, on May 13, 2003, the 2nd/32nd Field Artillery Unit will be celebrating its reunion by bringing soil from their home states in order to plant a tree at Fort Sill as a living memorial to their unit;
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, proclaim May 13, 2003, as A DAY TO HONOR THE MEMBERS OF THE 2ND/32ND FIELD ARTILLERY UNIT in Illinois and ask that all Illinoisans recognize the bravery and sacrifices each of these men have made for our country.
Issued by the Governor April 15, 2003
Filed by the Secretary of State April 28, 2003

2003-96
April 6, 2003, as Student Athlete Day
PROCLAMATIONS

WHEREAS, STUDENT- Athletes who have achieved excellence in academics and athletics, while making significant contributions to their communities, should be looked at as role models for the youth of America; and

WHEREAS, former STUDENT-Athletes have proven to be successful aside from the game, having become many of this country’s business, governmental, community and educational leaders; and

WHEREAS, perseverance, teamwork, self-discipline, commitment to a goal and the belief in racial, gender and ethnic equality are fostered and promoted by both the academic and athletic pursuits of STUDENT-Athletes; and

WHEREAS, it takes tremendous dedication and hard work for STUDENT-Athletes to successfully maintain schoolwork, athletics training and social activities; and

WHEREAS, athletes concentrate on the joy and skill of the game rather than just the victory; and

WHEREAS, thousands of America’s youth use their athletics ability to allow them to obtain an education and develop skills to help them later in life; and

WHEREAS, coaches, parents and educators express the highest expectations for academic performance as well as athletic performances;

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, proclaim April 6, 2003, as STUDENT ATHLETE DAY in Illinois.

Issued by the Governor April 04, 2003
Filed by the Secretary of State April 28, 2003

2003-97
October 2003 as Elk Grove Village Italian Sister Cities, Inc. Month

WHEREAS, under the leadership of its founder, Giovanni Gullo, the Elk Grove Village Italian Sister Cities, Inc., a not-for-profit organization, was formed in October 2000 between two cities, Elk Grove Village in Illinois and Terminilmerese in Sicily; and

WHEREAS, the Elk Grove Village Italian Sister Cities, Inc. was established to help improve international relations, increase international trade and economic development, and promote cultural and educational opportunities between the two cities, and its citizens and businesses; and

WHEREAS, both Elk Grove Village and Terminilmerese have achieved the goal forming the Elk Grove Village Italian Sister Cities, Inc. ultimately to share the rich traditions and cultural contributions of their heritage; and

WHEREAS, members of the Elk Grove Village Italian Sister Cities, Inc. have shown through their hard work and perseverance, a vision to enhance the quality of life in their respective communities by providing leadership and inspiration;

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, proclaim October 2003 as ELK GROVE VILLAGE ITALIAN SISTER CITIES, INC. MONTH in Illinois.

Issued by the Governor April 04, 2003
Filed by the Secretary of State April 28, 2003
PROCLAMATIONS

2003-98
May 2003 as Electrical Safety Month

WHEREAS, hundreds of people die and thousands are injured each year in electrical accidents; and
WHEREAS, the estimated deaths from residential electrical-related fires are more than 860 lives annually; and
WHEREAS, more than three people are electrocuted in the home and five more in the workplace each week; and
WHEREAS, property damage due to electrical-related fires amounts to nearly $1.3 billion each year; and
WHEREAS, following basic electrical safety precautions can help prevent injury or death to thousands of people each year; and
WHEREAS, citizens are encouraged to check their home and workplace for possible electrical hazards to help protect lives and their property; and
WHEREAS, Underwriters Laboratories Inc. (UL) is an independent, not-for-profit product safety testing and certification organization, testing products for public safety for more than a century; and
WHEREAS, the efforts of the Electrical Safety Foundation International (ESFI) and UL promote and educate the public about the importance of respecting electricity and practicing electrical safety in the home, school and workplace; and
WHEREAS, Underwriters Laboratories Inc. is actively helping to move this effort forward in order to reduce the number of electrical injuries and deaths from electrical hazards;
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, proclaim May 2003 as ELECTRICAL SAFETY MONTH in Illinois.

