## TABLE OF CONTENTS

**July 25, 2003  Volume 27, Issue 30**

### PROPOSED RULES

**AGRICULTURE, DEPARTMENT OF**
- Livestock Management Facility Regulations
  - 8 Ill. Adm. Code 900 .......................................................... 11326

**CARNIVAL AMUSEMENT SAFETY BOARD**
- Carnival and Amusement Ride Inspection Law
  - 56 Ill. Adm. Code 6000 .......................................................... 11328

**HUMAN SERVICES, DEPARTMENT OF**
- General Administrative Provisions
  - 89 Ill. Adm. Code 10 ............................................................ 11346
- Temporary Assistance for Needy Families
  - 89 Ill. Adm. Code 112 ............................................................ 11353
- Food Stamps
  - 89 Ill. Adm. Code 121 ............................................................ 11367

**NATURAL RESOURCES, DEPARTMENT OF**
- Wildlife Conservation Measures and Practices
  - 17 Ill. Adm. Code 635 ............................................................ 11385

**POLLUTION CONTROL BOARD**
- Primary Drinking Water Standards
  - 35 Ill. Adm. Code 611 ............................................................ 11389
- Site Remediation Program
  - 35 Ill. Adm. Code 740 ............................................................ 11879
- Sound Emission Standards and Limitations for Property
  - 35 Ill. Adm. Code 901 ............................................................ 11908

**PROFESSIONAL REGULATION, DEPARTMENT OF**
- The Structural Engineering Licensing Act of 1989
  - 68 Ill. Adm. Code 1480 ............................................................ 12014

**PUBLIC AID, ILLINOIS DEPARTMENT OF**
- Child Support Enforcement
  - 89 Ill. Adm. Code 160 ............................................................ 12016

### ADOPTED RULES

**BANKS AND REAL ESTATE, OFFICE OF**
- Real Estate License Act of 2000
  - 68 Ill. Adm. Code 1450 ............................................................ 12018

**HUMAN SERVICES, DEPARTMENT OF**
- Child Care
  - 89 Ill. Adm. Code 50 ............................................................ 12090

**POLLUTION CONTROL BOARD**
Sulfur Limitations  
35 Ill. Adm. Code 214 ......................................................12101

EMERGENCY RULES

AGRICULTURE, DEPARTMENT OF  
Livestock Management Facility Regulations  
8 Ill. Adm. Code 900 ......................................................12107

PROFESSIONAL REGULATION, DEPARTMENT OF  
The Structural Engineering Licensing Act of 1989  
68 Ill. Adm. Code 1480 ......................................................12114

PUBLIC AID, ILLINOIS DEPARTMENT OF  
Hospital Services  
89 Ill. Adm. Code 148 ......................................................12121  
Child Support Enforcement  
89 Ill. Adm. Code 160 ......................................................12139

SECOND NOTICES RECEIVED

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
Medical Payment  
89 Ill. Adm. Code 140 ......................................................12159  
Medical Payment  
89 Ill. Adm. Code 140 ......................................................12159

REGULATORY AGENDA

AGRICULTURE, DEPARTMENT OF  
Freedom of Information Act  
2 Ill. Adm. Code 701 ......................................................12160  
Administrative Rules (Formal Administrative Proceedings; Contested Cases; Petitions; Public Disclosure)  
8 Ill. Adm. Code 1 ......................................................12160  
Animal Welfare Act  
8 Ill. Adm. Code 25 ......................................................12160  
Humane Care for Animals Act  
8 Ill. Adm. Code 35 ......................................................12160  
Egg and Egg Products Act  
8 Ill. Adm. Code 65 ......................................................12160  
Illinois Bovidae and Cervidae Tuberculosis Eradication Act  
8 Ill. Adm. Code 80 ......................................................12160  
Diseased Animals  
8 Ill. Adm. Code 85 ......................................................12160  
Illinois Dead Animal Disposal Act  
8 Ill. Adm. Code 90 ......................................................12160  
Animal Disease Laboratories Act  
8 Ill. Adm. Code 110 ......................................................12160  
Illinois Pseudorabies Control Act  
8 Ill. Adm. Code 115 ......................................................12160
Meat and Poultry Inspection Act
8 Ill. Adm. Code 125 ......................................................12160

Illinois Seed Law
8 Ill. Adm. Code 230 ......................................................12160

Illinois Pesticide Act
8 Ill. Adm. Code 250 ......................................................12160

Agrichemical Facility Response Action Program
8 Ill. Adm. Code 259 ......................................................12160

Fairs Operating Under the Agricultural Fair Act
8 Ill. Adm. Code 260 ......................................................12160

Illinois State Fair and DuQuoin State Fair, Non-Fair Space Rental and the General Operation of the State Fairgrounds
8 Ill. Adm. Code 270 ......................................................12160

Grain Code
8 Ill. Adm. Code 281 ......................................................12160

Standardbred Thoroughbred and Quarter Horse Breeding and Racing Programs, Illinois
8 Ill. Adm. Code 290 ......................................................12160

Weights and Measures Act
8 Ill. Adm. Code 600 ......................................................12160

Soil and Water Conservation Districts Act
8 Ill. Adm. Code 650 ......................................................12160

Farmland Preservation Act
8 Ill. Adm. Code 700 ......................................................12160

Children's Respite Care Center Demonstration Program Code
8 Ill. Adm. Code 850 ......................................................12160

Livestock Management Facility Regulations
8 Ill. Adm. Code 900 ......................................................12160

HUMAN SERVICES, DEPARTMENT OF

Impartial Hearing Officer Standards
2 Ill. Adm. Code 1177 ......................................................12184

Medicaid Community Mental Health Services Program
59 Ill. Adm. Code 132 ......................................................12184

Reasonable Accommodation
89 Ill. Adm. Code ......................................................12184

General Administrative Provisions
89 Ill. Adm. Code 10 ......................................................12184

General Administrative Provisions
89 Ill. Adm. Code 10 ......................................................12184

Child Care
PROFESSIONAL REGULATION, DEPARTMENT OF
The Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985
68 Ill. Adm. Code 1175 .................................12205
Collection Agency Act
68 Ill. Adm. Code 1210 .......................................12205
Private Detective, Private Alarm, Private Security, and Locksmith Act of
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
Provident Partners Mortgage Inc........................................................................12214
Notice of Fine Imposed Under the Residential Mortgage License Act of
Priority 1 Mortgage Corporation........................................................................12215
REVENUE, ILLINOIS DEPARTMENT OF
2003 Second Quarter Sunshine Index
..............................................................................................................12216

ISSUES INDEX 1 – 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)
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 3:

To: All State Agencies – Springfield Area
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. Adm. 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 Schedule and Signup Sheet on following page:
Secretary of State  
Department of Index  
Administrative Code Division  

**SPRINGFIELD AREA** - Workshop Schedule and Signup Sheet

**Springfield** – July 23, 2003  
Topics:
- Proposed Rulemaking  
  - Regulatory Agenda  
  - 1st Notice - Proposed  
  - 2nd Notice – JCAR Approval  
  - Final Notice - Adopted

<table>
<thead>
<tr>
<th>Agency Name</th>
<th>Contact Name</th>
<th>Address</th>
<th>City/Zip</th>
<th>Phone Number</th>
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</tbody>
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Please return this registration sheets to: Springfield Workshops

Secretary of State  
Department of Index  
Administrative Code Division  
Attn: Brenna Boston  
111 E. Monroe  
Springfield, IL  62756

**Fax Number: (217) 524-0308**

If you have any question please call (217) 782-6537.
Secretary of State  
Department of Index  
Administrative Code Division  

**CHICAGO AREA** - Workshop Schedule and Signup Sheet

**CHICAGO** – July 30, 2003

### Topics
- Miscellaneous Information
  - Emergency Rules
  - Second Notices
  - Executive Orders/Proclamations
  - Regulatory Agenda
  - Other Notices
- Checklists
- Proposed Rulemaking
  - Regulatory Agenda
  - 1st Notice - Proposed
  - 2nd Notice – JCAR Approval
- Final Notice - Adopted

### Agency Information
- Agency Name: _______________________________________
- Contact Name: _______________________________________
- Address: ___________________________________________
- City/Zip: ___________________________________________
- Phone Number: ______________________________________

Please return this registration sheets to: Chicago Workshops
Secretary of State  
Thompson Center Rm 9040
Department of Index  
100 West Randolph
Administrative Code Division  
Chicago, IL
Attn: Brenna Boston
111 E. Monroe
Springfield, IL  62756
**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 consist of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update 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  VOLUME #  27

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

NOTICE OF PROPOSED AMENDMENTS

1) **Heading of Part:** Livestock Management Facilities Regulations

2) **Code Citation:** 8 Ill. Adm. Code 900

3) **Section Numbers:** Proposed Action:

   900.407 Amend

4) **Statutory Authority:** 510 ILCS 77

5) **A Complete Description of the Subjects and Issues Involved:** A review of Department decisions pursuant to the Administrative Review Law has been found to be improper by circuit courts. This amendment therefore deletes reference to Administrative Review Law.

6) **Will this proposed rule replace an emergency rule in effect?** Yes

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

8) **Does this proposed amendment contain incorporations by reference?** No

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

10) **Statement of Statewide Policy Objectives:** Rule does not affect units of local government.

11) **Time, Place and Manner in which interested persons may comment on this proposed rulemaking:** A 45-day written comment period will begin on the day this notice of rulemaking appears in the *Illinois Register*. Please mail written comments on the proposed rulemaking to the attention of:

    Linda Rhodes
    Department of Agriculture
    State Fairgrounds, P.O. Box 19281
    Springfield, IL 62794-9281
    Telephone: 217/785-5713
    Facsimile: 217/785-4505
12) **Initial Regulatory Flexibility Analysis:**

A) **Types of small businesses, small municipalities and not-for-profit corporations affected:** Livestock facilities

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

C) **Types of professional skills necessary for compliance:** No additional skills necessary.

13) **Regulatory agenda on which this rulemaking was summarized:** This rulemaking was not included in either of the two most recent regulatory agendas because the circuit court’s decision had not been decided.

The full text of the Proposed Amendments is the same as the text that appears in the Emergency Amendment published in this issue of the Illinois Register on page 12107:
CARNIVAL AMUSEMENT SAFETY BOARD
NOTICE OF PROPOSED AMENDMENTS

1) **Heading of the Part:** Carnival and Amusement Ride Inspection Law

2) **Code Citation:** 56 Ill. Adm. Code 6000

3) **Section Numbers:**

<table>
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<tr>
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<th>Proposed Action</th>
</tr>
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<tbody>
<tr>
<td>6000.10</td>
<td>Amendment</td>
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<td>6000.300</td>
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<td>6000.305</td>
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<td>6000.308</td>
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4) **Statutory Authority:** 430 ILCS 85/2-6

5) **A Complete Description of the Subjects and Issues Involved:** These amendments will implement action taken by the Carnival-Amusement Safety Board at their January 17, 2003 meeting. The Board believes that the rules need to be updated to the latest industry accepted guidelines.

6) Will this proposed rule replace an emergency rule currently in effect: No

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

8) Does this amendment contain incorporations by reference: No

9) Are there any other amendments pending on the Part: No

10) **Statement of Statewide Policy Objectives:** This rulemaking will not create or enlarge any state mandate.

11) **Time, Place and Manner in which interested persons may comment on the proposed rulemaking:** Public hearings will be held as follows:

<table>
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<td>August 19, 2003</td>
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CARNIVAL AMUSEMENT SAFETY BOARD

NOTICE OF PROPOSED AMENDMENTS

Tuesday, 10:00 AM
Illinois Department of Labor Office
State of Illinois Building
160 N. LaSalle – Suite C-1300
Chicago, Illinois 60601-3150

Thursday, 1:00 PM
Illinois Department of Labor Office
#1 West Old State Capitol Plaza
3rd Floor
Springfield, Illinois 62703

Written comments may be submitted to:

Carl Kimble, Chief Inspector

Carnival & Amusement Ride Division

Illinois Department of Labor

#1 W. Old State Capitol Plaza, 3rd Floor

Springfield, Illinois 62701

Telephone: (217) 782-9347

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: These changes will affect the 33 go-kart tracks in the state.

B) Reporting, bookkeeping or other procedures required for compliance: These amendments will not impose any additional requirements upon the operators.

C) Types of professional skills necessary for compliance: None

13) Regulatory agenda on which this rulemaking was summarized: January 2003

The full text of the Proposed Amendment begins on the next page:
CARNIVAL AMUSEMENT SAFETY BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT

CHAPTER XIII: CARNIVAL-AMUSEMENT SAFETY BOARD

PART 6000

CARNIVAL AND AMUSEMENT RIDE INSPECTION

Section
6000.10 Definitions
6000.20 Exemptions
6000.30 Inspections
6000.40 Application for a Permit to Operate
6000.50 Permit, Inspection and Associated Fees
6000.60 Revocation of Permit to Operate (Repealed)
6000.65 Suspension of Permit to Operate
6000.70 Ride Design and Construction
6000.80 Insurance
6000.90 Penalties
6000.100 Appeals
6000.110 Assembly and Disassembly
6000.120 Operator Requirements
6000.130 Passenger Conduct
6000.140 Signal Systems
6000.150 Daily Inspection and Test
CARNIVAL AMUSEMENT SAFETY BOARD

NOTICE OF PROPOSED AMENDMENTS

6000.160 Reports
6000.170 Maintenance
6000.180 Stop Operation Order
6000.190 Fire Prevention and Protection
6000.200 Internal Combustion Engines
6000.210 Means of Access and Egress
6000.220 Electrical Equipment
6000.230 Hydraulic Systems
6000.240 Air Compressors and Equipment
6000.250 Wire Rope
6000.260 Chain
6000.270 Inflated Amusement Attractions and Inflated Buildings
6000.280 Non-Destructive Testing
6000.290 Ski Lifts, Aerial Tramways, and Rope Tows
6000.300 Go-Karts, Dune Buggies, and All-Terrain Vehicles (Repealed)
6000.302 Outdoor Concession Go-Karts
6000.305 Indoor Concession Go-Karts
6000.308 Dune Buggies and All-Terrain Vehicles
6000.310 Water Slides (Repealed)
6000.320 Dry Type Slides
6000.330 Trams
NOTICE OF PROPOSED AMENDMENTS

6000.340  Bungee Jumping

AUTHORITY:  Implementing and authorized by the Carnival and Amusement Rides Safety Act [430 ILCS 85].


Section 6000.10  Definitions

In addition to those definitions found in Section 2-2 of the Carnival and Amusement Rides Safety Act (the Act) [430 ILCS 85/2-2], the following definitions shall apply for the purposes of this Part:

"Administrative Hearing Fee" means a fee assessed by the Department upon an operator when the Department issues a notice for an administrative hearing to suspend the Permit to Operate and/or collect past due fees.

“All-Terrain Vehicle” (ATV) means any vehicle designed and manufactured for off-road use.

"Annual Inspection" is the official inspection of a ride or device made by the Director or his designee.

"ANSI" is the abbreviation for the American National Standards Institute, Inc., 1430 Broadway, New York, New York 10018.
CARNIVAL AMUSEMENT SAFETY BOARD

NOTICE OF PROPOSED AMENDMENTS

"ASNT" is the abbreviation for the American Society for Nondestructive Testing, Inc., 2153 Arlingate Plaza, Caller #28518, Columbus, Ohio 43228-0518.

"ASTM" is the abbreviation for American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428-2959.

“Carnival” means an enterprise which offers amusement or entertainment to the public by means of one or more amusement attractions or amusement rides. (Section 2-2(5) of the act)

“Concession go-kart” means a go-kart specifically designed and manufactured for indoor and/or outdoor use.

"Department" means Illinois Department of Labor. (Section 2-2 of the Act)

"Director" means the Director of the Illinois Department of Labor or his designee. (Section 2-2 of the Act)

"Dry slides" means an inclined surface with a change in elevation of twenty feet or more upon which people slide or are conveyed.

“Fair” means an enterprise principally devoted to the exhibition of products of agriculture or industry in connection with which amusement rides or amusement attractions are operated. (Section 2-2(6) of the Act).

"Kiddie Rides" are those rides, which are designed for 75 pounds or less per passenger.

"Major Alteration" means a change in the type or capacity of an amusement ride or amusement attraction or a change in the structure or mechanism that materially affects its functions or operation. This includes, but is not limited to changing its mode of transportation from non-wheeled to a truck or flat-bed mount, and changing its mode of assembly or other operational functions from manual to mechanical or hydraulic.

"Major Breakdown" means a stoppage of operation of an amusement ride or amusement attraction occurring from damage of a structural component.

"Major Rides" are those rides, which are designed for more than 75 pounds per passenger unit.

"NFPA" is the abbreviation for National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269.
"Operator" means a person, or agent of a person, who owns or controls or has the duty to control the operation of an amusement ride or amusement attraction at a carnival or fair. "operator" includes an agency of the state or any of its political subdivisions.

For the purpose of this Part:

Owner means the person, partnership, company, corporation, or any other entity, or agency of the State or any of its political subdivisions, which owns an amusement ride or amusement attraction.

Agent means a person employed by the Owner to carry out the responsibilities of management on the Owner's behalf.

Manager means a person employed by the Owner and who is responsible to the Agent or the Owner for the day-to-day on-site management of the amusement ride(s) and/or amusement attraction(s).

Attendant means a person employed by the Owner to physically operate an amusement ride or amusement attraction when it is open to the public.

Assistant means a person employed by the Owner to assist the Attendant in operating an amusement ride or amusement attraction when it is open to the public.

"Payment of Fees" as used in this Part shall be deemed made when the department receives in the Springfield office all fees due as calculated on the application in the form of a check or money order made payable to "Illinois Department of Labor". All fees shall be paid before a permit to operate an amusement ride or an amusement attraction is issued.

"Permit" means a permit issued annually by the Department allowing an amusement ride or an amusement attraction unit to be operated in the State of Illinois.

"Public Use" means an operator of an amusement ride or amusement attraction does not prohibit or restrict access to the ride or attraction by members of the community, except as permitted under Section 2-19 of the Act and Section 6000.130 of this Part.

“Roll Over Protection System” means a system that supports the combined driver and/or passenger weight capacity, as specified by the manufacturer, and the weight of the vehicle.

"Reinspection" is an inspection, other than the annual inspection made during the year, as
a result of any necessary repairs not being completed while the inspector is on site.

“SAE” means the Society of Automotive Engineers, 400 Commonwealth Drive, Warrendale, PA 15096-0001

"Serious Injury" means an injury for which treatment by a licensed physician is required.

“Snell Foundation” means Snell Memorial Foundation, 3628 Madison Avenue, North Highlands, CA, 95660

"Tram" means: Any tram, open car, or combination of open cars or wagons pulled by a tractor or other motorized device which is not licensed by the secretary of state, which may, but does not necessarily follow a fixed or restricted course, and is used primarily for the purpose of giving its passengers amusement, pleasure, thrills or excitement, and for which an individual fee is charged or a donation accepted with the exception of hayrack rides. (Section 2-2 of the Act)

(Source: Amended at 27 Ill. Reg. _____, effective ____________)

Section 6000.300 Go-Karts, Dune Buggies and All Terrain Vehicles (Repealed)

a) Vehicle Requirements

1) All vehicles shall be equipped with passenger padding, including, but not limited to, steering wheel pad, headrest pad, steering wheel support post and seat cushions.

2) All vehicles shall be guarded to prevent interlocking of wheels during operation.

3) All vehicles equipped with seat belts shall be equipped with a rollbar or similar device that is rigid, attached to the vehicle frame, and extends above the passenger’s head.

4) The maximum speed for a mini-racer or a vehicle that is strictly used by children is eight m.p.h.

5) The engine governor will be set equal to, or less than, the maximum speed at which the inspector can safely maneuver a vehicle at full throttle through each curve of the track or course without the loss of traction or control.
CARNIVAL AMUSEMENT SAFETY BOARD

NOTICE OF PROPOSED AMENDMENTS

6) Vehicles shall be equipped with a guarding system that covers or encloses all rotating parts of the drive mechanism except the tires. The guarding system shall also cover the exhaust.

7) Vehicles’ fuel tanks shall be mounted and/or guarded in such manner that provides protection to the passenger during operation and if an accident should occur.

8) Wheels shall be retained by a castellated nut and cotter pin or other positive method.

b) Track and Course Requirements

1) The surface of the track or course used by go-karts shall be of a solid and binding material, such as concrete or asphalt.

2) Minimum width requirements for Go-Kart Tracks: Effective January 1, 1990:

   A) For operations that do not allow the racing or passing of vehicles, a minimum of four vehicle widths shall be maintained throughout the entire course or track.

   B) For operations that allow racing and/or passing of vehicles, a minimum of six vehicle widths shall be maintained throughout the entire course or track.

3) A barrier system shall be installed around the inner and outer edges of the track or course used by Go-Karts and shall extend the entire length of the track or course. The system may be a guard rail, rubber tires, a runoff strip or embankment of friable earth or gravel or a combination thereof.

   A) When rubber tires are used for a barrier system, these tires shall be free of the rims and/or wheels. They shall be fastened together to form a continuous train. Tires shall never be stacked of two high.

   B) If a metal or fiberglass rail is used as the barrier, the rail surface shall be kept free of sharp or protruding edges or seams and shall be maintained so that there is no loose or unsecured areas.
CARNIVAL AMUSEMENT SAFETY BOARD

NOTICE OF PROPOSED AMENDMENTS

C) — A barrier system shall be installed to designate and protect the pit area or passenger loading area.

4) — A fence or railing system shall be installed at maintenance buildings, driveways, pit areas, and fuel storage pumping areas to keep patrons awaiting rides and spectators from entering these track areas without the permission of, or direction by track personnel.

5) — No intersecting Figure 8 or course configurations shall be permitted.

c) — Operation

1) — The attendant(s) or assistant(s) shall be able to clearly view the entire course.

2) — Fire extinguishers shall be charged and readily available to the track personnel at all times.

3) — The refueling of the vehicles shall take place in the pit areas. All storage containers of gasoline and other flammables shall be in accordance with Section 6000.190 — Fire Prevention and Protection.

4) — During night time operation, track lighting is required.

5) — A signal system shall be installed to safely alert the drivers of the vehicles to a caution situation or to stop the vehicles in case of an emergency. This signal system may consist of, but is not limited to, a hand held flag system or a set of lights visible to the drivers. The system shall be explained to the drivers before operating any vehicle.

6) — A separate and distinct maintenance log shall be kept for each vehicle. The maintenance logs shall be kept on a daily basis and kept available for inspector review. All replacing of parts should be noted. A comment section should be provided to allow the mechanic to make performance checks. The track mechanic shall sign each log sheet indicating that the vehicle is ready to operate. This log shall contain, but not limited to, the following information:

A) — Brake Inspection;

B) — Tire wear and pressure;
CARNIVAL AMUSEMENT SAFETY BOARD

NOTICE OF PROPOSED AMENDMENTS

C)—— Steering inspection
D)—— Body inspection;
E)—— Padding inspection;
F)—— Lubrication and engine oil check; and
G)—— Drive mechanism.

7)—— Only one patron per seat shall be permitted in each vehicle.

Source: Repealed at 27 Ill. Reg. _____, effective ________________

Section 6000.302  Outdoor Concession Go-Karts

a)  Vehicle Requirements

1) All vehicles shall be equipped with passenger padding, including, but not limited to, steering wheel pad, headrest pad, steering wheel support post and seat cushions.

2) All vehicles shall be guarded to prevent interlocking of wheels during operation.

3) All vehicles equipped with seat belts shall be equipped with a roll over protection system.

4) Vehicles shall be equipped with a guarding system that covers or encloses all rotating parts of the drive mechanism except the tires. The guarding system shall also cover the exhaust to protect the passenger when entering or exiting the vehicle.

5) Vehicles’ fuel tanks shall be mounted and/or guarded in such manner that provides protection to the passenger during operation and if an accident should occur. Fuel tank caps shall conform to SAE Recommended Practice J-1241.

6) Wheels shall be retained by a castellated nut and cotter pin or other positive method. Nuts with inserts of nylon or other material shall not be used.
b) Track and Course Requirements

1) The surface of the track or course used by go-karts shall be of a solid and binding material.

2) Minimum width requirements for Go-Kart Tracks shall be 20 feet throughout the entire length of the track.

3) A barrier system shall be installed around the inner and outer edges of the track or course used by Go-Karts. It shall be securely anchored and extend the entire length of the track or course. The system may be a guardrail, rubber tires, a runoff strip or embankment of friable earth or gravel or a combination thereof.
   
   A) When rubber tires are used for a barrier system, these tires shall be free of the rims and/or wheels. They shall be fastened together to form a continuous train. Tires shall never be stacked two high.
   
   B) If a metal or fiberglass rail is used as the barrier, the rail surface shall be kept free of sharp or protruding edges or seams and shall be maintained so that there are no loose or unsecured areas.
   
   C) A barrier system shall be installed to designate and protect the pit area or passenger loading area.

4) A fence or railing system shall be installed at maintenance buildings, driveways, pit areas, and fuel storage pumping areas to keep patrons awaiting rides and spectators from entering these track areas without the permission of, or direction by, track personnel.

5) No intersecting Figure 8 or course configurations shall be permitted.

c) Operation

1) The attendant(s) or assistant(s) shall be able to clearly view the entire course.

2) Fire extinguishers shall be charges and readily available to the track personnel at all times.

3) The refueling of vehicles with internal combustion engines or the charging
CARNIVAL AMUSEMENT SAFETY BOARD

NOTICE OF PROPOSED AMENDMENTS

of batteries in electric powered karts shall take place in the pit areas.

4) All storage containers of gasoline and other flammables shall be in accordance with Section 6000.190 – Fire Prevention and Protection.

5) During operation adequate lighting is required.

6) Monitoring

A) A signal system shall be installed to safely alert the drivers of the vehicles to a caution situation or to stop the vehicles in case of an emergency. This signal system may consist of, but is not limited to, a hand held flag system or a set of lights visible to the drivers. The system shall be explained to the drivers before operating any vehicle.

B) Effective January 1, 2004, each vehicle shall be equipped with a throttle control device that can be activated from the ride attendant’s station.

7) A separate and distinct maintenance log shall be kept for each vehicle. The maintenance logs shall be kept on a daily basis and kept available for inspector review. All replacing of parts should be noted. A comment section should be provided to allow the mechanic to make performance checks. The track mechanic shall sign each log sheet indicating that the vehicle is ready to operate. This log shall contain, but not limited to, the following information:

A) Brake Inspection;

B) Tire wear and pressure;

C) Steering inspection

D) Body inspection;

E) Padding inspection;

F) Lubrication and engine oil check; and

G) Drive mechanism.
CARNIVAL AMUSEMENT SAFETY BOARD

NOTICE OF PROPOSED AMENDMENTS

8) Only one patron per seat shall be permitted in each vehicle. No in-line riding shall be permitted.

Source: Added at 27 Ill. Reg.____, effective ___________________)

Section 6000.305 Indoor Concession Go-Karts

a) Vehicle Requirements

1) All vehicles shall be equipped with passenger padding, including, but not limited to, steering wheel pad, headrest pad, steering wheel support post and seat cushions.

2) All vehicles shall be guarded to prevent interlocking of wheels during operation.

3) All vehicles equipped with seat belts shall be equipped with a roll over protection system.

4) Vehicles shall be equipped with a guarding system that covers or encloses all rotating parts of the drive mechanism except the tires.

5) The exhaust system shall be located or guarded to protect the passenger when entering or exiting the vehicle.

6) Vehicles with fuel tanks shall have the tanks mounted and/or guarded in such manner that provides protection to the passenger during operation and if an accident should occur. Fuel tank caps shall conform to SAE Recommended Practice J-1241

7) Wheels shall be retained by a castellated nut and cotter pin or other positive method. Nuts with inserts of nylon or other material shall not be used.

b) Track and Course Requirements

1) The surface of the track or course used by go-karts shall be of a solid and binding material.

2) Minimum width requirements for tracks shall be 20N throughout the entire length of the track or course.
CARNIVAL AMUSEMENT SAFETY BOARD

NOTICE OF PROPOSED AMENDMENTS

3) A barrier system shall be installed around the inner and outer edges of the track or course used by Go-Karts and shall extend the entire length of the track or course.

   A) When rubber tires are used for a barrier system, these tires shall be free of the rims and/or wheels. They shall be fastened together to form a continuous train. Tires shall never be stacked more than two high.

   B) If a metal or fiberglass rail is used as the barrier, the rail surface shall be kept free of sharp or protruding edges or seams and shall be maintained so that there is no loose or unsecured areas.

   C) A barrier system shall be installed to designate and protect the pit area or passenger loading area.

4) A fence or railing system shall be installed at maintenance buildings, driveways, pit areas, and fuel storage pumping areas to keep patrons awaiting rides and spectators from entering these track areas without the permission of, or direction by, track personnel.

5) No intersecting Figure 8 or course configurations shall be permitted.

c) Operation

1) The attendant(s) or assistant(s) shall be able to clearly view the entire course.

2) Fire extinguishers shall be charges and readily available to the track personnel at all times.

3) The refueling of the vehicles with internal combustion engines or the recharging and/or exchanging of batteries shall take place in the pit areas.

4) All storage containers of gasoline and other flammables shall be accordance with Section 6000.190 – Fire Prevention and Protection.

5) During nighttime operation, track lighting is required.

6) Monitoring
CARNIVAL AMUSEMENT SAFETY BOARD

NOTICE OF PROPOSED AMENDMENTS

A) A signal system shall be installed to safely alert the drivers of the vehicles to a caution situation or to stop the vehicles in case of an emergency. This signal system may consist of, but is not limited to, a hand held flag system or a set of lights visible to the drivers. The system shall be explained to the drivers before operating any vehicle.

B) Effective January 1, 2004, each vehicle shall be equipped with a throttle control device that can be activated from the ride attendants station.

7) A separate and distinct maintenance log shall be kept for each vehicle. The maintenance logs shall be kept on a daily basis and kept available for inspector review. All replacing of parts should be noted. A comment section should be provided. The track mechanic shall sign each log sheet indicating that the vehicle is ready to operate. This log shall contain, but not limited to, the following information:

A) Brake Inspection;
B) Tire wear and pressure;
C) Steering inspection
D) Body inspection;
E) Padding inspection;
F) Lubrication and engine oil check; and
G) Drive mechanism.

8) Only one patron per seat shall be permitted in each vehicle. No in-line riding shall be permitted.

9) Personal Safety Equipment. Drivers of karts that are not equipped with seatbelts and roll bars shall wear the following personal safety equipment while on the track or course.
CARNIVAL AMUSMENT SAFETY BOARD

NOTICE OF PROPOSED AMENDMENTS

A)  Head Gear – A full-face helmet complying with a Snell Foundation test specification is mandatory. A full-face shield is mandatory. The helmet must be secured by a chinstrap.

B)  Neck Brace – The use of unaltered collar-type neck brace designed for racing is mandatory. Any driver losing their neck brace shall immediately precede to the pits and may, upon replacing the missing neck brace, return to the track.

Source: Added at 27 Ill. Reg. _____, effective _______________

Section 6000.308 Dune Buggies and All-Terrain Vehicles

a)  Vehicle Requirements

1)  All vehicles shall be equipped with passenger padding, including, but not limited to, steering wheel pad, headrest pad, steering wheel support post and seat cushions.

2)  All vehicles shall be guarded to prevent interlocking of wheels during operation

3)  All vehicles equipped with seat belts shall be equipped with a roll over protection system.

4)  Vehicles shall be equipped with a guarding system that covers or encloses all rotating parts of the drive mechanism except the tires. The guarding system shall also cover the exhaust to protect the passenger when entering or exiting the vehicle.

5)  Vehicles’ fuel tanks shall be mounted and/or guarded in such manner that provides protection to the passenger during operation and if an accident should occur. Fuel tank caps shall conform to SAE Recommended Practice J-1241.

6)  Wheels shall be retained by a castellated nut and cotter pin or other positive method. Nuts with insets of nylon or other material shall not be used.

b)  Track and Course Requirements
CARNIVAL AMUSEMENT SAFETY BOARD

NOTICE OF PROPOSED AMENDMENTS

1) A minimum width of 10 feet shall be maintained throughout the entire course or track.

2) The track or course shall be marked with signs to indicate designated path.

3) A fence or railing system shall be installed at maintenance buildings, driveways, pit areas, and fuel storage pumping areas to keep patrons awaiting rides and spectators from entering these track areas without the permission of, or direction by, track personnel.

4) No intersecting Figure 8 or course configurations shall be permitted.

c) Operation

1) Fire extinguishers shall be charges and readily available to the track personnel at all times.

2) The refueling of the vehicles shall take place in the pit areas. All storage containers of gasoline and other flammables shall be accordance with Section 6000.190 – Fire Prevention and Protection.

3) During nighttime operation, track lighting is required.

4) A separate and distinct maintenance log shall be kept for each vehicle. The maintenance logs shall be kept on a daily basis and kept available for inspector review. All replacing of parts should be noted. A comment section should be provided for the mechanic. The track mechanic shall sign each log sheet indicating that the vehicle is ready to operate. This log shall contain, but not limited to, the following information:

   A) Brake Inspection;
   B) Tire wear and pressure;
   C) Steering inspection
   D) Body inspection;
   E) Padding inspection;
   F) Lubrication and engine oil check; and
CARNIVAL AMUSMENT SAFETY BOARD

NOTICE OF PROPOSED AMENDMENTS

5) Only one patron per seat shall be permitted in each vehicle. No in-line riding shall be permitted.

6) Personal Safety Equipment

A) Head Gear – A full-face helmet complying with a Snell Foundation test specification is mandatory. A full-face shield is mandatory. The helmet must be secured by a chinstrap.

B) Neck Brace – The use of unaltered collar-type neck brace designed for racing is mandatory. Any driver losing their neck brace shall immediately precede to the pits and may, upon replacing the missing neck brace, return to the track.

Source: Added at 27 Ill. Reg. ______, effective ___________________
DEPARTMENT OF HUMAN SERVICES
NOTICE OF PROPOSED AMENDMENTS

1) **Heading of the Part:** General Administrative Provisions

2) **Code Citation:** 89 Ill. Adm. Code 10

3) **Section Numbers:**
   - Proposed Action:
   - 10.250 Amendment
   - 10.270 Amendment

4) **Statutory Authority:** Implementing Articles I through IX and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IX and 12-13].

5) **A Complete Description of the Subjects and Issues involved:**

   In order to simplify reporting requirements for working clients, these proposed amendments eliminate quarterly reporting for Food Stamp households with earned income and TANF cases with earned income. As a result, these proposed amendments revise the requirements for reporting changes of circumstances for these households. Food Stamp households with earned income and TANF cases with earned income will no longer be required to file quarterly reports. They will instead be redetermined every six months. These redeterminations will alternate between a face-to-face interview and a simplified mail-in form. These changes are being made in accordance with provisions at 7 CFR 273.12(a)(vii).

   Companion amendments are being proposed to 89 Ill. Adm. Code 112 and 89 Ill. Adm. Code 121.

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

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

   If "yes" date:

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

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

10) **Statement of Statewide Policy Objectives (if applicable):** This rulemaking does not create or expand a State mandate.

11) **Time, Place, and Manner in which interested persons may comment on this proposed**
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor Harris Bldg.
Springfield, IL  62762
(217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

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: January 2003

The full text of the Proposed Amendments begins on the next page:
DEPARTMENT OF HUMAN SERVICES
NOTICE OF PROPOSED AMENDMENTS
TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

PART 10
GENERAL ADMINISTRATIVE PROVISIONS

SUBPART A: APPLICABILITY AND DEFINITIONS

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>10.101</td>
<td>Incorporation by Reference</td>
</tr>
<tr>
<td>10.110</td>
<td>Applicability</td>
</tr>
<tr>
<td>10.120</td>
<td>Definitions</td>
</tr>
<tr>
<td>10.130</td>
<td>Assistance Programs</td>
</tr>
<tr>
<td>10.140</td>
<td>Assistance Program Restrictions</td>
</tr>
</tbody>
</table>

SUBPART B: RIGHTS AND RESPONSIBILITIES

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>10.210</td>
<td>Rights of Clients</td>
</tr>
<tr>
<td>10.220</td>
<td>Nondiscrimination</td>
</tr>
<tr>
<td>10.225</td>
<td>Grievance Rights of Clients</td>
</tr>
<tr>
<td>10.230</td>
<td>Confidentiality of Case Information</td>
</tr>
<tr>
<td>10.235</td>
<td>Case Records</td>
</tr>
<tr>
<td>10.250</td>
<td>Reporting Change of Circumstances</td>
</tr>
</tbody>
</table>
DEPARTMENT OF HUMAN SERVICES
NOTICE OF PROPOSED AMENDMENTS

10.263 Reporting Child Abuse/Neglect
10.268 Reporting Elder Abuse/Neglect
10.270 Notice to Client
10.280 Right to Appeal
10.281 Continuation of Assistance Pending Appeal
10.282 Time Limit for Filing an Appeal
10.283 Examining Department Records
10.284 Child Care
10.290 Voluntary Repayment of Assistance
10.295 Correction of Underpayments
10.300 Recovery of Assistance
10.310 Estate Claims
10.320 Real Property Liens
10.330 Filing and Renewal of Liens
10.340 Foreclosure of Liens
10.350 Release of Liens
10.360 Personal Injury Claims
10.370 Convictions of Fraud – Eligibility
10.380 Single Conviction of Fraud – Administrative Review Board

SUBPART C: APPLICATION PROCESS

Section
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

10.410 Application for Assistance
10.415 Local Office Action on Application for Public Assistance
10.420 Time Limitations on the Disposition of an Application
10.430 Approval of an Application and Initial Authorization of Financial Assistance
10.440 Denial of an Application

AUTHORITY: Implementing Articles I through IX and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IX and 12-13].


SUBPART B: RIGHTS AND RESPONSIBILITIES

Section 10.250 Reporting Change of Circumstances

a) General

It is the responsibility of the client to report any change in circumstances, including but not limited to household composition or receipt of income or assets that might affect the client's assistance. This information shall be reported to the local office within ten working days after the change or prior to the expenditure of funds received, whichever occurs first. For food stamp households with earned income and TANF cases with earned income, see 89 Ill. Adm. Code 121.125 and 89 Ill. Adm. Code 112.302.

b) AABD

When an individual other than the recipient maintains the recipient's funds (income and/or assets), it is the responsibility of that individual to report any changes in circumstances to the local office. Any changes that may affect the
recipient's continued eligibility for financial assistance, including receipt of lump-sum payments, shall be reported to the local office within ten working days after the change.

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

Section 10.270 Notice to Client

a) Every applicant for assistance shall be sent or given a written notice of disposition of the application.

b) Every recipient for assistance shall be sent or given a written notice whenever assistance is reduced or discontinued.

c) Notices denying, reducing, or discontinuing assistance shall contain the following information:

1) A clear statement of the action being taken.

2) A clear statement of the reason for the action.

3) A reference to the statute, rule, or policy provision under the authority of which the action is taken. From March 1997 through March 1998, references to provisions of the Department's policy manuals using the numbering system in use in 1996 shall be deemed to be references to the corresponding provisions of the new numbering system introduced in 1997.

4) A complete statement of the client's right to appeal (see subsection (d) below and Sections 10.280 through 10.282).

d) Timely Notice

1) All notices concerning local office reduction or discontinuance of assistance shall be "timely," except notices to cases in monthly reporting when the adverse action is due to information received on the monthly report or due to failure to submit a complete monthly report. A "timely" notice shall be mailed or given at least ten calendar days prior to the date the reduction or discontinuance will occur, and shall inform the client that if the client files an appeal by the date the reduction or discontinuance will occur, his or her assistance will be continued at its previous level, pending
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

the results of the appeal unless the client specifically requests that the assistance benefits not be continued. The notice shall be dated with the date it is mailed or given. (Day one of the ten day period is the day following the date on the notice. Day ten may be no later than the date the reduction or discontinuance will occur.)

2) Notices sent concerning reduction or discontinuance of assistance by agency action initiated centrally and notices to cases in monthly reporting when the action is due to information received on the monthly report or due to failure to submit a complete monthly report may be either "timely" or "adequate", as defined by federal regulation. When timely notice is not required and an adequate notice is sent less than ten days before the date of change, the client may receive continued benefits if the appeal is filed within ten days after the date of notice. (See 89 Ill. Adm. Code 112.302.)

e) Temporary Assistance for Needy Families

1) Every recipient who makes a written request for a grant increase or a special authorization shall be sent or given written notice of the disposition of the request within 45 days after the date of the request.

2) Every recipient who makes a request for General Assistance (89 Ill. Adm. Code 116) shall be sent or given a written notice of the disposition of the request within 45 days after the date of the request.

f) Approval of General Assistance as a result of cancellation of TANF or AABD or reduction of TANF (Applicable Only in City of Chicago)

1) A notice of intended cancellation or reduction of benefits is sent to a TANF or AABD recipient, in the City of Chicago, whose assistance is discontinued or a person deleted from the assistance unit (AFDC only) for one of the following reasons:

   A) AABD: no longer blind, disabled.

   B) TANF:

      i) no longer an eligible child in the home,

      ii) stepparent's liability sufficient to meet need,
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

iii) stepparent failed to verify income.

2) If a recipient from one of the programs listed in subsection (f)(1) of this Section applies for General Assistance (GA) within 30 days after the notice of cancellation or reduction of benefits and if that recipient is determined to be eligible for GA, such benefits shall be authorized with no gap in assistance (see also Section 10.430).

g) Food Stamp households shall be notified:

1) If there is no change in benefits following submission of a change report form.

2) If food stamp benefits are being reduced or discontinued, the following additional information shall be included on the notice:

A) the telephone number of the local DHS office;

B) a statement indicating the household's liability for benefits received while waiting for a fair hearing decision, if the decision is adverse to the household; and

C) a statement indicating the general availability of outside individuals or organizations providing free legal representation and the telephone numbers of those individuals or organizations.

3) A notice of approval shall be sent to eligible households by the 30th day following the date of application. If the household is found not eligible to participate, the notice of denial shall be sent by the 30th day following the date of application.

4) If the local office cannot act on an application by the 30th day because the case file is incomplete due to a household's delay, a notice of denial shall be sent on the 30th day. However, the household has an additional 30 days to complete the application. If the delay is caused by the local office, a notice of pending status shall be sent to the household by the 30th day.

(Source: Amended at 27 Ill. Reg. , effective )
DEPARTMENT OF HUMAN SERVICES
NOTICE OF PROPOSED AMENDMENT

1) **Heading of the Part**: Temporary Assistance for Needy Families

2) **Code Citation**: 89 Ill. Adm. Code 112

3) **Section Number**: Proposed Action
   
   112.302 Amendment

4) **Statutory Authority**: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].

5) **A Complete Description of the Subjects and Issues involved**:

   In order to simplify reporting requirements for working clients, these proposed amendments eliminate quarterly reporting for TANF cases with earned income. As a result, these proposed amendments revise the requirements for reporting changes of circumstances for these households. TANF cases with budgetable earnings will no longer be required to file quarterly reports. They will instead be redetermined every six months. These redeterminations will alternate between a face-to-face interview and a simplified mail-in form. These changes are being made in accordance with provisions at 7 CFR 273.12(a)(vii).

   Companion amendments are being proposed to 89 Ill. Adm. Code 10 and 89 Ill. Adm. Code 121.

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

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

8) **Does this proposed rulemaking contain incorporations by reference?** No

9) **Are there any other amendments pending on this Part?** Yes

<table>
<thead>
<tr>
<th>Section Numbers</th>
<th>Proposed Action</th>
<th>Illinois Register Citation</th>
</tr>
</thead>
<tbody>
<tr>
<td>112.110</td>
<td>Amendment</td>
<td>27 Ill. Reg. 9360; 06/20/03</td>
</tr>
<tr>
<td>112.115</td>
<td>Amendment</td>
<td>27 Ill. Reg. 9360; 06/20/03</td>
</tr>
</tbody>
</table>

10) **Statement of Statewide Policy Objectives (if applicable)**: This rulemaking does not create or expand a State mandate.
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

11) **Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:** Interested persons may present their comments concerning these rules within 45 days of the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Building 3rd Floor
Springfield, Illinois  62762
(217) 785-9772

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:** January 2003

The full text of the Proposed Amendment begins on the next page.
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES

CHAPTER IV: DEPARTMENT OF HUMAN SERVICES

SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 112

TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

SUBPART A: GENERAL PROVISIONS

Section

112.1 Description of the Assistance Program and Time Limit

112.2 Time Limit on Receipt of Benefits for Clients Enrolled in Post-Secondary Education

112.3 Receipt of Cash Benefits Beyond the 60 Month Lifetime Limit

112.5 Incorporation by Reference

112.6 The Family Violence Option

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

112.8 Caretaker Relative

112.9 Client Cooperation

112.10 Citizenship

112.20 Residence

112.30 Age

112.40 Relationship
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

112.50 Living Arrangement
112.52 Social Security Numbers
112.54 Assignment of Medical Support Rights
112.60 Basis of Eligibility
112.61 Death of a Parent (Repealed)
112.62 Incapacity of a Parent (Repealed)
112.63 Continued Absence of a Parent (Repealed)
112.64 Unemployment of the Parent (Repealed)
112.65 Responsibility and Services Plan
112.66 Alcohol and Substance Abuse Treatment
112.67 Restriction in Payment to Households Headed by a Minor Parent
112.68 School Attendance Initiative
112.69 Felons and Violators of Parole or Probation

SUBPART C: TANF EMPLOYMENT AND WORK ACTIVITY REQUIREMENTS

Section

112.70 Employment and Work Activity Requirements
112.71 Individuals Exempt from TANF Employment and Work Activity Requirements
112.72 Participation/Cooperation Requirements
112.73 Adolescent Parent Program (Repealed)
112.74 Responsibility and Services Plan
112.75 Teen Parent Personal Responsibility Plan (Repealed)
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

112.76 TANF Orientation
112.77 Reconciliation and Fair Hearings
112.78 TANF Employment and Work Activities
112.79 Sanctions
112.80 Good Cause for Failure to Comply with TANF Participation Requirements
112.81 Responsible Relative Eligibility for JOBS (Repealed)
112.82 Supportive Services
112.83 Teen Parent Services
112.84 Employment Retention and Advancement Project
112.85 Four Year College/Vocational Training Demonstration Project (Repealed)

SUBPART E: PROJECT ADVANCE

Section
112.86 Project Advance (Repealed)
112.87 Project Advance Experimental and Control Groups (Repealed)
112.88 Project Advance Participation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed)
112.89 Project Advance Cooperation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed)
112.90 Project Advance Sanctions (Repealed)
112.91 Good Cause for Failure to Comply with Project Advance (Repealed)
112.93 Individuals Exempt From Project Advance (Repealed)
112.95 Project Advance Supportive Services (Repealed)
DEPARTMENT OF HUMAN SERVICES
NOTICE OF PROPOSED AMENDMENT
SUBPART F: EXCHANGE PROGRAM

Section

112.98 Exchange Program (Repealed)

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section

112.100 Unearned Income
112.101 Unearned Income of Stepparent or Parent
112.105 Budgeting Unearned Income
112.106 Budgeting Unearned Income of Applicants
112.107 Initial Receipt of Unearned Income
112.108 Termination of Unearned Income
112.110 Exempt Unearned Income
112.115 Education Benefits
112.120 Incentive Allowances
112.125 Unearned Income In-Kind
112.126 Earmarked Income
112.127 Lump-Sum Payments
112.128 Protected Income (Repealed)
112.130 Earned Income
112.131 Earned Income Tax Credit
112.132 Budgeting Earned Income
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

112.133 Budgeting Earned Income of Employed Applicants
112.134 Initial Employment
112.135 Budgeting Earned Income For Contractual Employees
112.136 Budgeting Earned Income For Non-contractual School Employees
112.137 Termination of Employment
112.138 Transitional Payments (Repealed)
112.140 Exempt Earned Income
112.141 Earned Income Exemption
112.142 Exclusion from Earned Income Exemption
112.143 Recognized Employment Expenses
112.144 Income from Work-Study and Training Programs
112.145 Earned Income From Self-Employment
112.146 Earned Income From Roomer and Boarder
112.147 Income From Rental Property
112.148 Payments from the Illinois Department of Children and Family Services
112.149 Earned Income In-Kind
112.150 Assets
112.151 Exempt Assets
112.152 Asset Disregards
112.153 Deferral of Consideration of Assets
112.154 Property Transfers (Repealed)
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

112.155 Income Limit

SUBPART H: PAYMENT AMOUNTS

Section

112.250 Grant Levels
112.251 Payment Levels
112.252 Payment Levels in Group I Counties
112.253 Payment Levels in Group II Counties
112.254 Payment Levels in Group III Counties
112.255 Limitation on Amount of TANF Assistance to Recipients from Other States (Repealed)

SUBPART I: OTHER PROVISIONS

Section

112.300 Persons Who May Be Included in the Assistance Unit
112.301 Presumptive Eligibility
112.302 Reporting Requirements for Clients with Earnings
112.303 Budgeting
112.304 Budgeting Schedule
112.305 Strikers
112.306 Foster Care Program
112.307 Responsibility of Sponsors of Non-Citizens Entering the Country Prior to 8/22/96
112.308 Responsibility of Sponsors of Non-Citizens Entering the Country On or After 8/22/96
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

112.309 Institutional Status
112.310 Child Care for Representative Payees
112.315 Young Parents Program (Renumbered)
112.320 Redetermination of Eligibility
112.330 Extension of Medical Assistance Due to Increased Income from Employment
112.331 Four Month Extension of Medical Assistance Due to Child Support Collections
112.332 Extension of Medical Assistance Due to Loss of Earned Income Disregard (Repealed)
112.340 New Start Payments to Individuals Released from Department of Corrections Facilities (Repealed)

SUBPART J: CHILD CARE

Section
112.350 Child Care (Repealed)
112.352 Child Care Eligibility (Repealed)
112.354 Qualified Provider (Repealed)
112.356 Notification of Available Services (Repealed)
112.358 Participant Rights and Responsibilities (Repealed)
112.362 Additional Service to Secure or Maintain Child Care Arrangements (Repealed)
112.364 Rates of Payment for Child Care (Repealed)
112.366 Method of Providing Child Care (Repealed)
112.370 Non-JOBS Education and Training Program (Repealed)

SUBPART K: TRANSITIONAL CHILD CARE
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

Section
112.400  Transitional Child Care Eligibility (Repealed)
112.404  Duration of Eligibility for Transitional Child Care (Repealed)
112.406  Loss of Eligibility for Transitional Child Care (Repealed)
112.408  Qualified Child Care Providers (Repealed)
112.410  Notification of Available Services (Repealed)
112.412  Participant Rights and Responsibilities (Repealed)
112.414  Child Care Overpayments and Recoveries (Repealed)
112.416  Fees for Service for Transitional Child Care (Repealed)
112.418  Rates of Payment for Transitional Child Care (Repealed)

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT


SUBPART I: OTHER PROVISIONS

Section 112.302 Reporting Requirements for Clients with Earnings

a) All assistance units which contain a member with budgetable earnings who is
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

employed or who has lost employment within the last three months must submit a written redetermination completed report form to the Department every six months quarterly. Clients with budgetable earnings must report all changes at redetermination. The information to be reported will be regarding the assistance unit’s income, assets, family composition and other factors pertinent to eligibility for the budget month and any changes in these factors which the unit expects to occur in the current month or in future months.

b) All units which contain a member with budgetable earnings must report quarterly. They shall have benefits calculated for six three-month periods by considering income and attendant circumstances on a prospective basis.

c) Earnings shall be budgeted prospectively for a six three-month period based on the redetermination form quarterly report provided by the client. Income averaging will be used to determine the amount of income to budget for a six three-month period.

d) Clients who experience a decrease in income below the amount anticipated may be eligible for a supplemental payment. A supplemental payment must be requested in writing. Eligibility for a supplemental payment may exist if the gross earned (minus self-employment business expenses, if any) and unearned income (including the assistance payment) received from all sources for the payment month is less than the payment level for an assistance unit of comparable size. If these conditions are met, the amount of supplemental payment the client is eligible to receive, if any, is determined by adding the gross earned income (minus self-employment business expenses and the two-thirds earned income deduction) and the gross unearned income (including the assistance payment) received in the payment month. This amount is subtracted from the payment level for an assistance unit of comparable size. If the difference is $10 or more, the client is eligible for a supplemental payment. The supplemental payment for which the client is eligible is the amount of the difference.

e) Clients who experience an increase in income above the amount anticipated will not be referred for an overpayment based on the increased income.

ef) At intake, the actual amount of income received in the Initial Prorated Entitlement (IPE) period will be used to determine the IPE amount. The first regular roll payment amount will be computed using income averaging.

fg) When the redetermination has been completed quarterly report is received, the Department will determine if eligibility continues and process any adjustments to
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

the payment. The Department will notify the caretaker relative of any changes in the payment and the reason or reasons for the change. If the grant is being reduced or terminated as a result of information contained in the report, the notification will be mailed to arrive no later than the payment or the day the payment would have arrived.

gh) If the Department does not receive the redetermination form quarterly report or receives only an incomplete redetermination form report, cash assistance may be terminated. The Department must send the client a notice of action to arrive not later than the date the payment would have been made if the Department had received a completed report on time. If the family is found ineligible or eligible for a grant less than that of the prior month, the Department will promptly notify the client of the right to a fair hearing and the right to have assistance reinstated. If a hearing is requested on or before the date of change or within ten calendar days after the date of notice, whichever is later, assistance will be reinstated to the level of the prior month.

i) If a completed report form is received by the end of the first payment month of the three-month period for which the report is used to determine eligibility, eligibility for the entire three-month period will be determined. If eligible, all the applicable earned income disregards will be allowed for the entire three-month period.

j) If a completed report form is received after the last calendar day of the first payment month of the three-month period for which the report is used to determine eligibility, eligibility for the month of receipt and the third month, if applicable, will be determined. Eligibility for a cash payment for the first payment month of the three-month period shall not exist. The client will be allowed all the applicable earned income disregards for those months for which eligibility is determined.

All caretaker relatives who are required to file quarterly reports will be notified of their responsibility, receive a complete explanation of the requirements and be informed of the due date for the first report.

h) All reported changes will be acted upon. For changes reported other than at redetermination, if the change results in an increase in benefits the increase will be effective for the month following the month the change is reported. If the change results in a decrease in benefits, the decrease will be effective the first month that can be affected following the end of the 10-day timely notice period.
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

(Source: Amended at 27 Ill. Reg. _______, effective__________________)
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) **Heading of the Part:** Food Stamps

2) **Code Citation:** 89 Ill. Adm. Code 121

3) **Section Numbers:**

<table>
<thead>
<tr>
<th>Section Numbers</th>
<th>Proposed Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>121.10</td>
<td>Amendment</td>
</tr>
<tr>
<td>121.41</td>
<td>Amendment</td>
</tr>
<tr>
<td>121.120</td>
<td>Amendment</td>
</tr>
<tr>
<td>121.125</td>
<td>New Section</td>
</tr>
<tr>
<td>121.145</td>
<td>Repeal</td>
</tr>
</tbody>
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4) **Statutory Authority:** Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].

5) **A Complete Description of the Subjects and Issues involved:**

In order to simplify reporting requirements for working clients, these proposed amendments eliminate quarterly reporting for Food Stamp households with earned income and TANF units with earned income. As a result, these proposed amendments revise the requirements for reporting changes of circumstances for these households. Food Stamp households with earned income and TANF units with earned income will no longer be required to file quarterly reports. They will instead be redetermined every 6 months. These redeterminations will alternate between a face-to-face interview and a simplified mail-in form. These changes are being made in accordance with provisions at 7 CFR 273.12(a)(vii).

Companion amendments are being proposed to 89 Ill. Adm. Code 10 and 89 Ill. Adm. Code 112.

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

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

If "yes" date:

8) **Do these proposed amendments contain incorporations by reference?** No
DEPARTMENT OF HUMAN SERVICES
NOTICE OF PROPOSED AMENDMENTS

9) Are there any other amendments pending on this Part? Yes

<table>
<thead>
<tr>
<th>Section Numbers</th>
<th>Proposed Action</th>
<th>Illinois Register Citation</th>
</tr>
</thead>
<tbody>
<tr>
<td>121.20</td>
<td>Amendment</td>
<td>27 Ill. Reg. 2531; 02/14/03</td>
</tr>
<tr>
<td>121.31</td>
<td>Amendment</td>
<td>27 Ill. Reg. 9389; 06/20/03</td>
</tr>
<tr>
<td>121.32</td>
<td>Amendment</td>
<td>27 Ill. Reg. 9389; 06/20/03</td>
</tr>
<tr>
<td>121.43</td>
<td>Amendment</td>
<td>27 Ill. Reg. 9389; 06/20/03</td>
</tr>
<tr>
<td>121.59</td>
<td>Expedited Correction</td>
<td>27 Ill. Reg. 5065; 03/21/02</td>
</tr>
<tr>
<td>121.63</td>
<td>Amendment</td>
<td>27 Ill. Reg. 6479; 04/18/03</td>
</tr>
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</table>

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor Harris Bldg.
Springfield, IL 62762
(217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis:
NOTICE OF PROPOSED AMENDMENTS

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: January 2003

The full text of the Proposed Amendments begins on the next page:
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER IV: DEPARTMENT OF HUMAN SERVICES

SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 121

FOOD STAMPS

SUBPART A: APPLICATION PROCEDURES

Section

121.1 Application for Assistance
121.2 Time Limitations on the Disposition of an Application
121.3 Approval of an Application and Initial Authorization of Assistance
121.4 Denial of an Application
121.5 Client Cooperation
121.6 Emergency Assistance
121.7 Expedited Service
121.10 Interviews

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

121.18 Work Requirement
121.19 Ending a Voluntary Quit Disqualification (Repealed)
121.20 Citizenship
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

121.21 Residence
121.22 Social Security Numbers
121.23 Work Registration/Participation Requirements
121.24 Individuals Exempt from Work Registration Requirements
121.25 Failure to Comply with Work Provisions
121.26 Period of Sanction
121.27 Voluntary Job Quit/Reduction in Work Hours
121.28 Good Cause for Voluntary Job Quit/Reduction in Work Hours
121.29 Exemptions from Voluntary Quit/Reduction in Work Hours Rules

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section
121.30 Unearned Income
121.31 Exempt Unearned Income
121.32 Education Benefits
121.33 Unearned Income In-Kind
121.34 Lump Sum Payments and Income Tax Refunds
121.40 Earned Income
121.41 Budgeting Earned Income
121.50 Exempt Earned Income
121.51 Income from Work/Study/Training Programs
121.52 Earned Income from Roomer and Boarder
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

121.53 Income From Rental Property
121.54 Earned Income In-Kind
121.55 Sponsors of Aliens
121.57 Assets
121.58 Exempt Assets
121.59 Asset Disregards

SUBPART D: ELIGIBILITY STANDARDS

Section
121.60 Net Monthly Income Eligibility Standards
121.61 Gross Monthly Income Eligibility Standards
121.62 Income Which Must Be Annualized
121.63 Deductions from Monthly Income
121.64 Food Stamp Benefit Amount

SUBPART E: HOUSEHOLD CONCEPT

Section
121.70 Composition of the Assistance Unit
121.71 Living Arrangement
121.72 Nonhousehold Members
121.73 Ineligible Household Members
121.74 Strikers
121.75 Students
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

121.76 Households Receiving AFDC, SSI, Interim Assistance and/or GA – Categorical Eligibility

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

Section

121.80 Fraud Disqualification (Renumbered)
121.81 Initiation of Administrative Fraud Hearing (Repealed)
121.82 Definition of Fraud (Renumbered)
121.83 Notification To Applicant Households (Renumbered)
121.84 Disqualification Upon Finding of Fraud (Renumbered)
121.85 Court Imposed Disqualification (Renumbered)
121.90 Monthly Reporting and Retrospective Budgeting (Repealed)
121.91 Monthly Reporting (Repealed)
121.92 Budgeting
121.93 Issuance of Food Stamp Benefits
121.94 Replacement of the EBT Card or Food Stamp Benefits
121.95 Restoration of Lost Benefits
121.96 Uses For Food Coupons
121.97 Supplemental Payments
121.98 Client Training for the Electronic Benefits Transfer (EBT) System
121.105 State Food Program (Repealed)
121.107 New State Food Program
121.120 Redetermination, Recertification of Eligibility
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

121.125 Redetermination of Earned Income Households
121.130 Residents of Shelters for Battered Women and their Children
121.131 Fleeing Felons and Probation/Parole Violators
121.135 Incorporation By Reference
121.140 Small Group Living Arrangement Facilities and Drug/Alcoholic Treatment Centers
121.145 Quarterly Reporting (Repealed)

SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

Section
121.150 Definition of Intentional Violations of the Program
121.151 Penalties for Intentional Violations of the Program
121.152 Notification To Applicant Households
121.153 Disqualification Upon Finding of Intentional Violation of the Program
121.154 Court Imposed Disqualification

SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

Section
121.160 Persons Required to Participate
121.162 Program Requirements
121.163 Vocational Training
121.164 Orientation (Repealed)
121.165 Community Work
121.166 Assessment and Employability Plan (Repealed)
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

121.167 Counseling/Prevention Services
121.170 Job Search Activity
121.172 Basic Education Activity
121.174 Job Readiness Activity
121.176 Work Experience Activity
121.177 Illinois Works Component (Repealed)
121.178 Job Training Component (Repealed)
121.179 JTPA Employability Services Component (Repealed)
121.180 Grant Diversion Component (Repealed)
121.182 Earnfare Activity
121.184 Sanctions for Non-cooperation with Food Stamp Employment and Training
121.186 Good Cause for Failure to Cooperate
121.188 Supportive Services
121.190 Conciliation
121.200 Types of Claims (Recodified)
121.201 Establishing a Claim for Intentional Violation of the Program (Recodified)
121.202 Establishing a Claim for Unintentional Household Errors and Administrative Errors (Recodified)
121.203 Collecting Claim Against Households (Recodified)
121.204 Failure to Respond to Initial Demand Letter (Recodified)
121.205 Methods of Repayment of Food Stamp Claims (Recodified)
121.206 Determination of Monthly Allotment Reductions (Recodified)
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

121.207 Failure to Make Payment in Accordance with Repayment Schedule (Recodified)
121.208 Suspension and Termination of Claims (Recodified)

SUBPART I: WORK REQUIREMENT FOR FOOD STAMPS

Section

121.220 Work Requirement Components (Repealed)
121.221 Meeting the Work Requirement with the Earnfare Component (Repealed)
121.222 Volunteer Community Work Component (Repealed)
121.223 Work Experience Component (Repealed)
121.224 Supportive Service Payments to Meet the Work Requirement (Repealed)
121.225 Meeting the Work Requirement with the Illinois Works Component (Repealed)
121.226 Meeting the Work Requirement with the JTPA Employability Services Component (Repealed)

AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS


SUBPART A: APPLICATION PROCEDURES

Section 121.10 Interviews

a) All applicant households, including those submitting applications by mail, shall have face-to-face interviews in a food stamp office with a qualified eligibility worker prior to initial certification and all redeterminations/recertifications. For earned income households, an interview is required at every other redetermination (see Section 121.125).

b) Interview Process

1) The individual interviewed may be the head of the household, spouse, any other adult member of the household who is sufficiently familiar with the household's circumstances to be able to assist in the determination of
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

eligibility, or an authorized representative (see Section 121.1(e) (1) and (2)). The applicant may bring any person he/she chooses to the interview. Prior to beginning the interview, the applicant shall indicate which persons are not applying for food stamps because they are unable or unwilling to provide alien status verification.

2) The interviewer shall not simply review the information that appears on the application, but shall explore and resolve with the household unclear and incomplete information.

3) Households shall be advised of their rights and responsibilities during the interview, including the appropriate applications processing standard (see Sections 121.2 and 121.7) and the household's responsibility to report changes.

4) The interview shall be conducted as an official and confidential discussion of household circumstances. The applicant's right to privacy shall be protected during the interview. Facilities shall be adequate to preserve the privacy and confidentiality of the interview.

c) Waiver of Office Interviews

1) The office interview shall be waived if requested by any household which is unable to appoint an authorized representative and which has no household members able to come to the food stamp office because they are qualifying members as defined in Section 121.61.

2) The office interview shall also be waived on a case-by-case basis for any household which is unable to appoint an authorized representative and which has no household members able to come to the food stamp office because of transportation difficulties or similar hardships which the Department determines warrants a waiver of the office interview. These hardship conditions include, but are not limited to:

A) illness;

B) care of household member;

C) hardships due to residency in a rural area;

D) prolonged severe weather;
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

E) work or training hours which prevent the household from participating in an in-office interview.

3) The Department shall determine if the transportation difficulty or hardship reported by a household warrants a waiver of the office interview and shall document in the case file why a request for a waiver was granted or denied.

4) The Department has the option of conducting a telephone interview or a home visit for those households for whom the office interview is waived. Home visits shall be used only if the time of the visit is scheduled in advance with the household. However, a home visit interview for redetermination of eligibility for financial assistance/recertification does not have to be scheduled with the household in advance.

5) Waiver of the face-to-face interview does not exempt the household from the verification requirements, although special procedures may be used to permit the household to provide verification and thus obtain its benefits in a timely manner, such as substituting a collateral contact in cases where documentary verification would normally be provided.

6) Waiver of the face-to-face interview shall not affect the length of the household's certification period.

d) The Department shall schedule all interviews as promptly as possible to ensure the eligible households receive an opportunity to participate within 30 days after the application is filed. If a household fails to appear for the scheduled interview, the Department will issue a Notice of Missed Interview that will inform the household that the household missed its scheduled interview and that the household is responsible for requesting another interview.

(Source: Amended at 27 Ill. Reg. _______, effective _____________

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section 121.41 Budgeting Earned Income

a) When determining eligibility and level of benefits, income received during the month in which the household applies shall be budgeted. However, for those categorically eligible households with a reopened food stamp application, income received during the first month of AFDC/SSI/Interim Assistance/GA, eligibility
shall be budgeted. When recertified, income which the household anticipates receiving during the certification period starting the month following the expiration of the current certification period shall be budgeted.

b) The Department shall consider income already received by the household and any anticipated income that is reasonably certain to be received. Income received in the fiscal month prior to the fiscal month of application shall be used as an indication only if income is stable. Anticipated income shall be counted only in the month received. Income which is not certain to be received either on amount or date shall not be counted.

c) Households anticipating variable income over the certification period shall have their income averaged unless the household requests otherwise.

d) The earned income of special situation households shall be treated as follows:

1) Self Employed

A) Self-employment income which represents a household’s annual income shall be averaged over a 12-month period even if the income is received within a shorter period of time during the 12 months.

B) Self-employment income which is intended to meet the household’s needs for only part of the year shall be averaged over the period of time the income is intended to cover.

2) Resident Farm Laborers

A) If resident farm laborers are paid for work done only during the work season and such payments are anticipated to be the only source of income during the year, the income shall be averaged over the 12-month period.

B) If the household receives advance or deferred payments during the non-work season or has income from other sources, the income shall not be averaged but shall reflect the actual receipt of the income.

e) School Contractual Employees
Those households that derive their income in a period of time shorter than one year shall have that income averaged over a 12-month period, provided the income is not received on an hourly or piecework basis.

f) Self-Employed Farmers

A deduction is allowed from other countable household income for the costs of producing income which exceeds the income derived from self-employment as a farmer. An individual is considered a self-employed farmer if annual gross proceeds of $1,000 or more are anticipated or received from a farming enterprise.

(Source: Amended at 27 Ill. Reg. _______, effective_______________)

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

Section 121.120 Redetermination Recertification of Eligibility

a) A recertification of food stamp eligibility and basis of issuance for an assistance household is to be made at each redetermination of the assistance case. However, a recertification is not required at a semi-annual redetermination.

b) A review of food stamp eligibility and basis of issuance for non-assistance household shall be made prior to the end of each certification period in which they are receiving food stamp benefits.

c) Redetermination Recertification involves the completion of an application or Request, an interview, a review of eligibility and cooperation in the verification of eligibility. For earned income households, see Section 121.125. The local office shall provide the household with an opportunity to participate in its normal issuance cycle.

bd) In order to receive uninterrupted benefits, the household must:

1) file a timely application or Request for recertification;

   A) households certified for more than two months must file an application by the 15th calendar day of the last month of the certification period.
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

B) households certified for one or two months must file an application within 17 calendar days from the date of Notice of Eligibility/Expiration of Certification.

2) appear for the interview that is scheduled after the application is timely filed; and

3) provide all requested verifications within ten calendar days after the date the verification was requested.

c) The household is responsible for requesting another interview if it fails to appear for the interview that was scheduled after the application was filed.

d) The redetermination application of a food stamp unit who files a request for recertification but fails to appear for a scheduled interview or provide requested verifications within ten calendar days is denied.

1) If a food stamp unit cooperates before the end of the current approval period, the application is reopened and a full month’s benefit is given for the first month of the new period requests an interview or provides requested verification within 30 days from the date of its recertification application, the application must be reopened.

2) If the food stamp unit cooperates after the end of the current approval period but within 30 days after the end of the period, the application is reopened and benefits are prorated from the date of cooperation is found eligible, the local office must provide the unit benefits within 30 calendar days from the date of application or 10 calendar days from the date the interview is completed or the verification is provided, whichever is later. A food stamp unit shall not receive benefits for a subsequent approval period before the end of its current approval period.

e) Amount of food stamp benefits

1) Except as provided in subsection (d)(2) of this Section, households that file the application for recertification after the last day of the previous certification period, shall have benefits prorated from the date that the application was filed. Households that are certified for one or two months will not have benefits prorated if the application is filed within 17 calendar days of the date of Notice of Eligibility/Expiration of Certification.
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

2) Migrant and seasonal farmworker households shall receive a full allotment for the month of application if the household participated in the Food Stamp Program within 30 days prior to the date of application.

If a redetermination recertification application is pending and uninterrupted benefits cannot be provided due to the ten day verification standard, then the local office must provide benefits within five working days after the date the household provides the verification.

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

Section 121.125 Redetermination of Earned Income Households

a) Food stamp households with a member who has earned income (see Section 121.40(b)), except for those households defined in subsection (b) of this Section, are redetermined every six months. The six-month redeterminations alternate between a face-to-face interview and a mail-in redetermination form.

b) The following households are not earned income households:

1) migrant households in the migrant job stream;

2) persons who receive income from sheltered workshops; and

3) households with persons who received Aid to the Aged, Blind or Disabled (see 89 Ill. Adm. Code 113), unless another household member has earned income.

c) Earned income households have their benefits calculated prospectively for six months. Income averaging is used to determine the amount of income to budget for the next six months, based on the income received during the fiscal months before the last month of the approval period.

d) During the six months between redeterminations, the household is only required to report when gross income exceeds the household’s gross income limit (130% of the Federal Poverty Level).

e) For any reported change that results in an increase in benefits, benefits are increased for the fiscal month following the fiscal month of report. If benefits decrease as a result of the reported change, benefits are decreased for the first month that can be affected following the end of the 10-day timely notice period.
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

f) For other redetermination rules, see Section 121.120.

(Source: Added at 27 Ill. Reg. __________, effective ______________)

Section 121.145 Quarterly Reporting (Repealed)

a) Individuals who receive income from a sheltered workshop and individuals who receive public assistance benefits under the Aid to the Aged, Blind or Disabled program as either an aged, blind, or disabled case are excluded from quarterly reporting, unless another household member is required to report quarterly as defined in subsection (c) of this section.

b) Migrant households in the migrant job stream and households in which all members are homeless do not have to report quarterly.

c) Food stamp households are required to submit a completed written report form each quarter if a member has earned income (see Section 121.40(b)) or a member lost employment within the last three months.

d) The food stamp household's income for the calendar month the form is received shall be reported as well as assets, family composition and other factors pertinent to food stamp eligibility which have changed since the last report form and changes which are expected to occur in the next 3 months.

e) The household is required to provide verification of the following information each quarter:

1) gross earned income (for example, pay stubs); and

2) gross unearned income, if a change is reported; and

3) questionable information (information is considered questionable if information on the report form does not agree with statement of the recipient, other information on the report form or other information received by the local office).

f) Food stamp households which must report quarterly shall have benefits calculated for three months by considering income and attendant circumstances on a prospective basis.
DEPARTMENT OF HUMAN SERVICES
NOTICE OF PROPOSED AMENDMENTS

g) Earnings shall be budgeted prospectively for a three-month period based on the quarterly report provided by the client. Income averaging will be used to determine the amount of income to budget for a three-month period.

h) TANF clients who experience a decrease in income below the amount anticipated may be eligible for supplemental food stamp benefits. A written request for supplemental TANF cash benefits is also considered a request for supplemental food stamp benefits. Eligibility for supplemental food stamp benefits may exist if the gross earned (minus self-employment business expenses, if any) and unearned income (including the assistance payment) received from all sources for the payment month is less than the TANF payment level for an assistance unit of comparable size. If these conditions are met, the amount of food stamp benefits that the client is eligible to receive for the payment month is determined using the amount of income anticipated for the payment month. The amount of the supplemental food stamp benefit is the difference. Non-TANF clients who experience a decrease in income below the amount anticipated may request an increase in benefits at any time during the quarter. Those clients will have their food stamp benefits adjusted the next fiscal month.

i) Clients who experience an increase in income above the amount anticipated will not be referred for an overpayment based on the increased income.

j) The Department will determine if eligibility continues and process any adjustments to the food stamp benefit level once the completed quarterly report is received. The Department will notify the household of any changes in the benefit level and the reason or reasons for the change. The notification will be mailed to arrive no later than the day the food stamp benefits would be available, if the food stamp benefit level is being reduced or terminated as a result of information contained in the report date of change or within 10 calendar days after the date of notice, whichever is later.

k) Eligibility for the entire three-month period will be determined, if a completed report form is received by the end of the first payment month of the three-month period for which the report is used to determine eligibility.

l) Eligibility for the month of receipt and the third month, if applicable, will be determined, if a completed report form is received after the last calendar day of the first payment month of the three-month period for which the report is used to determine eligibility. Eligibility for food stamp benefits for the first payment month of the three-month period shall not exist.
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

m) Persons who are required to file quarterly reports will be notified of their responsibility, receive a complete explanation of the requirements and be informed of the due date for the first report.

n) At recertification, the household must complete a Request for Food Stamps. This Request for Food Stamps, along with the most recent quarterly report form, is the application for recertification.

o) In lieu of a quarterly report, General Assistance (GA) recipients in the City of Chicago, who are food stamp payees, must comply with a review of their food stamp eligibility which will occur in conjunction with any redetermination of General Assistance. (See 89 Ill. Adm. Code 114.420.) The review will cover those elements specified in subsection (d) of this Section. Verification of eligibility factors will be required as specified in subsection (e) of this Section. This review is in addition to regular recertification which will occur once every 12 months.

(Source: Repealed at 27 Ill. Reg. ______, effective___________________)
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

1) **Heading of the Part:** Wildlife Conservation Measures and Practices

2) **Code Citation:** 17 Ill. Adm. Code 635

3) **Section Numbers:** 635.30 **Proposed Action:** Amendment

4) **Statutory Authority:** Implementing and authorized by Sections 1.10, 2.2, 2.3, 3.23, 3.25, 3.27, 3.34 and 3.36 of the Wildlife Code [520 ILCS 5/1.10, 2.2, 2.3, 3.23, 3.25, 3.27 3.34 and 3.36].

5) **A Complete Description of the Subjects and Issues Involved:** Amendments to this Part allow carcasses or parts of carcasses with the head attached to be submitted to a licensed taxidermist for processing within 72 hours after entry into the State of Illinois. Previously only heads for taxidermy could be transported into the State to a licensed taxidermist.

6) **Will this rulemaking contain an automatic repeal date?** 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:

    Jonathan Furr, General Counsel  
    Department of Natural Resources  
    One Natural Resources Way  
    Springfield IL 62702-1271  
    217/782-1809
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

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 2003

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 635
WILDLIFE CONSERVATION MEASURES AND PRACTICES

Section
635.10 Definitions
635.20 Importation of Live Animals
635.30 Importation of Animal Carcasses and Parts
635.40 Feeding or Baiting of Wildlife
635.50 Penalties

AUTHORITY: Implementing and authorized by Sections 1.10, 2.2, 2.3, 3.23, 3.25, 3.27, 3.34 and 3.36 of the Wildlife Code [520 ILCS 5/1.10, 2.2, 2.3, 3.23, 3.25, 3.27, 3.34 and 3.36].

SOURCE: Adopted by emergency rulemaking at 26 Ill. Reg. 12650, effective August 1, 2002, for a maximum of 150 days; adopted at 27 Ill. Reg. 525, effective December 27, 2002; amended AT 27 Ill. Reg. _____________, effective __________________.

Section 635.30 Importation of Animal Carcasses and Parts

Importation of hunter-harvested deer and elk carcasses into Illinois is prohibited except for:

a) deboned meat, antlers, antlers attached to skull caps, hides, upper canine teeth (also known as “buglers”, “whistlers”, or “ivories”). Skull caps shall be cleaned of all brain and muscle tissue;

b) finished taxidermist mounts;

c) carcasses or parts of carcasses with the spinal column or head attached may be transported into the State only if they are submitted to a licensed meat processor
or a licensed taxidermist for processing within 72 hours after entry; licensed meat processors and taxidermists shall dispose of inedible tissue not exempted in subsection 635.30(a) the discarded tissue in a properly permitted landfill or with a renderer; and

d) heads for taxidermy may be transported into the State only if they are submitted to a licensed taxidermist within 72 hours after entry; licensed taxidermists shall dispose of the discarded tissue in a properly permitted landfill or with a renderer; and

d) tissues can be imported into the State for use by a diagnostic or research laboratory.

AGENCY NOTE: Nothing in this Part shall prevent renderers regulated under the Illinois Dead Animal Disposal Act [225 ILCS 610] with Class A or B licenses from transporting cervid carcasses or parts into the State for the purpose of rendering.

(Source: Amended at 27 Ill. Reg. ______________, effective ______________)
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) **Heading of the Part:** Primary Drinking Water Standards

2) **Code citation:** 35 Ill. Adm. Code 611

3) **Section numbers:**

<table>
<thead>
<tr>
<th>Section numbers</th>
<th>Proposed Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>611.100, 611.101, 611.102</td>
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<td>611.103, 611.107, 611.108</td>
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<td>611.320</td>
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<td>611.612, 611.630, 611.640</td>
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NOTICE OF PROPOSED AMENDMENTS

611.641, 611.645, 611.646  Amend
611.648, 611.680, 611.683  Amend
611.684, 611.685, 611.686  Amend
611.687, 611.688, 611.720  Amend
611.731, 611.732, 611.733  Amend
611.740, 611.741, 611.742  Amend
611.743, 611.744, 611.745  Amend
611.830, 611.831, 611.833  Amend
611.840, 611.860, 611.881  Amend
611.882, 611.883, 611.884  Amend
611.885, 611.901, 611.902  Amend
611.903, 611.904, 611.905  Amend
611.906, 611.907, 611.908  Amend
611.909, 611.910, 611.950  Amend
611.952, 611.953, 611.954  Amend
611.955, 611.956, 611.957  Amend
611.Appendix A, 611.Appendix B,  Amend
611.Appendix C
611.Appendix D, 611.Appendix E,  Amend
611.Appendix F
611.Appendix G, 611.Appendix H, Table  Amend
A
Table C, Table E, Table G  Amend
Table Z  Amend

4) Statutory authority: 415 ILCS 5/7.2, 17, 17.5, and 27.

5) A complete description of the subjects and issues involved:

The following briefly describes the subjects and issues involved in this rulemaking. A comprehensive description is contained in the Board’s opinion and order of July 10, 2003, proposing amendments in docket R03-15 for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendments for 45 days from the date they appear in the Illinois Register before proceeding to adopt amendments based on this proposal.

This proceeding would update the Illinois drinking water regulations based on the federal Safe Drinking Water Act (SDWA), 42 U.S.C. §§ 300f et seq. (1994), rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) that appeared in the Federal Register during a single update period. The docket
and time period that is involved in this proceeding is the following:

| R03-15  | Federal SDWA amendments that occurred during the period July 1, 2002, through December 31, 2002. |

The R03-15 docket amends rules in Part 611. The following table briefly summarizes the federal actions in the update period:

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>October 23, 2002</td>
<td>USEPA updated the various methods used for analysis of contaminants in wastewater and drinking water. This included amendments to both the methods of 40 C.F.R. 136 and those referenced in 40 C.F.R. 141.</td>
</tr>
<tr>
<td>October 29, 2002</td>
<td>USEPA approved the analytical method and minimum reporting level for unregulated contaminant monitoring for <em>Aeromonas</em> bacteria as well as approval of new methods for analysis of various synthetic organic chemical (SOC) contaminants in water.</td>
</tr>
<tr>
<td>November 27, 2002</td>
<td>USEPA amended the public notice segments of the consumer confidence report rule (CCR). It revised the mandatory health effects language for two SOC contaminants: di(2-ethylhexyl)adipate and di(2-ethylhexyl)phthalate. USEPA made a small number of minor amendments to the appendix to the CCR.</td>
</tr>
</tbody>
</table>

Certain aspects of two of the federal actions that occurred during the period of July 1, 2002 through December 31, 2002 will require no Board action. Major segments of the federal action of October 29, 2002 (67 Fed. Reg. 65888) related to monitoring for the unregulated microbiological contaminant, *Aeromonas* bacteria. On November 13, 2002 (67 Fed. Reg. 68911), the USEPA adopted corrections to the October 29, 2002 amendments, including segments relating to the *Aeromonas* bacteria monitoring requirements. As stated in SDWA Update, USEPA Regulations (July 1, 1999 through December 31, 1999), R00-10 (August 24, 2000), the USEPA and the Agency have both
commented that the unregulated contaminant monitoring provisions are not segments of the federal SDWA rules that the Board is required to adopt and maintain. So, the Board will take no action on the aspects of these two sets of amendments that relate to unregulated contaminant monitoring for *Aeromonas* bacteria.

Thus, the Board is acting in this consolidated R03-15 docket on the following USEPA amendments:

<table>
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<tr>
<th>Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>October 23, 2002</td>
<td>Updated methods for analysis of drinking water contaminants.</td>
</tr>
<tr>
<td>October 29, 2002</td>
<td>Two new methods for analysis of SOC contaminants in drinking water.</td>
</tr>
<tr>
<td>November 13, 2002</td>
<td>Correction of the October 29, 2002 new methods for analysis of SOC contaminants in drinking water.</td>
</tr>
<tr>
<td>November 27, 2002</td>
<td>Revised mandatory health effects language for di(2-ethylhexyl)adipate and di(2-ethylhexyl)phthalate and minor amendments to the appendix to the CCR.</td>
</tr>
<tr>
<td>December 9, 2002</td>
<td>Correction to the November 27, 2002 CCR amendments.</td>
</tr>
</tbody>
</table>

Tables appear in the Board’s opinion and order of July 10, 2003 in docket R03-15 that list numerous corrections and amendments that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the July 10, 2003 opinion and order in docket R03-15.

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

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

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

8) **Do these proposed amendments contain incorporations by reference?**
Yes. Section 611.102 is the centralized listing of all documents incorporated by reference for the purposes of 35 Ill. Adm. Code 611. In this proceeding the Board is updating the versions of a number of analytical methods incorporated by reference for analysis of contaminants in drinking water. This includes the addition of new methods and inclusion of methods from the new 20th edition of “Standard Methods for the Examination of Water and Wastewater,” and an update to the version of 40 CFR 136, Appendices B and C to the 2002 edition of the Code of Federal Regulations.

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

10) Statement of statewide policy objectives:

This rulemaking imposes mandates on units of local government to the extent they may own or operate a public water supply. These mandates are, however, identical-in-substance to mandates imposed by federal law.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R03-15 and be addressed to:

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

Please direct inquiries to the following person and reference Docket R03-15:

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
12) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected:

This rulemaking affects those small businesses, small municipalities, and not-for-profit corporations that own or operate a public water supply.

B) Reporting, bookkeeping or other procedures required for compliance:

The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of reports, water analyses, and maintenance of operating records. The present amendments add a number of newly permissible methods for analysis of contaminants in drinking water, and they make minor changes in the mandatory language for use in public notification should a water supplier detect any contaminant in its water.

C) Types of professional skills necessary for compliance:

Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer. The present amendments add a number of newly permissible methods for analysis of contaminants in drinking water.