Issued by the Governor April 15, 2003
Filed by the Secretary of State April 28, 2003

2003-99
April 13-19, 2003, as Paralyzed Veterans of America Awareness Week

WHEREAS, in Illinois, thousands of our citizens have served as members of the Armed Forces, and in doing so honored our nation with exemplary dedication; and
WHEREAS, it is important to recognize the sacrifices made by Illinois veterans who are paralyzed; and
WHEREAS, veterans with disabilities have served our country when we needed them, and they continue to serve their communities; and
WHEREAS, paralyzed veterans help their fellow vets who are in Veteran’s Association facilities, they meet with school children and Scout troops to share their experiences, and they aid all other people with disabilities by their advocacy for civil rights issues including achieving accessibility in public buildings;
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, proclaim April 13-19, 2003, as PARALYZED VETERANS OF AMERICA AWARENESS WEEK in Illinois. I encourage the citizens of Illinois to honor these paralyzed veterans because they personify the highest ideals of service to country, sacrifice of self and perseverance in overcoming adversity. Their stories of hardship and triumph provide life-affirming lessons for all of us.

Issued by the Governor April 15, 2003
Filed by the Secretary of State April 28, 2003

2003-100

National Standards for Parent/Family Involvement Programs shall guide state efforts to support and improve schools

WHEREAS, students succeed when families and teachers work together in a learning partnership; and

WHEREAS, families are children's first teachers and vital partners in our goal of ensuring that every student succeeds in schools and meets or exceeds the Illinois Learning Standards; and

WHEREAS, numerous research studies have shown that family involvement brings many benefits to schools and students: students complete homework more regularly, achieve higher grades, score better on tests and have better attendance records, and school/family partnerships support the learning process by reinforcing the efforts of teachers; and

WHEREAS, strengthening education is the key to a flourishing economy for Illinois and the nation, and family support and involvement build the strong foundation for all efforts to improve education; and

WHEREAS, for more than 100 years, the National Parent Teacher Association (PTA) and the Illinois PTA have been providing guidance to schools and families on the importance of parent and family involvement in children's education; and

WHEREAS, the PTA Standards provide six standards that lead to positive results for students and schools through Parent/Family Involvement Programs:

Standard 1: Communicating-communication between home and school is regular, two-way, and meaningful.
Standard II: Parenting-parenting skills are promoted and supported.
Standard III: Student Learning-parents play an integral role in assisting student learning.
Standard IV: Volunteering-parents are welcome in the school, and their support and assistance are sought.
Standard V: School Decision Making and Advocacy-parents are full-time partners in the decisions that affect children and families.
Standard VI: Collaborating with Community-community resources are used to strengthen schools, families, and student learning; and

WHEREAS, the National PTA and the Illinois PTA are to be commended for their long history of support for school/family partnerships and for developing and promoting these
standards that provide guidance for developing supportive relationships between school and home; and

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, proclaim that the principles set forth in the National Standards for Parent/Family Involvement Programs shall guide state efforts to support and improve schools, and further, I call upon all schools in the State of Illinois to develop strategies for family involvement that use the standards encouraged by the PTA.

Issued by the Governor March 12, 2003
Filed by the Secretary of State April 28, 2003

2003-101
April 25-27, 2003, as Our World Underwater Scholarship Society Weekend

WHEREAS, the mission of the Our World Underwater Scholarship Society is to promote educational activities associated with the underwater world and to provide an opportunity for meaningful involvement and hands-on learning; and

WHEREAS, the Our World Underwater dive and travel exposition established the first scholarship in 1974 and continues to provide funding to the Society; and

WHEREAS, to be eligible for the scholarship, the applicant must be a certified scuba diver with a minimum of 25 open water dives, at least 21 years of age, have not yet reached his or her 25th birthday by March 1st of the scholarship year, have high academic standing, pass an approved diving physical, and they must not have earned a graduate degree; and

WHEREAS, the Our World Underwater Society Scholarships provide experiences which can influence the scholar’s life and career, often toward disciplines, addressing the protection, enhancement and survival of our marine and freshwater environments;

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois proclaim April 25-27, 2003, as OUR WORLD UNDERWATER SCHOLARSHIP SOCIETY WEEKEND in Illinois.