13) Regulatory agenda on which this rulemaking was summarized:


The full text of the proposed amendments begins on the next page:
POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS
TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE F: PUBLIC WATER SUPPLIES
CHAPTER I: POLLUTION CONTROL BOARD
PART 611
PRIMARY DRINKING WATER STANDARDS

SUBPART A: GENERAL

Section

611.100 Purpose, Scope and Applicability
611.101 Definitions
611.102 Incorporations by Reference
611.103 Severability
611.107 Agency Inspection of PWS Facilities
611.108 Delegation to Local Government
611.109 Enforcement
611.110 Special Exception Permits
611.111 Relief Equivalent to SDWA Section 1415(a) Variances
611.112 Relief Equivalent to SDWA Section 1416 Exemptions
611.113 Alternative Treatment Techniques
611.114 Siting Requirements
611.115 Source Water Quantity
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>611.120</td>
<td>Effective dates</td>
</tr>
<tr>
<td>611.121</td>
<td>Maximum Contaminant Levels and Finished Water Quality</td>
</tr>
<tr>
<td>611.125</td>
<td>Fluoridation Requirement</td>
</tr>
<tr>
<td>611.126</td>
<td>Prohibition on Use of Lead</td>
</tr>
<tr>
<td>611.130</td>
<td>Special Requirements for Certain Variances and Adjusted Standards</td>
</tr>
<tr>
<td>611.131</td>
<td>Relief Equivalent to SDWA Section 1415(e) Small System Variance</td>
</tr>
<tr>
<td>611.160</td>
<td>Composite Correction Program</td>
</tr>
</tbody>
</table>

SUBPART B: FILTRATION AND DISINFECTION

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>611.201</td>
<td>Requiring a Demonstration</td>
</tr>
<tr>
<td>611.202</td>
<td>Procedures for Agency Determinations</td>
</tr>
<tr>
<td>611.211</td>
<td>Filtration Required</td>
</tr>
<tr>
<td>611.212</td>
<td>Groundwater under Direct Influence of Surface Water</td>
</tr>
<tr>
<td>611.213</td>
<td>No Method of HPC Analysis</td>
</tr>
<tr>
<td>611.220</td>
<td>General Requirements</td>
</tr>
<tr>
<td>611.230</td>
<td>Filtration Effective Dates</td>
</tr>
<tr>
<td>611.231</td>
<td>Source Water Quality Conditions</td>
</tr>
<tr>
<td>611.232</td>
<td>Site-specific Conditions</td>
</tr>
<tr>
<td>611.233</td>
<td>Treatment Technique Violations</td>
</tr>
<tr>
<td>611.240</td>
<td>Disinfection</td>
</tr>
<tr>
<td>611.241</td>
<td>Unfiltered PWSs</td>
</tr>
</tbody>
</table>
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

611.242 Filtered PWSs
611.250 Filtration
611.261 Unfiltered PWSs: Reporting and Recordkeeping
611.262 Filtered PWSs: Reporting and Recordkeeping
611.271 Protection during Repair Work
611.272 Disinfection following Repair
611.276 Recycle Provisions

SUBPART C: USE OF NON-CENTRALIZED TREATMENT DEVICES

Section
611.280 Point-of-Entry Devices
611.290 Use of Point-of-Use Devices or Bottled Water

SUBPART D: TREATMENT TECHNIQUES

Section
611.295 General Requirements
611.296 Acrylamide and Epichlorohydrin
611.297 Corrosion Control

SUBPART F: MAXIMUM CONTAMINANT LEVELS (MCLs) AND MAXIMUM RESIDUAL DISINFECTANT LEVELS (MRDLs)

Section
611.300 Old MCLs for Inorganic Chemicals
611.301 Revised MCLs for Inorganic Chemicals
611.310 Old Maximum Contaminant Levels (MCLs) for Organic Chemicals
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Contaminants

611.311 Revised MCLs for Organic Chemical Contaminants
611.312 Maximum Contaminant Levels (MCLs) for Disinfection Byproducts (DBPs)
611.313 Maximum Residual Disinfectant Levels (MRDLs)
611.320 Turbidity
611.325 Microbiological Contaminants
611.330 Maximum Contaminant Levels for Radionuclides
611.331 Beta Particle and Photon Radioactivity

SUBPART G: LEAD AND COPPER

Section

611.350 General Requirements
611.351 Applicability of Corrosion Control
611.352 Corrosion Control Treatment
611.353 Source Water Treatment
611.354 Lead Service Line Replacement
611.355 Public Education and Supplemental Monitoring
611.356 Tap Water Monitoring for Lead and Copper
611.357 Monitoring for Water Quality Parameters
611.358 Monitoring for Lead and Copper in Source Water
611.359 Analytical Methods
611.360 Reporting
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

611.361 Recordkeeping

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

Section

611.380 General Requirements
611.381 Analytical Requirements
611.382 Monitoring Requirements
611.383 Compliance Requirements
611.384 Reporting and Recordkeeping Requirements
611.385 Treatment Technique for Control of Disinfection Byproduct (DBP) Precursors

SUBPART K: GENERAL MONITORING AND ANALYTICAL REQUIREMENTS

Section

611.480 Alternative Analytical Techniques
611.490 Certified Laboratories
611.491 Laboratory Testing Equipment
611.500 Consecutive PWSs
611.510 Special Monitoring for Unregulated Contaminants

SUBPART L: MICROBIOLOGICAL MONITORING AND ANALYTICAL REQUIREMENTS

Section

611.521 Routine Coliform Monitoring
611.522 Repeat Coliform Monitoring
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

611.523 Invalidation of Total Coliform Samples
611.524 Sanitary Surveys
611.525 Fecal Coliform and E. Coli Testing
611.526 Analytical Methodology
611.527 Response to Violation
611.531 Analytical Requirements
611.532 Unfiltered PWSs
611.533 Filtered PWSs

SUBPART M: TURBIDITY MONITORING AND ANALYTICAL REQUIREMENTS

Section
611.560 Turbidity

SUBPART N: INORGANIC MONITORING AND ANALYTICAL REQUIREMENTS

Section
611.591 Violation of a State MCL
611.592 Frequency of State Monitoring
611.600 Applicability
611.601 Monitoring Frequency
611.602 Asbestos Monitoring Frequency
611.603 Inorganic Monitoring Frequency
611.604 Nitrate Monitoring
611.605 Nitrite Monitoring
NOTICE OF PROPOSED AMENDMENTS

611.606 Confirmation Samples
611.607 More Frequent Monitoring and Confirmation Sampling
611.608 Additional Optional Monitoring
611.609 Determining Compliance
611.610 Inorganic Monitoring Times
611.611 Inorganic Analysis
611.612 Monitoring Requirements for Old Inorganic MCLs
611.630 Special Monitoring for Sodium
611.631 Special Monitoring for Inorganic Chemicals

SUBPART O: ORGANIC MONITORING AND ANALYTICAL REQUIREMENTS

Section
611.640 Definitions
611.641 Old MCLs
611.645 Analytical Methods for Organic Chemical Contaminants
611.646 Phase I, Phase II, and Phase V Volatile Organic Contaminants
611.647 Sampling for Phase I Volatile Organic Contaminants (Repealed)
611.648 Phase II, Phase IIB, and Phase V Synthetic Organic Contaminants
611.650 Monitoring for 36 Contaminants (Repealed)
611.657 Analytical Methods for 36 Contaminants (Repealed)
611.658 Special Monitoring for Organic Chemicals

SUBPART P: THM MONITORING AND ANALYTICAL REQUIREMENTS
POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

Section
611.680 Sampling, Analytical, and other Requirements
611.683 Reduced Monitoring Frequency
611.684 Averaging
611.685 Analytical Methods
611.686 Modification to System
611.687 Sampling for THM Potential
611.688 Applicability Dates

SUBPART Q: RADIOLOGICAL MONITORING AND ANALYTICAL REQUIREMENTS

Section
611.720 Analytical Methods
611.731 Gross Alpha
611.732 Beta Particle and Photon Radioactivity
611.733 General Monitoring and Compliance Requirements

SUBPART R: ENHANCED FILTRATION AND DISINFECTION—- SYSTEMS THAT SERVE 10,000 OR MORE PEOPLE

Section
611.740 General Requirements
611.741 Standards for Avoiding Filtration
611.742 Disinfection Profiling and Benchmarking
611.743 Filtration
611.744 Filtration Sampling Requirements
REPORTING AND RECORDKEEPING

Section

611.830 Applicability

611.831 Monthly Operating Report

611.832 Notice by Agency (Repealed)

611.833 Cross Connection Reporting

611.840 Reporting

611.851 Reporting MCL, MRDL, and other Violations (Repealed)

611.852 Reporting other Violations (Repealed)

611.853 Notice to New Billing Units (Repealed)

611.854 General Content of Public Notice (Repealed)

611.855 Mandatory Health Effects Language (Repealed)

611.856 Fluoride Notice (Repealed)

611.858 Fluoride Secondary Standard (Repealed)

611.860 Record Maintenance

611.870 List of 36 Contaminants (Repealed)

CONSUMER CONFIDENCE REPORTS

Section

611.881 Purpose and Applicability of this Subpart

611.882 Compliance Dates

611.883 Content of the Reports
POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

611.884 Required Additional Health Information
611.885 Report Delivery and Recordkeeping

SUBPART V: PUBLIC NOTIFICATION OF DRINKING WATER VIOLATIONS

Section
611.901 General Public Notification Requirements
611.902 Tier 1 Public Notice—Form, Manner, and Frequency of Notice
611.903 Tier 2 Public Notice—Form, Manner, and Frequency of Notice
611.904 Tier 3 Public Notice—Form, Manner, and Frequency of Notice
611.905 Content of the Public Notice
611.906 Notice to New Billing Units or New Customers
611.907 Special Notice of the Availability of Unregulated Contaminant Monitoring Results
611.908 Special Notice for Exceedence of the Fluoride Secondary Standard
611.909 Special Notice for Nitrate Exceedences above the MCL by a Non-Community Water System
611.910 Notice by the Agency on Behalf of a PWS

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

Section
611.950 General Requirements
611.951 Finished Water Reservoirs
611.952 Additional Watershed Control Requirements for Unfiltered Systems
611.953 Disinfection Profile
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

611.954 Disinfection Benchmark
611.955 Combined Filter Effluent Turbidity Limits
611.956 Individual Filter Turbidity Requirements
611.957 Reporting and Recordkeeping Requirements

611.Appendix A Regulated Contaminants
611.Appendix B Percent Inactivation of G. Lamblia Cysts
611.Appendix C Common Names of Organic Chemicals
611.Appendix D Defined Substrate Method for the Simultaneous Detection of Total Coliforms and Eschericia Coli from Drinking Water
611.Appendix E Mandatory Lead Public Education Information for Community Water Systems
611.Appendix F Mandatory Lead Public Education Information for Non-Transient Non-Community Water Systems
611.Appendix G NPDWR Violations and Situations Requiring Public Notice
611.Appendix H Standard Health Effects Language for Public Notification
611.Appendix I Acronyms Used in Public Notification Regulation

611.Table A Total Coliform Monitoring Frequency
611.Table B Fecal or Total Coliform Density Measurements
611.Table C Frequency of RDC Measurement
611.Table D Number of Lead and Copper Monitoring Sites
611.Table E Lead and Copper Monitoring Start Dates
611.Table F Number of Water Quality Parameter Sampling Sites
611.Table G Summary of Section 611.357 Monitoring Requirements for Water Quality
POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

Parameters

611. Table Z  Federal Effective Dates

AUTHORITY: Implementing Sections 7.2, 17, and 17.5 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 17, 17.5, and 27].


SUBPART A: GENERAL

Section 611.100  Purpose, Scope, and Applicability

a) This Part satisfies the requirement of Section 17.5 of the Environmental Protection Act (Act) [415 ILCS 5/17.5] that the Board adopt regulations which are identical in substance with federal regulations promulgated by the United States Environmental Protection Agency (USEPA) pursuant to Sections 1412(b), 1414(c), 1417(a), and 1445(a) of the Safe Drinking Water Act (SDWA) (42 U.S.C. 300f et seq., 300g-1(b), 300g-3(c), 300g-6(a), and 300j-4(a)).

b) This Part establishes primary drinking water regulations (NPDWRs) pursuant to the SDWA, and also includes additional, related State requirements which are consistent with and more stringent than the USEPA regulations (Section 7.2(a)(6) of the Act [415 ILCS 5/7.2(a)(6)]). The latter provisions are specifically marked as “additional State requirements”. They apply only to community water systems (CWSs).

c) This Part applies to “suppliers”, owners and operators of “public water systems”
NOTICE OF PROPOSED AMENDMENTS

(“PWSs”). PWSs include CWSs, “non-community water systems (“non-CWSs”), and “non-transient non-community water systems (“NTNCWSs”), as these terms are defined in Section 611.101.

1) CWS suppliers are required to obtain permits from the Illinois Environmental Protection Agency (Agency) pursuant to 35 Ill. Adm. Code 602.

2) Non-CWS suppliers are subject to additional regulations promulgated by the Illinois Department of Public Health (Public Health or DPH) pursuant to Section 9 of the Illinois Groundwater Protection Act [415 ILCS 55/9], including 77 Ill. Adm. Code 900.

3) Non-CWS suppliers are not required to obtain permits or other approvals from the Agency, or to file reports or other documents with the Agency. Any provision in this Part so providing is to be understood as requiring the non-CWS supplier to obtain the comparable form of approval from, or to file the comparable report or other document with Public Health.


d) This Part applies to each PWS, unless the PWS meets all of the following conditions:

1) Consists only of distribution and storage facilities (and does not have any collection and treatment facilities);

2) Obtains all of its water from, but is not owned or operated by, a supplier to which such regulations apply;

3) Does not sell water to any person; and

4) Is not a carrier which conveys passengers in interstate commerce.


e) Some subsection labels have been omitted in order to maintain local consistency between USEPA subsection labels and the subsection labels in this Part.

(Source: Amended at 27 Ill. Reg. _______, effective ______________________)
Section 611.101 Definitions

As used in this Part, the following terms have the given meanings:

“Act” means the Environmental Protection Act [415 ILCS 5].

“Agency” means the Illinois Environmental Protection Agency.

BOARD NOTE: The Department of Public Health (Public Health or DPH) regulates non-community water supplies (“non-CWSs,” including non-transient, non-community water supplies (“NTNCWSs”) and transient non-community water supplies (“transient non-CWSs”). For the purposes of regulation of supplies by Public Health by reference to this Part, “Agency” will mean the Department of Public Health.

“Ai” means “inactivation ratio.”

“Approved source of bottled water,” for the purposes of Section 611.130(e)(4), means a source of water and the water therefrom, whether it be from a spring, artesian well, drilled well, municipal water supply, or any other source, that has been inspected and the water sampled, analyzed, and found to be a safe and sanitary quality according to applicable laws and regulations of State and local government agencies having jurisdiction, as evidenced by the presence in the plant of current certificates or notations of approval from each government agency or agencies having jurisdiction over the source, the water it bottles, and the distribution of the water in commerce.

BOARD NOTE: Derived from 40 CFR 142.62(g)(2) and 21 CFR 129.3(a) (2002). The Board cannot compile an exhaustive listing of all federal, state, and local laws to which bottled water and bottling water may be subjected. However, the statutes and regulations of which the Board is aware are the following: the Illinois Food, Drug and Cosmetic Act [410 ILCS 620], the Bottled Water Act [815 ILCS 310], the DPH Water Well Construction Code (77 Ill. Adm. Code 920), the DPH Water Well Pump Installation Code (77 Ill. Adm. Code 925), the federal bottled water quality standards (21 CFR 103.35), the federal drinking water processing and bottling standards (21 CFR 129), the federal Current Good Manufacturing Practice in Manufacturing, Packing, or Holding Human Food (21 CFR 110), the federal Fair Packaging and Labeling Act (15 USC 1451 et seq.), and the federal Fair Packaging and Labeling regulations (21 CFR 201).

“Best available technology” or “BAT” means the best technology, treatment techniques, or other means that USEPA has found are available for the contaminant in question. BAT is specified in Subpart F of this Part.
“Board” means the Illinois Pollution Control Board.

“CAS No.” means “Chemical Abstracts Services Number.”

“CT” or “CTcalc” is the product of “residual disinfectant concentration” (RDC or C) in mg/L determined before or at the first customer, and the corresponding “disinfectant contact time” (T) in minutes. If a supplier applies disinfectants at more than one point prior to the first customer, it must determine the CT of each disinfectant sequence before or at the first customer to determine the total percent inactivation or “total inactivation ratio.” In determining the total inactivation ratio, the supplier must determine the RDC of each disinfection sequence and corresponding contact time before any subsequent disinfection application points. (See “CT99.9.”)

“CT99.9” is the CT value required for 99.9 percent (3-log) inactivation of Giardia lamblia cysts. CT99.9 for a variety of disinfectants and conditions appear in Tables 1.1-1.6, 2.1 and 3.1 of Section 611. Appendix B of this Part. (See “Inactivation Ratio.”)


“Coagulation” means a process using coagulant chemicals and mixing by which colloidal and suspended materials are destabilized and agglomerated into flocs.

“Community water system” or “CWS” means a public water system (PWS) that serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

BOARD NOTE: This definition differs slightly from that of Section 3.05 of the Act.

“Compliance cycle” means the nine-year calendar year cycle during which public water systems (PWSs) must monitor. Each compliance cycle consists of three three-year compliance periods. The first calendar cycle began January 1, 1993, and ended December 31, 2001; the second began January 1, 2002, and ends December 31, 2010; the third begins January 1, 2011, and ends December 31, 2019.

“Compliance period” means a three-year calendar year period within a compliance cycle. Each compliance cycle has three three-year compliance periods. Within the first compliance cycle, the first compliance period ran from January 1, 1993, to December 31, 1995; the second from January 1, 1996, to December 31, 1998; the third from January 1, 1999, to December 31, 2001.

“Comprehensive performance evaluation” or “CPE” is a thorough review and analysis of
a treatment plant’s performance-based capabilities and associated administrative, operation, and maintenance practices. It is conducted to identify factors that may be adversely impacting a plant’s capability to achieve compliance and emphasizes approaches that can be implemented without significant capital improvements.

BOARD NOTE: The final sentence of the definition of “comprehensive performance evaluation” in 40 CFR 141.2 is codified as Section 611.160(a)(2), since it contains substantive elements that are more appropriately codified in a substantive provision.

“Confluent growth” means a continuous bacterial growth covering the entire filtration area of a membrane filter or a portion thereof, in which bacterial colonies are not discrete.

“Contaminant” means any physical, chemical, biological, or radiological substance or matter in water.

“Conventional filtration treatment” means a series of processes including coagulation, flocculation, sedimentation, and filtration resulting in substantial particulate removal.

“Diatomaceous earth filtration” means a process resulting in substantial particulate removal in which the following occur:

A precoat cake of diatomaceous earth filter media is deposited on a support membrane (septum); and

While the water is filtered by passing through the cake on the septum, additional filter media known as body feed is continuously added to the feed water to maintain the permeability of the filter cake.

“Direct filtration” means a series of processes including coagulation and filtration but excluding sedimentation resulting in substantial particulate removal.

“Disinfectant” means any oxidant, including but not limited to chlorine, chlorine dioxide, chloramines, and ozone added to water in any part of the treatment or distribution process, that is intended to kill or inactivate pathogenic microorganisms.

“Disinfectant contact time” or “T” means the time in minutes that it takes for water to move from the point of disinfectant application or the previous point of RDC measurement to a point before or at the point where RDC is measured.

Where only one RDC is measured, T is the time in minutes that it takes for water
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

to move from the point of disinfectant application to a point before or at the point
where RDC is measured.

Where more than one RDC is measured, T is as follows:

For the first measurement of RDC, the time in minutes that it takes for
water to move from the first or only point of disinfectant application to a
point before or at the point where the first RDC is measured; and

For subsequent measurements of RDC, the time in minutes that it takes for
water to move from the previous RDC measurement point to the RDC
measurement point for which the particular T is being calculated.

T in pipelines must be calculated based on “plug flow” by dividing the internal
volume of the pipe by the maximum hourly flow rate through that pipe.

T within mixing basins and storage reservoirs must be determined by tracer
studies or an equivalent demonstration.

“Disinfection” means a process that inactivates pathogenic organisms in water by
chemical oxidants or equivalent agents.

“Disinfection byproduct” or “DBP” means a chemical byproduct that forms when
disinfectants used for microbial control react with naturally occurring compounds already
present in source water. DBPs include, but are not limited to, bromodichloromethane,
bromoform, chloroform, dichloroacetic acid, bromate, chlorite, dibromochloromethane,
and certain haloacetic acids.

“Disinfection profile” is a summary of daily Giardia lamblia inactivation through the
treatment plant. The procedure for developing a disinfection profile is contained in
Section 611.742.

“Distribution system” includes all points downstream of an “entry point” to the point of
consumer ownership.

“Domestic or other non-distribution system plumbing problem” means a coliform
contamination problem in a PWS with more than one service connection that is limited to
the specific service connection from which the coliform-positive sample was taken.

“Dose equivalent” means the product of the absorbed dose from ionizing radiation and
such factors as account for differences in biological effectiveness due to the type of
radiation and its distribution in the body as specified by the International Commission on Radiological Units and Measurements (ICRU).

“Enhanced coagulation” means the addition of sufficient coagulant for improved removal of disinfection byproduct (DBP) precursors by conventional filtration treatment.

“Enhanced softening” means the improved removal of disinfection byproduct (DBP) precursors by precipitative softening.

“Entry point” means a point just downstream of the final treatment operation, but upstream of the first user and upstream of any mixing with other water. If raw water is used without treatment, the “entry point” is the raw water source. If a PWS receives treated water from another PWS, the “entry point” is a point just downstream of the other PWS, but upstream of the first user on the receiving PWS, and upstream of any mixing with other water.

“Filter profile” is a graphical representation of individual filter performance, based on continuous turbidity measurements or total particle counts versus time for an entire filter run, from startup to backwash inclusively, that includes an assessment of filter performance while another filter is being backwashed.

“Filtration” means a process for removing particulate matter from water by passage through porous media.

“Flocculation” means a process to enhance agglomeration or collection of smaller floc particles into larger, more easily settleable particles through gentle stirring by hydraulic or mechanical means.

“GAC10” means granular activated carbon (GAC) filter beds with an empty-bed contact time of 10 minutes based on average daily flow and a carbon reactivation frequency of every 180 days.

“GC” means “gas chromatography” or “gas-liquid phase chromatography.”

“GC/MS” means gas chromatography (GC) followed by mass spectrometry (MS).

“Gross alpha particle activity” means the total radioactivity due to alpha particle emission as inferred from measurements on a dry sample.

“Gross beta particle activity” means the total radioactivity due to beta particle emission as inferred from measurements on a dry sample.
“Groundwater under the direct influence of surface water” means any water beneath the
surface of the ground with significant occurrence of insects or other macroorganisms,
algae, or large-diameter pathogens, such as Giardia lamblia or Cryptosporidium, or
significant and relatively rapid shifts in water characteristics, such as turbidity,
temperature, conductivity, or pH, that closely correlate to climatological or surface water
conditions. “Groundwater under the direct influence of surface water” is as determined in
Section 611.212.

“GWS” means “groundwater system,” a public water supply (PWS) that uses only
groundwater sources.

BOARD NOTE: Drawn from 40 CFR 141.23(b)(2) & 141.24(f)(2) note (2002).

“Haloacetic acids (five)” or “HAA5” means the sum of the concentrations in milligrams
per liter (mg/L) of five haloacetic acid compounds (monochloroacetic acid,
dichloroacetic acid, trichloroacetic acid, monobromoacetic acid, and dibromoacetic acid),
rounded to two significant figures after addition.

“Halogen” means one of the chemical elements chlorine, bromine, or iodine.

“HPC” means “heterotrophic plate count,” measured as specified in Section 611.531(c).

“Inactivation ratio” (Ai) means as follows:

\[ Ai = \frac{CT_{\text{calc}}}{CT_{99.9}} \]

The sum of the inactivation ratios, or “total inactivation ratio” (B) is calculated by
adding together the inactivation ratio for each disinfection sequence as follows:

\[ B = \sum (Ai) \]

A total inactivation ratio equal to or greater than 1.0 is assumed to provide a 3-log
inactivation of Giardia lamblia cysts.

BOARD NOTE: Derived from the definition of “CT” in 40 CFR 141.2 (2002).

“Initial compliance period” means the three-year compliance period that begins January
1, 1993, except for the MCLs for dichloromethane, 1,2,4-trichlorobenzene, 1,1,2-
trichloroethane, benzo(a)pyrene, dalapon, di(2-ethylhexyl)adipate, di(2-ethylhexyl)-
phthalate, dinoseb, diquat, endothall, endrin, glyphosate, hexachlorobenzene, hexachloro-
cyclopentadiene, oxamyl, picloram, simazine, 2,3,7,8-TCDD, antimony, beryllium,
cyanide, nickel, and thallium, as they apply to suppliers whose supplies have a supplier whose system has fewer than 150 service connections, for which it means the three-year compliance period that began on January 1, 1996.

“Inorganic contaminants” or “IOCs” refers to that group of contaminants designated as such in United States Environmental Protection Agency (USEPA) regulatory discussions and guidance documents. IOCs include antimony, asbestos, barium, beryllium, cadmium, chromium, cyanide, mercury, nickel, nitrate, nitrite, selenium, and thallium.

BOARD NOTE: The IOCs are derived from 40 CFR 141.23(a)(4) (2002).

“ℓ” means “liter.”

“Legionella” means a genus of bacteria, some species of which have caused a type of pneumonia called Legionnaires Disease.

“Man-made beta particle and photon emitters” means all radionuclides emitting beta particles or photons listed in “Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and in Water for Occupational Exposure,” NCRP Report Number 22, incorporated by reference in Section 611.102, except the daughter products of thorium-232, uranium-235 and uranium-238.

“Maximum contaminant level” or “MCL” means the maximum permissible level of a contaminant in water that is delivered to any user of a public water system. (See Section 611.121.)

“Maximum contaminant level goal” or “MCLG” means the maximum level of a contaminant in drinking water at which no known or anticipated adverse effect on the health of persons would occur, and which allows an adequate margin of safety. MCLGs are nonenforceable health goals.

BOARD NOTE: The Board has not routinely adopted the regulations relating to the federal MCLGs because they are outside the scope of the Board’s identical-in-substance mandate under Section 17.5 of the Act [415 ILCS 5/17.5].

“Maximum residual disinfectant level” or “MRDL” means the maximum permissible level of a disinfectant added for water treatment that may not be exceeded at the consumer’s tap without an unacceptable possibility of adverse health effects. MRDLs are enforceable in the same manner as are MCLs. (See Section 611.313 and Section 611.383.)
“Maximum residual disinfectant level goal” or “MRDLG” means the maximum level of a disinfectant added for water treatment at which no known or anticipated adverse effect on the health of persons would occur, and which allows an adequate margin of safety. MRDLGs are nonenforceable health goals and do not reflect the benefit of the addition of the chemical for control of waterborne microbial contaminants.

“Maximum total trihalomethane potential” or “MTP” means the maximum concentration of total trihalomethanes (TTHMs) produced in a given water containing a disinfectant residual after seven days at a temperature of 25°C or above.

“MFL” means millions of fibers per liter larger than 10 micrometers.


“mg” means milligrams (1/1000 of a gram).

“mg/ℓ” means milligrams per liter.

“Mixed system” means a PWS that uses both groundwater and surface water sources.

BOARD NOTE: Drawn from 40 CFR 141.23(b)(2) and 141.24(f)(2) note (2002).

“MUG” means 4-methyl-umbelliferyl-beta-d-glucuronide.

“Near the first service connection” means at one of the 20 percent of all service connections in the entire system that are nearest the public water system (PWS) treatment facility, as measured by water transport time within the distribution system.

“nm” means nanometer (1/1,000,000,000 of a meter).

“Non-community water system” or “NCWS” or “non-CWS” means a public water system (PWS) that is not a community water system (CWS). A non-community water system is either a “transient non-community water system (TWS)” or a “non-transient non-community water system (NTNCWS).”

“Non-transient non-community water system” or “NTNCWS” means a public water system (PWS) that is not a community water system (CWS) and that regularly serves at least 25 of the same persons over six months per year.

“NPDWR” means “national primary drinking water regulation.”

“NTU” means “nephelometric turbidity units.”
NOTICE OF PROPOSED AMENDMENTS

“Old MCL” means one of the inorganic maximum contaminant levels (MCLs), codified at Section 611.300, or organic MCLs, codified at Section 611.310, including any marked as “additional State requirements.”

BOARD NOTE: Old MCLs are those derived prior to the implementation of the USEPA “Phase II” regulations. The Section 611.640 definition of this term, which applies only to Subpart O of this Part, differs from this definition in that the definition does not include the Section 611.300 inorganic MCLs.

“P-A Coliform Test” means “Presence-Absence Coliform Test.”

“Paired sample” means two samples of water for Total Organic Carbon (TOC). One sample is of raw water taken prior to any treatment. The other sample is taken after the point of combined filter effluent and is representative of the treated water. These samples are taken at the same time. (See Section 611.382.)

“Performance evaluation sample” or “PE sample” means a reference sample provided to a laboratory for the purpose of demonstrating that the laboratory can successfully analyze the sample within limits of performance specified by the Agency; or, for bacteriological laboratories, Public Health; or, for radiological laboratories, the Illinois Department of Nuclear Safety. The true value of the concentration of the reference material is unknown to the laboratory at the time of the analysis.

“Person” means an individual, corporation, company, association, partnership, state, unit of local government, or federal agency.

“Phase I” refers to that group of chemical contaminants and the accompanying regulations promulgated by USEPA on July 8, 1987, at 52 Fed. Reg. 25712.


“Phase IIB” refers to that group of chemical contaminants and the accompanying regulations promulgated by USEPA on July 1, 1991, at 56 Fed. Reg. 30266.

“Phase V” refers to that group of chemical contaminants promulgated by USEPA on July 17, 1992, at 57 Fed. Reg. 31776.

“Picocurie” or “pCi” means the quantity of radioactive material producing 2.22 nuclear transformations per minute.
“Point of disinfectant application” is the point at which the disinfectant is applied and downstream of which water is not subject to recontamination by surface water runoff.

“Point-of-entry treatment device” or “POE” is a treatment device applied to the drinking water entering a house or building for the purpose of reducing contaminants in the drinking water distributed throughout the house or building.

“Point-of-use treatment device” or “POU” is a treatment device applied to a single tap used for the purpose of reducing contaminants in drinking water at that one tap.

“Public Health” or “DPH” means the Illinois Department of Public Health.

BOARD NOTE: The Department of Public Health (“Public Health”) regulates non-community water supplies (“non-CWSs,” including non-transient, non-community water supplies (“NTNCWSs”) and transient non-community water supplies (“transient non-CWSs”). For the purposes of regulation of supplies by Public Health by reference to this Part, “Agency” must mean Public Health.

“Public water system” or “PWS” means a system for the provision to the public of water for human consumption through pipes or other constructed conveyances, if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. A PWS is either a community water system (CWS) or a non-community water system (non-CWS). Such term includes the following:

- Any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system; and
- Any collection or pretreatment storage facilities not under such control that are used primarily in connection with such system.

BOARD NOTE: Where used in Subpart F of this Part, “public water supply” means the same as “public water system.”

“Radioactive contaminants” refers to that group of contaminants designated “radioactive contaminants” in USEPA regulatory discussions and guidance documents. “Radioactive contaminants” include tritium, strontium-89, strontium-90, iodine-131, cesium-134, gross beta emitters, and other nuclides.

BOARD NOTE: Derived from 40 CFR 141.25(c) Table B (2002). These radioactive contaminants must be reported in Consumer Confidence Reports under Subpart U of this
Part when they are detected above the levels indicated in Section 611.720(c)(3).

“Reliably and consistently” below a specified level for a contaminant means an Agency determination based on analytical results following the initial detection of a contaminant to determine the qualitative condition of water from an individual sampling point or source. The Agency must base this determination on the consistency of analytical results, the degree below the MCL, the susceptibility of source water to variation, and other vulnerability factors pertinent to the contaminant detected that may influence the quality of water.


“Rem” means the unit of dose equivalent from ionizing radiation to the total body or any internal organ or organ system. A “millirem (mrem)” is 1/1000 of a rem.

“Repeat compliance period” means a compliance period that begins after the initial compliance period.

“Representative” means that a sample must reflect the quality of water that is delivered to consumers under conditions when all sources required to supply water under normal conditions are in use and all treatment is properly operating.

“Residual disinfectant concentration” (“RDC” or “C” in CT calculations) means the concentration of disinfectant measured in mg/L in a representative sample of water. For purposes of the requirement of Section 611.241(d) of maintaining a detectable RDC in the distribution system, “RDC” means a residual of free or combined chlorine.

“Safe Drinking Water Act” or “SDWA” means the Public Health Service Act, as amended by the Safe Drinking Water Act, Pub. L. 93-523, 42 USC 300f et seq.

“Sanitary survey” means an onsite review of the water source, facilities, equipment, operation, and maintenance of a public water system (PWS) for the purpose of evaluating the adequacy of such source, facilities, equipment, operation, and maintenance for producing and distributing safe drinking water.

“Sedimentation” means a process for removal of solids before filtration by gravity or separation.

“SEP” means special exception permit (Section 611.110).
“Service connection,” as used in the definition of public water system, does not include a connection to a system that delivers water by a constructed conveyance other than a pipe if any of the following is true:

- The water is used exclusively for purposes other than residential use (consisting of drinking, bathing, and cooking, or other similar uses);

- The Agency determines by issuing a SEP that alternative water for residential use or similar uses for drinking and cooking is provided to achieve the equivalent level of public health protection provided by the applicable national primary drinking water regulations; or

- The Agency determines by issuing a SEP that the water provided for residential use or similar uses for drinking, cooking, and bathing is centrally treated or treated at the point of entry by the provider, a pass-through entity, or the user to achieve the equivalent level of protection provided by the applicable national primary drinking water regulations.


“Slow sand filtration” means a process involving passage of raw water through a bed of sand at low velocity (generally less than 0.4 meters per hour (m/h)) resulting in substantial particulate removal by physical and biological mechanisms.

“SOC” or “Synthetic organic chemical contaminant” refers to that group of contaminants designated as “SOCs,” or “synthetic organic chemicals” or “synthetic organic contaminants,” in USEPA regulatory discussions and guidance documents. “SOCs” include alachlor, aldicarb, aldicarb sulfone, aldicarb sulfoxide, atrazine, benzo[a]pyrene, carbofuran, chlor dane, dalapon, dibromoethylene (ethylene dibromide or EDB), dibromochloropropane (DBCP), di(2-ethylhexyl)adipate, di(2-ethylhexyl)phthalate, dinoseb, diquat, endothall, endrin, glyphosate, heptachlor, heptachlor epoxide, hexachlorobenzene, hexachlorocyclopentadiene, lindane, methoxychlor, oxamyl, pentachlorophenol, picloram, simazine, toxaphene, polychlorinated biphenyls (PCBs), 2,4-D, 2,3,7,8-TCDD, and 2,4,5-TP.

“Source” means a well, reservoir, or other source of raw water.

“Special irrigation district” means an irrigation district in existence prior to May 18, 1994 that provides primarily agricultural service through a piped water system with only incidental residential use or similar use, where the system or the residential users or
similar users of the system comply with either of the following exclusion conditions:

The Agency determines by issuing a SEP that alternative water is provided for residential use or similar uses for drinking or cooking to achieve the equivalent level of public health protection provided by the applicable national primary drinking water regulations; or

The Agency determines by issuing a SEP that the water provided for residential use or similar uses for drinking, cooking, and bathing is centrally treated or treated at the point of entry by the provider, a pass-through entity, or the user to achieve the equivalent level of protection provided by the applicable national primary drinking water regulations.


“Standard sample” means the aliquot of finished drinking water that is examined for the presence of coliform bacteria.

“Subpart B system” means a public water system that uses surface water or groundwater under the direct influence of surface water as a source and which is subject to the requirements of Subpart B of this Part and the analytical and monitoring requirements of Sections 611.531, 611.532, 611.533, 611. Appendix B of this Part, and 611. Appendix C of this Part.

“Supplier of water” or “supplier” means any person who owns or operates a public water system (PWS). This term includes the “official custodian.”

“Surface water” means all water that is open to the atmosphere and subject to surface runoff.

“SUVA” means specific ultraviolet absorption at 254 nanometers (nm), which is an indicator of the humic content of water. It is a calculated parameter obtained by dividing a sample’s ultraviolet absorption at a wavelength of 254 nm (UV\text{ 254}) \text{(in m}^{-1}\text{)} by its concentration of dissolved organic carbon (in mg/L).

“SWS” means “surface water system,” a public water supply (PWS) that uses only surface water sources, including “groundwater under the direct influence of surface water.”

BOARD NOTE: Derived from 40 CFR 141.23(b)(2) and 141.24(f)(2) note (2002).
“System with a single service connection” means a system that supplies drinking water to consumers via a single service line.

“Too numerous to count” means that the total number of bacterial colonies exceeds 200 on a 47-mm diameter membrane filter used for coliform detection.

“Total organic carbon” or “TOC” means total organic carbon (in mg/L) measured using heat, oxygen, ultraviolet irradiation, chemical oxidants, or combinations of these oxidants that convert organic carbon to carbon dioxide, rounded to two significant figures.

“Total trihalomethanes” or “TTHM” means the sum of the concentration of trihalomethanes (THMs), in milligrams per liter (mg/L), rounded to two significant figures.

BOARD NOTE:  See the definition of “trihalomethanes” for a listing of the four compounds that USEPA considers TTHMs to comprise.

“Transient, non-community water system” or “transient non-CWS” means a non-CWS that does not regularly serve at least 25 of the same persons over six months of the year.

BOARD NOTE:  The federal regulations apply to all “public water systems,” which are defined as all systems having at least 15 service connections or regularly serving water to at least 25 persons. (See 42 USC 300f(4).) The Act mandates that the Board and the Agency regulate “public water supplies,” which it defines as having at least 15 service connections or regularly serving 25 persons daily at least 60 days per year. (See Section 3.28 of the Act [415 ILCS 5/3.28].) The Department of Public Health regulates transient, non-community water systems.

“Treatment” means any process that changes the physical, chemical, microbiological, or radiological properties of water, is under the control of the supplier, and is not a point-of-use treatment device or a point-of-entry treatment device as defined in this Section. Treatment includes, but is not limited to, aeration, coagulation, sedimentation, filtration, activated carbon treatment, disinfection, and fluoridation.

“Trihalomethane” or “THM” means one of the family of organic compounds, named as derivatives of methane, in which three of the four hydrogen atoms in methane are each substituted by a halogen atom in the molecular structure. The THMs are the following compounds:

\[
\text{Trichloromethane (chloroform) } \end{equation}
\]
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Dibromochloromethane$_{\text{µg}}$

Bromodichloromethane$_{\text{µg}}$ and

Tribromomethane (bromoform)

“µg” means micrograms (1/1,000,000 of a gram).

“USEPA” or “U.S. EPA” means the U.S. Environmental Protection Agency.

“Uncovered finished water storage facility” is a tank, reservoir, or other facility that is open to the atmosphere and which is used to store water that will undergo no further treatment except residual disinfection.

“Virus” means a virus of fecal origin that is infectious to humans by waterborne transmission.

“VOC” or “volatile organic chemical contaminant” refers to that group of contaminants designated as “VOCs,” “volatile organic chemicals,” or “volatile organic contaminants,” in USEPA regulatory discussions and guidance documents. “VOCs” include benzene, dichloromethane, tetrachloromethane (carbon tetrachloride), trichloroethylene, vinyl chloride, 1,1,1-trichloroethane (methyl chloroform), 1,1-dichloroethylene, 1,2-dichloroethane, cis-1,2-dichloroethylene, ethylbenzene, monochlorobenzene, o-dichlorobenzene, styrene, 1,2,4-trichlorobenzene, 1,1,2-trichloroethane, tetrachloroethylene, toluene, trans-1,2-dichloroethane, xylene, and 1,2-dichloropropane.

“Waterborne disease outbreak” means the significant occurrence of acute infectious illness, epidemiologically associated with the ingestion of water from a public water system (PWS) that is deficient in treatment, as determined by the appropriate local or State agency.

“Wellhead protection program” means the wellhead protection program for the State of Illinois, approved by USEPA under Section 1428 of the SDWA, 42 USC 300h-7.


(Source: Amended at 27 Ill. Reg. _______, effective ______________________)
Section 611.102  Incorporations by Reference

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

“Amco-AEPA-1 Polymer” is available from Advanced Polymer Systems.


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

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


“NCRP” means “National Council on Radiation Protection.”

“NTIS” means “National Technical Information Service.”

“New Jersey Radium Method” means “Determination of Radium 228 in Drinking
POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

Water,” available from the New Jersey Department of Environmental Protection.

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


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

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

“Readycult Coliforms 100 Presence/Absence Test” means “Readycult Coliforms 100 Presence/Absence Test for Detection and Identification of Coliform Bacteria and Escherichla coli in Finished Waters” available from EM Science.


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


“Syngenta AG-625” means “Atrazine in Drinking Water by Immunoassay,” February 2001 is available from Syngenta Crop Protection, Inc., 410 Swing Road, Post Office Box 18300, Greensboro, NC 27419, Phone number (336) 632–6000.


“Technicon Methods” means “Fluoride in Water and Wastewater,” available from
NOTICE OF PROPOSED AMENDMENTS

Bran & Luebbe.


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


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


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

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


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


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


b) The Board incorporates the following publications by reference:

Access Analytical Systems, Inc.

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


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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS


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


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

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

Method 304, Radium in Water by Precipitation.

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

Method 306, Tritium in Water.


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

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

Method 7500-3H B, Tritium in Water.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS


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

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

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

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

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

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


Method 2130 B, Turbidity, Nephelometric Method.

Method 2320 B, Alkalinity, Titration Method.

Method 2510 B, Conductivity, Laboratory Method.

Method 2550, Temperature, Laboratory and Field Methods.


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

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

NOTICE OF PROPOSED AMENDMENTS


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

Method 3500-Mg E, Magnesium, EDTA Titrimetric Calculation Method.

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

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

Method 4500-CN E, Cyanide, Colorimetric Method.

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

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

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

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

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

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

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

Method 4500-Cl I, Chlorine, Iodometric Electrode Method.
NOTICE OF PROPOSED AMENDMENTS

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

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

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

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


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

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

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

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

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

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

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

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

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

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

Method 4500-Si D, Silica, Molybdosilicate Method.

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

Method 4500-Si F, Silica, Automated Method for Molybdate-Reactive Silica.
NOTICE OF PROPOSED AMENDMENTS

Method 4500-SO4\textsubscript{2}–C, Sulfate, Gravimetric Method with Ignition of Residue.

Method 4500-SO4\textsubscript{2}–D, Sulfate, Gravimetric Method with Drying of Residue.

Method 4500-SO4\textsubscript{2}–F, Sulfate, Automated Methylthymol Blue Method.

Method 6610, Carbamate Pesticide Method.

Method 6651, Glyphosate Herbicide (Proposed).

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

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

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

Method 7500-\textsuperscript{3}H B, Tritium, Liquid Scintillation Spectrometric Method.


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

Method 7500-Ra B, Radium, Precipitation Method.

Method 7500-Ra C, Radium, Emanation Method.

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

Method 7500-Sr B, Total Radiactive Strontium and Strontium 90, Precipitation Method.
NOTICE OF PROPOSED AMENDMENTS

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


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

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

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

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

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

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

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

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

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

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

Method 9223, Chromogenic Substrate Coliform Test (Proposed).


Method 6610, Carbamate Pesticide Method.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS


Method 2130 B, Turbidity, Nephelometric Method.

Method 2320 B, Alkalinity, Titration Method.

Method 2510 B, Conductivity, Laboratory Method.

Method 2550, Temperature, Laboratory and Field Methods.


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

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


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

Method 3500-Mg E, Magnesium, EDTA Titrmetric Calculation Method.

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

Method 4500-Cl D, Chlorine, Amperometric Titration Method.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

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

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

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

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

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

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

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

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

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

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

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

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


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

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

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

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

Method 4500-NO₃⁻ D, Nitrogen (Nitrate), Nitrate Electrode Method.
NOTICE OF PROPOSED AMENDMENTS

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

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

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

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

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

Method 4500-Si D, Silica, Molybdosilicate Method.

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

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

Method 4500-Cl D, Chlorine (Residual), Amperometric Titration Method.

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

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

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

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

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

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

Method 4500-ClO₂ E, Chlorine Dioxide, Amperometric Method.
NOTICE OF PROPOSED AMENDMENTS

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


Method 6651, Glyphosate Herbicide (Proposed).

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

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

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

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

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


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

Method 7500-Ra B, Radium, Precipitation Method.

Method 7500-Ra C, Radium, Emanation Method.

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

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

Method 7500-U B, Uranium, Radiochemical Method.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Method 7500-U C, Uranium, Isotopic Method.

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

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

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

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

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

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

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

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

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

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

Method 9223, Chromogenic Substrate Coliform Test (Proposed).


Method 5310 B, TOC, Combustion-Infrared Method.

Method 5310 C, TOC, Persulfate-Ultraviolet Oxidation Method.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Method 5310 D, TOC, Wet-Oxidation Method.


Method 2130 B, Turbidity, Nephelometric Method.

Method 2320 B, Alkalinity, Titration Method.

Method 2510 B, Conductivity, Laboratory Method.

Method 2550, Temperature, Laboratory, and Field Methods.


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

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

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

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

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

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

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

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

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

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

Method 4500-Cl G, Chlorine, DPD Colorimetric Method.
NOTICE OF PROPOSED AMENDMENTS

Method 4500-Cl H, Chlorine, Syringaldazine (FACTS) Method.
Method 4500-Cl I, Chlorine, Iodometric Electrode Method.
Method 4500-CIO2 C, Chlorine Dioxide, Amperometric Method I.
Method 4500-CIO2 D, Chlorine Dioxide, DPD Method.
Method 4500-CIO2 E, Chlorine Dioxide, Amperometric Method II (Proposed).
Method 4500-F- B, Fluoride, Preliminary Distillation Step.
Method 4500-F- D, Fluoride, SPADNS Method.
Method 4500-F- E, Fluoride, Complexone Method.
Method 4500-H+ B, pH Value, Electrometric Method.
Method 4500-NO2- B, Nitrogen (Nitrite), Colorimetric Method.
Method 4500-NO3- D, Nitrogen (Nitrate), Nitrate Electrode Method.
Method 4500-NO3- E, Nitrogen (Nitrate), Cadmium Reduction Method.
Method 4500-NO3- F, Nitrogen (Nitrate), Automated Cadmium Reduction Method.
Method 4500-O3 B, Ozone (Residual) (Proposed), Indigo Colorimetric Method.
Method 4500-P E, Phosphorus, Ascorbic Acid Method.
Method 4500-P F, Phosphorus, Automated Ascorbic Acid Reduction Method.
Method 4500-Si C, Silica, Molybdosilicate Method.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

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

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

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

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

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

Method 4500-Cl O2 D, Chlorine Dioxide, DPD Method.

Method 4500-Cl O2 E, Chlorine Dioxide, Amperometric Method II.

Method 6651, Glyphosate Herbicide (Proposed).


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

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

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

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

NOTICE OF PROPOSED AMENDMENTS


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

Method 7500-Ra B, Radium, Precipitation Method.

Method 7500-Ra C, Radium, Emanation Method.

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

Method 7500-U B, Uranium, Radiochemical Method.

Method 7500-U C, Uranium, Isotopic Method.

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

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

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

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

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

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

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

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

NOTICE OF PROPOSED AMENDMENTS

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

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

Method 9223, Chromogenic Substrate Coliform Test (Proposed).


Analytical Technology, Inc. ATI Orion, 529 Main Street, Boston, MA 02129:


ASTM. American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959 610-832-9585:


POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS


August 6, 1990.


Bran & Luebbe, 1025 Busch Parkway, Buffalo Grove, IL 60089-2
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS


EM Science (an affiliate of Merck KGgA, Darmstadt Germany), 480 S. Democrat Road, Gibbstown, NJ 08027–1297. Telephone: 800-222–0342. E-mail: adellenbusch@emscience.com.


ERDA Health and Safety Laboratory, New York, NY:


Great Lakes Instruments, Inc., 8855 North 55th Street, Milwaukee, WI 53223:


The Hach Company, P.O. Box 389, Loveland, CO 80539-0389. Phone: 800-227-4224:


“Determination of Turbidity by Laser Nephelometry,” January 2000, Revision 2.0 (referred to as “Hach FilterTrak Method 10133”).

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

“IDEXX SimPlate TM HPC Test Method for Heterotrophs in Water,”
November 2000.


“Digestion and distillation of total cyanide in drinking and wastewaters
using MICRO DIST and determination of cyanide by flow injection
analysis”, Revision 2.1, November 30, 2000 (referred to as “QuikChem
Method 10-204-00-1-X”).

Millipore Corporation, Technical Services Department, 80 Ashby Road, Milford,
MA 01730 800-654-5476.

Colisure Presence/Absence Test for Detection and Identification of
Coliform Bacteria and Escherichia Coli in Drinking Water, February 28,
1994 (referred to as “Colisure Test”).

NCRP. National Council on Radiation Protection, 7910 Woodmont Ave.,
Bethesda, MD 301-657-2652.

“Maximum Permissible Body Burdens and Maximum Permissible
Concentrations of Radionuclides in Air and in Water for Occupational

NSF. National Sanitation Foundation International, 3475 Plymouth Road, PO
Box 130140, Ann Arbor, Michigan 48113-0140, 734-769-8010.

NSF Standard 61, section 9, November 1998.

NTIS. National Technical Information Service, U.S. Department of Commerce,
5285 Port Royal Road, Springfield, VA 22161, 703-487-4600 or 800-553-6847.

“Interim Radiochemical Methodology for Drinking Water,” EPA 600/4-75-008 (revised), March 1976 (referred to as “USEPA Interim
Radiochemical Methods”). (Pages 1, 4, 6, 9, 13, 16, 24, 29, 34)

“Kelada Automated Test Methods for Total Cyanide, Acid Dissociable
Cyanide, And Thiocyanate”, Revision 1.2, August 2001, EPA # 821–B–01–009 (referred to as “Kaleda 01”).
NOTICE OF PROPOSED AMENDMENTS


Method 100.2, “Determination of Asbestos Structures over 10-mm in Length in Drinking Water,” EPA-600/4-83-043, June 1994, Doc. No. PB94-201902 (referred to as “USEPA Asbestos Methods-100.2”).

“Methods for Chemical Analysis of Water and Wastes,” March 1983, Doc. No. PB84-128677 (referred to as “USEPA Inorganic Methods”). (Methods 150.1, 150.2, and 245.2, which formerly appeared in this reference, are available from USEPA EMSL.)


NOTICE OF PROPOSED AMENDMENTS

“Prescribed Procedures for Measurement of Radioactivity in Drinking Water,” EPA 600/4-80-032, August 1980 (referred to as “USEPA Radioactivity Methods”). (Methods 900, 901, 901.1, 902, 903, 903.1, 904, 905, 906, 908, 908.1)


“Radiochemical Analytical Procedures for Analysis of Environmental Samples,” March 1979, Doc. No. EMSL LV 053917 (referred to as “USEPA Radiochemical Analyses”). (Pages 1, 19, 33, 65, 87, 92)

“Radiochemistry Procedures Manual,” EPA-520/5-84-006, December 1987, Doc. No. PB-84-215581 (referred to as “USEPA Radiochemistry Methods”). (Methods 00-01, 00-02, 00-07, H-02, Ra-03, Ra-04, Ra-05, Sr-04)


BOARD NOTE: USEPA made the following assertion with regard to this reference at 40 CFR 141.23(k)(1) and 141.24(e) and (n)(11) (1995) (2002): “This document contains other analytical test procedures and approved analytical methods that remain available for compliance monitoring until July 1, 1996.”


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

“Determination of Radium 228 in Drinking Water,” August 1990.

New York Department of Health, Radiological Sciences Institute, Center for Laboratories and Research, Empire State Plaza, Albany, NY 12201.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

“Determination of Ra-226 and Ra-228 (Ra-02),” January 1980, Revised June 1982.

Palintest, Ltd., 21 Kenton Lands Road, P.O. Box 18395, Erlanger, KY 800-835-9629.


“Atrazine in Drinking Water by Immunoassay,” February 2001 (referred to as “Syngenta AG-625”).


United States Environmental Protection Agency, EMSL, Cincinnati, OH 45268 513-569-7586.

“Methods for the Determination of Organic Compounds in Finished Drinking Water and Raw Source Water” (referred to as “USEPA Organic Methods”). (For methods 504.1, 508.1, and 525.2 only.) See NTIS.

“Procedures for Radiochemical Analysis of Nuclear Reactor Aqueous Solutions.” See NTIS.


USGS. Books and Open-File Reports Section, United States Geological Survey, Federal Center, Box 25286, Denver, CO 80225-0425.


I-1030-85
I-1062-85
I-1601-85
I-1700-85
I-2598-85
I-2601-90
I-2700-85
I-3300-85

Methods available upon request by method number from “Methods for Determination of Radioactive Substances in Water and Fluvial
NOTICE OF PROPOSED AMENDMENTS


R-1110-76
R-1111-76
R-1120-76
R-1140-76
R-1141-76
R-1142-76
R-1160-76
R-1171-76
R-1180-76
R-1181-76
R-1182-76

Waters Corporation, Technical Services Division, 34 Maple St., Milford, MA 01757 800-252-4752.


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


d) This Part incorporates no later amendments or editions.

(Source: Amended at 27 Ill. Reg. ________, effective ______________________)

Section 611.103 Severability

If any provision of this Part is adjudged invalid, or if its application to any person or in any circumstance is adjudged invalid, such invalidity does not affect the validity of this Part as a
Section 611.107 Agency Inspection of PWS Facilities

(a) THE AGENCY SHALL HAVE AUTHORITY TO CONDUCT A PROGRAM OF CONTINUING SURVEILLANCE AND OF REGULAR OR PERIODIC INSPECTION OF PUBLIC WATER SUPPLIES. (Section 4(c) of the Act [415 ILCS 5/4(c)].)

(b) IN ACCORDANCE WITH CONSTITUTIONAL LIMITATIONS, THE AGENCY SHALL HAVE AUTHORITY TO ENTER AT ALL REASONABLE TIMES UPON ANY PRIVATE OR PUBLIC PROPERTY FOR THE PURPOSE OF INSPECTING AND INVESTIGATING TO ASCERTAIN POSSIBLE VIOLATIONS OF THE ACT OR OF REGULATIONS THEREUNDER, OR OF PERMITS OR CONDITIONS THEREOF. (Section 4(d) of the Act [415 ILCS 5/4(d)].)

BOARD NOTE: In setting forth this provision to make clear the Agency's statutory authority to conduct inspections, the Board does not intend to either broaden or circumscribe that authority or to modify it in any way. Rather, the Board sets this provision forth to make that authority clear for the benefit of the regulated community.

(Source: Amended at 27 Ill. Reg. _______, effective ______________________)

Section 611.108 Delegation to Local Government

The Agency may delegate portions of its inspection, investigating and enforcement functions to units of local government pursuant to Section 4(r) of the Act [415 ILCS 5/4(r)].

(Source: Amended at 27 Ill. Reg. _______, effective ______________________)

Section 611.109 Enforcement

a) Any person may file an enforcement action pursuant to Title VIII of the Act [415 ILCS 5/Title VIII].

b) The results of monitoring required under this Part may be used in an enforcement action.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS


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

Section 611.110 Special Exception Permits

a) Unless otherwise specified, each Agency determination in this Part is to be made by way of a written permit pursuant to Section 39(a) of the Act [415 ILCS 5/39(a)]. Such permit is titled a “special exception” permit (“SEP”).

b) No person may cause or allow the violation of any condition of a SEP.

c) The supplier may appeal the denial of or the conditions of a SEP to the Board pursuant to Section 40 of the Act [415 ILCS 5/40].

d) A SEP may be initiated in either of the following ways:

1) By an application filed by the supplier; or

2) By the Agency, when authorized by Board regulations.

BOARD NOTE: The Board does not intend to mandate by any provision of this Part that the Agency exercise its discretion and initiate a SEP pursuant to this subsection (d)(2) of this Section. Rather, the Board intends to clarify by this subsection (d)(2) that the Agency may opt to initiate a SEP without receiving a request from the supplier.

e) The Agency must evaluate a request for a SEP from the monitoring requirements of Section 611.601, 611.602, or 611.603 (inorganic chemical contaminants, IOCs, excluding the Section 611.603 monitoring frequency requirements for cyanide); Section 611.646(e) and (f) (Phase I, Phase II, and Phase V VOCs); Section 611.646(d), only as to initial monitoring for 1,2,4-trichlorobenzene; Section 611.648(d) (for Phase II, Phase IIB, and Phase V SOCs); or Section 611.510 (for unregulated organic contaminants) on the basis of knowledge of previous use (including transport, storage, or disposal) of the contaminant in the watershed or zone of influence of the system, as determined pursuant to 35 Ill. Adm. Code 671-14.

BOARD NOTE: The Agency must grant a SEP from the Section 611.603 monitoring frequency requirements for cyanide only on the basis of subsection (g).
of this Section, not on the basis of this subsection (e).

1) If the Agency determines that there was no prior use of the contaminant, it must grant the SEP;

2) If the contaminant was previously used or the previous use was unknown, the Agency must consider the following factors:

A) Previous analytical results;

B) The proximity of the system to any possible point source of contamination (including spills or leaks at or near a water treatment facility; at manufacturing, distribution, or storage facilities; from hazardous and municipal waste land fills; or from waste handling or treatment facilities) or non-point source of contamination (including the use of pesticides and other land application uses of the contaminant);

C) The environmental persistence and transport of the contaminant;

D) How well the water source is protected against contamination, including whether it is a SWS or a GWS:

   i) A GWS must consider well depth, soil type, well casing integrity, and wellhead protection; and
   ii) A SWS must consider watershed protection;

E) For Phase II, Phase IIB, and Phase V SOCs and unregulated organic contaminants (pursuant to Section 611.631 or 611.648), as follows:

   i) Elevated nitrate levels at the water source; and
   ii) The use of PCBs in equipment used in the production, storage, or distribution of water (including pumps, transformers, etc.); and

F) For Phase I, Phase II, and Phase V VOCs (pursuant to Section 611.646): the number of persons served by the PWS and the proximity of a smaller system to a larger one.
f) If a supplier refuses to provide any necessary additional information requested by the Agency, or if a supplier delivers any necessary information late in the Agency’s deliberations on a request, the Agency may deny the requested SEP or grant the SEP with conditions within the time allowed by law.

g) The Agency must grant a supplier a SEP that allows it to discontinue monitoring for cyanide if it determines that the supplier’s water is not vulnerable due to a lack of any industrial source of cyanide.

BOARD NOTE: Subsection (e) of this Section is derived from 40 CFR 141.24(f)(8) and (h)(6) (2000) (2002). Subsection (f) of this Section is derived from 40 CFR 141.82(d)(2), and 141.83(b)(2) (2000) (2002). Subsection (g) is derived from 40 CFR 141.23(c)(2) (2000) (2002). USEPA has reserved the discretion, at 40 CFR 142.18 (2000) (2002), to review and nullify Agency determinations of the types made pursuant to Sections 611.510, 611.602, 611.603, 611.646, and 611.648 and the discretion, at 40 CFR 141.82(i), 141.83(b)(7), and 142.19 (2000) (2002), to establish federal standards for any supplier, superseding any Agency determination made pursuant to Sections 611.352(d), 611.352(f), 611.353(b)(2), and 611.353(b)(4).

(Source: Amended at 27 Ill. Reg. ________, effective ______________________)

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

This Section is intended to describe how the Board grants State relief equivalent to that available from USEPA under Section 1415(a)(1)(A) and (a)(1)(B) of the SDWA (42 USC 300g-4(a)(1)(A) and (a)(1)(B)). SDWA Section 1415 variances do not require ultimate compliance within five years in every situation. Variances under Sections 35-37 of the Act [415 ILCS 5/35-37] do require compliance within five years in every case. Consequently, a PWS may have the option of seeking State regulatory relief equivalent to a SDWA Section 1415 variance through one of three procedural mechanisms: a variance under Sections 35-37 of the Act [415 ILCS 5/35-37] and Subpart B of 35 Ill. Adm. Code 104; a site-specific rule under Sections 27-28 of the Act [415 ILCS 5/27-28] and 35 Ill. Adm. Code 102; or an adjusted standard under Section 28.1 of the Act [415 ILCS 5/28.1] and Subpart D of 35 Ill. Adm. Code 406.104.

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

1) The PWS shall file a petition pursuant to 35 Ill. Adm. Code 102, or 104, or 106, as applicable.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

2) If a State requirement does not have a federal counterpart, the Board may grant relief from the State requirements without following this Section.

b) Relief from an MCL.

1) As part of the justification for relief from an MCL under this Section, the PWS must demonstrate the following:

A) Because of characteristics of the raw water sources and alternative sources that are reasonably available to the system, the PWS cannot meet the MCL; and

B) The PWS will install or has installed the best available technology (BAT) (as identified in Subpart F of this Part), treatment technique, or other means which the Agency finds available. BAT may vary depending on the following:

i) The number of persons served by the system;

ii) Physical conditions related to engineering feasibility; and

iii) Costs of compliance; and

C) The variance will not result in an unreasonable risk to health.

2) In any order granting relief under this subsection, the Board will prescribe a schedule for the following:

A) Compliance, including increments of progress, by the PWS, with each MCL with respect to which the relief was granted; and

B) Implementation by the PWS of each additional control measure for each MCL with respect to which the relief is granted, during the period ending on the date compliance with such requirement is required.

3) Schedule of compliance for relief from an MCL.

A) A schedule of compliance will require compliance with each MCL with respect to which the relief was granted as expeditiously as practicable.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

B) If the Board prescribes a schedule requiring compliance with an MCL for which the relief is granted later than five years from the date of issuance of the relief, the Board will do the following:

i) Document its rationale for the extended compliance schedule;

ii) Discuss the rationale for the extended compliance schedule in the required public notice and opportunity for public hearing; and

iii) Provide the shortest practicable time schedule feasible under the circumstances.

c) Relief from a treatment technique requirement.

1) As part of the justification for relief from a treatment technique requirement under this Section, the PWS shall demonstrate that the treatment technique is not necessary to protect the health of persons served because of the nature of the raw water source.

2) The Board may prescribe monitoring and other requirements as a condition for relief from a treatment technique requirement.

d) The Board will hold at least one public hearing. In addition the Board will accept comments as appropriate pursuant to 35 Ill. Adm. Code 102, or 104, or 106.

e) The Board will not grant relief from any of the following:

1) From the MCL for total coliforms. However, the Board may grant a variance from the total coliform MCL of Section 611.325 for PWSs that prove that the violation of the total coliform MCL is due to persistent growth of total coliform in the distribution system, rather than from fecal or pathogenic contamination, from a treatment lapse or deficiency, or from a problem in the operation or maintenance of the distribution system.

2) From any of the treatment technique requirements of Subpart B of this Part.

3) From the residual disinfectant concentration (RDC) requirements of Sections 611.241(c) and 611.242(b).
f) The Agency shall promptly send USEPA the Opinion and Order of the Board granting relief pursuant to this Section. The Board may reconsider and modify a grant of relief, or relief conditions, if USEPA notifies the Board of a finding pursuant to Section 1415 of the SDWA (42 USC 300g-4).

g) In addition to the requirements of this Section, the provisions of Section 611.130 or 611.131 may apply to relief granted pursuant to this Section.

BOARD NOTE: Derived from 40 CFR 141.4 (1998) (2002), from Section 1415(a)(1)(A) and (a)(1)(B) of the SDWA and from the “Guidance Manual for Compliance with the Filtration and Disinfection Requirements for Public Water Systems using Surface Water Sources”, incorporated by reference in Section 611.102. USEPA has reserved the discretion to review and modify or nullify Board determinations made pursuant to this Section at 40 CFR 142.23 (1998) (2002).

(Source: Amended at 27 Ill. Reg. ________, effective ______________________)

Section 611.112 Relief Equivalent to SDWA Section 1416 Exemptions

This Section is intended to describe how the Board grants State relief equivalent to that available from USEPA under Section 1416 of the SDWA (42 USC 300g-5). SDWA Section 1416 exemptions do not require ultimate compliance within five years in every situation. Variances under Sections 35-37 of the Act [415 ILCS 5/35-37] do require compliance within five years in every case. Consequently, a PWS may have the option of seeking State regulatory relief equivalent to a SDWA Section 1416 exemption through one of three procedural mechanisms: a variance under Sections 35-37 of the Act [415 ILCS 5/35-37] and Subpart B of 35 Ill. Adm. Code 104; a site-specific rule under Sections 27-28 of the Act [415 ILCS 5/27-28] and 35 Ill. Adm. Code 102; or an adjusted standard under Section 28.1 of the Act [415 ILCS 5/28.1] and Subpart D of 35 Ill. Adm. Code 406 104.

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

1) The PWS shall file a petition pursuant to 35 Ill. Adm. Code 102, or 104, or 106, as applicable.

2) If a State requirement does not have a federal counterpart, the Board may grant relief from the State requirements without following this Section.
b) As part of the justification for relief under this Section, the PWS must demonstrate the following:

1) Due to compelling factors (which may include economic factors), the PWS is unable to comply with the MCL or treatment technique requirement, or to implement measures to develop an alternative source of water supply;

2) The PWS was either of the following:

   A) In operation on the effective date of the MCL or treatment technique requirement; or

   B) Not in operation on the effective date of the MCL or treatment technique requirement and no reasonable alternative source of drinking water is available to the PWS;

3) The relief will not result in an unreasonable risk to health; and

4) Management or restructuring changes cannot reasonably be made that will result in compliance with the NPDWR or, if compliance cannot be achieved, improve the quality of the drinking water.

BOARD NOTE: In determining that management or restructuring changes cannot reasonably be made that will result in compliance with the NPDWR, the Board will consider the factors required by USEPA under 40 CFR 142.20(b)(1).

c) In any order granting relief under this Section, the Board will prescribe a schedule for the following:

1) Compliance, including increments of progress, by the PWS, with each MCL and treatment technique requirement with respect to which the relief was granted; and

2) Implementation by the PWS, of each additional control measure for each contaminant subject to the MCL or treatment technique requirement, with respect to which relief is granted.

d) Schedule of compliance. A schedule of compliance will require compliance with each MCL or treatment technique requirement with respect to which relief was
granted as expeditiously as practicable, but not later than three years after the otherwise applicable compliance date established in Section 1412(b)(10) of the SDWA (42 USC 300g-1(b)(10)), except as follows:

1) No relief may be granted unless the PWS establishes that it is taking all practicable steps to meet the NPDWR; and
   A) The PWS cannot meet the NPDWR without capital improvements that cannot be completed within 12 months;
   B) In the case of a PWS that needs financial assistance for the necessary improvements, the PWS has entered into an agreement to obtain such financial assistance; or
   C) The PWS has entered into an enforceable agreement to become a part of a regional PWS.

2) In the case of a PWS which serves 3,300 or fewer persons that needs financial assistance for the necessary improvements, relief may be renewed for one or more additional two year periods, not to exceed a total of six years, if the PWS establishes that it is taking all practicable steps to meet the final date for compliance.

3) A PWS may not receive relief under this Section if the PWS was granted relief under Section 611.111 or 611.131.

e) The Board will hold at least one public hearing. In addition the Board will accept comments as appropriate pursuant to 35 Ill. Adm. Code 102, or 104, or 106.

f) The Agency shall promptly send USEPA the Opinion and Order of the Board granting relief pursuant to this Section. The Board may reconsider and modify a grant of relief, or relief conditions, if USEPA notifies the Board of a finding pursuant to Section 1416 of the SDWA (42 USC 300g-5).

BOARD NOTE: Derived from Section 1416 of the SDWA (42 USC 300g-5).

g) The Board will not grant relief from any of the following:

1) From the MCL for total coliforms. However, the Board may grant relief from the total coliform MCL of Section 611.325 for PWSs that prove that
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

the violation of the total coliform MCL is due to persistent growth of total coliforms in the distribution system, rather than from fecal or pathogenic contamination, from a treatment lapse or deficiency, or from a problem in the operation or maintenance of the distribution system.

2) From any of the treatment technique requirements of Subpart B of this Part.

3) From the residual disinfectant concentration (RDC) requirements of Sections 611.241(c) and 611.242(b).

h) In addition to the requirements of this Section, the provisions of Section 611.130 or 611.131 may apply to relief granted pursuant to this Section.


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

Section 611.113 Alternative Treatment Techniques

This Section is intended to be equivalent to Section section 1415(a)(3) of the SDWA (42 USC 300g-4(a)(3)).

a) Pursuant to this Section, the Board may grant an adjusted standard from a treatment technique requirement.


c) As justification the supplier shall must demonstrate that an alternative treatment technique is at least as effective in lowering the level of the contaminant with respect to which the treatment technique requirement was prescribed.

d) As a condition of any adjusted standard, the Board will require the use of the alternative treatment technique.

e) The Board will grant adjusted standards for alternative treatment techniques subject to the following conditions:
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) All adjusted standards shall be subject to the limitations of 40 CFR 142, Subpart G, incorporated by reference in Section 611.102, and

2) All adjusted standards shall be subject to review and approval by USEPA pursuant to 40 CFR 142.46 before they become effective.

BOARD NOTE: Derived from Section 1415(a)(3) of the SDWA (42 USC 300g-4(a)(3)).

f) The provisions of Section 611.130 apply to determinations made pursuant to this Section.

(Source: Amended at 27 Ill. Reg. ________, effective ______________________)

Section 611.114 Siting Requirements

Before a person enters into a financial commitment for or initiates construction of a new PWS or increases the capacity of an existing PWS, the person shall obtain a construction permit pursuant to 35 Ill. Adm. Code 602.101 and, to the extent practicable, avoid locating part or all of the new or expanded facility at a site of which the following is true:

a) Is subject to a significant risk from earthquakes, floods, fires, or other disasters which could cause a breakdown of the PWS or a portion of the PWS. As used in this subsection, “significant risk” means a greater risk to the new or expanded facility than would exist at other locations within the area served by the PWS.

b) Except for intake structures, is within the floodplain of a 100-year flood.


(Source: Amended at 27 Ill. Reg. ________, effective ______________________)

Section 611.115 Source Water Quantity

a) Surface Supply - The quantity of surface water at the source shall be adequate to supply the total water demand of that CWS, as well as a reasonable surplus for anticipated growth.

b) Groundwater supply - The quantity of groundwater from the source of supply
shall must be adequate to supply the total water demand of that CWS, as well as a reasonable surplus for anticipated growth, without excessive depletion of the aquifer.

c) In determining the adequacy of supply for compliance with this Section, each individual CWS shall must be considered in relation to the percentage of the total requirements it is expected to provide.

BOARD NOTE: This is an additional State requirement.

(Source: Amended at 27 Ill. Reg. _______, effective ______________________)

Section 611.120 Effective dates

Except as otherwise provided, this Part becomes effective when filed.


(Source: Amended at 27 Ill. Reg. _______, effective ______________________)

Section 611.121 Maximum Contaminant Levels and Finished Water Quality

a) Maximum Contaminant Levels: No person shall must cause or allow water that is delivered to any user to exceed the MCL for any contaminant.

b) Finished Water Quality

1) The finished water delivered to any user at any point in the distribution system shall must contain no impurity at a concentration that may be hazardous to the health of the consumer or that would be excessively corrosive or otherwise deleterious to the water supply. Drinking water delivered to any user at any point in the distribution system shall must contain no impurity that could reasonably be expected to cause offense to the sense of sight, taste, or smell.

2) No substance used in treatment should remain in the water at a concentration greater than that required by good practice. A substance that may have a deleterious physiological effect, or one for which physiological effects are not known, shall must not be used in a manner that would permit it to reach the consumer.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

c) A MCL for a particular contaminant shall must apply in lieu of any finished water quality narrative standard.


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

Section 611.125  Fluoridation Requirement

All CWSs which that are required to add fluoride to the water shall must maintain a fluoride ion concentration reported as F of 0.9 to 1.2 mg/1 in its distribution system, as required by Section 7a of the Public Water Supply Regulation Act [415 ILCS 40/7a].

BOARD NOTE: This is an additional State requirement.

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

Section 611.126  Prohibition on Use of Lead

a) In general. Prohibition. Any pipe, any pipe or plumbing fitting or fixture, any solder or any flux, must be lead free, as defined by subsection (b) of this Section, if it is used after June 19, 1986 in the installation or repair of either of the following:

1) Any PWS; or

2) Any plumbing in a residential or nonresidential facility providing water for human consumption that is connected to a PWS. This subsection (a) does not apply to leaded joints necessary for the repair of cast iron pipes.

b) Definition of lead free. For purposes of this Section, the term “lead free” means as follows:

1) When used with respect to solders and flux, refers to solders and flux containing not more than 0.2 percent lead;

2) When used with respect to pipes and pipe fittings, refers to pipes and pipe fittings containing not more than 8.0 percent lead; and

3) When used with respect to plumbing fittings and fixtures that are intended
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

by the manufacturer to dispense water for human ingestion, refers to plumbing fittings and fixtures in compliance with NSF Standard 61, section 9, incorporated by reference in Section 611.102.


(Source: Amended at 27 Ill. Reg. ________, effective ______________________)

Section 611.130 Special Requirements for Certain Variances and Adjusted Standards

a) Relief from the TTHM MCL.

1) In granting any variance or adjusted standard to a supplier that is a CWS which adds a disinfectant at any part of treatment and which provides water to 10,000 or more persons on a regular basis from the maximum contaminant level for TTHM listed in Section 611.310(c), the Board will require application of the best available technology (BAT) identified at subsection (a)(4) of this Section for that constituent as a condition to the relief, unless the supplier has demonstrated through comprehensive engineering assessments that application of BAT is not technically appropriate and technically feasible for that system or that the application would only result in a marginal reduction in TTHM for that supplier.

2) The Board will require the following as a condition for relief from the TTHM MCL where it does not require the application of BAT:

A) That the supplier continue to investigate the following methods as an alternative means of significantly reducing the level of TTHM, according to a definite schedule:

i) The introduction of off-line water storage for THM precursor reduction;

ii) Aeration for TTHM reduction, where geography and climate allow;

iii) The introduction of clarification, where not presently
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

practiced;

iv) The use of alternative sources of raw water; and

v) The use of ozone as an alternative or supplemental disinfectant or oxidant, and

B) That the supplier report results of that investigation to the Agency.

3) The Agency must petition the Board to reconsider or modify a variance or adjusted standard, pursuant to Subpart I of 35 Ill. Adm. Code 101, if it determines that an alternative method identified by the supplier pursuant to subsection (a)(2) of this Section is technically feasible and would result in a significant reduction in TTHM.

4) Best available technology for TTHM reduction is as follows:

A) The use of chloramines as an alternative or supplemental disinfectant,

B) The use of chlorine dioxide as an alternative or supplemental disinfectant, or

C) Improved existing clarification for THM precursor reduction.


b) Relief from the fluoride MCL.

1) In granting any variance or adjusted standard to a supplier that is a CWS from the maximum contaminant level for fluoride listed in Section 611.301(b), the Board will require application of the best available technology (BAT) identified at subsection (b)(4) of this Section for that constituent as a condition to the relief, unless the supplier has demonstrated through comprehensive engineering assessments that application of BAT is not technically appropriate and technically feasible for that supplier.

2) The Board will require the following as a condition for relief from the fluoride MCL where it does not require the application of BAT:
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

A) That the supplier continue to investigate the following methods as an alternative means of significantly reducing the level of fluoride, according to a definite schedule:

i) A modification of lime softening;

ii) Alum coagulation;

iii) Electrodialysis;

iv) Anion exchange resins;

v) Well field management;

vi) The use of alternative sources of raw water; and

vii) Regionalization; and

B) That the supplier report results of that investigation to the Agency.

3) The Agency must petition the Board to reconsider or modify a variance or adjusted standard, pursuant to Subpart I of 35 Ill. Adm. Code 101, if it determines that an alternative method identified by the supplier pursuant to subsection (b)(2) of this Section is technically feasible and would result in a significant reduction in fluoride.

4) Best available technology for fluoride reduction is as follows:

A) Activated alumina absorption centrally applied; and

B) Reverse osmosis centrally applied.

BOARD NOTE: Subsection (b) derived from 40 CFR 142.61 (2000)

3) Relief from an inorganic chemical contaminant IOC, VOC, or SOC MCL.

1) In granting to a supplier that is a CWS or NTNCWS any variance or adjusted standard from the maximum contaminant levels for any VOC or SOC, listed in Section 611.311(a) or (c), or for any inorganic chemical contaminant IOC, listed in Section 611.301, the supplier must have first applied the best available technology (BAT) identified at Section 611.311(b) (VOCs and SOCs) or Section 611.301(c) (inorganic chemical contaminant IOC).
NOTICE OF PROPOSED AMENDMENTS

contaminants (IOCs) for that constituent, unless the supplier has demonstrated through comprehensive engineering assessments that application of BAT would achieve only a minimal and insignificant reduction in the level of contaminant.

BOARD NOTE: USEPA lists BAT for each SOC and VOC at 40 CFR 142.62(a), for the purposes of variances and exemptions (adjusted standards). That list is identical to the list at 40 CFR 141.61(b).

2) The Board may require any of the following as a condition for relief from an MCL listed in Section 611.301 or 611.311:

A) That the supplier continue to investigate alternative means of compliance according to a definite schedule; and

B) That the supplier report results of that investigation to the Agency.

3) The Agency must petition the Board to reconsider or modify a variance or adjusted standard, pursuant to Subpart I of 35 Ill. Adm. Code 101, if it determines that an alternative method identified by the supplier pursuant to subsection (c)(2) of this Section is technically feasible.


d) Conditions requiring use of bottled water, a point-of-use treatment device, or a point-of-entry treatment device. In granting any variance or adjusted standard from the maximum contaminant levels for organic and inorganic chemicals or an adjusted standard from the treatment technique for lead and copper, the Board may impose certain conditions requiring the use of bottled water, a point-of-entry treatment device, or a point-of-use treatment device to avoid an unreasonable risk to health, limited as provided in subsections (e) and (f) of this Section.

1) Relief from an MCL. The Board may, when granting any variance or adjusted standard from the MCL requirements of Sections 611.301 and 611.311, impose a condition that requires a supplier to use bottled water, a point-of-entry treatment device, a point-of-use treatment device, or other means to avoid an unreasonable risk to health.

2) Relief from corrosion control treatment. The Board may, when granting an adjusted standard from the corrosion control treatment requirements for
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

lead and copper of Sections 611.351 and 611.352, impose a condition that requires a supplier to use bottled water, a point-of-use treatment device, or other means, but not a point-of-entry treatment device, to avoid an unreasonable risk to health.

3) Relief from source water treatment or service line replacement. The Board may, when granting an exemption from the source water treatment and lead service line replacement requirements for lead and copper under Sections 611.353 or 611.354, impose a condition that requires a supplier to use a point-of-entry treatment device to avoid an unreasonable risk to health.


e) Use of bottled water. Suppliers that propose to use or use bottled water as a condition for receiving a variance or an adjusted standard from the requirements of Section 611.301 or Section 611.311 or an adjusted standard from the requirements of Sections 611.351 through 611.354 must meet the requirements of either subsections (e)(1), (e)(2), (e)(3), and (e)(6) or (e)(4), (e)(5), and (e)(6) of this Section:

1) The supplier must develop a monitoring program for Board approval that provides reasonable assurances that the bottled water meets all MCLs of Sections 611.301 and 611.311 and submit a description of this program as part of its petition. The proposed program must describe how the supplier will comply with each requirement of this subsection (e).

2) The supplier must monitor representative samples of the bottled water for all contaminants regulated under Sections 611.301 and 611.311 during the first three-month period that it supplies the bottled water to the public, and annually thereafter.

3) The supplier must annually provide the results of the monitoring program to the Agency.

4) The supplier must receive a certification from the bottled water company as to each of the following:

A) that the bottled water supplied has been taken from an approved source of bottled water, as such is defined in Section 611.101;
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

B) that the approved source of bottled water has conducted monitoring in accordance with 21 CFR 129.80(g)(1) through (g)(3);

C) and that the bottled water does not exceed any MCLs or quality limits as set out in 21 CFR 103.35, 110, and 129.

5) The supplier must provide the certification required by subsection (e)(4) of this Section to the Agency during the first quarter after it begins supplying bottled water and annually thereafter.

6) The supplier must assure the provision of sufficient quantities of bottled water to every affected person supplied by the supplier via door-to-door bottled water delivery.


f) Use of a point-of-entry treatment device. Before the Board grants any PWS a variance or adjusted standard from any NPDWR that includes a condition requiring the use of a point-of-entry treatment device, the supplier must demonstrate to the Board each of the following:

1) That the supplier will operate and maintain the device;

2) That the device provides health protection equivalent to that provided by central treatment;

3) That the supplier will maintain the microbiological safety of the water at all times;

4) That the supplier has established standards for performance, conducted a rigorous engineering design review, and field tested the device;

5) That the operation and maintenance of the device will account for any potential for increased concentrations of heterotrophic bacteria resulting through the use of activated carbon, by backwashing, post-contactor disinfection, and heterotrophic plate count monitoring;

6) That buildings connected to the supplier's distribution system have sufficient devices properly installed, maintained, and monitored to assure that all consumers are protected; and
7) That the use of the device will not cause increased corrosion of lead and copper bearing materials located between the device and the tap that could increase contaminant levels at the tap.


g) Relief from the maximum contaminant levels for radionuclides (effective December 8, 2003).

1) Relief from the maximum contaminant levels for combined radium-226 and radium-228, uranium, gross alpha particle activity (excluding radon and uranium), and beta particle and photon radioactivity.

   A) Section 611.330(g) sets forth what USEPA has identified as the best available technology (BAT), treatment techniques, or other means available for achieving compliance with the maximum contaminant levels for the radionuclides listed in Section 611.330(b), (c), (d), and (e), for the purposes of issuing relief equivalent to a federal section 1415 variance or a section 1416 exemption.

   B) In addition to the technologies listed in Section 611.330(g), Section 611.330(h) sets forth what USEPA has identified as the BAT, treatment techniques, or other means available for achieving compliance with the maximum contaminant levels for the radionuclides listed in Section 611.330(b), (c), (d), and (e), for the purposes of issuing relief equivalent to a federal section 1415 variance or a section 1416 exemption to small drinking water systems, defined here as those serving 10,000 persons or fewer, as shown in the second table set forth at Section 611.330(h).

2) The Board will require a CWS supplier to install and use any treatment technology identified in Section 611.330(g), or in the case of small water systems (those serving 10,000 persons or fewer), listed in Section 611.330(h), as a condition for granting relief equivalent to a federal section 1415 variance or a section 1416 exemption, except as provided in subsection (a)(3) of this Section. If, after the system's installation of the treatment technology, the system cannot meet the MCL, that system will be eligible for relief.

3) If a CWS supplier can demonstrate through comprehensive engineering
assessments, which may include pilot plant studies, that the treatment technologies identified in this Section would only achieve a de minimus reduction in the contaminant level, the Board may issue a schedule of compliance that requires the system being granted relief equivalent to a federal section 1415 variance or a section 1416 exemption to examine other treatment technologies as a condition of obtaining the relief.

4) If the Agency determines that a treatment technology identified under subsection (a)(3) of this Section is technically feasible, it may request that the Board require the supplier to install and use that treatment technology in connection with a compliance schedule issued pursuant to Section 36 of the Act [415 ILCS 5/36]. The Agency's determination must be based upon studies by the system and other relevant information.

5) The Board may require a CWS to use bottled water, point-of-use devices, point-of-entry devices, or other means as a condition of granting relief equivalent to a federal section 1415 variance or a section 1416 exemption from the requirements of Section 611.330, to avoid an unreasonable risk to health.

6) A CWS supplier that uses bottled water as a condition for receiving relief equivalent to a federal section 1415 variance or a section 1416 exemption from the requirements of Section 611.330 must meet the requirements specified in either subsections (e)(1) through (e)(3) or (e)(4) through (e)(6) of this Section.

7) A CWS supplier that uses point-of-use or point-of-entry devices as a condition for obtaining relief equivalent to a federal section 1415 variance or a section 1416 exemption from the radionuclides NPDWRs must meet the conditions in subsections (g)(1) through (g)(6) of this Section.


(Source: Amended at 27 Ill. Reg. _______, effective ______________________)

Section 611.131 Relief Equivalent to SDWA Section 1415(e) Small System Variance

This Section is intended as a State equivalent of Section 1415(e) of the federal SDWA (42 USC 300g-4(e)).
a) Variances may be obtained from the requirement to comply with an MCL or treatment technique to a PWS serving fewer than 10,000 persons in this Section. The PWS must file a variance petition pursuant to Subpart B of 35 Ill. Adm. Code 104, except as modified or supplemented by this Section.

b) The Board will grant a small system variance to a PWS serving fewer than 3,300 persons. The Board will grant a small system variance to a PWS serving more than 3,300 persons but fewer than 10,000 persons with the approval of the USEPA. In determining the number of persons served by the PWS, the Board will include persons served by consecutive systems. A small system variance granted to a PWS also applies to any consecutive system served by it.

c) Availability of a variance.

1) A small system variance is not available under this Section for an NPDWR for a microbial contaminant (including a bacterium, virus, or other organism) or an indicator or treatment technique for a microbial contaminant.

2) A small system variance under this Section is available for compliance with a requirement specifying an MCL or treatment technique for a contaminant with respect to which the following is true:

   A) An NPDWR was promulgated on or after January 1, 1986; and

   B) The USEPA has published a small system variance technology pursuant to Section 1412(b)(15) of the federal SDWA (42 USC 300g-1(b)(15)).