Issued by the Governor April 24, 2003
Filed by the Secretary of State April 28, 2003

2003-102
April 29, 2003, as Recall Round-Up Day

WHEREAS, each year, there are an average 23,900 deaths and 32.7 million injuries related to consumer products under the jurisdiction of the U.S. Consumer Product Safety Commission (CPSC); and

WHEREAS, the deaths, injuries and property damages associated with consumer products cost the nation over $700 billion annually; and

WHEREAS, in Fiscal Year 2002, the CPSC negotiated 387 recalls involving over 50 million consumer products that presented a significant risk of injury to the public; and

WHEREAS, in Fiscal Year 2002, there were 210 shipments of 3.6 million units seized at ports of entry; and
PROCLAMATIONS

WHEREAS, many old hazardous products such as disposable lighters, old extension cords, halogen torchiere floor lamps, old power tools, old cribs and old electric hair dryers remain in homes, flea markets, garage sales or in second hand stores; and
WHEREAS, the CPSC, in conjunction with state and local governments and community organizations throughout the nation, is launching “Recall Round-Up Day” -- a national safety campaign to roundup unsafe products; and
WHEREAS, the State of Illinois will support and encourage its citizens to: (1) work with local fire, safety, health, and consumer agencies and other appropriate community organizations to organize local roundups of dangerous and defective consumer products; and (2) alert parents, grandparents, children’s care givers and the general public to the hazards of selected recalled consumer products; and
WHEREAS, “Recall Round-Up Day” programs will help reduce injuries and deaths in this great state;
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, proclaim April 29, 2003, as RECALL ROUND-UP DAY in Illinois.
Issued by the Governor April 24, 2003
Filed by the Secretary of State April 28, 2003

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2003-103
May 2003 as Foster Care Month

WHEREAS, the family, serving as the primary source of love, identity, self-esteem and support, is the very foundation of our communities and our state; and
WHEREAS, foster families, who open their homes and hearts to children whose families are in crisis, play a vital role helping children and families heal and reconnect and launch children into successful adulthood; and
WHEREAS, dedicated foster families frequently adopt foster children, resulting in a greater need for more foster families; and
WHEREAS, we need to honor existing foster families and increase the number of foster families and volunteers; and
WHEREAS, there are numerous individuals and public and private organizations who work to increase public awareness of the needs of children in and leaving foster care, as well as the enduring and valuable contribution of foster parents, and the foster care “system” is only as good as those who choose to be a part of it;
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, proclaim May 2003 as FOSTER CARE MONTH in Illinois.
Issued by the Governor April 24, 2003
Filed by the Secretary of State April 28, 2003

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2003-104
April 26, 2003, as Lincoln Trail Hike Day
WHEREAS, in 1926, R Allan Stephens, a former Scout Commissioner of Springfield, Illinois, originated the idea of a Lincoln Trail Hike; and
WHEREAS, Stephens believed that Boy Scouts would acquire a greater appreciation of the obstacles Abraham Lincoln overcame in his rise to the presidency, if they also walked the same 20-mile route from New Salem to Springfield; and
WHEREAS, Lincoln’s outstanding example of perseverance caused Mr. Stephens to propose that Boy Scouts be encouraged to walk in Lincoln’s steps from New Salem to Springfield and that an award be made to those who successfully completed the trail; and
WHEREAS, beginning in 1995, in commemoration of the 25th Anniversary of the first Earth Day, the Illinois Environmental Protection Agency teamed up with the Abraham Lincoln Council of the Boy Scouts of America to support litter collection along the Lincoln Trail, in order to further earth stewardship and promote environmental consciousness among the Scouts. Illinois Environmental Protection Agency employees support the goals of the Lincoln Trail Hike by volunteering their services to assist the Scouts during the hike; and
WHEREAS, this year, more than 1,300 Scouts will walk the Lincoln Trail Hike and maintain the 76-year tradition;
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, proclaim April 26, 2003, as LINCOLN TRAIL HIKE DAY in Illinois.

Issued by the Governor April 24, 2003
Filed by the Secretary of State April 28, 2003

2003-105
February 9-15, 2003, as Vocational Education Week

WHEREAS, the Illinois Vocational Association has designated the week of February 9-15, 2003, as Vocational Education Week; and
WHEREAS, the theme for Vocational Week is “Getting Career in Gear”, and
WHEREAS, vocational education supplies Illinois with a strong, well-trained work force that enhances productivity in business and industry and contributes to the state’s leadership in the national and international marketplace; and
WHEREAS, vocational education stimulates the growth and vitality of businesses and industries by preparing workers for the occupations forecast to experience the largest and fastest growth in the next decade; and
WHEREAS, vocational education serves citizens by enabling them to find satisfying careers suited to their own skills and interests, by providing technical skills that allow them to excel in their chosen careers, and by teaching leadership skills that serve them on the job, at home, and in the community; and
WHEREAS, a strong vocational education program planned and carried out by trained vocational educators is vital to the future economic development of our state and the well-being of its citizens;
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, proclaim February 9-
PROCLAMATIONS

15, 2003, as VOCATIONAL EDUCATION WEEK in Illinois and urge all citizens to become familiar with the services and benefits offered by vocational education programs in our state and to support and participate in these programs as necessary to enhance individual work skills and productivity.