   BOARD NOTE: Small system variances are not available for PWSs above the pre-1986 MCL even if subsequently revised. If the USEPA revises a pre-1986 MCL and makes it more stringent, then a variance would be available for that contaminant, but only up to the pre-1986 maximum contaminant level.

d) No small system variance will be in effect until the later of the following:

   1) 90 days after the Board proposes to grant the small system variance;

   2) If the Board is proposing to grant a small system variance to a PWS serving fewer than 3,300 persons and the USEPA objects to the small
system variance, the date on which the Board makes the recommended modifications or responds in writing to each objection; or

3) If the Board is proposing to grant a small system variance to a PWS serving a population of more than 3,300 and fewer than 10,000 persons, the date the USEPA approves the small system variance.

e) As part of the showing of arbitrary or unreasonable hardship, the PWS must prove and document the following to the Board:

1) That the PWS is eligible for a small system variance pursuant to subsection (c) of this Section;

2) That the PWS cannot afford to comply with the NPDWR for which a small system variance is sought, including by the following:

   A) Treatment;

   B) Alternative sources of water supply;

   C) Restructuring or consolidation changes, including ownership change or physical consolidation with another PWS; or

   D) Obtaining financial assistance pursuant to Section 1452 of the federal SDWA or any other federal or State program;

3) That the PWS meets the source water quality requirements for installing the small system variance technology developed pursuant to guidance published under Section 1412(b)(15) of the federal SDWA (42 USC 300g-1(b)(15));

4) That the PWS is financially and technically capable of installing, operating, and maintaining the applicable small system variance technology; and

5) That the terms and conditions of the small system variance ensure adequate protection of human health, considering the following:

   A) The quality of the source water for the PWS; and
B) Removal efficiencies and expected useful life of the small system variance technology.

f) Terms and Conditions.

1) The Board will set the terms and conditions of a small system variance issued under this Section and will include, at a minimum, the following requirements:

A) Proper and effective installation, operation, and maintenance of the applicable small system variance technology in accordance with guidance published by the USEPA, taking into consideration any relevant source water characteristics and any other site-specific conditions that may affect proper and effective operation and maintenance of the technology;

B) Monitoring requirements for the contaminant for which a small system variance is sought; and

C) Any other terms or conditions that are necessary to ensure adequate protection of public health, which may include the following:

   i) Public education requirements; and

   ii) Source water protection requirements.

2) The Board will establish a schedule for the PWS to comply with the terms and conditions of the small system variance that will include, at a minimum, the following requirements:

A) Increments of progress, such as milestone dates for the PWS to apply for financial assistance and begin capital improvements;

B) Quarterly reporting to the Agency of the PWSs compliance with the terms and conditions of the small system variance;

C) Schedule for the Board to review the small system variance; and

BOARD NOTE: Corresponding 40 CFR 142.307(d) (1999) (2002) provides that the states must review variances no less
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

frequently than every five years. Section 36 of the Act \[415 ILCS 5/36\] provides that 5 years is the maximum term of a variance.

D) Compliance with the terms and conditions of the small system variance as soon as practicable, but not later than three years after the date on which the small system variance is granted. The Board may allow up to two additional years if the Board determines that additional time is necessary for the PWS to the following:

i) Complete necessary capital improvements to comply with the small system variance technology, secure an alternative source of water, or restructure or consolidate; or

ii) Obtain financial assistance provided pursuant to Section 1452 of the SDWA or any other federal or State program.

The Board will provide notice and opportunity for a public hearing as provided in Subpart B of 35 Ill. Adm. Code 104, except as modified or supplemented by this Section.

1) At least 30 days before the public hearing to discuss the proposed small system variance, the PWS must provide notice to all persons served by the PWS. For billed customers, this notice must include the information listed in subsection (g)(2) of this Section. For other persons regularly served by the PWS, notice must provide sufficient information to alert readers to the proposed variance and direct them to where to receive additional information, and must be as provided in subsection (g)(1)(B) of this Section. Notice must be by the following means the following:

A) Direct mail or other home delivery to billed customers or other service connections; and

B) Any other method reasonably calculated to notify, in a brief and concise manner, other persons regularly served by the PWS. Such methods may include publication in a local newspaper, posting in public places or delivery to community organizations.

2) The notice in subsection (g)(1)(A) of this Section must include, at a minimum, the following:
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

A) Identification of the contaminants for which a small system variance is sought;

B) A brief statement of the health effects associated with the contaminants for which a small system variance is sought, using language in Appendix H of this Part;

C) The address and telephone number at which interested persons may obtain further information concerning the contaminant and the small system variance;

D) A brief summary, in easily understandable terms, of the terms and conditions of the small system variance;

E) A description of the consumer petition process under subsection (h) of this Section and information on contacting the USEPA Regional Office;

F) A brief statement announcing the public meeting required under subsection (g)(3) of this Section, including a statement of the purpose of the meeting, information regarding the time and location for the meeting, and the address and telephone number at which interested persons may obtain further information concerning the meeting; and

G) In communities with a large proportion of non-English-speaking residents, as determined by the Board, information in the appropriate language regarding the content and importance of the notice.

3) The Board will provide for at least one public hearing on the small system variance. The PWS must provide notice in the manner required under subsection (g)(1) of this Section at least 30 days prior to the public hearing.

4) Prior to promulgating the final variance, the Board will respond in writing to all significant public comments received relating to the small system variance. Response to public comment and any other documentation supporting the issuance of a variance will be made available to the public after final promulgation.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

h) Any person served by the PWS may petition the USEPA to object to the granting of a small system variance within 30 days after the Board proposes to grant a small system variance for the PWS.

i) The Agency must promptly send the USEPA the Opinion and Order of the Board granting the proposed small system variance. The Board will make the recommended modifications, respond in writing to each objection, or withdraw the proposal to grant the small system variance if USEPA notifies the Board of a finding pursuant to Section 1415 of the SDWA (42 USC 300g-4).

j) In addition to the requirements of this Section, the provisions of Section 611.111, 611.112, or 611.130 may apply to relief granted pursuant to this Section.


(Source:  Amended at 27 Ill. Reg. ________, effective ______________________)

Section 611.160 Composite Correction Program

a) The Agency may require in writing that a PWS conduct a Composite Correction Program (CCP). The CCP shall consist of two elements: a Comprehensive Performance Evaluation (CPE) and a Comprehensive Technical Assistance (CTA).

1) A CPE is a thorough review and analysis of a plant’s performance-based capabilities and associated administrative, operation, and maintenance practices. It must identify factors that may be adversely impacting a plant’s capability to achieve compliance and emphasize approaches that can be implemented without significant capital improvements.

2) For purposes of compliance with Subparts R and X of this Part, the comprehensive performance evaluation must consist of at least the following components: Assessment of plant performance; evaluation of major unit processes; identification and prioritization of performance limiting factors; assessment of the applicability of comprehensive technical assistance; and preparation of the CPE report.

BOARD NOTE: Subsection (a)(2) of this Section is derived from the third sentence of the definition of “comprehensive performance evaluation” in 40 CFR 141.2 (2002).
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

3) A CTA is the performance improvement phase that is implemented if the CPE results indicate improved performance potential. During the CTA phase, the PWS shall identify and systematically address plant-specific factors. The CTA is a combination of utilizing CPE results as a basis for followup, implementing process control priority-setting techniques and maintaining long-term involvement to systematically train staff and administrators.

b) A PWS shall implement any followup recommendations made in writing by the Agency that result as part of the CCP.

c) A PWS may appeal to the Board, pursuant to Section 40 of the Act [415 ILCS 5/40], any Agency requirement that it conduct a CCP or any followup recommendations made in writing by the Agency that result as part of the CCP, except when a CPE is required under Section 611.745(b)(4).

BOARD NOTE: Derived from 40 CFR 142.16 (2002).

(Source: Amended at 27 Ill. Reg. ________, effective ______________________)

SUBPART B: FILTRATION AND DISINFECTION

Section 611.201 Requiring a Demonstration

The Agency shall notify each supplier in writing of the date on which any demonstrations pursuant to the Section are required. The Agency shall require demonstrations at times which meet the U.S. EPA USEPA requirements for that type of demonstration, allowing sufficient time for the supplier to collect the necessary information.

(Source: Amended at 27 Ill. Reg. ________, effective ______________________)

Section 611.202 Procedures for Agency Determinations

The determinations in this Subpart B are by special exception permit a SEP issued pursuant to Section 611.110.

(Source: Amended at 27 Ill. Reg. ________, effective ______________________)

Section 611.211 Filtration Required

The Agency shall determine that filtration is required unless the PWS meets the following
POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

criteria:

a) Source water quality criteria:
   1) Coliforms, see Section 611.231(a)
   2) Turbidity, see Section 611.231(b)

b) Site specific criteria:
   1) Disinfection, see Section 611.241(b)
   2) Watershed control, see Section 611.232(b)
   3) On-site inspection, see Section 611.232(c)
   4) Absence of waterborne disease outbreaks, see Section 611.232(d)
   5) Total coliform MCL, see Sections 611.232(e) and 611.325.
   6) TTHMs MCL, see Section 611.310.


(Source: Amended at 27 Ill. Reg. ________, effective ______________________)

Section 611.212 Groundwater under Direct Influence of Surface Water

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

a) Physical characteristics of the source: whether the source is obviously a surface water source, such as a lake or stream. Other sources which may be subject to influence from surface waters include: springs, infiltration galleries, wells, or other collectors in subsurface aquifers.
b) Well construction characteristics and geology with field evaluation.

1) The Agency may use the wellhead protection program’s requirements, which include delineation of wellhead protection areas, assessment of sources of contamination and implementation of management control systems, to determine if the wellhead is under the influence of surface water.

2) Wells less than or equal to 50 feet in depth are likely to be under the influence of surface water.

3) Wells greater than 50 feet in depth are likely to be under the influence of surface water, unless they include the following:

   A) A surface sanitary seal using bentonite clay, concrete, or similar material,

   B) A well casing that penetrates consolidated (slowly permeable) material, and

   C) A well casing that is only perforated or screened below consolidated (slowly permeable) material.

4) A source which is less than 200 feet from any surface water is likely to be under the influence of surface water.

c) Any structural modifications to prevent the direct influence of surface water and eliminate the potential for Giardia lamblia cyst contamination.

d) Source water quality records. The following are indicative that a source is under the influence of surface water:

1) A record of total coliform or fecal coliform contamination in untreated samples collected over the past three years,

2) A history of turbidity problems associated with the source or

3) A history of known or suspected outbreaks of Giardia lamblia, Cryptosporidium or other pathogenic organisms associated with surface water that has been attributed to that source.
e) Significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity, or pH.

1) A variation in turbidity of 0.5 NTU or more over one year is indicative of surface influence.

2) A variation in temperature of 9 Fahrenheit degrees or more over one year is indicative of surface influence.

f) Significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity, or pH which closely correlate to climatological or surface water conditions are indicative of surface water influence.

1) Evidence of particulate matter associated with the surface water.

2) Turbidity or temperature data which correlates to that of a nearby surface water source.

g) Particulate analysis: Significant occurrence of insects or other macroorganisms, algae, or large diameter pathogens such as Giardia lamblia is indicative of surface influence.

1) “Large diameter” particulates are those over 7 micrometers.

2) Particulates must be measured as specified in the “Guidance Manual for Compliance with the Filtration and Disinfection Requirements for Public Water Systems using Surface Water Sources”, incorporated by reference in Section 611.102.

h) The potential for contamination by small-diameter pathogens, such as bacteria or viruses, does not alone render the source “under the direct influence of surface water”.

BOARD NOTE: Derived from the definition of “groundwater under the direct influence of surface water” in 40 CFR 141.2 (1998); from the Preamble at 54 Fed. Reg. 27489 (June 29, 1989); and from the USEPA “Guidance Manual for Compliance with the Filtration and Disinfection Requirements for Public Water Systems using Surface Water Sources”, incorporated by reference in Section 611.102.

(Source: Amended at 27 Ill. Reg. __________, effective ____________________ )
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 611.213  No Method of HPC Analysis

This Section is used in Sections 611.241(d)(2), 611.242(c)(2), 611.261(b)(8)(G), 611.262(b)(3)(G), 611.532(f)(2), and 611.533(c)(2). The Agency shall determine that a system has no means for having a sample analyzed for HPC if the Agency determines that such action is warranted, based on the following site-specific conditions:

a) There is no certified laboratory which can analyze the sample within the time and temperatures specified in Standard Methods, 16th Edition, Method 907A, incorporated by reference in Section 611.102, considering the following:
   1) Transportation time to the nearest laboratory pursuant to Section 611.490; and
   2) Based on the size of the PWS, whether it should acquire in-house laboratory capacity to measure HPC; and

b) The supplier is providing adequate disinfection in the distribution system, considering the following:
   1) Other measurements that show the presence of RDC in the distribution system;
   2) The size of the distribution system;
   3) The adequacy of the supplier's cross connection control program.

c) The PWS cannot maintain an RDC in the distribution system.


(Source: Amended at 27 Ill. Reg. ________, effective ______________________)

Section 611.220  General Requirements

a) The requirements of this Subpart B constitute NPDWRs. This Subpart B establishes criteria under which filtration is required as a treatment technique for PWSs supplied by a surface water source and PWSs supplied by a groundwater source under the direct influence of surface water. In addition, these regulations
establish treatment technique requirements in lieu of MCLs for the following contaminants: Giardia lamblia, viruses, HPC bacteria, Legionella, and turbidity. Each supplier with a surface water source or a groundwater source under the direct influence of surface water must provide treatment of that source water that complies with these treatment technique requirements. The treatment technique requirements consist of installing and properly operating water treatment processes that reliably achieve the following:

1) At least 99.9 percent (3-log) removal or inactivation of Giardia lamblia cysts between a point where the raw water is not subject to recontamination by surface water runoff and a point downstream before or at the first customer; and

2) At least 99.99 percent (4-log) removal or inactivation of viruses between a point where the raw water is not subject to recontamination by surface water runoff and a point downstream before or at the first customer.

b) A supplier using a surface water source or a groundwater source under the direct influence of surface water is considered to be in compliance with the requirements of subsection (a) if either of the following is true:

1) The supplier meets the requirements for avoiding filtration in Sections 611.230 through 611.232 and the disinfection requirements in Section 611.241; or

2) The supplier meets the filtration requirements in Section 611.250 and the disinfection requirements in Section 611.242.

c) Each supplier using a surface water source or a groundwater source under the direct influence of surface water must have a certified operator pursuant to 35 Ill. Adm. Code 603.103 and the Public Water Supply Operations Act [415 ILCS 45].

d) Additional requirements for PWSs serving 10,000 or more persons. In addition to complying with requirements in this Subpart B, PWSs serving 10,000 or more persons must also comply with the requirements in Subpart R of this Part.

e) Additional requirements for systems serving fewer than 10,000 people. In addition to complying with requirements in this Subpart B, systems serving fewer than 10,000 people must also comply with the requirements in Subpart X of this Part.
ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

BOARD NOTE: Derived from 40 CFR 141.70 (2002). The Public Water Supply Operations Act [415 ILCS 45] applies only to CWSs, which are regulated by the Agency. It does not apply to non-CWSs, which are regulated by Public Health. Public Health has its own requirements for personnel operating water supplies that it regulates, e.g., 77 Ill. Adm. Code 900.40(e).

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

611.230 Filtration Effective Dates

a) A supplier that uses a surface water source shall must meet all of the conditions of Section 611.231 and 611.232, and is subject to Section 611.233, beginning December 30, 1991, unless the Agency has determined that filtration is required.

b) A supplier that uses a groundwater source under the direct influence of surface water shall must meet all of the conditions of Section 611.231 and 611.232, and is subject to Section 611.233, beginning 18 months after the Agency determines that it is under the direct influence of surface water, or December 30, 1991, whichever is later, unless the Agency has determined that filtration is required.

c) If the Agency determines, before December 30, 1991, that filtration is required, the system shall must have installed filtration and shall must meet the criteria for filtered systems specified in Section 611.242 and Section 611.250 by June 29, 1993.

d) Within 18 months of the failure of a system using surface water or a groundwater source under the direct influence of surface water to meet any one of the requirements of Section 611.231 and 611.232, or after June 29, 1993, whichever is later, the system shall must have installed filtration and meet the criteria for filtered systems specified in Sections 611.242 and 611.250.


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

Section 611.231 Source Water Quality Conditions

The Agency shall must consider the following source water quality conditions in determining whether to require filtration pursuant to Section 611.211:

a) The fecal coliform concentration must be equal to or less than 20/100 ml, or the
total coliform concentration must be equal to or less than 100/100 ml (measured as specified in Section 611.531(a) or (b) and 611.532(a)) in representative samples of the source water immediately prior to the first or only point of disinfectant application in at least 90 percent of the measurements made for the 6 previous months that the system served water to the public on an ongoing basis. If a system measures both fecal and total coliforms, the fecal coliform criterion, but not the total coliform criterion, in this subsection, must be met.

b) The turbidity level cannot exceed 5 NTU (measured as specified in Section 611.531(d) and 611.532(b) in representative samples of the source water immediately prior to the first or only point of disinfectant application unless the following are true:

1) The Agency determines that any such event was caused by circumstances that were unusual and unpredictable; and

2) As a result of any such event there have not been more than two events in the past 12 months the system served water to the public, or more than five events in the past 120 months the system served water to the public, in which the turbidity level exceeded 5 NTU. An “event” is a series of consecutive days during which at least one turbidity measurement each day exceeds 5 NTU.


c) Each CWS must take its raw water from the best available source which is economically reasonable and technically possible.

BOARD NOTE: This is an additional State requirement.

d) Use of recycled sewage treatment plant effluent by a CWS on a routine basis shall not be permitted.

BOARD NOTE: This is an additional State requirement.

(Source: Amended at 27 Ill. Reg. ________ , effective ______________________)

Section 611.232 Site-specific Site-Specific Conditions

The Agency must consider the following site specific criteria in determining whether to require
filtration pursuant to Section 611.211:

a) Disinfection.

1) The supplier must meet the requirements of Section 611.241(a) at least 11 of the 12 previous months that the system served water to the public, on an ongoing basis, unless the system fails to meet the requirements during 2 of the 12 previous months that the system served water to the public, and the Agency determines that at least one of these failures was caused by circumstances that were unusual and unpredictable.

2) The supplier must meet the following requirements at the times specified for each:

A) The requirements of Section 611.241(b)(1) at all times the system serves water to the public; and

B) The requirements of Section 611.241(b)(2) at all times the system serves water to the public, unless the Agency determines that any such failure was caused by circumstances that were unusual and unpredictable.

3) The supplier must meet the requirements of Section 611.241(c) at all times the system serves water to the public, unless the Agency determines that any such failure was caused by circumstances that were unusual and unpredictable.

4) The supplier must meet the requirements of Section 611.241(d) on an ongoing basis, unless the Agency determines that failure to meet these requirements was not caused by a deficiency in treatment of the source water.

b) Watershed control program. The supplier must maintain a watershed control program that minimizes the potential for contamination by Giardia lamblia cysts and viruses in the source water.

1) The Agency must determine whether the watershed control program is adequate to meet this goal. The Agency must determine the adequacy of a watershed control program based on the following:

A) The comprehensiveness of the watershed review;
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

B) The effectiveness of the supplier’s program to monitor and control detrimental activities occurring in the watershed; and

C) The extent to which the water supplier has maximized land ownership or controlled the land use within the watershed. At a minimum, the watershed control program must do the following:

i) Characterize the watershed hydrology and land ownership;

ii) Identify watershed characteristics and activities that may have an adverse effect on source water quality; and

iii) Monitor the occurrence of activities that may have an adverse effect on source water quality.

2) The supplier must demonstrate through ownership or written agreements with landowners within the watershed that it can control all human activities that may have an adverse impact on the microbiological quality of the source water. The supplier must submit an annual report to the Agency that identifies any special concerns about the watershed and how they are being handled; describes activities in the watershed that affect water quality; and projects what adverse activities are expected to occur in the future and describes how the supplier expects to address them. For systems using a groundwater source under the direct influence of surface water, an approved wellhead protection program may be used, if appropriate, to meet these requirements.

c) On-site inspection. The supplier must be subject to an annual on-site inspection to assess the watershed control program and disinfection treatment process. The Agency must conduct the inspection. A report of the on-site inspection summarizing all findings must be prepared every year. The on-site inspection must demonstrate that the watershed control program and disinfection treatment process are adequately designed and maintained. The on-site inspection must include the following:

1) A review of the effectiveness of the watershed control program;

2) A review of the physical condition of the source intake and how well it is protected;

3) A review of the supplier’s equipment maintenance program to ensure there
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

is low probability for failure of the disinfection process;

4) An inspection of the disinfection equipment for physical deterioration;

5) A review of operating procedures;

6) A review of data records to ensure that all required tests are being conducted and recorded and disinfection is effectively practiced; and

7) Identification of any improvements that are needed in the equipment, system maintenance, and operation or data collection.

d) Absence of waterborne disease outbreaks. The PWS must not have been identified as a source of a waterborne disease outbreak, or if it has been so identified, the system must have been modified sufficiently to prevent another such occurrence.

e) Total coliform MCL. The supplier must comply with the MCL for total coliforms in Section 611.325 at least 11 months of the 12 previous months that the system served water to the public, on an ongoing basis, unless the Agency determines that failure to meet this requirement was not caused by a deficiency in treatment of the source water.

f) TTHM MCL. The supplier must comply with the MCL for TTHM in Section 611.310. The PWS must comply with the requirements for trihalomethanes until December 31, 2001. After December 31, 2001, the supplier must comply with the requirements for total trihalomethanes, haloacetic acids (five), bromate, chlorite, chlorine, chloramines, and chlorine dioxide in Subpart I of this Part.


(Source: Amended at 27 Ill. Reg. ________, effective ______________________)

Section 611.233 Treatment Technique Violations

a) A supplier is in violation of a treatment technique requirement if the following is true:

1) Filtration is required because either of the following:
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

A) The supplier fails to meet any one of the criteria in Section 611.231 and 611.232; or

B) The Agency has determined, pursuant to Section 611.211, that filtration is required; and

2) The supplier fails to install filtration by the date specified in Section 611.230.

b) A supplier which has not installed filtration is in violation of a treatment technique requirement if either of the following is true:

1) The turbidity level (measured as specified in Section 611.531(d) and 611.532(b)) in a representative sample of the source water immediately prior to the first or only point of disinfection application exceeds 5 NTU; or

2) The system is identified as a source of a waterborne disease outbreak.


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

Section 611.240 Disinfection

a) A supplier that uses a surface water source and does not provide filtration treatment shall must provide the disinfection treatment specified in Section 611.241 beginning December 30, 1991.

b) A supplier that uses a groundwater source under the influence of surface water and does not provide filtration treatment shall must provide disinfection treatment specified in Section 611.241 beginning December 30, 1991, or 18 months after the Agency determines that the groundwater source is under the influence of surface water, whichever is later, unless the Agency has determined that filtration is required.

c) If the Agency determines that filtration is required, the Agency may, by special exception permit a SEP issued pursuant to Section 611.110, require the supplier to comply with interim disinfection requirements before filtration is installed.
d) A system that uses a surface water source that provides filtration treatment shall **must** provide the disinfection treatment specified in Section 611.242 beginning June 29, 1993, or beginning when filtration is installed, whichever is later.

e) A system that uses a groundwater source under the direct influence of surface water and provides filtration treatment shall **must** provide disinfection treatment as specified in Section 611.242 by June 29, 1993 or beginning when filtration is installed, whichever is later.

f) Failure to meet any requirement of the following Sections after the applicable date specified in this Section is a treatment technique violation.


g) CWS suppliers using groundwater which **that** is not under the direct influence of surface water shall **must** chlorinate the water before it enters the distribution system, unless the Agency has granted the supplier an exemption pursuant to Section 17(b) of the Act [415 ILCS 5/17(b)].

1) All GWS supplies that are required to chlorinate pursuant to this Section shall **must** maintain residuals of free or combined chlorine at levels sufficient to provide adequate protection of human health and the ability of the distribution system to continue to deliver potable water that complies with the requirements of this Part.

2) The Agency may establish procedures and levels for chlorination applicable to a GWS using groundwater which **that** is not under the direct influence of surface water by a SEP pursuant to Section 610.110.

3) Those supplies having hand-pumped wells and no distribution system are exempted from the requirements of this Section.

BOARD NOTE: This is an additional State requirement originally codified at 35 Ill. Adm. Code 604.401.

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

Section 611.241 Unfiltered PWSs

Each supplier that does not provide filtration treatment shall **must** provide disinfection treatment as follows:
a) The disinfection treatment must be sufficient to ensure at least 99.9 percent (3-log) inactivation of Giardia lamblia cysts and 99.99 percent (4-log) inactivation of viruses, every day the system serves water to the public, except any one day each month. Each day a system serves water to the public, the supplier shall calculate the CT_{99.9} value(s) from the system's treatment parameters using the procedure specified in Section 611.532(c) and determine whether this value(s) is sufficient to achieve the specified inactivation rates for Giardia lamblia cysts and viruses.

1) If a system uses a disinfectant other than chlorine, the system may demonstrate to the Agency, through the use of an Agency-approved protocol for on-site disinfection challenge studies or other information, that CT_{99.9} values other than those specified in Section 611. Appendix B of this Part, Tables 2.1 and 3.1 or other operational parameters are adequate to demonstrate that the system is achieving minimum inactivation rates required by this subsection.

2) The demonstration must be made by way of special exception permit a SEP application pursuant to Section 611.110.

b) The disinfection system must have either of the following:

1) Redundant components, including an auxiliary power supply with automatic start-up and alarm to ensure that disinfectant application is maintained continuously while water is being delivered to the distribution system; or

2) Automatic shut-off of delivery of water to the distribution system whenever there is less than 0.2 mg/L of RDC in the water. If the Agency determines, by special exception permit a SEP issued pursuant to Section 611.110, that automatic shut-off would cause unreasonable risk to health or interfere with fire protection, the system shall comply with subsection (b)(1).

c) The RDC in the water entering the distribution system, measured as specified in Section 611.531(e) and 611.532(e), cannot be less than 0.2 mg/L for more than 4 hours.

d) RDC in the distribution system.

1) The RDC in the distribution system, measured as total chlorine, combined
chlorine or chlorine dioxide, as specified in Section 611.531(e) and 611.532(f), cannot be undetectable in more than 5 percent of the samples each month for any two consecutive months that the system serves water to the public. Water in the distribution system with HPC less than or equal to 500/ml, measured as specified in Section 611.531(c), is deemed to have a detectable RDC for purposes of determining compliance with this requirement. Thus, the value “V” in the following formula cannot exceed 5 percent in one month, for any two consecutive months.

\[
V = \frac{100(c + d + e)}{(a + b)}
\]

where the terms mean the following:

- \(a\) = Number of instances where the RDC is measured.
- \(b\) = Number of instances where the RDC is not measured, but HPC is measured.
- \(c\) = Number of instances where the RDC is measured but not detected and no HPC is measured.
- \(d\) = Number of instances where the RDC is measured but not detected, and where the HPC is greater than 500/ml. And, and
- \(e\) = Number of instances where the RDC is not measured and HPC is greater than 500/ml.

2) Subsection (d)(1) does not apply if the Agency determines, pursuant to Section 611.213, that a supplier has no means for having a sample analyzed for HPC.


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

Section 611.242 Filtered PWSs

Each supplier that provides filtration treatment shall provide disinfection treatment as follows:

a) The disinfection treatment must be sufficient to ensure that the total treatment
processes of that system achieve at least 99.9 percent (3-log) inactivation and/or removal of Giardia lamblia cysts and at least 99.99 percent (4-log) inactivation and/or removal of viruses.

b) The RDC in the water entering the distribution system, measured as specified in Section 611.531(e) and 611.533(b), cannot be less than 0.2 mg/L for more than 4 hours.

c) RDC in the distribution system.

1) The RDC in the distribution system, measured as total chlorine, combined chlorine, or chlorine dioxide, as specified in Section 611.531(e) and 611.533(c), cannot be undetectable in more than 5 percent of the samples each month, for any two consecutive months that the system serves water to the public. Water in the distribution system with HPC less than or equal to 500/ml, measured as specified in Section 611.531(c), is deemed to have a detectable RDC for purposes of determining compliance with this requirement. Thus, the value “V” in the following formula cannot exceed 5 percent in one month, for any two consecutive months.

\[ V = \frac{100(c + d + e)}{(a + b)} \]

where the terms mean the following:

- **a** = Number of instances where the RDC is measured.
- **b** = Number of instances where the RDC is not measured, but HPC is measured.
- **c** = Number of instances where the RDC is measured but not detected and no HPC is measured.
- **d** = Number of instances where the RDC is measured but not detected, and where HPC is greater than 500/ml. And:
- **e** = Number of instances where the RDC is not measured and HPC is greater than 500/ml.

2) Subsection (c)(1) does not apply if the Agency determines, pursuant to Section 611.213, that a supplier has no means for having a sample analyzed for HPC.
ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS


(Source: Amended at 27 Ill. Reg. ________, effective ______________________)

Section 611.250 Filtration

A supplier that uses a surface water source or a groundwater source under the direct influence of surface water, and does not meet all of the criteria in Sections 611.231 and 611.232 for avoiding filtration, must provide treatment consisting of both disinfection, as specified in Section 611.242, and filtration treatment that complies with the requirements of subsection (a), (b), (c), (d), or (e) by June 29, 1993, or within 18 months after the failure to meet any one of the criteria for avoiding filtration in Sections 611.231 and 611.232, whichever is later. Failure to meet any requirement after the date specified in this introductory paragraph is a treatment technique violation.

a) Conventional filtration treatment or direct filtration.

1) For a system using conventional filtration or direct filtration, the turbidity level of representative samples of the system’s filtered water must be less than or equal to 0.5 NTU in at least 95 percent of the measurements taken each month, except that if the Agency determines, by special exception
permit a SEP issued pursuant to Section 611.110, that the system is capable of achieving at least 99.9 percent removal or inactivation of Giardia lamblia cysts at some turbidity level higher than 0.5 NTU in at least 95 percent of the measurements taken each month, the Agency must substitute this higher turbidity limit for that system. However, in no case may the Agency approve a turbidity limit that allows more than 1 NTU in more than five percent of the samples taken each month.

2) The turbidity level of representative samples of a system’s filtered water must at no time exceed 5 NTU.

3) Beginning January 1, 2001, a supplier serving at least 10,000 or more persons must meet the turbidity requirements of Section 611.743(a).

4) Beginning January 1, 2005, a supplier that serves fewer than 10,000 people must meet the turbidity requirements in Section 611.955.

b) Slow sand filtration.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) For a system using slow sand filtration, the turbidity level of representative samples of the system’s filtered water must be less than or equal to 1 NTU in at least 95 percent of the measurements taken each month, except that if the Agency determines, by special exception permit a SEP issued pursuant to Section 611.110, that there is no significant interference with disinfection at a higher level, the Agency must substitute the higher turbidity limit for that system.

2) The turbidity level of representative samples of a system’s filtered water must at no time exceed 5 NTU.

c) Diatomaceous earth filtration.

1) For a system using diatomaceous earth filtration, the turbidity level of representative samples of the system’s filtered water must be less than or equal to 1 NTU in at least 95 percent of the measurements taken each month.

2) The turbidity level of representative samples of a system’s filtered water must at no time exceed 5 NTU.

d) Other filtration technologies. A supplier may use a filtration technology not listed in subsections (a) through (c) if it demonstrates, by special exception permit a SEP application pursuant to Section 611.110, to the Agency, using pilot plant studies or other means, that the alternative filtration technology, in combination with disinfection treatment that meets the requirements of Section 611.242, consistently achieves 99.9 percent removal or inactivation of Giardia lamblia cysts and 99.99 percent removal or inactivation of viruses. For a supplier that makes this demonstration, the requirements of subsection (b) apply. Beginning January 1, 2002, a supplier serving 10,000 or more persons must meet the requirements for other filtration technologies in Section 611.743(b). Beginning January 1, 2005, a supplier that serves fewer than 10,000 people must meet the requirements for other filtration technologies in Section 611.955.

BOARD NOTE: Derived from 40 CFR 141.73 (2002).

(Source: Amended at 27 Ill. Reg. ________, effective ______________________)

Section 611.261 Unfiltered PWSs: Reporting and Recordkeeping

A supplier that uses a surface water source and does not provide filtration treatment must report
 monthly to the Agency the information specified in this Section beginning December 31, 1990, unless the Agency has determined that filtration is required, in which case the Agency must, by special exception permit a SEP issued pursuant to Section 611.110, specify alternative reporting requirements, as appropriate, until filtration is in place. A supplier that uses a groundwater source under the direct influence of surface water and does not provide filtration treatment must report monthly to the Agency the information specified in this Section beginning December 31, 1990, or six months after the Agency determines that the groundwater source is under the direct influence of surface water, whichever is later, unless the Agency has determined that filtration is required, in which case the Agency must, by special exception permit a SEP issued pursuant to Section 611.110, specify alternative reporting requirements, as appropriate, until filtration is in place.

a) Source water quality information must be reported to the Agency within ten days after the end of each month the system serves water to the public. Information that must be reported includes the following:

1) The cumulative number of months for which results are reported.

2) The number of fecal or total coliform samples, whichever are analyzed during the month (if a system monitors for both, only fecal coliforms must be reported), the dates of sample collection, and the dates when the turbidity level exceeded 1 NTU.

3) The number of samples during the month that had equal to or fewer than 20/100 ml fecal coliforms or equal to or fewer than 100/100 ml total coliforms, whichever are analyzed.

4) The cumulative number of fecal or total coliform samples, whichever are analyzed, during the previous six months the system served water to the public.

5) The cumulative number of samples that had equal to or fewer than 20/100 ml fecal coliforms or equal to or fewer than 100/100 ml total coliforms, whichever are analyzed, during the previous six months the system served water to the public.

6) The percentage of samples that had equal to or fewer than 20/100 ml fecal coliforms or equal to or fewer than 100/100 ml total coliforms, whichever are analyzed, during the previous six months the system served water to the public.
7) The maximum turbidity level measured during the month, the dates of occurrence for any measurements that exceeded 5 NTU and the dates the occurrences were reported to the Agency.

8) For the first 12 months of recordkeeping, the dates and cumulative number of events during which the turbidity exceeded 5 NTU, and after one year of recordkeeping for turbidity measurements, the dates and cumulative number of events during which the turbidity exceeded 5 NTU in the previous 12 months the system served water to the public.

9) For the first 120 months of recordkeeping, the dates and cumulative number of events during which the turbidity exceeded 5 NTU, and after ten years of recordkeeping for turbidity measurements, the dates and cumulative number of events during which the turbidity exceeded 5 NTU in the previous 120 months the system served water to the public.

b) Disinfection information specified in Section 611.532 must be reported to the Agency within ten days after the end of each month the system serves water to the public. Information that must be reported includes the following:

1) For each day, the lowest measurement of RDC in mg/L in water entering the distribution system.

2) The date and duration of each period when the RDC in water entering the distribution system fell below 0.2 mg/L and when the Agency was notified of the occurrence.

3) The daily RDCs (in mg/L) and disinfectant contact times (in minutes) used for calculating the CT values.

4) If chlorine is used, the daily measurements of pH of disinfected water following each point of chlorine disinfection.

5) The daily measurements of water temperature in degrees C following each point of disinfection.

6) The daily CTcalc and Ai values for each disinfectant measurement or sequence and the sum of all Ai values (B) before or at the first customer.

7) The daily determination of whether disinfection achieves adequate Giardia cyst and virus inactivation, i.e., whether Ai is at least 1.0 or, where
disinfectants other than chlorine are used, other indicator conditions that the Agency, pursuant to Section 611.241(a)(1), determines are appropriate, are met.

8) The following information on the samples taken in the distribution system in conjunction with total coliform monitoring pursuant to Section 611.240 through 611.242:

A) Number of instances where the RDC is measured;

B) Number of instances where the RDC is not measured but HPC is measured;

C) Number of instances where the RDC is measured but not detected and no HPC is measured;

D) Number of instances where no RDC is detected and where HPC is greater than 500/ml;

E) Number of instances where the RDC is not measured and HPC is greater than 500/ml;

F) For the current and previous month the system served water to the public, the value of “V” in the following formula:

\[ V = \frac{100(c + d + e)}{(a + b)} \]

where the terms mean the following:

\[ a = \text{Value in subsection (b)(8)(A) of this Section} \]

\[ b = \text{Value in subsection (b)(8)(B) of this Section} \]

\[ c = \text{Value in subsection (b)(8)(C) of this Section} \]

\[ d = \text{Value in subsection (b)(8)(D) of this Section} \]

\[ e = \text{Value in subsection (b)(8)(E) of this Section} \]
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

G) The requirements of subsections (b)(8)(A) through (b)(8)(F) of this Section do not apply if the Agency determines, pursuant to Section 611.213, that a system has no means for having a sample analyzed for HPC.

9) A system need not report the data listed in subsections (b)(1) and (b)(3) through (b)(6) of this Section, if all data listed in subsections (b)(1) through (b)(8) of this Section remain on file at the system, and the Agency determines, by special exception permit a SEP issued pursuant to Section 611.110, that the following is true:

A) The system has submitted to the Agency all the information required by subsections (b)(1) through (b)(8) of this Section for at least 12 months; and

B) The Agency has determined that the system is not required to provide filtration treatment.

c) By October 10 of each year, each system must provide to the Agency a report that summarizes its compliance with all watershed control program requirements specified in Section 611.232(b).

d) By October 10 of each year, each system must provide to the Agency a report on the on-site inspection conducted during that year pursuant to Section 611.232(c), unless the on-site inspection was conducted by the Agency. If the inspection was conducted by the Agency, the Agency must provide a copy of its report to the supplier.

e) Reporting health threats.

1) Each system, upon discovering that a waterborne disease outbreak potentially attributable to that water system has occurred, must report that occurrence to the Agency as soon as possible, but no later than by the end of the next business day.

2) If at any time the turbidity exceeds 5 NTU, the system must consult with the Agency as soon as practical, but no later than 24 hours after the exceedence is known, in accordance with the public notification requirements under Section 611.903(b)(3).

3) If at any time the RDC falls below 0.2 mg/L in the water entering the
distribution system, the system must notify the Agency as soon as possible, but no later than by the end of the next business day. The system also must notify the Agency by the end of the next business day whether or not the RDC was restored to at least 0.2 mg/L within four hours.


(Source: Amended at 27 Ill. Reg. ________, effective ______________________)

Section 611.262  Filtered PWSs: Reporting and Recordkeeping

A supplier that uses a surface water source or a groundwater source under the direct influence of surface water and provides filtration treatment must report monthly to the Agency the information specified in this Section.

a) Turbidity measurements as required by Section 611.533(a) must be reported within ten days after the end of each month the supplier serves water to the public. Information that must be reported includes the following:

1) The total number of filtered water turbidity measurements taken during the month.

2) The number and percentage of filtered water turbidity measurements taken during the month that are less than or equal to the turbidity limits specified in Section 611.250 for the filtration technology being used.

3) The date and value of any turbidity measurements taken during the month that exceed 5 NTU.

b) Disinfection information specified in Section 611.533 must be reported to the Agency within ten days after the end of each month the supplier serves water to the public. Information that must be reported includes the following:

1) For each day, the lowest measurement of RDC in mg/L in water entering the distribution system.

2) The date and duration of each period when the RDC in water entering the distribution system fell below 0.2 mg/L and when the Agency was notified of the occurrence.

3) The following information on the samples taken in the distribution system...
in conjunction with total coliform monitoring pursuant to Sections 611.240 through 611.242:

A) Number of instances where the RDC is measured;
B) Number of instances where the RDC is not measured but HPC is measured;
C) Number of instances where the RDC is measured but not detected and no HPC is measured;
D) Number of instances where no RDC is detected and where HPC is greater than 500/ml;
E) Number of instances where the RDC is not measured and HPC is greater than 500/ml;
F) For the current and previous month the supplier serves water to the public, the value of “V” in the following formula:

\[ V = \frac{100(c + d + e)}{(a + b)} \]

where the terms mean the following:

- a = Value in subsection (b)(3)(A) of this Section;
- b = Value in subsection (b)(3)(B) of this Section;
- c = Value in subsection (b)(3)(C) of this Section;
- d = Value in subsection (b)(3)(D) of this Section; and
- e = Value in subsection (b)(3)(E) of this Section.

G) Subsections (b)(3)(A) through (b)(3)(F) of this Section do not apply if the Agency determines, pursuant to Section 611.213, that a supplier has no means for having a sample analyzed for HPC.

c) Reporting health threats.

1) Each supplier, upon discovering that a waterborne disease outbreak potentially attributable to that water system has occurred, must report that occurrence to the Agency as soon as possible, but no later than by the end of the next business day.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

2) If at any time the turbidity exceeds 5 NTU, the supplier must consult with the Agency as soon as practical, but no later than 24 hours after the exceedence is known, in accordance with the public notification requirements under Section 611.903(b)(3).

3) If at any time the residual falls below 0.2 mg/L in the water entering the distribution system, the supplier must notify the Agency as soon as possible, but no later than by the end of the next business day. The supplier also must notify the Agency by the end of the next business day whether or not the residual was restored to at least 0.2 mg/L within four hours.


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

Section 611.271 Protection during Repair Work

The supplier shall prevent contamination of water at the source or in the CWS during repair, reconstruction, or alteration.

BOARD NOTE: This is an additional State requirement.

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

Section 611.272 Disinfection following Repair

a) After any portion of the CWS has been repaired, reconstructed, or altered, the supplier shall disinfect that portion before putting it into operation.

b) The disinfection procedure must be approved by special exception permit a SEP issued pursuant to Section 611.110.

BOARD NOTE: This is an additional State requirement.

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

Section 611.276 Recycle Provisions

a) Applicability. A Subpart B system supplier that employs conventional filtration or direct filtration treatment and which recycles spent filter backwash water, thickener supernatant, or liquids from dewatering processes must meet the
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

requirements in subsections (b) through (d) of this Section.

b) Reporting. A supplier must notify the Agency in writing by December 8, 2003, if the supplier recycles spent filter backwash water, thickener supernatant, or liquids from dewatering processes. This notification must include, at a minimum, the information specified in subsections (b)(1) and (b)(2) of this Section, as follows:

1) A plant schematic showing the origin of all flows that are recycled (including, but not limited to, spent filter backwash water, thickener supernatant, and liquids from dewatering processes), the hydraulic conveyance used to transport them, and the location where they are reintroduced back into the treatment plant.

2) Typical recycle flow in gallons per minute (gpm), the highest observed plant flow experienced in the previous year (gpm), design flow for the treatment plant (gpm), and Agency-approved operating capacity for the plant where the Agency has made such a determination.

c) Treatment technique requirement. Any supplier that recycles spent filter backwash water, thickener supernatant, or liquids from dewatering processes must return these flows through the processes of the supplier's existing conventional or direct filtration system, as defined in Section 611.101, or at an alternative location approved by a permit issued by the Agency by June 8, 2004. If capital improvements are required to modify the recycle location to meet this requirement, all capital improvements must be completed no later than June 8, 2006.

d) Recordkeeping. The supplier must collect and retain on file recycle flow information specified in subsections (d)(1) through (d)(6) of this Section for review and evaluation by the Agency beginning June 8, 2004, as follows:

1) A copy of the recycle notification and information submitted to the State under subsection (b) of this Section.

2) A list of all recycle flows and the frequency with which they are returned.

3) The average and maximum backwash flow rate through the filters and the average and maximum duration of the filter backwash process in minutes.

4) The typical filter run length and a written summary of how filter run length is determined.
5) The type of treatment provided for the recycle flow.

6) Data on the physical dimensions of the equalization or treatment units, typical and maximum hydraulic loading rates, type of treatment chemicals used and average dose and frequency of use, and frequency at which solids are removed, if applicable.


(Source: Amended at 27 Ill. Reg. _______, effective ______________________)
testing, and, if not included in the certification process, a rigorous engineering design review of the point-of-entry devices.

2) The design and application of the point-of-entry devices must consider the tendency for increase in heterotrophic bacteria concentrations in water treated with activated carbon. The Agency may require, by special exception permit a SEP issued pursuant to Section 611.110, frequent backwashing, post-contactor disinfection and HPC monitoring to ensure that the microbiological safety of the water is not compromised.

e) All consumers must be protected. Every building connected to the system must have a point-of-entry device installed, maintained and adequately monitored. The Agency must be assured that every building is subject to treatment and monitoring, and that the rights and responsibilities of the PWS customer convey with title upon sale of property.

f) Use of any point-of-entry device must not cause increased corrosion of lead and copper bearing materials located between the device and the tap that could increase contaminant levels at the tap.


(Source: Amended at 27 Ill. Reg. ________, effective ______________________)

Section 611.290 Use of Point-of-Use Devices or Bottled Water

a) Suppliers shall must not use bottled water to achieve compliance with an MCL.

b) Bottled water or point-of-use devices may be used on a temporary basis to avoid an unreasonable risk to health pursuant to a SEP granted by the Agency under Section 611.110.

c) Any use of bottled water must comply with the substantive requirements of Section 611.130(e), except that the supplier shall must submit its quality control plan for Agency review as part of its SEP request, rather than for Board review.


(Source: Amended at 27 Ill. Reg. ________, effective ______________________)

SUBPART D: TREATMENT TECHNIQUES
Section 611.295 General Requirements

The requirements of this Subpart D constitute NPDWRs. This Subpart D establishes treatment techniques in lieu of MCLs for specified contaminants.


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

Section 611.296 Acrylamide and Epichlorohydrin

a) Each supplier shall certify annually in writing to the Agency that when products containing acrylamide or epichlorohydrin are used in the PWS, the product of monomer level and dose does not exceed the levels specified in subsection (b). The product of monomer level and dose are computed as follows:

\[ P = A \times B \]

Where the terms mean the following:

\[ A = \text{Percent by weight of unreacted monomer in the product used} \]

\[ B = \text{Parts per million by weight of finished water at which the product is dosed} \]

\[ P = \text{Product of monomer level and dose} \]

b) Maximum Product of monomer level and dose is the following:

1) For acrylamide, \( P = 0.05 \); and

2) For epichlorohydrin, \( P = 0.20 \).

c) Suppliers' certifications may rely on manufacturers or third parties, as approved by the Agency.


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

SUBPART F: MAXIMUM CONTAMINANT LEVELS (MCLs) AND MAXIMUM
POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS
RESIDUAL DISINFECTANT LEVELS (MRDLs)

Section 611.300 Old MCLs for Inorganic Chemicals Chemical Contaminants

a) The old MCLs listed in subsection (b) of this Section for inorganic chemicals chemical contaminants (IOCs) apply only to CWS suppliers. Compliance with old MCLs for inorganic chemicals is calculated pursuant to Section 611.612, except that analyses and determination of compliance with the 0.05 mg/L MCL for arsenic are to be performed pursuant to Sections 611.600 through 611.611.


b) The following are the old MCLs for inorganic chemicals IOCs:

<table>
<thead>
<tr>
<th>Contaminant</th>
<th>Level, mg/L</th>
<th>Additional State Requirement (*)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arsenic, until January 23, 2006</td>
<td>0.05</td>
<td></td>
</tr>
<tr>
<td>Iron</td>
<td>1.0</td>
<td>*</td>
</tr>
<tr>
<td>Manganese</td>
<td>0.15</td>
<td>*</td>
</tr>
<tr>
<td>Zinc</td>
<td>5.0</td>
<td>*</td>
</tr>
</tbody>
</table>


c) This subsection corresponds with 40 CFR 141.11(c)(2000), marked as reserved by USEPA. This statement maintains structural parity with the federal rules.

d) Nitrate.

Non-CWSs may exceed the MCL for nitrate under the following circumstances:

1) The nitrate level must not exceed 20 mg/L.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

2) The water must not be available to children under six months of age,

3) The NCWS supplier is meeting the public notification requirements under Section 611.909, including continuous posting of the fact that the nitrate level exceeds 10 mg/L together with the potential health effects of exposure,

4) The supplier will annually notify local public health authorities and the Department of Public Health of the nitrate levels that exceed 10 mg/L; and

5) No adverse public health effects result.


e) The following supplementary condition applies to the MCLs listed in subsection (b) of this Section for iron and manganese:

1) CWS suppliers that serve a population of 1000 or fewer, or 300 service connections or fewer, are exempt from the standards for iron and manganese.

2) The Agency may, by special exception permit a SEP issued pursuant to Section 611.110, allow iron and manganese in excess of the MCL if sequestration tried on an experimental basis proves to be effective. If sequestration is not effective, positive iron or manganese reduction treatment as applicable must be provided. Experimental use of a sequestering agent may be tried only if approved by special exception permit a SEP issued pursuant to Section 611.110.

BOARD NOTE: The requirements of this subsection (e) of this Section are an additional State requirement.

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

Section 611.301 Revised MCLs for Inorganic Chemicals

Chemical Contaminants

a) This subsection corresponds with 40 CFR 141.62(a), reserved by USEPA. This statement maintains structural consistency with USEPA rules.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

b) The MCLs in the following table apply to CWSs. Except for fluoride, the MCLs also apply to NTNCWSs. The MCLs for nitrate, nitrite, and total nitrate and nitrite also apply to transient non-CWSs.

<table>
<thead>
<tr>
<th>Contaminant</th>
<th>MCL</th>
<th>Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>Antimony</td>
<td>0.006</td>
<td>mg/L</td>
</tr>
<tr>
<td>Arsenic (effective January 23, 2006)</td>
<td>0.01</td>
<td>mg/L</td>
</tr>
<tr>
<td>Asbestos</td>
<td>7</td>
<td>MFL</td>
</tr>
<tr>
<td>Barium</td>
<td>2</td>
<td>mg/L</td>
</tr>
<tr>
<td>Beryllium</td>
<td>0.004</td>
<td>mg/L</td>
</tr>
<tr>
<td>Cadmium</td>
<td>0.005</td>
<td>mg/L</td>
</tr>
<tr>
<td>Chromium</td>
<td>0.1</td>
<td>mg/L</td>
</tr>
<tr>
<td>Cyanide (as free CN⁻)</td>
<td>0.2</td>
<td>mg/L</td>
</tr>
<tr>
<td>Fluoride</td>
<td>4.0</td>
<td>mg/L</td>
</tr>
<tr>
<td>Mercury</td>
<td>0.002</td>
<td>mg/L</td>
</tr>
<tr>
<td>Nitrate (as N)</td>
<td>10</td>
<td>mg/L</td>
</tr>
<tr>
<td>Nitrite (as N)</td>
<td>1</td>
<td>mg/L</td>
</tr>
<tr>
<td>Total Nitrate and Nitrite (as N)</td>
<td>10</td>
<td>mg/L</td>
</tr>
<tr>
<td>Selenium</td>
<td>0.05</td>
<td>mg/L</td>
</tr>
<tr>
<td>Thallium</td>
<td>0.002</td>
<td>mg/L</td>
</tr>
</tbody>
</table>

BOARD NOTE: See Section 611.300(d) for an elevated nitrate level for non-CWSs. USEPA removed and reserved the MCL for nickel on June 29, 1995, at 60 Fed. Reg. 33932, as a result of a judicial order in Nickel Development Institute v. EPA, No. 92-1407, and Specialty Steel Industry of the U.S. v. Browner, No. 92-1410 (D.C. Cir. Feb. 23 & Mar. 6, 1995), while retaining the contaminant, analytical methodology, and detection limit listings for this contaminant.

c) USEPA has identified the following as BAT for achieving compliance with the MCL for the inorganic contaminants IOCs identified in subsection (b) of this Section, except for fluoride:

<table>
<thead>
<tr>
<th>Contaminant</th>
<th>BAT(s)-BATs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Antimony</td>
<td>C/F, RO</td>
</tr>
<tr>
<td>Arsenic</td>
<td>AAL</td>
</tr>
<tr>
<td>(BATs for</td>
<td>C/F</td>
</tr>
</tbody>
</table>
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

As\textsuperscript{V}. Pre-oxidation may be required to convert As\textsuperscript{III} to As\textsuperscript{V}. (To obtain high removals, the iron to arsenic ratio must be at least 20:1)

Asbestos C/F, DDF, CC

Barium IX
LIME
RO
ED

Beryllium AA
C/F
IX
LIME
RO
ED

Cadmium C/F
IX
LIME
RO

Chromium C/F
IX
LIME, BAT for Cr\textsuperscript{III} only
RO

Cyanide IX
RO
Cl\textsubscript{2}

Mercury C/F, BAT only if influent Hg concentrations less than or equal to (\leq) 10 \mu g/L
GAC
LIME, BAT only if influent Hg concentrations \leq 10 \mu g/L
RO, BAT only if influent Hg concentrations \leq 10 \mu g/L

Nickel IX
LIME
RO

Nitrate IX
RO
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

ED
Nitrite IX RO
Selenium AAL C/F, BAT for Se^{IV} only LIME RO ED
Thallium AAL IX

Abbreviations

AAL Activated alumina
C/F Coagulation/filtration (not BAT for a system that has fewer than 500 service connections)
DDF Direct and diatomite filtration
GAC Granular activated carbon
IX Ion exchange
LIME Lime softening
RO Reverse osmosis
CC Corrosion control
ED Electrodialysis
Cl_{2} Oxidation (chlorine)
UV Ultraviolet irradiation
O/F Oxidation/filtration

At 40 CFR 141.62(d), as added at 66 Fed. Reg. 7064 (January 22, 2001) (2002), USEPA identified the following as the affordable technology, treatment technique, or other means available to systems serving 10,000 persons or fewer for achieving compliance with the maximum contaminant level for arsenic:

Small System Compliance Technologies (SSCTs)\(^{1}\) for Arsenic\(^{2}\)

Affordable for listed small system categories\(^{3}\)
Small system compliance technology Activated alumina (centralized) Activated alumina (point-of-use)\(^{4}\) Coagulation/filtration\(^{5}\) Coagulation-assisted microfiltration Electrolysis reversal\(^{6}\) Enhanced coagulation/filtration
All size categories
501-3,300 persons, 3,301-10,000 persons
501-3,300 persons, 3,301-10,000 persons
501-3,300 persons, 3,301-10,000 persons
All size categories
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Enhanced lime softening (pH> 10.5) All size categories
Ion exchange All size categories
Lime softening 5 501-3,300 persons, 3,301-10,000 persons
Oxidation/filtration 7 All size categories
Reverse osmosis (centralized) 6 501-3,300 persons, 3,301-10,000 persons
Reverse osmosis (point-of-use) 4 All size categories

1 Section 1412(b)(4)(E)(ii) of the federal SDWA (42 USC 300g-1(b)(4)(E)(ii)) specifies that SSCTs must be affordable and technically feasible for a small system supplier.

2 SSCTs for As\textsuperscript{V}. Pre-oxidation may be required to convert As\textsuperscript{III} to As\textsuperscript{V}.

3 The federal SDWA specifies three categories of small system suppliers: (1) those serving 25 or more, but fewer than 501 persons, (2) those serving more than 500 but fewer than 3,301 persons, and (3) those serving more than 3,300 but fewer than 10,001 persons.

4 When POU or POE devices are used for compliance, programs to ensure proper long-term operation, maintenance, and monitoring must be provided by the water supplier to ensure adequate performance.

5 Unlikely to be installed solely for arsenic removal. May require pH adjustment to optimal range if high removals are needed.

6 Technologies reject a large volume of water--may not be appropriate for areas where water quantity may be an issue.

7 To obtain high removals, iron to arsenic ratio must be at least 20:1.


(Source: Amended at 27 Ill. Reg. _______, effective ______________________)

Section 611.310 Old Maximum Contaminant Levels (MCLs) for Organic Chemicals


Contaminants

The following are the MCLs for organic chemicals. The MCLs for organic chemicals in this Section apply to all CWSs. Compliance with the MCLs in subsections (a) and (b) is calculated pursuant to Subpart O of this Part. Compliance with the MCL in subsection (c) is calculated pursuant to Subpart P of this Part.

<table>
<thead>
<tr>
<th>Contaminant</th>
<th>Level mg/L</th>
<th>Additional State Requirement (*)</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Chlorinated hydrocarbons</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Aldrin</td>
<td>0.001</td>
<td>*</td>
</tr>
<tr>
<td>DDT</td>
<td>0.05</td>
<td>*</td>
</tr>
<tr>
<td>Dieldrin</td>
<td>0.001</td>
<td>*</td>
</tr>
<tr>
<td>Heptachlor</td>
<td>0.0001</td>
<td>*</td>
</tr>
<tr>
<td>Heptachlor epoxide</td>
<td>0.0001</td>
<td>*</td>
</tr>
</tbody>
</table>

BOARD NOTE: Originally derived from 40 CFR 141.12(a)(1994), USEPA removed the last entry in this subsection and marked it reserved at 57 Fed. Reg. 31838 (July 17, 1992). USEPA added another listing of organic MCLs at 40 CFR 141.61 (2000)(2002). Heptachlor, heptachlor epoxide, and 2,4-D appear in both this Section and in Section 611.311, with a different MCL in each Section. The heptachlor, heptachlor epoxide, and 2,4-D MCLs in this Section are Illinois limitations that are more stringent than the federal requirements. However, detection of these contaminants or violation of their federally-derived revised Section 611.311 MCLs imposes more stringent monitoring, reporting, and notice requirements.

b) Chlorophenoxyxs

| 2,4-D                      | 0.01       | *                                |

BOARD NOTE: Originally derived from 40 CFR 141.12(b)(2000)(2002). USEPA removed the last entry in this subsection and marked it reserved at 56 Fed. Reg. 3578 (Jan. 30, 1991). See the preceding Board Note regarding the dual listing of MCLs for 2,4-D.

c) TTHM

| TTHM                      | 0.10       | *                                |

1) The MCL of 0.10 mg/L for TTHM applies to a Subpart B CWS supplier that serves 10,000 or more persons, until December 31, 2001.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

2) The MCL of 0.10 mg/L for TTHM applies to a CWS supplier that uses only groundwater not under the direct influence of surface water and serves 10,000 or more persons, until December 31, 2003.

3) After December 31, 2003, the MCL for TTHM in this Section is no longer applicable.

BOARD NOTE: Derived from 40 CFR 141.12 (2000) (2002). This is an additional State requirement to the extent that it applies to a supplier other than a CWS supplier that adds a disinfectant at any part of treatment and which provides water to 10,000 or more persons. The new MCL for TTHM is listed in Section 611.312.

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

Section 611.311 Revised MCLs for Organic Chemical Contaminants

a) Volatile organic chemical contaminants. The following MCLs for volatile organic chemical contaminants (VOCs) apply to CWS suppliers and NTNCWS suppliers. The MCLs for dichloromethane, 1,2,4-trichlorobenzene, and 1,1,2-trichloroethane were effective January 17, 1994.

<table>
<thead>
<tr>
<th>CAS No.</th>
<th>Contaminant</th>
<th>MCL (mg/L)</th>
</tr>
</thead>
<tbody>
<tr>
<td>71-43-2</td>
<td>Benzene</td>
<td>0.005</td>
</tr>
<tr>
<td>56-23-5</td>
<td>Carbon tetrachloride</td>
<td>0.005</td>
</tr>
<tr>
<td>95-50-1</td>
<td>o-Dichlorobenzene</td>
<td>0.6</td>
</tr>
<tr>
<td>106-46-7</td>
<td>p-Dichlorobenzene</td>
<td>0.075</td>
</tr>
<tr>
<td>107-06-2</td>
<td>1,2-Dichloroethane</td>
<td>0.005</td>
</tr>
<tr>
<td>75-35-4</td>
<td>1,1-Dichloroethylene</td>
<td>0.007</td>
</tr>
<tr>
<td>156-59-2</td>
<td>cis-1,2-Dichloroethylene</td>
<td>0.07</td>
</tr>
<tr>
<td>156-60-5</td>
<td>trans-1,2-Dichloroethylene</td>
<td>0.1</td>
</tr>
<tr>
<td>75-09-2</td>
<td>Dichloromethane (methylene chloride)</td>
<td>0.005</td>
</tr>
<tr>
<td>78-87-5</td>
<td>1,2-Dichloropropane</td>
<td>0.005</td>
</tr>
<tr>
<td>100-41-4</td>
<td>Ethylbenzene</td>
<td>0.7</td>
</tr>
<tr>
<td>108-90-7</td>
<td>Monochlorobenzene</td>
<td>0.1</td>
</tr>
<tr>
<td>100-42-5</td>
<td>Styrene</td>
<td>0.1</td>
</tr>
<tr>
<td>127-18-4</td>
<td>Tetrachloroethylene</td>
<td>0.005</td>
</tr>
<tr>
<td>108-88-3</td>
<td>Toluene</td>
<td>1</td>
</tr>
<tr>
<td>120-82-1</td>
<td>1,2,4-Trichlorobenzene</td>
<td>0.07</td>
</tr>
<tr>
<td>71-55-6</td>
<td>1,1,1-Trichloroethane</td>
<td>0.2</td>
</tr>
</tbody>
</table>
NOTICE OF PROPOSED AMENDMENTS

<table>
<thead>
<tr>
<th>Code</th>
<th>Substance</th>
<th>MCL</th>
</tr>
</thead>
<tbody>
<tr>
<td>79-00-5</td>
<td>1,1,2-Trichloroethane</td>
<td>0.005</td>
</tr>
<tr>
<td>79-01-6</td>
<td>Trichloroethylene</td>
<td>0.005</td>
</tr>
<tr>
<td>75-01-4</td>
<td>Vinyl chloride</td>
<td>0.002</td>
</tr>
<tr>
<td>1330-20-7</td>
<td>Xylenes (total)</td>
<td>10</td>
</tr>
</tbody>
</table>

BOARD NOTE: See the definition of “initial compliance period” at Section 611.101.

b) **U.S. EPA USEPA** has identified, as indicated below, granular activated carbon (GAC), packed tower aeration (PTA), or oxidation (OX) as BAT for achieving compliance with the MCLs for volatile organic chemical contaminants (VOCs) and synthetic organic chemical contaminants (SOCs) in subsections (a) and (c) of this Section.

<table>
<thead>
<tr>
<th>Code</th>
<th>Substance</th>
<th>Method</th>
</tr>
</thead>
<tbody>
<tr>
<td>15972-60-8</td>
<td>Alachlor</td>
<td>GAC</td>
</tr>
<tr>
<td>116-06-3</td>
<td>Aldicarb</td>
<td>GAC</td>
</tr>
<tr>
<td>1646-87-4</td>
<td>Aldicarb sulfone</td>
<td>GAC</td>
</tr>
<tr>
<td>1646-87-3</td>
<td>Aldicarb sulfoxide</td>
<td>GAC</td>
</tr>
<tr>
<td>1912-24-9</td>
<td>Atrazine</td>
<td>GAC</td>
</tr>
<tr>
<td>71-43-2</td>
<td>Benzene</td>
<td>GAC, PTA</td>
</tr>
<tr>
<td>50-32-8</td>
<td>Benzo[a]pyrene</td>
<td>GAC</td>
</tr>
<tr>
<td>1563-66-2</td>
<td>Carbofuran</td>
<td>GAC</td>
</tr>
<tr>
<td>56-23-5</td>
<td>Carbon tetrachloride</td>
<td>GAC, PTA</td>
</tr>
<tr>
<td>57-74-9</td>
<td>Chlordane</td>
<td>GAC</td>
</tr>
<tr>
<td>94-75-7</td>
<td>2,4-D</td>
<td>GAC</td>
</tr>
<tr>
<td>75-99-0</td>
<td>Dalapon</td>
<td>GAC</td>
</tr>
<tr>
<td>96-12-8</td>
<td>Dibromochloropropane</td>
<td>GAC, PTA</td>
</tr>
<tr>
<td>95-50-1</td>
<td>o-Dichlorobenzene</td>
<td>GAC, PTA</td>
</tr>
<tr>
<td>106-46-7</td>
<td>p-Dichlorobenzene</td>
<td>GAC, PTA</td>
</tr>
<tr>
<td>107-06-2</td>
<td>1,2-Dichloroethane</td>
<td>GAC, PTA</td>
</tr>
<tr>
<td>156-59-2</td>
<td>cis-1,2-Dichloroethylene</td>
<td>GAC, PTA</td>
</tr>
<tr>
<td>156-60-5</td>
<td>trans-1,2-Dichoroethylene</td>
<td>GAC, PTA</td>
</tr>
<tr>
<td>75-35-4</td>
<td>1,1-Dichloroethylene</td>
<td>GAC, PTA</td>
</tr>
<tr>
<td>75-09-2</td>
<td>Dichloromethane</td>
<td>PTA</td>
</tr>
<tr>
<td>78-87-5</td>
<td>1,2-Dichloropropane</td>
<td>GAC, PTA</td>
</tr>
<tr>
<td>103-23-1</td>
<td>Di(2-ethylhexyl)adipate</td>
<td>GAC, PTA</td>
</tr>
<tr>
<td>117-81-7</td>
<td>Di(2-ethylhexyl)phthalate</td>
<td>GAC</td>
</tr>
<tr>
<td>88-85-7</td>
<td>Dinoseb</td>
<td>GAC</td>
</tr>
<tr>
<td>85-00-7</td>
<td>Diquat</td>
<td>GAC</td>
</tr>
<tr>
<td>145-73-3</td>
<td>Endothall</td>
<td>GAC</td>
</tr>
</tbody>
</table>
NOTICE OF PROPOSED AMENDMENTS

72-20-8  Endrin  GAC
106-93-4  Ethylene dibromide (EDB)  GAC, PTA
100-41-4  Ethylbenzene  GAC, PTA
1071-53-6  Glyphosate  OX
76-44-8  Heptachlor  GAC
1024-57-3  Heptachlor epoxide  GAC
118-74-1  Hexachlorobenzene  GAC
77-47-3  Hexachlorocyclopentadiene  GAC, PTA
58-89-9  Lindane  GAC
72-43-5  Methoxychlor  GAC
108-90-7  Monochlorobenzene  GAC, PTA
23135-22-0  Oxamyl  GAC
87-86-5  Pentachlorophenol  GAC
1918-02-1  Picloram  GAC
1336-36-3  Polychlorinated biphenyls (PCB)  GAC
122-34-9  Simazine  GAC
100-42-5  Styrene  GAC, PTA
1746-01-6  2,3,7,8-TCDD  GAC
127-18-4  Tetrachloroethylene  GAC, PTA
108-88-3  Toluene  GAC
8001-35-2  Toxaphene  GAC
120-82-1  1,2,4-trichlorobenzene  GAC, PTA
71-55-6  1,1,1-Trichloroethane  GAC, PTA
79-00-5  1,1,2-trichloroethane  GAC, PTA
79-01-6  Trichloroethylene  GAC, PTA
93-72-1  2,4,5-TP  GAC
75-01-4  Vinyl chloride  PTA
1330-20-7  Xylene  GAC, PTA

c) Synthetic organic chemical contaminants. The following MCLs for synthetic organic chemical contaminants (SOCs) apply to CWS and NTNCWS suppliers. The MCLs for benzo[a]pyrene, dalapon, di(2-ethylhexyl)adipate, di(2-ethylhexyl)phthalate, dinoseb, diquat, endothall, endrin, glyphosate, hexachlorobenzene, hexachlorocyclopentadiene, oxamyl (vydate), picloram, simazine, and 2,3,7,8-TCDD (dioxin) were effective January 17, 1994.

<table>
<thead>
<tr>
<th>CAS Number</th>
<th>Contaminant</th>
<th>MCL (mg/L)</th>
</tr>
</thead>
<tbody>
<tr>
<td>15972-60-8</td>
<td>Alachlor</td>
<td>0.002</td>
</tr>
<tr>
<td>116-06-3</td>
<td>Aldicarb</td>
<td>0.002</td>
</tr>
<tr>
<td>1646-87-4</td>
<td>Aldicarb sulfone</td>
<td>0.002</td>
</tr>
</tbody>
</table>
**POLLUTION CONTROL BOARD**

**NOTICE OF PROPOSED AMENDMENTS**

<table>
<thead>
<tr>
<th>CAS Number</th>
<th>Substance</th>
<th>Concentration</th>
</tr>
</thead>
<tbody>
<tr>
<td>1646-87-3</td>
<td>Aldicarb sulfoxide</td>
<td>0.004</td>
</tr>
<tr>
<td>1912-24-9</td>
<td>Atrazine</td>
<td>0.003</td>
</tr>
<tr>
<td>50-32-8</td>
<td>Benzo[a]pyrene</td>
<td>0.0002</td>
</tr>
<tr>
<td>1563-66-2</td>
<td>Carbofuran</td>
<td>0.04</td>
</tr>
<tr>
<td>57-74-9</td>
<td>Chlordane</td>
<td>0.002</td>
</tr>
<tr>
<td>94-75-7</td>
<td>2,4-D</td>
<td>0.07</td>
</tr>
<tr>
<td>75-99-0</td>
<td>Dalapon</td>
<td>0.2</td>
</tr>
<tr>
<td>96-12-8</td>
<td>Dibromochloropropane</td>
<td>0.0002</td>
</tr>
<tr>
<td>103-23-1</td>
<td>Di(2-ethylhexyl)adipate</td>
<td>0.4</td>
</tr>
<tr>
<td>117-81-7</td>
<td>Di(2-ethylhexyl)phthalate</td>
<td>0.006</td>
</tr>
<tr>
<td>88-85-7</td>
<td>Dinoseb</td>
<td>0.007</td>
</tr>
<tr>
<td>85-00-7</td>
<td>Diquat</td>
<td>0.02</td>
</tr>
<tr>
<td>145-73-3</td>
<td>Endothall</td>
<td>0.1</td>
</tr>
<tr>
<td>72-20-8</td>
<td>Endrin</td>
<td>0.002</td>
</tr>
<tr>
<td>106-93-4</td>
<td>Ethylene dibromide</td>
<td>0.00005</td>
</tr>
<tr>
<td>1071-53-6</td>
<td>Glyphosate</td>
<td>0.7</td>
</tr>
<tr>
<td>76-44-8</td>
<td>Heptachlor</td>
<td>0.0004</td>
</tr>
<tr>
<td>1024-57-3</td>
<td>Heptachlor epoxide</td>
<td>0.0002</td>
</tr>
<tr>
<td>118-74-1</td>
<td>Hexachlorobenzene</td>
<td>0.001</td>
</tr>
<tr>
<td>77-47-4</td>
<td>Hexachlorocyclopentadiene</td>
<td>0.05</td>
</tr>
<tr>
<td>58-89-9</td>
<td>Lindane</td>
<td>0.0002</td>
</tr>
<tr>
<td>72-43-5</td>
<td>Methoxychlor</td>
<td>0.04</td>
</tr>
<tr>
<td>23135-22-0</td>
<td>Oxamyl (Vydate)</td>
<td>0.2</td>
</tr>
<tr>
<td>87-86-5</td>
<td>Pentachlorophenol</td>
<td>0.001</td>
</tr>
<tr>
<td>1918-02-1</td>
<td>Picloram</td>
<td>0.5</td>
</tr>
<tr>
<td>1336-36-3</td>
<td>Polychlorinated biphenyls (PCBs)</td>
<td>0.0005</td>
</tr>
<tr>
<td>122-34-9</td>
<td>Simazine</td>
<td>0.004</td>
</tr>
<tr>
<td>1746-01-6</td>
<td>2,3,7,8-TCDD (Dioxin)</td>
<td>0.00000003</td>
</tr>
<tr>
<td>8001-35-2</td>
<td>Toxaphene</td>
<td>0.003</td>
</tr>
<tr>
<td>93-72-1</td>
<td>2,4,5-TP</td>
<td>0.05</td>
</tr>
</tbody>
</table>

**BOARD NOTE:** Derived from 40 CFR 141.61 (1994) (2002). See the definition of “initial compliance period” at Section 611.101. More stringent state MCLs for 2,4-D, heptachlor, and heptachlor epoxide appear at Section 611.310. See the Board Note at that provision. The effectiveness of the MCLs for aldicarb, aldicarb sulfone, and aldicarb sulfoxide are administratively stayed until the Board takes further administrative action to end this stay. However, suppliers must monitor for these three SOCs pursuant to Section 611.648. See 40 CFR 141.6(g) (1994) (2002) and 57 Fed. Reg. 22178 (May 27, 1992).

(Source: Amended at 27 Ill. Reg. ________, effective ______________________)
a) The maximum contaminant levels (MCLs) for disinfection byproducts (DBPs) are as follows:

<table>
<thead>
<tr>
<th>Disinfection byproduct</th>
<th>MCL (mg/L)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total trihalomethanes (TTHM)</td>
<td>0.080</td>
</tr>
<tr>
<td>Haloacetic acids (five) (HAA5)</td>
<td>0.060</td>
</tr>
<tr>
<td>Bromate</td>
<td>0.010</td>
</tr>
<tr>
<td>Chlorite</td>
<td>1.0</td>
</tr>
</tbody>
</table>

b) Compliance dates.

1) CWSs and NTNCWSs. A Subpart B system supplier serving 10,000 or more persons must comply with this Section beginning January 1, 2002. A Subpart B system supplier serving fewer than 10,000 persons or a supplier using only groundwater not under the direct influence of surface water must comply with this Section beginning January 1, 2004.

2) A PWS that is installing GAC or membrane technology to comply with this Section may apply to the Board for an extension of up to 24 months past the dates in subsection (b)(1) of this Section, but not beyond December 31, 2003. The Board must grant the extension, and must set a schedule for compliance and may specify any interim measures that the PWS must take. Failure to meet the schedule or interim treatment requirements constitutes a violation of an NPDWR.

c) The following are identified as the best technology, treatment techniques, or other means available for achieving compliance with the maximum contaminant levels for disinfection byproducts (DBPs) identified in subsection (a) of this Section.

<table>
<thead>
<tr>
<th>Disinfection byproduct (DBP)</th>
<th>Best available technology (BAT)</th>
</tr>
</thead>
<tbody>
<tr>
<td>TTHM</td>
<td>Enhanced coagulation or enhanced softening or GAC10, with chlorine as the primary and residual disinfectant</td>
</tr>
<tr>
<td>HAA5</td>
<td>Enhanced coagulation or enhanced softening or GAC10, with chlorine as the primary and residual disinfectant</td>
</tr>
</tbody>
</table>
Section 611.313  Maximum Residual Disinfectant Levels (MRDLs)

a) Maximum residual disinfectant levels (MRDLs) are as follows:

<table>
<thead>
<tr>
<th>Disinfectant residual</th>
<th>MRDL (mg/L)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chlorine</td>
<td>4.0 (as Cl₂)</td>
</tr>
<tr>
<td>Chloramines</td>
<td>4.0 (as Cl₂)</td>
</tr>
<tr>
<td>Chlorine dioxide</td>
<td>0.8 (as ClO₂)</td>
</tr>
</tbody>
</table>

b) Compliance dates.

1) CWSs and NTNCWSs. A Subpart B system supplier serving 10,000 or more persons must comply with this Section beginning January 1, 2002. A Subpart B system supplier serving fewer than 10,000 persons or a supplier using only groundwater not under the direct influence of surface water must comply with this Section beginning January 1, 2004.

2) Transient NCWSs. A Subpart B system supplier serving 10,000 or more persons and using chlorine dioxide as a disinfectant or oxidant must comply with the chlorine dioxide MRDL beginning January 1, 2002. A Subpart B system supplier serving fewer than 10,000 persons and using chlorine dioxide as a disinfectant or oxidant or a supplier using only groundwater not under the direct influence of surface water and using chlorine dioxide as a disinfectant or oxidant must comply with the chlorine dioxide MRDL beginning January 1, 2004.

c) The following are identified as the best technology, treatment techniques, or other means available for achieving compliance with the maximum residual disinfectant levels identified in subsection (a) of this Section: control of treatment processes...
to reduce disinfectant demand and control of disinfection treatment processes to reduce disinfectant levels.


(SOURCE: Amended at 27 Ill. Reg. _______, effective ________________)

Section 611.320 Turbidity (Repealed)

This Section applies to unfiltered PWSs until December 30, 1991, unless the Agency or Public Health has determined, pursuant to Section 611.211, prior to that date that filtration is required. This Section applies to filtered systems until June 29, 1993. This Section applies to unfiltered systems that the Agency has determined, pursuant to Section 611.211, must install filtration, until June 29, 1993, or until filtration is installed, whichever is later. The MCLs for turbidity are applicable to both CWS suppliers and non-CWS suppliers using surface water sources in whole or in part. The MCLs for turbidity in drinking water, measured at a representative entry point(s) to the distribution system, are:

a) One turbidity unit, as determined by a monthly average pursuant to Subpart M, except that five or fewer turbidity units are allowed if the supplier demonstrates, by special exception permit application, that the higher turbidity does not do any of the following:

1) Interfere with disinfection;

2) Prevent maintenance of an effective disinfectant agent throughout the distribution system; or

3) Interfere with microbiological determinations.

b) Five turbidity units based on an average for two consecutive days pursuant to Subpart M.


(SOURCE: Repealed at 27 Ill. Reg. _______, effective ________________)

Section 611.325 Microbiological Contaminants

a) The MCL is based on the presence or absence of total coliforms in a sample,
rather than coliform density.

1) For a supplier that collects at least 40 samples per month, if no more than 5.0 percent of the samples collected during a month are total coliform-positive, the supplier is in compliance with the MCL for total coliforms.

2) For a supplier that collects fewer than 40 samples per month, if no more than one sample collected during a month is a total coliform-positive, the supplier is in compliance with the MCL for total coliforms.

b) Any fecal coliform-positive repeat sample or E. coli-positive repeat sample, or any total coliform-positive repeat sample following a fecal coliform-positive or E. coli-positive routine sample, constitutes a violation of the MCL for total coliforms. For purposes of the public notification requirements in Subpart V of this Part, this is a violation that may pose an acute risk to health.

c) A supplier must determine compliance with the MCL for total coliforms in subsections (a) and (b) of this Section for each month in which it is required to monitor for total coliforms.

d) BATs for achieving compliance with the MCL for total coliforms in subsections (a) and (b) of this Section are the following:

1) Protection of wells from contamination by coliforms by appropriate placement and construction;

2) Maintenance of RDC throughout the distribution system;

3) Proper maintenance of the distribution system including appropriate pipe replacement and repair procedures, main flushing programs, proper operation and maintenance of storage tanks and reservoirs and continual maintenance positive water pressure in all parts of the distribution system;

4) Filtration and disinfection of surface water, as described in Subpart B of this Part, or disinfection of groundwater using strong oxidants such as chlorine, chlorine dioxide, or ozone; or

5) For systems using groundwater, compliance with the wellhead protection program, after USEPA approves the program.
Section 611.330 Maximum Contaminant Levels for Radionuclides

a) This subsection corresponds with 40 CFR 141.66(a), marked reserved by USEPA. This statement maintains structural consistency with USEPA rules.

b) MCL for combined radium-226 and –228. The maximum contaminant level for combined radium-226 and radium-228 is 5 pCi/L. The combined radium-226 and radium-228 value is determined by the addition of the results of the analysis for radium-226 and the analysis for radium-228.

c) MCL for gross alpha particle activity (excluding radon and uranium). The maximum contaminant level for gross alpha particle activity (including radium-226 but excluding radon and uranium) is 15 pCi/L.

d) Effective December 8, 2003, MCL for beta particle and photon radioactivity.

1) The average annual concentration of beta particle and photon radioactivity from man-made radionuclides in drinking water must not produce an annual dose equivalent to the total body or any internal organ greater than 4 millirem/year (mrem/year).

2) Except for the radionuclides listed in the following table, the concentration of man-made radionuclides causing 4 mrem total body or organ dose equivalents must be calculated on the basis of two liters per day drinking water intake, using the 168-hour data list set forth in “Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and in Water for Occupational Exposure,” incorporated by reference in Section 611.102, available from the NTIS. If two or more radionuclides are present, the sum of their annual dose equivalent to the total body or to any organ must not exceed 4 mrem/year.

Average Annual Concentrations Assumed to Produce a Total Body or Organ Dose of 4 mrem/yr

<table>
<thead>
<tr>
<th>Radionuclide</th>
<th>Critical organ</th>
<th>pCi per liter</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Tritium</td>
<td>Total body</td>
<td>20,000</td>
</tr>
<tr>
<td>2. Strontium-90</td>
<td>Bone Marrow</td>
<td>8</td>
</tr>
</tbody>
</table>

e) MCL for uranium. Effective December 8, 2003, the maximum contaminant level
f) Compliance dates for combined radium-226 and -228, gross alpha particle activity, gross beta particle and photon radioactivity, and uranium: Effective December 8, 2003, a CWS supplier must comply with the MCLs listed in subsections (b) through (e) of this Section beginning December 8, 2003, and compliance must be determined in accordance with the requirements of Subpart Q of this Part. Compliance with reporting requirements for the radionuclides under Appendices A, G, and H of this Part is required before December 8, 2003.

g) Best available technologies (BATs) for radionuclides. USEPA has identified the technologies indicated in the following table as the BAT for achieving compliance with the MCLs for combined radium-226 and -228, uranium, gross alpha particle activity, and beta particle and photon radioactivity.

BAT for Combined Radium-226 and Radium-228, Uranium, Gross Alpha Particle Activity, and Beta Particle and Photon Radioactivity

<table>
<thead>
<tr>
<th>Contaminant</th>
<th>BAT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Combined radium-226 and radium-228</td>
<td>Ion exchange, reverse osmosis, lime softening.</td>
</tr>
<tr>
<td>2. Uranium</td>
<td>Ion exchange, reverse osmosis, lime softening, coagulation/filtration.</td>
</tr>
<tr>
<td>4. Beta particle and photon radioactivity</td>
<td>Ion exchange, reverse osmosis.</td>
</tr>
</tbody>
</table>

h) Small systems compliance technologies list for radionuclides.

List of Small Systems Compliance Technologies for Radionuclides and Limitations to Use

<table>
<thead>
<tr>
<th>Unit technologies</th>
<th>Limitations (see footnotes)</th>
<th>Operator skill level required</th>
<th>Raw water quality range and considerations</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Ion exchange (IE)</td>
<td>(a) Intermediate</td>
<td>All ground waters.</td>
<td></td>
</tr>
<tr>
<td>2. Point of use (POU) IE</td>
<td>(b) Basic</td>
<td>All ground waters.</td>
<td></td>
</tr>
<tr>
<td>3. Reverse osmosis (RO)</td>
<td>(c) Advanced</td>
<td>Surface waters usually require pre-filtration.</td>
<td></td>
</tr>
</tbody>
</table>
**NOTICE OF PROPOSED AMENDMENTS**

<p>| | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>4. POU² RO</td>
<td>(b)</td>
<td>Basic</td>
<td>Surface waters usually require prefiltration.</td>
</tr>
<tr>
<td>5. Lime softening</td>
<td>(d)</td>
<td>Advanced</td>
<td>All waters.</td>
</tr>
<tr>
<td>6. Green sand filtration</td>
<td>(e)</td>
<td>Basic</td>
<td></td>
</tr>
<tr>
<td>7. Co-precipitation with Barium sulfate</td>
<td>(f)</td>
<td>Intermediate to Advanced</td>
<td>Ground waters with suitable water quality.</td>
</tr>
<tr>
<td>8. Electrodialysis/electrodialysis reversal</td>
<td></td>
<td>Basic to Intermediate</td>
<td>All ground waters.</td>
</tr>
<tr>
<td>9. Pre-formed hydrous Manganese oxide filtration</td>
<td>(g)</td>
<td>Intermediate</td>
<td>All ground waters.</td>
</tr>
<tr>
<td>10. Activated alumina</td>
<td>(a), (h)</td>
<td>Advanced</td>
<td>All ground waters; competing anion concentrations may affect regeneration frequency.</td>
</tr>
</tbody>
</table>

---


² A POU, or “point-of-use” technology is a treatment device installed at a single tap used for the purpose of reducing contaminants in drinking water at that one tap. POU devices are typically installed at the kitchen tap. BOARD NOTE: USEPA refers the reader to the notice of data availability (NODA) at 66 Fed. Reg. 21576 (April 21, 2000) for more details.

Limitations Footnotes: Technologies for Radionuclides:

(a) The regeneration solution contains high concentrations of the contaminant ions. Disposal options should be carefully considered before choosing this technology.
NOTICE OF PROPOSED AMENDMENTS

(b) When POU devices are used for compliance, programs for long-term operation, maintenance, and monitoring must be provided by water utility to ensure proper performance.

(c) Reject water disposal options should be carefully considered before choosing this technology.

BOARD NOTE: In corresponding 40 CFR 141.66, Table C, footnote c states in part as follows: “See other RO limitations described in the SWTR Compliance Technologies Table.” Table C was based in significant part on “Table 13.—Technologies for Radionuclides” that appears at 63 Fed. Reg. 42032 at 42043 (August 6, 1998), which refers to “Table 2.—SWTR Compliance Technology Table: Filtration.” That Table 2 lists the limitations on RO as follows:

- Blending (combining treated water with untreated raw water) cannot be practiced at risk of increasing microbial concentrations in finished water.
- Post-disinfection recommended as a safety measure and for residual maintenance.
- Post-treatment corrosion control will be needed prior to distribution.