Issued by the Governor February 25, 2003
Filed by the Secretary of State April 28, 2003

2003-106
March 2003 as American Red Cross Month

WHEREAS, today, the mission of the American Red Cross is more relevant than ever as it confronts a changing America full of unique challenges. The heroic efforts of the first responders to the September 11, 2001, terrorist attacks became a source of strength for millions of people around the world struggling to comprehend this terrible tragedy. From their example came a new resolve: to be better prepared in the event of another wide-scale attack anywhere in America; and

WHEREAS, in a collaborative effort with the State of Illinois, the federal government and other members of the emergency planning community, the Red Cross and its partners are better able to serve the nation. Through its bold, new Together We Prepare initiative, the Red Cross is leading the way in empowering individuals and families to protect them. With five simple steps -- make a plan, build a kit, get trained, volunteer, and give blood -- the Red Cross and Americans from coast to coast will help make their communities safer; and

WHEREAS, for more than 121 years, the American Red Cross has honored its mission: to provide relief to victims of disasters while helping people prevent, prepare for, and respond to emergencies. Last year alone, more than 27,000 silent heroes in Illinois helped their neighbors by volunteering at their local Red Cross chapter, and 500,000 more took the time to learn lifesaving skills such as first aid, CPR, and defibrillator use. Thousands of Illinoians donated over 100,000 gifts of blood and blood products -- the gift of life-- through the American Red Cross and over 31,000 people across Illinois turned the American Red Cross for disaster education training; and

WHEREAS, all of these services, and many others, are provided through 36 locally governed and supported Red Cross chapters and five Blood Services regions. Community involvement is critical for programs that prepare individuals, families, and neighborhoods for emergencies. Through its presence across the country, the Red Cross is the leader in empowering people in every neighborhood to be ready and prepare for the unexpected; and

WHEREAS, the victims of more than 2,500 disasters from fires that affected a single structure to large-scale events such as floods that devastated central Illinois, tornadoes that ravaged southern Illinois and other emergency events across the state, received help from the Red Cross last year. The Red Cross also responded to international emergencies by aiding other countries devastated by natural disasters and helping people in other nations get access to safe drinking water and battle malnutrition and life-threatening diseases such as measles. More than
13,000 Illinois military families received direct assistance from the Red Cross, keeping them connected in times of great personal sorrow and joy; and

WHEREAS, those who need blood, those who are victims of disaster, or those who are the recipients from the broad spectrum of community services rely on the American Red Cross every day. Compassionate and caring people who wanted to make a difference in their community and across the nation, at home and abroad, channeled their support through the American Red Cross; and

WHEREAS, the State of Illinois and the American Red Cross continue to work together to make our communities safer. The American Red Cross was an original member of the Illinois Terrorism Task Force and makes important contributions to our state efforts for homeland security. The State of Illinois is proud of its relationship with the American Red Cross;

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, proclaim March 2003 as AMERICAN RED CROSS MONTH in Illinois and applaud the selfless dedication of generations of Red Cross volunteers and staff. As we commemorate this month, I call upon all of our citizens to get involved with their local Red Cross chapters and to become active participants in advancing the noble mission of the Red Cross.

Issued by the Governor February 25, 2003
Filed by the Secretary of State April 28, 2003
OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PUBLIC INFORMATION

NOTICE OF FINE IMPOSED UNDER
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 ("the Act") and 205 ILCS 635/4-5 (H), notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has issued a fine of $500 against Preferred Funding Services, Inc., License No. #5232 of Wrightstown, NJ., a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective March 27, 2003.
Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 ("the Act") and 205 ILCS 635/4-5 (H), notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has issued a fine of $1,000 against Tower Mortgage, Inc., License No. #6127 of Skokie, Illinois a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective March 25, 2003.
ILLINOIS ADMINISTRATIVE CODE

Issue Index

Rules acted upon in Volume 27, Issue 19 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquires about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

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