63 Fed. Reg. at 42036.

(d) The combination of variable source water quality and the complexity of the water chemistry involved may make this technology too complex for small surface water systems.

(e) Removal efficiencies can vary depending on water quality.

(f) This technology may be very limited in application to small systems. Since the process requires static mixing, detention basins, and filtration, it is most applicable to systems with sufficiently high sulfate levels that already have a suitable filtration treatment train in place.

(g) This technology is most applicable to small systems that already have filtration in place.

(h) Handling of chemicals required during regeneration and pH adjustment may be too difficult for small systems without an adequately trained operator.

(i) Assumes modification to a coagulation/filtration process already in place.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Compliance Technologies by System Size Category for Radionuclide NPDWRs

<table>
<thead>
<tr>
<th>Contaminant</th>
<th>Compliance technologies(^1) for system size categories (population served)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Combined radium-226 and radium-228</td>
<td>1, 2, 3, 4, 5, 6, 7, 8, 9, 1, 2, 3, 4, 5, 6, 7, 8, 9, 1, 2, 3, 4, 5, 6, 7, 8, 9</td>
</tr>
<tr>
<td>2. Gross alpha particle activity</td>
<td>3, 4, 3, 4, 3, 4</td>
</tr>
<tr>
<td>3. Beta particle activity and photon activity</td>
<td>1, 2, 3, 4, 1, 2, 3, 4, 5, 10, 11, 1, 2, 3, 4</td>
</tr>
<tr>
<td>4. Uranium</td>
<td>1, 2, 3, 4, 5, 10, 11</td>
</tr>
</tbody>
</table>

Note: \(^1\) Numbers correspond to those technologies found listed in the table, “List of Small Systems Compliance Technologies for Radionuclides and Limitations to Use,” set forth above.


(Source: Amended at 27 Ill. Reg. ________, effective ______________________)

Section 611.331 Beta Particle and Photon Radioactivity

The following provisions apply until December 8, 2003:

a) The average annual concentration of beta particle and photon radio-activity from man-made radionuclides in drinking water must not produce an annual dose equivalent to the total body or any internal organ greater than 4 mrem/year.

b) Except for the radionuclides listed below, the concentration of man-made radionuclides causing 4 mrem total body or organ dose equivalents must be calculated on the basis of a 2 liter per day drinking water intake using the 168 hour data listed in “Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and in Water for Occupational Exposure,” NCRP Report Number 22, incorporated by reference in Section 611.102. If two or more radionuclides are present, the sum of their annual dose equivalent to the total body or to any organ must not exceed 4 mrem/year.

AVERAGE ANNUAL CONCENTRATIONS ASSUMED TO
SUBPART G: LEAD AND COPPER

Section 611.350 General Requirements

a) Applicability and Scope

1) Applicability. The requirements of this Subpart G constitute national primary drinking water regulations for lead and copper. This Subpart G applies to all community water systems (CWSs) and non-transient, non-community water systems (NTNCWSs).

2) Scope. This Subpart G establishes a treatment technique that includes requirements for corrosion control treatment, source water treatment, lead service line replacement, and public education. These requirements are triggered, in some cases, by lead and copper action levels measured in samples collected at consumers’ taps.

b) Definitions. For the purposes of only this Subpart G, the following terms have the following meanings:

“Action level” means that concentration of lead or copper in water computed pursuant to subsection (c) of this Section that determines, in some cases, the treatment requirements of this Subpart G that a supplier must complete. The action level for lead is 0.015 mg/L. The action level for copper is 1.3 mg/L.

“Corrosion inhibitor” means a substance capable of reducing the corrosivity of water toward metal plumbing materials, especially lead and copper, by forming a protective film on the interior surface of those materials.

“Effective corrosion inhibitor residual” means a concentration of inhibitor in the drinking water sufficient to form a passivating film on the interior walls of a pipe.
“Exceed,” as this term is applied to either the lead or the copper action level, means that the 90th percentile level of the supplier’s samples collected during a six-month monitoring period is greater than the action level for that contaminant.

“First draw sample” means a one-liter sample of tap water, collected in accordance with Section 611.356(b)(2), that has been standing in plumbing pipes for at least six hours and which is collected without flushing the tap.

“Large system” means a water system that regularly serves water to more than 50,000 persons.

“Lead service line” means a service line made of lead that connects the water main to the building inlet, including any lead pigtail, gooseneck, or other fitting that is connected to such lead line.

“Maximum permissible concentration” or “MPC” means that concentration of lead or copper for finished water entering the supplier’s distribution system, designated by the Agency by a SEP pursuant to Sections 611.110 and 611.353(b) that reflects the contaminant removal capability of the treatment properly operated and maintained.


(See Section 611.353(b)(4)(B)).

“Medium-sized system” means a water system that regularly serves water to more than 3,300 up to 50,000 or fewer persons.

“Meet,” as this term is applied to either the lead or the copper action level, means that the 90th percentile level of the supplier’s samples collected during a six-month monitoring period is less than or equal to the action level for that contaminant.

“Method detection limit” or “MDL” is as defined at Section 611.646(a). The MDL for lead is 0.001 mg/L. The MDL for copper is 0.001 mg/L, or 0.020 mg/L by atomic absorption direct aspiration method.


“Monitoring period” means any of the six-month periods of time during which a supplier must complete a cycle of monitoring under this Subpart G.

BOARD NOTE: USEPA refers to these as “monitoring periods.” The Board uses “six-month monitoring period” to avoid confusion with “compliance period,” as used elsewhere in this Part and defined at Section 611.101.
“Multiple-family residence” means a building that is currently used as a multiple-family residence, but not one that is also a “single-family structure.”

“90th percentile level” means that concentration of lead or copper contaminant exceeded by ten percent or fewer of all samples collected during a six-month monitoring period pursuant to Section 611.356 (i.e., that concentration of contaminant greater than or equal to the results obtained from 90 percent of the samples). The 90th percentile levels for copper and lead must be determined pursuant to subsection (c)(3) of this Section.


“Optimal corrosion control treatment” means the corrosion control treatment that minimizes the lead and copper concentrations at users’ taps while ensuring that the treatment does not cause the water system to violate any national primary drinking water regulations.

“Practical quantitation limit” or “PQL” means the lowest concentration of a contaminant that a well-operated laboratory can reliably achieve within specified limits of precision and accuracy during routine laboratory operating conditions. The PQL for lead is 0.005 mg/L. The PQL for copper is 0.050 mg/L.


“Service line sample” means a one-liter sample of water, collected in accordance with Section 611.356(b)(3), that has been standing for at least six hours in a service line.

“Single-family structure” means a building that was constructed as a single-family residence and which is currently used as either a residence or a place of business.

“Small system” means a water system that regularly serves water to 3,300 or fewer persons.


c) Lead and Copper Action Levels:

1) The lead action level is exceeded if the 90th percentile lead level is greater than 0.015 mg/L.

2) The copper action level is exceeded if the 90th percentile copper level is greater than 1.3 mg/L.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

3) Suppliers must compute the 90th percentile lead and copper levels as follows:

A) List the results of all lead or copper samples taken during a six-month monitoring period in ascending order, ranging from the sample with the lowest concentration first to the sample with the highest concentration last. Assign each sampling result a number, ascending by single integers beginning with the number 1 for the sample with the lowest contaminant level. The number assigned to the sample with the highest contaminant level must be equal to the total number of samples taken.

B) Determine the number for the 90th percentile sample by multiplying the total number of samples taken during the six-month monitoring period by 0.9.

C) The contaminant concentration in the sample with the number yielded by the calculation in subsection (c)(3)(B) of this Section is the 90th percentile contaminant level.

D) For suppliers that collect five samples per six-month monitoring period, the 90th percentile is computed by taking the average of the highest and second highest concentrations.

d) Corrosion Control Treatment Requirements:

1) All suppliers must install and operate optimal corrosion control treatment.

2) Any supplier that complies with the applicable corrosion control treatment requirements specified by the Agency pursuant to Sections 611.351 and 611.352 is deemed in compliance with the treatment requirement of subsection (d)(1) of this Section.

e) Source water treatment requirements. Any supplier whose system exceeds the lead or copper action level must implement all applicable source water treatment requirements specified by the Agency pursuant to Section 611.353.

f) Lead service line replacement requirements. Any supplier whose system exceeds the lead action level after implementation of applicable corrosion control and source water treatment requirements must complete the lead service line replacement requirements contained in Section 611.354.
g) Public education requirements. Any supplier whose system exceeds the lead action level must implement the public education requirements contained in Section 611.355.

h) Monitoring and analytical requirements. Suppliers must complete all tap water monitoring for lead and copper, monitoring for water quality parameters, source water monitoring for lead and copper, and analyses of the monitoring results under this Subpart G in compliance with Sections 611.356, 611.357, 611.358, and 611.359.

i) Reporting requirements. Suppliers must report to the Agency any information required by the treatment provisions of this Subpart G and Section 611.360.

j) Recordkeeping requirements. Suppliers must maintain records in accordance with Section 611.361.

k) Violation of national primary drinking water regulations. Failure to comply with the applicable requirements of this Subpart G, including conditions imposed by the Agency by special exception permit (SEP) pursuant to these provisions and Section 611.110, will constitute a violation of the national primary drinking water regulations for lead or copper.


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

Section 611.351 Applicability of Corrosion Control

a) Corrosion control required. Suppliers must complete the applicable corrosion control treatment requirements described in Section 611.352 on or before the deadlines set forth in this Section.

1) Large systems. Each large system supplier (one regularly serving more than 50,000 persons) must complete the corrosion control treatment steps specified in subsection (d) of this Section, unless it is deemed to have optimized corrosion control under subsection (b)(2) or (b)(3) of this Section.

2) Medium-sized and small systems. Each small system supplier (one regularly serving 3,300 or fewer persons) and each medium-sized system (one regularly serving more than 3,300 up to 50,000 persons) must
complete the corrosion control treatment steps specified in subsection (e) of this Section, unless it is deemed to have optimized corrosion control under one of subsections (b)(1), (b)(2), or (b)(3) of this Section.

b) Suppliers deemed to have optimized corrosion control. A supplier is deemed to have optimized corrosion control, and is not required to complete the applicable corrosion control treatment steps identified in this Section, if the supplier satisfies one of the criteria specified in subsections (b)(1) through (b)(3) of this Section. Any such system deemed to have optimized corrosion control under this subsection, and which has treatment in place, must continue to operate and maintain optimal corrosion control treatment and meet any requirements that the Agency determines are appropriate to ensure optimal corrosion control treatment is maintained.

1) Small or medium-sized system meeting action levels. A small system or medium-sized system supplier is deemed to have optimized corrosion control if the system meets the lead and copper action levels during each of two consecutive six-month monitoring periods with monitoring conducted in accordance with Section 611.356.

2) SEP for equivalent activities to corrosion control. The Agency must, by a SEP granted pursuant to Section 611.110, deem any supplier to have optimized corrosion control treatment if it determines that the supplier has conducted activities equivalent to the corrosion control steps applicable under this Section. In making this determination, the Agency must specify the water quality control parameters representing optimal corrosion control in accordance with Section 611.352(f). A water supplier that is deemed to have optimized corrosion control under this subsection (b)(2) must operate in compliance with the Agency-designated optimal water quality control parameters in accordance with Section 611.352(g) and must continue to conduct lead and copper tap and water quality parameter sampling in accordance with Sections 611.356(d)(3) and 611.357(d), respectively. A supplier must provide the Agency with the following information in order to support an Agency SEP determination under this subsection (b)(2):

A) The results of all test samples collected for each of the water quality parameters in Section 611.352(c)(3);
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

B) A report explaining the test methods the supplier used to evaluate the corrosion control treatments listed in Section 611.352(c)(1), the results of all tests conducted, and the basis for the supplier’s selection of optimal corrosion control treatment;

C) A report explaining how the supplier has installed corrosion control and how the supplier maintains it to insure minimal lead and copper concentrations at consumer’s taps; and

D) The results of tap water samples collected in accordance with Section 611.356 at least once every six months for one year after corrosion control has been installed.

3) Results less than practical quantitation level (PQL) for lead. Any supplier is deemed to have optimized corrosion control if it submits results of tap water monitoring conducted in accordance with Section 611.356 and source water monitoring conducted in accordance with Section 611.358 that demonstrate that for two consecutive six-month monitoring periods the difference between the 90th percentile tap water lead level, computed pursuant to Section 611.350(c)(3), and the highest source water lead concentration is less than the practical quantitation level for lead specified in Section 611.359(a)(1)(B)(i).

A) Those systems whose highest source water lead level is below the method detection limit (MDL) may also be deemed to have optimized corrosion control under this subsection (b) if the 90th percentile tap water lead level is less than or equal to the PQL for lead for two consecutive six-month monitoring periods.

B) Any water system deemed to have optimized corrosion control in accordance with this subsection (b) must continue monitoring for lead and copper at the tap no less frequently than once every three calendar years using the reduced number of sites specified in Section 611.356(c) and collecting the samples at times and locations specified in Section 611.356(d)(4)(D). Any such system that has not conducted a round of monitoring pursuant to Section 611.356(d) since September 30, 1997, must complete a round of monitoring pursuant to this subsection (b) no later than September 30, 2000.

BOARD NOTE: USEPA specified September 30, 2000 at 40 CFR
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

141.81(b)(3)(ii) (2000). In order to remain identical in substance and to retain State primacy, the Board retained this date despite the fact that this Section became effective after that date.

C) Any water system deemed to have optimized corrosion control pursuant to this subsection (b) must notify the Agency in writing pursuant to Section 611.360(a)(3) of any change in treatment or the addition of a new source. The Agency must require any such system to conduct additional monitoring or to take other action if the Agency determines that the additional monitoring is necessary and appropriate to ensure that the supplier maintains minimal levels of corrosion in its distribution system.

D) As of July 12, 2001, a supplier is not deemed to have optimized corrosion control under this subsection (b), and must implement corrosion control treatment pursuant to subsection (b)(3)(E) of this Section, unless it meets the copper action level.

E) Any supplier triggered into corrosion control because it is no longer deemed to have optimized corrosion control under this subsection must implement corrosion control treatment in accordance with the deadlines in subsection (e) of this Section. Any such large system supplier must adhere to the schedule specified in that subsection (e) for a medium-sized system supplier, with the time periods for completing each step being triggered by the date the supplier is no longer deemed to have optimized corrosion control under this subsection (b).

c) Suppliers not required to complete corrosion control steps for having met both action levels.

1) Any small system or medium-sized system supplier, otherwise required to complete the corrosion control steps due to its exceedence of the lead or copper action level, may cease completing the treatment steps after the supplier has fulfilled both of the following conditions:

A) It has met both the copper action level and the lead action level during each of two consecutive six-month monitoring periods conducted pursuant to Section 611.356c; and
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

B) The supplier has submitted the results for those two consecutive six-month monitoring periods to the Agency.

2) A supplier that has ceased completing the corrosion control steps pursuant to subsection (c)(1) of this Section (or the Agency, if appropriate) must resume completion of the applicable treatment steps, beginning with the first treatment step that the supplier previously did not complete in its entirety, if the supplier thereafter exceeds the lead or copper action level during any monitoring period.

3) The Agency may, by SEP, require a supplier to repeat treatment steps previously completed by the supplier where it determines that this is necessary to properly implement the treatment requirements of this Section. Any such SEP must explain the basis for this decision.

4) The requirement for any small- or medium-sized system supplier to implement corrosion control treatment steps in accordance with subsection (e) of this Section (including systems deemed to have optimized corrosion control under subsection (b)(1) of this Section) is triggered whenever any small- or medium-sized system supplier exceeds the lead or copper action level.

d) Treatment steps and deadlines for large systems. Except as provided in subsections (b)(2) and (b)(3) of this Section, large system suppliers must complete the following corrosion control treatment steps (described in the referenced portions of Sections 611.352, 611.356, and 611.357) on or before the indicated dates.

1) Step 1: The supplier must conduct initial monitoring (Sections 611.356(d)(1) and 611.357(b)) during two consecutive six-month monitoring periods on or before January 1, 1993.

BOARD NOTE: USEPA specified January 1, 1993 at 40 CFR 141.81(d)(1) (2000). In order to remain identical in substance and to retain State primacy, the Board retained this date despite the fact that this Section became effective after that date.

2) Step 2: The supplier must complete corrosion control studies (Section 611.352(c)) on or before July 1, 1994.

3) Step 3: The Agency must approve optimal corrosion control treatment
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

(Section 611.352(d)) by a SEP issued pursuant to Section 611.110 on or before January 1, 1995.

4) Step 4: The supplier must install optimal corrosion control treatment (Section 611.352(e)) by January 1, 1997.

5) Step 5: The supplier must complete follow-up sampling (Sections 611.356(d)(2) and 611.357(c)) by January 1, 1998.

6) Step 6: The Agency must review installation of treatment and approve optimal water quality control parameters (Section 611.352(f)) by July 1, 1998.

7) Step 7: The supplier must operate in compliance with the Agency-specified optimal water quality control parameters (Section 611.352(g)) and continue to conduct tap sampling (Sections 611.356(d)(3) and 611.357(d)).

e) Treatment steps and deadlines for small and medium-sized system suppliers. Except as provided in subsection (b) of this Section, small- and medium-sized system suppliers must complete the following corrosion control treatment steps (described in the referenced portions of Sections 611.352, 611.356, and 611.357) by the indicated time periods.

1) Step 1: The supplier must conduct initial tap sampling (Sections 611.356(d)(1) and 611.357(b)) until the supplier either exceeds the lead action level or the copper action level or it becomes eligible for reduced monitoring under Section 611.356(d)(4). A supplier exceeding the lead action level or the copper action level must recommend optimal corrosion control treatment (Section 611.352(a)) within six months after it exceeds one of the action levels.

2) Step 2: Within 12 months after a supplier exceeds the lead action level or the copper action level, the Agency may require the supplier to perform corrosion control studies (Section 611.352(b)). If the Agency does not require the supplier to perform such studies, the Agency must, by a SEP issued pursuant to Section 611.110, specify optimal corrosion control treatment (Section 611.352(d)) within the following timeframes:

   A) for medium-sized systems, within 18 months after such supplier exceeds the lead action level or the copper action level,
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

B) for small systems, within 24 months after such supplier exceeds the lead action level or the copper action level.

3) Step 3: If the Agency requires a supplier to perform corrosion control studies under step 2 (subsection (e)(2) of this Section), the supplier must complete the studies (Section 611.352(c)) within 18 months after the Agency requires that such studies be conducted.

4) Step 4: If the supplier has performed corrosion control studies under step 2 (subsection (e)(2) of this Section), the Agency must, by a SEP issued pursuant to Section 611.110, approve optimal corrosion control treatment (Section 611.352(d)) within six months after completion of step 3 (subsection (e)(3) of this Section).

5) Step 5: The supplier must install optimal corrosion control treatment (Section 611.352(e)) within 24 months after the Agency approves such treatment.

6) Step 6: The supplier must complete follow-up sampling (Sections 611.356(d)(2) and 611.357(c)) within 36 months after the Agency approves optimal corrosion control treatment.

7) Step 7: The Agency must review the supplier’s installation of treatment and, by a SEP issued pursuant to Section 611.110, approve optimal water quality control parameters (Section 611.352(f)) within six months after completion of step 6 (subsection (e)(6) of this Section).

8) Step 8: The supplier must operate in compliance with the Agency-approved optimal water quality control parameters (Section 611.352(g)) and continue to conduct tap sampling (Sections 611.356(d)(3) and 611.357(d)).


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

Section 611.352 Corrosion Control Treatment

Each supplier must complete the corrosion control treatment requirements described below that are applicable to such supplier under Section 611.351.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

a) System recommendation regarding corrosion control treatment.

1) Based on the results of lead and copper tap monitoring and water quality parameter monitoring, small- and medium-sized system suppliers exceeding the lead action level or the copper action level must recommend to the Agency installation of one or more of the corrosion control treatments listed in subsection (c)(1) of this Section that the supplier believes constitutes optimal corrosion control for its system.

2) The Agency may, by a SEP issued pursuant to Section 611.110, require the supplier to conduct additional water quality parameter monitoring in accordance with Section 611.357(b) to assist it in reviewing the supplier’s recommendation.

b) Agency-required studies of corrosion control treatment. The Agency may, by a SEP issued pursuant to Section 611.110, require any small-or medium-sized system supplier that exceeds the lead action level or the copper action level to perform corrosion control studies under subsection (c) of this Section to identify optimal corrosion control treatment for its system.

c) Performance of studies:

1) Any supplier performing corrosion control studies must evaluate the effectiveness of each of the following treatments, and, if appropriate, combinations of the following treatments, to identify the optimal corrosion control treatment for its system:

A) Alkalinity and pH adjustment;

B) Calcium hardness adjustment; and

C) The addition of a phosphate- or silicate-based corrosion inhibitor at a concentration sufficient to maintain an effective residual concentration in all test tap samples.

2) The supplier must evaluate each of the corrosion control treatments using either pipe rig/loop tests; metal coupon tests; partial-system tests; or analyses based on documented analogous treatments in other systems of similar size, water chemistry, and distribution system configuration.

3) The supplier must measure the following water quality parameters in any
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

tests conducted under this subsection (c) before and after evaluating the corrosion control treatments listed above:

A) Lead;

B) Copper;

C) pH;

D) Alkalinity;

E) Calcium;

F) Conductivity;

G) Orthophosphate (when an inhibitor containing a phosphate compound is used);

H) Silicate (when an inhibitor containing a silicate compound is used);

and

I) Water temperature.

4) The supplier must identify all chemical or physical constraints that limit or prohibit the use of a particular corrosion control treatment, and document such constraints with at least one of the following:

A) Data and documentation showing that a particular corrosion control treatment has adversely affected other water treatment processes when used by another supplier with comparable water quality characteristics; or

B) Data and documentation demonstrating that the supplier has previously attempted to evaluate a particular corrosion control treatment, finding either that the treatment is ineffective or that it adversely affects other water quality treatment processes.

5) The supplier must evaluate the effect of the chemicals used for corrosion control treatment on other water quality treatment processes.

6) On the basis of an analysis of the data generated during each evaluation, the supplier must recommend to the Agency, in writing, that treatment
option the corrosion control studies indicate constitutes optimal corrosion control treatment for its system. The supplier must provide a rationale for its recommendation, along with all supporting documentation specified in subsections (c)(1) through (c)(5) of this Section.

d) Agency approval of treatment:

1) Based on consideration of available information including, where applicable, studies performed under subsection (c) of this Section and a supplier’s recommended treatment alternative, the Agency must, by a SEP issued pursuant to Section 611.110, either approve the corrosion control treatment option recommended by the supplier, or deny and require investigation and recommendation of alternative corrosion control treatments from among those listed in subsection (c)(1) of this Section. When approving optimal treatment, the Agency must consider the effects that additional corrosion control treatment will have on water quality parameters and on other water quality treatment processes.

2) The Agency must, in any SEP issued under subsection (d)(1) of this Section, notify the supplier of the basis for this determination.

e) Installation of optimal corrosion control. Each supplier must properly install and operate, throughout its distribution system, that optimal corrosion control treatment approved by the Agency pursuant to subsection (d) of this Section.

f) Agency review of treatment and specification of optimal water quality control parameters. The Agency must evaluate the results of all lead and copper tap samples and water quality parameter samples submitted by the supplier and determine whether it has properly installed and operated the optimal corrosion control treatment approved pursuant to subsection (d) of this Section.

1) Upon reviewing the results of tap water and water quality parameter monitoring by the supplier, both before and after the installation of optimal corrosion control treatment, the Agency must, by a SEP issued pursuant to Section 611.110, specify the following:

A) A minimum value or a range of values for pH measured at each entry point to the distribution system;

B) A minimum pH value, measured in all tap samples. Such value must be equal to or greater than 7.0, unless the Agency determines
that meeting a pH level of 7.0 is not technologically feasible or is not necessary for the supplier to optimize corrosion control;

C) If a corrosion inhibitor is used, a minimum concentration or a range of concentrations for the inhibitor, measured at each entry point to the distribution system and in all tap samples, that the Agency determines is necessary to form a passivating film on the interior walls of the pipes of the distribution system;

D) If alkalinity is adjusted as part of optimal corrosion control treatment, a minimum concentration or a range of concentrations for alkalinity, measured at each entry point to the distribution system and in all tap samples;

E) If calcium carbonate stabilization is used as part of corrosion control, a minimum concentration or a range of concentrations for calcium, measured in all tap samples.

2) The values for the applicable water quality control parameters listed in subsection (f)(1) of this Section must be those that the Agency determines reflect optimal corrosion control treatment for the supplier.

3) The Agency may, by a SEP issued pursuant to Section 611.110, approve values for additional water quality control parameters determined by the Agency to reflect optimal corrosion control for the supplier’s system.

4) The Agency must, in issuing a SEP, explain these determinations to the supplier, along with the basis for its decisions.

Continued Operation and Monitoring. All suppliers optimizing corrosion control must continue to operate and maintain optimal corrosion control treatment, including maintaining water quality parameter values at or above minimum values or within ranges approved by the Agency under subsection (f) of this Section, in accordance with this subsection (g) for all samples collected under Sections 611.357(d) through (f). Compliance with the requirements of this subsection (g) must be determined every six months, as specified under Section 611.357(d). A water system is out of compliance with the requirements of this subsection for a six-month period if it has excursions for any Agency-specified parameter on more than nine days during the period. An excursion occurs whenever the daily value for one or more of the water quality parameters measured at a sampling location is below the minimum value or outside the range designated by the Agency. Daily
values are calculated as provided in subsections (g)(1) through (g)(3) of this Section. The Agency must delete results that it determines are obvious sampling errors from this calculation.

1) On days when more than one measurement for the water quality parameter is collected at the sampling location, the daily value must be the average of all results collected during the day regardless of whether the samples are collected through continuous monitoring, grab sampling, or a combination of both.

BOARD NOTE: Corresponding 40 CFR 141.82(g)(1) further provides as follows: If USEPA approves an alternative formula under 40 CFR 142.16 in the State’s application for a program revision submitted pursuant to 40 CFR 142.12, the State’s formula must be used to aggregate multiple measurements taken at a sampling point for the water quality parameter in lieu of the formula in this subsection.

2) On days when only one measurement for the water quality parameter is collected at the sampling location, the daily value must be the result of that measurement.

3) On days when no measurement is collected for the water quality parameter at the sampling location, the daily value must be the daily value calculated on the most recent day on which the water quality parameter was measured at the sample site.

h) Modification of Agency treatment decisions.

1) On its own initiative, or in response to a request by a supplier, the Agency may, by a SEP issued pursuant to this subsection and Section 611.110, modify its determination of the optimal corrosion control treatment under subsection (d) of this Section or of the optimal water quality control parameters under subsection (f) of this Section.

2) A request for modification must be in writing, explain why the modification is appropriate, and provide supporting documentation.

3) The Agency may modify its determination where it determines that such change is necessary to ensure that the supplier continues to optimize corrosion control treatment. A revised determination must set forth the new treatment requirements, explain the basis for the Agency’s decision,
and provide an implementation schedule for completing the treatment modifications.

4) Any interested person may submit information to the Agency bearing on whether the Agency should, within its discretion, issue a SEP to modify its determination pursuant to subsection (h)(1) of this Section. An Agency determination not to act on a submission of such information by an interested person is not an Agency determination for the purposes of Sections 39 and 40 of the Act [415 ILCS 5/39 and 40].

i) Treatment decisions by USEPA. Pursuant to the procedures in 40 CFR 142.19, the USEPA Regional Administrator has reserved the prerogative to review treatment determinations made by the Agency under subsections (d), (f), or (h) of this Section and issue federal treatment determinations consistent with the requirements of 40 CFR 141.82(d), (e), or (h), where the Regional Administrator finds that the following is true:

1) The Agency has failed to issue a treatment determination by the applicable deadlines contained in Section 611.351 (40 CFR 141.81),

2) The Agency has abused its discretion in a substantial number of cases or in cases affecting a substantial population;

3) The technical aspects of the Agency’s determination would be indefensible in an expected federal enforcement action taken against a supplier.


(Source: Amended at 27 Ill. Reg. ______, effective __________________________)

Section 611.353 Source Water Treatment

Suppliers must complete the applicable source water monitoring and treatment requirements (described in the referenced portions of subsection (b) of this Section, and in Sections 611.356 and 611.358) by the following deadlines.

a) Deadlines for Completing Source Water Treatment Steps completing source water treatment steps.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Step 1: A supplier exceeding the lead action level or the copper action level must complete lead and copper and source water monitoring (Section 611.358(b)) and make a treatment recommendation to the Agency (subsection (b)(1) of this Section) within six months after exceeding the pertinent action level.

2) Step 2: The Agency must, by a SEP issued pursuant to Section 611.110, make a determination regarding source water treatment (subsection (b)(2) of this Section) within six months after submission of monitoring results under step 1.

3) Step 3: If the Agency requires installation of source water treatment, the supplier must install that treatment (subsection (b)(3) of this Section) within 24 months after completion of step 2.

4) Step 4: The supplier must complete follow-up tap water monitoring (Section 611.356(d)(2)) and source water monitoring (Section 611.358(c)) within 36 months after completion of step 2.

5) Step 5: The Agency must, by a SEP issued pursuant to Section 611.110, review the supplier’s installation and operation of source water treatment and specify MPCs for lead and copper (subsection (b)(4) of this Section) within six months after completion of step 4.

6) Step 6: The supplier must operate in compliance with the Agency-specified lead and copper MPCs (subsection (b)(4) of this Section) and continue source water monitoring (Section 611.358(d)).

b) Description of Source Water Treatment Requirements

1) System treatment recommendation. Any supplier that exceeds the lead action level or the copper action level must recommend in writing to the Agency the installation and operation of one of the source water treatments listed in subsection (b)(2) of this Section. A supplier may recommend that no treatment be installed based on a demonstration that source water treatment is not necessary to minimize lead and copper levels at users’ taps.

2) Agency determination regarding source water treatment.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

A) The Agency must complete an evaluation of the results of all source water samples submitted by the supplier to determine whether source water treatment is necessary to minimize lead or copper levels in water delivered to users’ taps.

B) If the Agency determines that treatment is needed, the Agency must, by a SEP issued pursuant to Section 611.110, either require installation and operation of the source water treatment recommended by the supplier (if any) or require the installation and operation of another source water treatment from among the following:

i) ion exchange,

ii) reverse osmosis,

iii) lime softening; or

iv) coagulation/filtration.

C) The Agency may request and the supplier must submit such additional information, on or before a certain date, as the Agency determines is necessary to aid in its review.

D) The Agency must notify the supplier in writing of its determination and set forth the basis for its decision.

3) Installation of source water treatment. Each supplier must properly install and operate the source water treatment approved by the Agency under subsection (b)(2) of this Section.

4) Agency review of source water treatment and specification of maximum permissible source water levels (MPCs).

A) The Agency must review the source water samples taken by the supplier both before and after the supplier installs source water treatment, and determine whether the supplier has properly installed and operated the approved source water treatment.

B) Based on its review, the Agency must, by a SEP issued pursuant to Section 611.110, approve the lead and copper MPCs for finished
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

water entering the supplier’s distribution system. Such levels must reflect the contaminant removal capability of the treatment properly operated and maintained.

C) The Agency must explain the basis for its decision under subsection (b)(4)(B) of this Section.

5) Continued operation and maintenance. Each supplier must maintain lead and copper levels below the MPCs approved by the Agency at each sampling point monitored in accordance with Section 611.358. The supplier is out of compliance with this subsection if the level of lead or copper at any sampling point is greater than the MPC approved by the Agency pursuant to subsection (b)(4)(B) of this Section.

6) Modification of Agency treatment decisions.

A) On its own initiative, or in response to a request by a supplier, the Agency may, by a SEP issued pursuant to Section 611.110, modify its determination of the source water treatment under subsection (b)(2) of this Section, or the lead and copper MPCs under subsection (b)(4) of this Section.

B) A request for modification by a supplier must be in writing, explain why the modification is appropriate, and provide supporting documentation.

C) The Agency may, by a SEP issued pursuant to Section 611.110, modify its determination where it concludes that such change is necessary to ensure that the supplier continues to minimize lead and copper concentrations in source water.

D) A revised determination made pursuant to subsection (b)(6)(C) of this Section must set forth the new treatment requirements, explain the basis for the Agency’s decision, and provide an implementation schedule for completing the treatment modifications.

E) Any interested person may submit information to the Agency, in writing, that bears on whether the Agency should, within its discretion, issue a SEP to modify its determination pursuant to subsection (h)(1) of this Section. An Agency determination not to act on a submission of such information by an interested person is
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

not an Agency determination for the purposes of Sections 39 and 40 of the Act [415 ILCS 5/39 and 40].

7) Treatment decisions by USEPA. Pursuant to the procedures in 40 CFR 142.19, the USEPA Regional Administrator reserves the prerogative to review treatment determinations made by the Agency under subsections (b)(2), (b)(4), or (b)(6) of this Section and issue federal treatment determinations consistent with the requirements of 40 CFR 141.83(b)(2), (b)(4), and (b)(6), where the Administrator finds that the following is true:

A) the Agency has failed to issue a treatment determination by the applicable deadline contained in subsection (a) of this Section,

B) the Agency has abused its discretion in a substantial number of cases or in cases affecting a substantial population; or

C) the technical aspects of the Agency’s determination would be indefensible in an expected federal enforcement action taken against a supplier.


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

Section 611.354  Lead Service Line Replacement

a) Suppliers required to replace lead service lines.

1) If the results from tap samples taken pursuant to Section 611.356(d)(2) exceed the lead action level after the supplier has installed corrosion control or source water treatment (whichever sampling occurs later), the supplier must recommence replacing lead service lines in accordance with the requirements of subsection (b) of this Section.

2) If a supplier is in violation of Section 611.351 or Section 611.353 for failure to install source water or corrosion control treatment, the Agency may, by a SEP issued pursuant to Section 611.110, require the supplier to commence lead service line replacement under this Section after the date by which the supplier was required to conduct monitoring under Section 611.356(d)(2) has passed.
b) Annual replacement of lead service lines.

1) A supplier required to commence lead service line replacement pursuant to subsection (a) of this Section must annually replace at least seven percent of the initial number of lead service lines in its distribution system.

2) The initial number of lead service lines is the number of lead lines in place at the time the replacement program begins.

3) The supplier must identify the initial number of lead service lines in its distribution system, including an identification of the portions of the system owned by the supplier, based on a materials evaluation, including the evaluation required under Section 611.356(a) and relevant legal authorities (e.g. contracts, local ordinances) regarding the portion owned by the system.

4) The first year of lead service line replacement must begin on the date the supplier exceeded the action level in tap sampling referenced in subsection (a) of this Section.

c) Service lines not needing replacement. A supplier is not required to replace any individual lead service line for which the lead concentrations in all service line samples taken from that line pursuant to Section 611.356(b)(3) are less than or equal to 0.015 mg/L.

d) A water supplier must replace that portion of the lead service line that it owns. In cases where the supplier does not own the entire lead service line, the supplier must notify the owner of the line, or the owner’s authorized agent, that the supplier will replace the portion of the service line that it owns and must offer to replace the owner’s portion of the line. A supplier is not required to bear the cost of replacing the privately-owned portion of the line, nor is it required to replace the privately-owned portion where the owner chooses not to pay the cost of replacing the privately-owned portion of the line, or where replacing the privately-owned portion would be precluded by State, local, or common law. A water supplier that does not replace the entire length of the service line also must complete the following tasks:

1) Notice Prior to Commencement of Work.

A) At least 45 days prior to commencing the partial replacement of a lead service line, the water supplier must provide notice to the
POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

residents of all buildings served by the line explaining that they may experience a temporary increase of lead levels in their drinking water, along with guidance on measures consumers can take to minimize their exposure to lead.

B) The Agency, by issuing an appropriate SEP, may allow the water supplier to provide notice under the previous sentence less than 45 days prior to commencing partial lead service line replacement where it determines that such replacement is in conjunction with emergency repairs.

C) In addition, the water supplier must inform the residents served by the line that the supplier will, at the supplier’s expense, collect a sample from each partially-replaced lead service line that is representative of the water in the service line for analysis of lead content, as prescribed by Section 611.356(b)(3), within 72 hours after the completion of the partial replacement of the service line. The supplier must collect the sample and report the results of the analysis to the owner and the residents served by the line within three business days of receiving the results.

D) Mailed notices post-marked within three business days of receiving the results must be considered “on time”.

2) The water supplier must provide the information required by subsection (d)(1) of this Section to the residents of individual dwellings by mail or by other methods approved by the Agency by a SEP issued pursuant to Section 611.110. In instances where multi-family dwellings are served by the service line, the water supplier must have the option to post the information at a conspicuous location.

e) Agency determination of shorter replacement schedule.

1) The Agency must, by a SEP issued pursuant to Section 611.110, require a supplier to replace lead service lines on a shorter schedule than that otherwise required by this Section if it determines, taking into account the number of lead service lines in the system, that such a shorter replacement schedule is feasible.

2) The Agency must notify the supplier of its finding pursuant to subsection (e)(1) of this Section within six months after the supplier is triggered into
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

lead service line replacement based on monitoring, as referenced in subsection (a) of this Section.

f) Cessation of service line replacement.

1) Any supplier may cease replacing lead service lines whenever it fulfills both of the following conditions:

A) First draw tap samples collected pursuant to Section 611.356(b)(2) meet the lead action level during each of two consecutive six-month monitoring periods; and

B) The supplier has submitted those results to the Agency.

2) If any of the supplier’s first draw tap samples thereafter exceed the lead action level, the supplier must recommence replacing lead service lines pursuant to subsection (b) of this Section.

g) To demonstrate compliance with subsections (a) through (d) of this Section, a supplier must report to the Agency the information specified in Section 611.360(e).


(Source: Amended at 27 Ill. Reg. _______, effective ______________________)

Section 611.355 Public Education and Supplemental Monitoring

A supplier that exceeds the lead action level based on tap water samples collected in accordance with Section 611.356 must deliver the public education materials required by subsections (a) and (b) of this Section in accordance with the requirements of subsection (c) of this Section.

a) Content of written materials.

1) Community water systems. A CWS supplier must include the text set forth in Appendix E of this Part in all of the printed materials it distributes through its lead public education program. A supplier may delete information pertaining to lead service lines, upon approval by the Agency by a SEP issued pursuant to Section 611.110, if no lead service lines exist anywhere in the water system service area. Public education language at
paragraphs (4)(B)(5) and (4)(D)(2) of Appendix E of this Part may be modified regarding building permit record availability and consumer access to these records, if approved by the Agency by a SEP issued pursuant to Section 611.110. A supplier may also continue to utilize pre-printed materials that meet the public education language requirements in 40 CFR 141.85 (1991). Any additional information presented by a supplier must be consistent with the information in Appendix E of this Part and be in plain English that can be understood by lay persons.


2) Non-transient non-community water systems. A NTNCWS must either include the text specified in subsection (a)(1) of this Section or must include the text set forth in Appendix F of this Part in all of the printed materials it distributes through its lead public education program. A water supplier may delete information pertaining to lead service lines upon approval by the Agency by a SEP issued pursuant to Section 611.110 if no lead service lines exist anywhere in the water system service area. Any additional information presented by a supplier must be consistent with the information below and be in plain English that can be understood by lay persons.

b) Content of broadcast materials. A supplier must include the following information in all public service announcements submitted under its lead public education program to television and radio stations for broadcast:

1) Why should everyone want to know the facts about lead and drinking water? Because unhealthy amounts of lead can enter drinking water through the plumbing in your home. That’s why I urge you to do what I did. I had my water tested for {insert “free” or $-the cost per sample}. You can contact the {insert the name of the city or supplier} for information on testing and on simple ways to reduce your exposure to lead in drinking water.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

2) To have your water tested for lead, or to get more information about this public health concern, please call [insert the phone number of the city or supplier].

c) Delivery of a public education program.

1) In communities where a significant proportion of the population speaks a language other than English, public education materials must be communicated in the appropriate languages.

2) A CWS supplier that exceeds the lead action level on the basis of tap water samples collected in accordance with Section 611.356 and which is not already repeating public education tasks pursuant to subsection (c)(3), (c)(7), or (c)(8) of this Section must, within 60 days, do each of the following:

A) Insert notices in each customer’s water utility bill or disseminate to each customer by separately mailing a notice containing the information required by subsection (a)(1) of this Section, along with the following alert in large print on the water bill itself:

“some homes in this community have elevated lead levels in their drinking water. Lead can pose a significant risk to your health. Please read the enclosed notice for further information.” A CWS supplier having a billing cycle that does not include a billing within 60 days of exceeding the action level or a CWS supplier that cannot insert information in the water utility bill without making major changes to its billing system may use a separate mailing to deliver the information in subsection (a)(1) of this Section, as long as the information is delivered to each customer within 60 days of exceeding the action level. Such a water supplier must also include the “alert” language specified in this subsection (c)(2)(A);

B) Submit the information required by subsection (a)(1) of this Section to the editorial departments of the major daily and weekly newspapers circulated throughout the community;

C) Deliver pamphlets or brochures that contain the public education materials in paragraphs (2) and (4) of Appendix E of this Part to facilities and organizations, including the following:
ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

i) Public schools or local school boards;

ii) The city or county health department;

iii) Women, Infants, and Children (WIC) and Head Start programs, whenever available;

iv) Public and private hospitals and clinics;

v) Pediatricians;

vi) Family planning clinics; and

vii) Local welfare agencies; and

D) Submit the public service announcement in subsection (b) of this Section to at least five of the radio and television stations with the largest audiences within the community served by the supplier.

3) A CWS supplier must repeat the tasks contained in subsections (c)(2)(A) through (c)(2)(D) of this Section for as long as the supplier exceeds the lead action level, at the following minimum frequency:

A) Those of subsections (c)(2)(A) through (c)(2)(C) of this Section: every 12 months; and

B) Those of subsection (c)(2)(D) of this Section every six months.

4) Within 60 days after it exceeds the lead action level (unless it already is repeating public education tasks pursuant to subsection (c)(5) of this Section), a NTNCWS supplier must deliver the public education materials contained in Appendix E or F of this Part, as follows:

A) Post informational posters on lead in drinking water in a public place or common area in each of the buildings served by the supplier; and

B) Distribute informational pamphlets or brochures on lead in drinking water to each person served by the NTNCWS supplier. The Agency may, by a SEP granted pursuant to Section 611.110, allow the system to utilize electronic transmission in lieu of or
combined with printed materials as long as it achieves at least the same coverage.

5) A NTNCWS supplier must repeat the tasks contained in subsection (c)(4) of this Section at least once during each calendar year in which the supplier exceeds the lead action level.

6) A supplier may discontinue delivery of public education materials after it has met the lead action level during the most recent six-month monitoring period conducted pursuant to Section 611.356. Such a supplier must begin public education anew in accordance with this Section if it subsequently exceeds the lead action level during any six-month monitoring period.

7) A CWS supplier may apply to the Agency, in writing, to use the text specified in Appendix F of this Part in lieu of the text in Appendix E of this Part and to perform the tasks listed in subsections (c)(4) and (c)(5) of this Section in lieu of the tasks in subsections (c)(2) and (c)(3) of this Section if the following are true:

A) The supplier is a facility, such as a prison or a hospital, where the population served is not capable of or is prevented from making improvements to plumbing or installing point of use treatment devices; and

B) The system provides water as part of the cost of services provided, and it does not separately charge for water consumption.

8) Reduced requirements for certain smaller CWS suppliers.

A) A CWS supplier serving 3,300 or fewer people may omit the task contained in subsection (c)(2)(D) of this Section. As long as it distributes notices containing the information contained in Appendix E of this Part to every household served by the system, such a supplier may further limit its public education programs as follows:

i) A supplier serving 500 or fewer people may forego the task contained in subsection (c)(2)(B) of this Section. Such a system may limit the distribution of the public education materials required under subsection (c)(2)(C) of this Section to facilities and organizations served by the
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

supplier that are most likely to be visited regularly by pregnant women and children, unless it is notified by the Agency in writing that it must make a broader distribution.

ii) If approved by the Agency by a SEP issued pursuant to Section 611.110, a system serving 501 to 3,300 people may omit the task in subsection (c)(2)(B) of this Section or limit the distribution of the public education materials required under subsection (c)(2)(C) of this Section to facilities and organizations served by the system that are most likely to be visited regularly by pregnant women and children.

B) A CWS supplier serving 3,300 or fewer people that delivers public education in accordance with subsection (c)(8)(A) of this Section must repeat the required public education tasks at least once during each calendar year in which the supplier exceeds the lead action level.

d) Supplemental monitoring and notification of results. A supplier that fails to meet the lead action level on the basis of tap samples collected in accordance with Section 611.356 must offer to sample the tap water of any customer who requests it. The supplier is not required to pay for collecting or analyzing the sample, nor is the supplier required to collect and analyze the sample itself.


(Source: Amended at 27 Ill. Reg. ________, effective ______________________)

Section 611.356 Tap Water Monitoring for Lead and Copper

a) Sample site location.

1) Selecting a pool of targeted sampling sites.

A) By the applicable date for commencement of monitoring under subsection (d)(1) of this Section, each supplier must complete a materials evaluation of its distribution system in order to identify a pool of targeted sampling sites that meets the requirements of this Section.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

B) The pool of targeted sampling sites must be sufficiently large to ensure that the supplier can collect the number of lead and copper tap samples required by subsection (c) of this Section.

C) The supplier must select the sites for collection of first draw samples from this pool of targeted sampling sites.

D) The supplier must not select as sampling sites any faucets that have point-of-use or point-of-entry treatment devices designed to remove or capable of removing inorganic contaminants.

2) Materials evaluation.

A) A supplier must use the information on lead, copper, and galvanized steel collected pursuant to 40 CFR 141.42(d) (special monitoring for corrosivity characteristics) when conducting a materials evaluation.

B) When an evaluation of the information collected pursuant to 40 CFR 141.42(d) is insufficient to locate the requisite number of lead and copper sampling sites that meet the targeting criteria in subsection (a) of this Section, the supplier must review the following sources of information in order to identify a sufficient number of sampling sites:

i) All plumbing codes, permits, and records in the files of the building departments that indicate the plumbing materials that are installed within publicly- and privately-owned structures connected to the distribution system;

ii) All inspections and records of the distribution system that indicate the material composition of the service connections which connect a structure to the distribution system;

iii) All existing water quality information, which includes the results of all prior analyses of the system or individual structures connected to the system, indicating locations that may be particularly susceptible to high lead or copper concentrations; and
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

iv) The supplier must seek to collect such information where possible in the course of its normal operations (e.g., checking service line materials when reading water meters or performing maintenance activities).

3) Tiers of sampling sites. Suppliers must categorize the sampling sites within their pool according to the following tiers:

A) CWS Tier 1 sampling sites. “CWS Tier 1 sampling sites” must include the following single-family structures:

i) Those that contain copper pipes with lead solder installed after 1982 or which contain lead pipes; or

ii) Those that are served by a lead service line.

BOARD NOTE: Subsection (a)(3)(A) was derived from segments of 40 CFR 141.86(a)(3) (2000) (2002). This allows the pool of CWS tier 1 sampling sites to consist exclusively of structures served by lead service lines.

B) CWS Tier 2 sampling sites. “CWS Tier 2 sampling sites” must include the following buildings, including multiple-family structures:

i) Those that contain copper pipes with lead solder installed after 1982 or contain lead pipes; or

ii) Those that are served by a lead service line.

BOARD NOTE: Subsection (a)(3)(B) was derived from segments of 40 CFR 141.86(a)(4) (2000) (2002). This allows the pool of CWS tier 2 sampling sites to consist exclusively of structures served by lead service lines.

C) CWS Tier 3 sampling sites. “CWS Tier 3 sampling sites” must include the following single-family structures: those that contain copper pipes with lead solder installed before 1983.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

D) NTNCWS Tier 1 sampling sites. “NTNCWS Tier 1 sampling sites” must include the following buildings:

i) Those that contain copper pipes with lead solder installed after 1982 or which contain lead pipes; or

ii) Those that are served by a lead service line.

BOARD NOTE: Subsection (a)(3)(D) was derived from segments of 40 CFR 141.86(a)(6) (2000-2002). This allows the pool of NTNCWS tier 1 sampling sites to consist exclusively of buildings served by lead service lines.

E) Alternative NTNCWS sampling sites. “Alternative NTNCWS sampling sites” must include the following buildings: those that contain copper pipes with lead solder installed before 1983.


4) Selection of sampling sites. Suppliers must select sampling sites for their sampling pool as follows:

A) CWS Suppliers. CWS suppliers must use CWS tier 1 sampling sites, except that the supplier may include CWS tier 2 or CWS tier 3 sampling sites in its sampling pool as follows:

i) If multiple-family residences comprise at least 20 percent of the structures served by a supplier, the supplier may use CWS tier 2 sampling sites in its sampling pool; or


ii) If the CWS supplier has an insufficient number of CWS tier 1 sampling sites on its distribution system, the supplier may use CWS tier 2 sampling sites in its sampling pool; or

iii) If the CWS supplier has an insufficient number of CWS tier 1 and CWS tier 2 sampling sites on its distribution system, the supplier may complete its sampling pool with CWS tier 3 sampling sites.


iv) If the CWS supplier has an insufficient number of CWS tier 1 sampling sites, CWS tier 2 sampling sites, and CWS tier 3 sampling sites, the supplier must use those CWS tier 1 sampling sites, CWS tier 2 sampling sites, and CWS tier 3 sampling sites that it has and complete its sampling pool with representative sites throughout its distribution system for the balance of its sampling sites. For the purpose of this subsection (a)(4)(A)(iv), a representative site is a site in which the plumbing materials used at that site would be commonly found at other sites served by the water system.


B) NTNCWS suppliers.

i) An NTNCWS supplier must select NTNCWS tier 1 sampling sites for its sampling pool.


ii) If the NTNCWS supplier has an insufficient number of NTNCWS tier 1 sampling sites, the supplier may complete its sampling pool with alternative NTNCWS sampling sites.


iii) If the NTNCWS supplier has an insufficient number of NTNCWS tier 1 sampling sites and NTNCWS alternative sampling sites, the supplier must use representative sites
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

throughout its distribution system. For the purpose of this subsection (a)(4)(B)(ii), a representative site is a site in which the plumbing materials used at that site would be commonly found at other sites served by the water system.


C) Suppliers with lead service lines. Any supplier whose distribution system contains lead service lines must draw samples during each six-month monitoring period from sampling sites as follows:

i) 50 percent of the samples from sampling sites that contain lead pipes or from sampling sites that have copper pipes with lead solder, and

ii) 50 percent of those samples from sites served by a lead service line.

iii) A supplier that cannot identify a sufficient number of sampling sites served by a lead service line must collect first-draw samples from all of the sites identified as being served by such lines.

BOARD NOTE: Subsection (a)(4)(C) was derived from segments of 40 CFR 141.86(a)(8) (2000) (2002). This allows the pool of sampling sites to consist exclusively of structures or buildings served by lead service lines.

b) Sample collection methods.

1) All tap samples for lead and copper collected in accordance with this Subpart G, with the exception of lead service line samples collected under Section 611.354(c) and samples collected under subsection (b)(5) of this Section, must be first-draw samples.

2) First-draw tap samples.

A) Each first-draw tap sample for lead and copper must be one liter in volume and have stood motionless in the plumbing system of each sampling site for at least six hours.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

B) First-draw samples from residential housing must be collected from the cold water kitchen tap or bathroom sink tap.

C) First-draw samples from a non-residential building must be one liter in volume and must be collected at an interior tap from which water is typically drawn for consumption.

D) Non-first-draw samples collected in lieu of first-draw samples pursuant to subsection (b)(5) of this Section must be one liter in volume and must be collected at an interior tap from which water is typically drawn for consumption.

D) First-draw samples may be collected by the supplier or the supplier may allow residents to collect first-draw samples after instructing the residents of the sampling procedures specified in this subsection (b).

i) To avoid problems of residents handling nitric acid, acidification of first-draw samples may be done up to 14 days after the sample is collected.

ii) After acidification to resolubilize the metals, the sample must stand in the original container for the time specified in the approved USEPA method before the sample can be analyzed.

E) If a supplier allows residents to perform sampling under subsection (b)(2)(D) of this Section, the supplier may not challenge the accuracy of sampling results based on alleged errors in sample collection.

3) Service line samples.

A) Each service line sample must be one liter in volume and have stood motionless in the lead service line for at least six hours.

B) Lead service line samples must be collected in one of the following three ways:

i) At the tap after flushing that volume of water calculated as being between the tap and the lead service line based on the
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

interior diameter and length of the pipe between the tap and the lead service line;

ii) Tapping directly into the lead service line; or

iii) If the sampling site is a single-family structure, allowing the water to run until there is a significant change in temperature that would be indicative of water that has been standing in the lead service line.

4) Follow-up first-draw tap samples.

A) A supplier must collect each follow-up first-draw tap sample from the same sampling site from which it collected the previous samples.

B) If, for any reason, the supplier cannot gain entry to a sampling site in order to collect a follow-up tap sample, the supplier may collect the follow-up tap sample from another sampling site in its sampling pool, as long as the new site meets the same targeting criteria and is within reasonable proximity of the original site.

5) Substitute non-first-draw samples.

A) A NTNCWS supplier or a CWS supplier that meets the criteria of Sections 611.355(c)(7)(A) and (c)(7)(B), that does not have enough taps that can supply first-draw samples, as defined in Section 611.102, may apply to the Agency in writing to substitute non-first-draw samples by a SEP granted under Section 611.110.

B) A supplier approved to substitute non-first-draw samples must collect as many first-draw samples from appropriate taps as possible and identify sampling times and locations that would likely result in the longest standing time for the remaining sites.

C) The Agency may grant a SEP that waives the requirement for prior Agency approval of non-first-draw sample sites selected by the system.

c) Number of samples.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Suppliers must collect at least one sample from the number of sites listed in the first column of Table D of this Part (labelled “standard monitoring”) during each six-month monitoring period specified in subsection (d) of this Section.

2) A supplier conducting reduced monitoring pursuant to subsection (d)(4) of this Section must collect one sample from the number of sites specified in the second column of Table D of this Part (labelled “reduced monitoring”) during each reduced monitoring period specified in subsection (d)(4) of this Section. Such reduced monitoring sites must be representative of the sites required for standard monitoring. The Agency may, by a SEP issued pursuant to Section 611.110, specify sampling locations when a system is conducting reduced monitoring.

d) Timing of monitoring.

1) Initial tap sampling. The first six-month monitoring period for small, medium-sized and large system suppliers must begin on the dates specified in Table E of this Part.

   A) All large system suppliers must monitor during each of two consecutive six-month periods.

   B) All small- and medium-sized system suppliers must monitor during each consecutive six-month monitoring period until the following is true:

      i) The supplier exceeds the lead action level or the copper action level and is therefore required to implement the corrosion control treatment requirements under Section 611.351, in which case the supplier must continue monitoring in accordance with subsection (d)(2) of this Section; or

      ii) The supplier meets the lead action level and the copper action level during each of two consecutive six-month monitoring periods, in which case the supplier may reduce monitoring in accordance with subsection (d)(4) of this Section.

2) Monitoring after installation of corrosion control and source water
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

treatment.

A) Any large system supplier that installs optimal corrosion control treatment pursuant to Section 611.351(d)(4) must monitor during each of two consecutive six-month monitoring periods before the date specified in Section 611.351(d)(5).

B) Any small- or medium-sized system supplier that installs optimal corrosion control treatment pursuant to Section 611.351(e)(5) must monitor during each of two consecutive six-month monitoring periods before the date specified in Section 611.351(e)(6).

C) Any supplier that installs source water treatment pursuant to Section 611.353(a)(3) must monitor during each of two consecutive six-month monitoring periods before the date specified in Section 611.353(a)(4).

3) Monitoring after the Agency specification of water quality parameter values for optimal corrosion control. After the Agency specifies the values for water quality control parameters pursuant to Section 611.352(f), the supplier must monitor during each subsequent six-month monitoring period, with the first six-month monitoring period to begin on the date the Agency specifies the optimal values.

4) Reduced monitoring.

A) Reduction to annual for small- and medium-sized system suppliers meeting the lead and copper action levels. A small- or medium-sized system supplier that meets the lead and copper action levels during each of two consecutive six-month monitoring periods may reduce the number of samples in accordance with subsection (c) of this Section, and reduce the frequency of sampling to once per year.

B) SEP allowing reduction to annual for suppliers maintaining water quality control parameters.

i) Any supplier that maintains the range of values for the water quality control parameters reflecting optimal corrosion control treatment specified by the Agency under
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 611.352(f) during each of two consecutive six-month monitoring periods may reduce the frequency of monitoring to once per year and the number of lead and copper samples to that specified by subsection (c) of this Section if it receives written approval from the Agency in the form of a SEP granted pursuant to Section 611.110.

ii) The Agency must review monitoring, treatment, and other relevant information submitted by the water system in accordance with Section 611.360, and must notify the system in writing by a SEP granted pursuant to Sections 611.110 when it determines the system is eligible to reduce its monitoring frequency to once every three years pursuant to this subsection (d)(4).

iii) The Agency must review, and where appropriate, revise its determination under subsection (d)(4)(B)(i) of this Section when the supplier submits new monitoring or treatment data, or when other data relevant to the number and frequency of tap sampling becomes available to the Agency.

C) Reduction to triennial for small- and medium-sized system suppliers.

i) Small- and medium-sized system suppliers meeting lead and copper action levels. A small- or medium-sized system supplier that meets the lead and copper action levels during three consecutive years of monitoring may reduce the frequency of monitoring for lead and copper from annually to once every three years.

ii) SEP for suppliers meeting optimal corrosion control treatment. Any supplier that maintains the range of values for the water quality control parameters reflecting optimal corrosion control treatment specified by the Agency under Section 611.352(f) during three consecutive years of monitoring may reduce its monitoring frequency from annual to once every three years if it receives written approval from the Agency in the form of a SEP granted...
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

pursuant to Section 611.110.

iii) The Agency must review, and where appropriate, revise its determination under subsection (d)(4)(C)(ii) of this Section when the supplier submits new monitoring or treatment data, or when other data relevant to the number and frequency of tap sampling becomes available to the Agency.

D) Sampling at a reduced frequency. A supplier that reduces the number and frequency of sampling must collect these samples from representative sites included in the pool of targeted sampling sites identified in subsection (a) of this Section, preferentially selecting those sampling sites from the highest tier first. Suppliers sampling annually or less frequently must conduct the lead and copper tap sampling during the months of June, July, August, or September unless the Agency has approved a different sampling period in accordance with subsection (d)(4)(D)(i) of this Section.

i) The Agency may grant a SEP pursuant to Section 611.110 that approves a different period for conducting the lead and copper tap sampling for systems collecting a reduced number of samples. Such a period must be no longer than four consecutive months and must represent a time of normal operation where the highest levels of lead are most likely to occur. For a NTNCWS supplier that does not operate during the months of June through September and for which the period of normal operation where the highest levels of lead are most likely to occur is not known, the Agency must designate a period that represents a time of normal operation for the system.

ii) A supplier monitoring annually that has been collecting samples during the months of June through September and which receives Agency approval to alter its sample collection period under subsection (d)(4)(D)(i) of this Section must collect its next round of samples during a time period that ends no later than 21 months after the previous round of sampling. A supplier monitoring once every three years that has been collecting samples during the months of
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

June through September and which receives Agency approval to alter the sampling collection period as provided in subsection (d)(4)(D)(i) of this Section must collect its next round of samples during a time period that ends no later than 45 months after the previous round of sampling. Subsequent rounds of sampling must be collected annually or once every three years, as required by this Section. A small system supplier with a waiver granted pursuant to subsection (g) of this Section that has been collecting samples during the months of June through September and which receives Agency approval to alter its sample collection period under subsection (d)(4)(D)(i) of this Section must collect its next round of samples before the end of the nine-year compliance cycle (as that term is defined in Section 611.101).

E) Any water system that demonstrates for two consecutive six-month monitoring periods that the tap water lead level computed under Section 611.350(c)(3) is less than or equal to 0.005 mg/L and that the tap water copper level computed under Section 611.350(c)(3) is less than or equal to 0.65 mg/L may reduce the number of samples in accordance with subsection (c) of this Section and reduce the frequency of sampling to once every three calendar years.

F) Resumption of standard monitoring.

i) Small- or medium-sized suppliers exceeding lead or copper action level. A small- or medium-sized system supplier subject to reduced monitoring that exceeds the lead action level or the copper action level must resume sampling in accordance subsection (d)(3) of this Section and collect the number of samples specified for standard monitoring under subsection (c) of this Section. Such a supplier must also conduct water quality parameter monitoring in accordance with Section 611.357 (b), (c), or (d) (as appropriate) during the six-month monitoring period in which it exceeded the action level. Any such supplier may resume annual monitoring for lead and copper at the tap at the reduced number of sites specified in subsection
NOTICE OF PROPOSED AMENDMENTS

(c) of this Section after it has completed two subsequent consecutive six-month rounds of monitoring that meet the criteria of subsection (d)(4)(A) of this Section. Any such supplier may resume monitoring once every three years for lead and copper at the reduced number of sites after it demonstrates through subsequent rounds of monitoring that it meets the criteria of either subsection (d)(4)(C) or (d)(4)(E) of this Section.

ii) Suppliers failing to operate within water quality control parameters. Any supplier subject to reduced monitoring frequency that fails to operate within the range of values for the water quality control parameters specified pursuant to Section 611.352(f) for more than nine days in any six-month period specified in Section 611.357(d) must conduct tap water sampling for lead and copper at the frequency specified in subsection (d)(3) of this Section, must collect the number of samples specified for standard monitoring under subsection (c) of this Section, and must resume monitoring for water quality parameters within the distribution system in accordance with Section 611.357(d).

G) Any water supplier subject to a reduced monitoring frequency under subsection (d)(4) of this Section that either adds a new source of water or changes any water treatment must inform the Agency in writing in accordance with Section 611.360(a)(3). The Agency may, by a SEP granted pursuant to Section 611.110, require the system to resume sampling in accordance with subsection (d)(3) of this Section and collect the number of samples specified for standard monitoring under subsection (c) of this Section or take other appropriate steps such as increased water quality parameter monitoring or re-evaluation of its corrosion control treatment given the potentially different water quality considerations.

H) A supplier required under subsection (d)(4)(F) of this Section to resume monitoring in accordance with Section 611.357(d) may resume reduced monitoring for lead and copper at the tap and for water quality parameters within the distribution system under the following conditions:
i) The supplier may resume annual monitoring for lead and copper at the tap at the reduced number of sites specified in subsection (c) of this Section after it has completed two subsequent six-month rounds of monitoring that meet the criteria of subsection (d)(4)(B) of this Section and the supplier has received written approval from the Agency by a SEP pursuant to Section 611.110 that it is appropriate to resume reduced monitoring on an annual frequency.

ii) The supplier may resume monitoring for lead and copper once every three years at the tap at the reduced number of sites after it demonstrates through subsequent rounds of monitoring that it meets the criteria of either subsection (d)(4)(C) or (d)(4)(E) of this Section and the system has received a SEP under Section 611.110 from the Agency that it is appropriate to resume monitoring once every three years.

iii) The supplier may reduce the number of water quality parameter tap water samples required in accordance with Section 611.357(e)(1) and the frequency with which it collects such samples in accordance with Section 611.357(e)(2). Such a system may not resume monitoring once every three years for water quality parameters at the tap until it demonstrates, in accordance with the requirements of Section 611.357(e)(2), that it has re-qualified for monitoring once every three years.


e) Additional monitoring. The results of any monitoring conducted in addition to the minimum requirements of this Section must be considered by the supplier and the Agency in making any determinations (i.e., calculating the 90th percentile lead action level or the copper level) under this Subpart G.

f) Invalidation of lead or copper tap water samples. A sample invalidated under this
subsection does not count toward determining lead or copper 90th percentile levels under Section 611.350(c)(3) or toward meeting the minimum monitoring requirements of subsection (c) of this Section.

1) The Agency must invalidate a lead or copper tap water sample if it determines that one of the following conditions exists:

A) The laboratory establishes that improper sample analysis caused erroneous results;
B) The sample was taken from a site that did not meet the site selection criteria of this Section;
C) The sample container was damaged in transit; or
D) There is substantial reason to believe that the sample was subject to tampering.

2) The supplier must report the results of all samples to the Agency and all supporting documentation for samples the supplier believes should be invalidated.

3) To invalidate a sample under subsection (f)(1) of this Section, the decision and the rationale for the decision must be documented in writing. The Agency may not invalidate a sample solely on the grounds that a follow-up sample result is higher or lower than that of the original sample.

4) The water supplier must collect replacement samples for any samples invalidated under this Section if, after the invalidation of one or more samples, the supplier has too few samples to meet the minimum requirements of subsection (c) of this Section. Any such replacement samples must be taken as soon as possible, but no later than 20 days after the date the Agency invalidates the sample or by the end of the applicable monitoring period, whichever occurs later. Replacement samples taken after the end of the applicable monitoring period must not also be used to meet the monitoring requirements of a subsequent monitoring period. The replacement samples must be taken at the same locations as the invalidated samples or, if that is not possible, at locations other than those already used for sampling during the monitoring period.

5) Monitoring waivers for small system suppliers. Any small system supplier that
meets the criteria of this subsection (g) may apply to the Agency to reduce the frequency of monitoring for lead and copper under this Section to once every nine years (i.e., a “full waiver”) if it meets all of the materials criteria specified in subsection (g)(1) of this Section and all of the monitoring criteria specified in subsection (g)(2) of this Section. Any small system supplier that meets the criteria in subsections (g)(1) and (g)(2) of this Section only for lead, or only for copper, may apply to the State for a waiver to reduce the frequency of tap water monitoring to once every nine years for that contaminant only (i.e., a “partial waiver”).

1) Materials criteria. The supplier must demonstrate that its distribution system and service lines and all drinking water supply plumbing, including plumbing conveying drinking water within all residences and buildings connected to the system, are free of lead-containing materials or copper-containing materials, as those terms are defined in this subsection (g)(1), as follows:

A) Lead. To qualify for a full waiver, or a waiver of the tap water monitoring requirements for lead (i.e., a “lead waiver”), the water supplier must provide certification and supporting documentation to the Agency that the system is free of all lead-containing materials, as follows:

i) It contains no plastic pipes that contain lead plasticizers, or plastic service lines that contain lead plasticizers; and

ii) It is free of lead service lines, lead pipes, lead soldered pipe joints, and leaded brass or bronze alloy fittings and fixtures, unless such fittings and fixtures meet the specifications of NSF Standard 61, section 9, incorporated by reference in Section 611.102.

BOARD NOTE: Corresponding 40 CFR 141.86(g)(1)(i)(B) specifies “any standard established pursuant to 42 USC 300g-6(e) (SDWA Section 1417(e)).” USEPA has stated that the NSF standard is that standard. See 62 Fed. Reg. 44684 (Aug. 22, 1997).

B) Copper. To qualify for a full waiver, or a waiver of the tap water monitoring requirements for copper (i.e., a “copper waiver”), the water supplier must provide certification and supporting
POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

documentation to the Agency that the system contains no copper pipes or copper service lines.

2) Monitoring criteria for waiver issuance. The supplier must have completed at least one six-month round of standard tap water monitoring for lead and copper at sites approved by the Agency and from the number of sites required by subsection (c) of this Section and demonstrate that the 90th percentile levels for any and all rounds of monitoring conducted since the system became free of all lead-containing and/or copper-containing materials, as appropriate, meet the following criteria:

A) Lead levels. To qualify for a full waiver, or a lead waiver, the supplier must demonstrate that the 90th percentile lead level does not exceed 0.005 mg/L.

B) Copper levels. To qualify for a full waiver, or a copper waiver, the supplier must demonstrate that the 90th percentile copper level does not exceed 0.65 mg/L.

3) State approval of waiver application. The Agency must notify the supplier of its waiver determination by a SEP issued pursuant to Section 611.110, in writing, setting forth the basis of its decision and any condition of the waiver. As a condition of the waiver, the Agency may require the supplier to perform specific activities (e.g., limited monitoring, periodic outreach to customers to remind them to avoid installation of materials that might void the waiver) to avoid the risk of lead or copper concentration of concern in tap water. The small system supplier must continue monitoring for lead and copper at the tap as required by subsections (d)(1) through (d)(4) of this Section, as appropriate, until it receives written notification from the Agency that the waiver has been approved.

4) Monitoring frequency for suppliers with waivers.

A) A supplier with a full waiver must conduct tap water monitoring for lead and copper in accordance with subsection (d)(4)(D) of this Section at the reduced number of sampling sites identified in subsection (c) of this Section at least once every nine years and provide the materials certification specified in subsection (g)(1) of this Section for both lead and copper to the Agency along with the monitoring results.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

B) A supplier with a partial waiver must conduct tap water monitoring for the waived contaminant in accordance with subsection (d)(4)(D) of this Section at the reduced number of sampling sites specified in subsection (c) of this Section at least once every nine years and provide the materials certification specified in subsection (g)(1) of this Section pertaining to the waived contaminant along with the monitoring results. Such a supplier also must continue to monitor for the non-waived contaminant in accordance with requirements of subsections (d)(1) through (d)(4) of this Section, as appropriate.

C) If a supplier with a full or partial waiver adds a new source of water or changes any water treatment, the supplier must notify the Agency in writing in accordance with Section 611.360(a)(3). The Agency has the authority to require the supplier to add or modify waiver conditions (e.g., require recertification that the supplier’s system is free of lead-containing or copper-containing materials, require additional rounds of monitoring), if it deems such modifications are necessary to address treatment or source water changes at the system.

D) If a supplier with a full or partial waiver becomes aware that it is no longer free of lead-containing or copper-containing materials, as appropriate (e.g., as a result of new construction or repairs), the supplier must notify the Agency in writing no later than 60 days after becoming aware of such a change.

5) Continued eligibility. If the supplier continues to satisfy the requirements of subsection (g)(4) of this Section, the waiver will be renewed automatically, unless any of the conditions listed in subsection (g)(5)(A) through (g)(5)(C) of this Section occur. A supplier whose waiver has been revoked may re-apply for a waiver at such time as it again meets the appropriate materials and monitoring criteria of subsections (g)(1) and (g)(2) of this Section.

A) A supplier with a full waiver or a lead waiver no longer satisfies the materials criteria of subsection (g)(1)(A) of this Section or has a 90th percentile lead level greater than 0.005 mg/L.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

B) A supplier with a full waiver or a copper waiver no longer satisfies the materials criteria of subsection (g)(1)(B) of this Section or has a 90th percentile copper level greater than 0.65 mg/L.

C) The State notifies the supplier, in writing, that the waiver has been revoked, setting forth the basis of its decision.

6) Requirements following waiver revocation. A supplier whose full or partial waiver has been revoked by the Agency is subject to the corrosion control treatment and lead and copper tap water monitoring requirements, as follows:

A) If the supplier exceeds the lead or copper action level, the supplier must implement corrosion control treatment in accordance with the deadlines specified in Section 611.351(e), and any other applicable requirements of this Subpart G.

B) If the supplier meets both the lead and the copper action level, the supplier must monitor for lead and copper at the tap no less frequently than once every three years using the reduced number of sample sites specified in subsection (c) of this Section.

7) Pre-existing waivers. Small system supplier waivers approved by the Agency in writing prior to April 11, 2000 must remain in effect under the following conditions:

BOARD NOTE: Corresponding 40 CFR 141.86(g)(7) sets forth the April 11, 2000 date. The Board has retained that date to maintain consistency with the federal requirements, despite the fact that this subsection (g)(7) became effective after that date.

A) If the supplier has demonstrated that it is both free of lead-containing and copper-containing materials, as required by subsection (g)(1) of this Section and that its 90th percentile lead levels and 90th percentile copper levels meet the criteria of subsection (g)(2) of this Section, the waiver remains in effect so long as the supplier continues to meet the waiver eligibility criteria of subsection (g)(5) of this Section. The first round of tap water monitoring conducted pursuant to subsection (g)(4) of this Section must be completed no later than nine years after the last time the supplier monitored for lead and copper at the tap.
B) If the supplier has met the materials criteria of subsection (g)(1) of this Section but has not met the monitoring criteria of subsection (g)(2) of this Section, the supplier must conduct a round of monitoring for lead and copper at the tap demonstrating that it meets the criteria of subsection (g)(2) of this Section no later than September 30, 2000. Thereafter, the waiver must remain in effect as long as the supplier meets the continued eligibility criteria of subsection (g)(5) of this Section. The first round of tap water monitoring conducted pursuant to subsection (g)(4) of this Section must be completed no later than nine years after the round of monitoring conducted pursuant to subsection (g)(2) of this Section.

BOARD NOTE: Corresponding 40 CFR 141.86(g)(7)(ii) sets forth the September 30, 2000 date. The Board has retained that date to maintain consistency with the federal requirements, despite the fact that this subsection (g)(7)(B) became effective after that date.


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

Section 611.357 Monitoring for Water Quality Parameters

All large system suppliers, and all small and medium-sized system suppliers that exceed the lead action level or the copper action level, must monitor water quality parameters in addition to lead and copper in accordance with this Section. The requirements of this Section are summarized in Table G of this Part.

a) General Requirements

1) Sample collection methods

A) Use of tap samples. The totality of all tap samples collected by a supplier must be representative of water quality throughout the distribution system taking into account the number of persons served, the different sources of water, the different treatment methods employed by the supplier, and seasonal variability. Although a supplier may conveniently conduct tap sampling for water quality parameters at sites used for coliform sampling performed pursuant to Subpart L of this Part, it is not required to
do so, and a supplier is not required to perform tap sampling pursuant to this Section at taps targeted for lead and copper sampling under Section 611.356(a).

B) Use of entry point samples. Each supplier must collect samples at entry points to the distribution system from locations representative of each source after treatment. If a supplier draws water from more than one source and the sources are combined before distribution, the supplier must sample at an entry point to the distribution system during periods of normal operating conditions (i.e., when water is representative of all sources being used).

2) Number of samples

A) Tap samples. Each supplier must collect two tap samples for applicable water quality parameters during each six-month monitoring period specified under subsections (b) through (e) of this Section from the number of sites indicated in the first column of Table E of this Part.

B) Entry point samples.

i) Initial monitoring. Except as provided in subsection (c)(3) of this Section, each supplier must collect two samples for each applicable water quality parameter at each entry point to the distribution system during each six-month monitoring period specified in subsection (b) of this Section.

ii) Subsequent monitoring. Each supplier must collect one sample for each applicable water quality parameter at each entry point to the distribution system during each six-month monitoring period specified in subsections (c) through (e) of this Section.

b) Initial Sampling.

1) Large systems. Each large system supplier must measure the applicable water quality parameters specified in subsection (b)(3) of this Section at taps and at each entry point to the distribution system during each six-
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

month monitoring period specified in Section 611.356(d)(1).

2) Small- and medium-sized systems. Each small- and medium-sized system supplier must measure the applicable water quality parameters specified in subsection (b)(3) of this Section at the locations specified in this subsection during each six-month monitoring period specified in Section 611.356(d)(1) during which the supplier exceeds the lead action level or the copper action level.

3) Water quality parameters:
   A) pH;
   B) Alkalinity;
   C) Orthophosphate, when an inhibitor containing a phosphate compound is used;
   D) Silica, when an inhibitor containing a silicate compound is used;
   E) Calcium;
   F) Conductivity; and
   G) Water temperature.

c) Monitoring after installation of corrosion control.

1) Large systems. Each large system supplier that installs optimal corrosion control treatment pursuant to Section 611.351(d)(4) must measure the water quality parameters at the locations and frequencies specified in subsections (c)(4) and (c)(5) of this Section during each six-month monitoring period specified in Section 611.356(d)(2)(A).

2) Small- and medium-sized systems. Each small- or medium-sized system that installs optimal corrosion control treatment pursuant to Section 611.351(e)(5) must measure the water quality parameters at the locations and frequencies specified in subsections (c)(4) and (c)(5) of this Section during each six-month monitoring period specified in Section 611.356(d)(2)(B) in which the supplier exceeds the lead action level or the copper action level.
3) Any groundwater system can limit entry point sampling described in subsection (c)(2) of this Section to those entry points that are representative of water quality and treatment conditions throughout the system. If water from untreated groundwater sources mixes with water from treated groundwater sources, the system must monitor for water quality parameters both at representative entry points receiving treatment and representative entry points receiving no treatment. Prior to the start of any monitoring under this subsection, the system must provide to the Agency written information identifying the selected entry points and documentation, including information on seasonal variability, sufficient to demonstrate that the sites are representative of water quality and treatment conditions throughout the system.

4) Tap water samples, two samples at each tap for each of the following water quality parameters:

   A) pH;

   B) Alkalinity;

   C) Orthophosphate, when an inhibitor containing a phosphate compound is used;

   D) Silica, when an inhibitor containing a silicate compound is used; and

   E) Calcium, when calcium carbonate stabilization is used as part of corrosion control.

5) Entry point samples, except as provided in subsection (c)(3) of this Section, one sample at each entry point to the distribution system every two weeks (bi-weekly) for each of the following water quality parameters:

   A) pH;

   B) When alkalinity is adjusted as part of optimal corrosion control, a reading of the dosage rate of the chemical used to adjust alkalinity, and the alkalinity concentration; and
C) When a corrosion inhibitor is used as part of optimal corrosion control, a reading of the dosage rate of the inhibitor used, and the concentration of orthophosphate or silica (whichever is applicable).

d) Monitoring after the Agency specifies water quality parameter values for optimal corrosion control.

1) Large systems. After the Agency has specified the values for applicable water quality control parameters reflecting optimal corrosion control treatment pursuant to Section 611.352(f), each large system supplier must measure the applicable water quality parameters in accordance with subsection (c) of this Section and determine compliance with the requirements of Section 611.352(g) every six months with the first six-month period to begin on the date the State specifies the optimal values under Section 611.352(f).

2) Small and medium-sized systems. Each small or medium-sized system supplier must conduct such monitoring during each six-month monitoring period specified in this subsection (d) in which the supplier exceeds the lead action level or the copper action level. For any such small and medium-size system that is subject to a reduced monitoring frequency pursuant to Section 611.356(d)(4) at the time of the action level exceedence, the end of the applicable six-month period under this subsection must coincide with the end of the applicable monitoring period under Section 611.356(d)(4).

3) Compliance with Agency-designated optimal water quality parameter values must be determined as specified under Section 611.352(g).

e) Reduced monitoring.

1) Reduction in tap monitoring. A supplier that has maintained the range of values for the water quality parameters reflecting optimal corrosion control treatment during each of two consecutive six-month monitoring periods under subsection (d) of this Section must continue monitoring at the entry points to the distribution system as specified in subsection (c)(4) of this Section. Such a supplier may collect two samples from each tap for applicable water quality parameters from the reduced number of sites indicated in the second column of Table E of this Part during each subsequent six-month monitoring period.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

2) Reduction in monitoring frequency.

A) Staged reductions in monitoring frequency.

i) Annual monitoring. A supplier that maintains the range of values for the water quality parameters reflecting optimal corrosion control treatment specified pursuant to Section 611.352(f) during three consecutive years of monitoring may reduce the frequency with which it collects the number of tap samples for applicable water quality parameters specified in subsection (e)(1) of this Section from every six months to annually.

ii) Triennial monitoring. A supplier that maintains the range of values for the water quality parameters reflecting optimal corrosion control treatment specified pursuant to Section 611.352(f) during three consecutive years of annual monitoring under subsection (e)(2)(A)(i) of this Section may reduce the frequency with which it collects the number of tap samples for applicable water quality parameters specified in subsection (e)(1) of this Section from annually to once every three years.

B) A water supplier may reduce the frequency with which it collects tap samples for applicable water quality parameters specified in subsection (e)(1) of this Section to every three years if it demonstrates the following during two consecutive monitoring periods:

i) That its tap water lead level at the 90th percentile is less than or equal to the PQL for lead specified in Section 611.359(a)(1)(B),

ii) That its tap water copper level at the 90th percentile is less than or equal to 0.65 mg/L for copper in Section 611.350(c)(2); and

iii) That it also has maintained the range of values for the water quality parameters reflecting optimal corrosion control treatment specified by the Agency under Section 611.352(f).
3) A supplier that conducts sampling annually or every three years must collect these samples evenly throughout the calendar year so as to reflect seasonal variability.

4) Any supplier subject to a reduced monitoring frequency pursuant to this subsection that fails to operate at or above the minimum value or within the range of values for the water quality parameters specified pursuant to Section 611.352(f) for more than nine days in any six-month period specified in Section 611.352(g) must resume tap water sampling in accordance with the number and frequency requirements of subsection (d) of this Section. Such a system may resume annual monitoring for water quality parameters at the tap at the reduced number of sites specified in subsection (e)(1) of this Section after it has completed two subsequent consecutive six-month rounds of monitoring that meet the criteria of that subsection or may resume monitoring once every three years for water quality parameters at the tap at the reduced number of sites after it demonstrates through subsequent rounds of monitoring that it meets the criteria of either subsection (e)(2)(A) or (e)(2)(B) of this Section.

f) Additional monitoring by systems suppliers. The results of any monitoring conducted in addition to the minimum requirements of this Section must be considered by the supplier and the Agency in making any determinations (i.e., determining concentrations of water quality parameters) under this Section or Section 611.352.


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

Section 611.358 Monitoring for Lead and Copper in Source Water

a) Sample location, collection methods, and number of samples

1) A supplier that fails to meet the lead action level or the copper action level on the basis of tap samples collected in accordance with Section 611.356 must collect lead and copper source water samples in accordance with the following requirements regarding sample location, number of samples, and collection methods:

A) A groundwater supplier must take a minimum of one sample at every entry point to the distribution system that is representative of
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

each well after treatment (hereafter called a sampling point). The supplier must take one sample at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant.

B) A surface water supplier must take a minimum of one sample at every entry point to the distribution system after any application of treatment or in the distribution system at a point that is representative of each source after treatment (hereafter called a sampling point). The system must take each sample at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant.

BOARD NOTE: For the purposes of this subsection (a)(1)(B), surface water systems include systems with a combination of surface and ground sources.

C) If a supplier draws water from more than one source and the sources are combined before distribution, the supplier must sample at an entry point to the distribution system during periods of normal operating conditions (i.e., when water is representative of all sources being used).

D) The Agency may, by a SEP issued pursuant to Section 611.110, reduce the total number of samples that must be analyzed by allowing the use of compositing. Compositing of samples must be done by certified laboratory personnel. Composite samples from a maximum of five samples are allowed, provided that if the lead concentration in the composite sample is greater than or equal to 0.001 mg/L or the copper concentration is greater than or equal to 0.160 mg/L, then the supplier must do either of the following:

  i) The supplier must take and analyze a follow-up sample within 14 days at each sampling point included in the composite; or

  ii) If duplicates of or sufficient quantities from the original samples from each sampling point used in the composite are available, the supplier may use these instead of resampling.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

2) SEP requiring an additional sample

A) When the Agency determines that the results of sampling indicate an exceedence of the lead or copper MPC established under Section 611.353(b)(4), it must, by a SEP issued pursuant to Section 611.110, require the supplier to collect one additional sample as soon as possible after the initial sample at the same sampling point, but no later than two weeks after the supplier took the initial sample.

B) If a supplier takes an Agency-required confirmation sample for lead or copper, the supplier must average the results obtained from the initial sample with the results obtained from the confirmation sample in determining compliance with the Agency-specified lead and copper MPCs.

   i) Any analytical result below the MDL must be considered as zero for the purposes of averaging.

   ii) Any value above the MDL but below the PQL must either be considered as the measured value or be considered one-half the PQL.

b) Monitoring frequency after system exceeds tap water action level. A supplier that exceeds the lead action level or the copper action level in tap sampling must collect one source water sample from each entry point to the distribution system within six months after the exceedence.

c) Monitoring frequency after installation of source water treatment. A supplier that installs source water treatment pursuant to Section 611.353(a)(3) must collect an additional source water sample from each entry point to the distribution system during each of two consecutive six-month monitoring periods on or before the deadline specified in Section 611.353(a)(4).

d) Monitoring frequency after the Agency has specified the lead and copper MPCs or has determined that source water treatment is not needed.

1) A supplier must monitor at the frequency specified by subsection (d)(1)(A) or (d)(1)(B) of this Section where the Agency has specified the MPCs pursuant to Section 611.353(b)(4) or has determined that the supplier is not required to install source water treatment pursuant to
Section 611.353(b)(2).

A) GWS suppliers.
   i) A GWS supplier required to sample by subsection (d)(1) of this Section must collect samples once during the three-year compliance period (as that term is defined in Section 611.101) during which the Agency makes its determination pursuant to Section 611.353(b)(4) or 611.353(b)(2).
   ii) A GWS supplier required to sample by subsection (d)(1) of this Section must collect samples once during each subsequent compliance period.

B) A SWS or mixed system supplier must collect samples annually, the first annual monitoring period to begin on the date on which the Agency makes its determination pursuant to Section 611.353(b)(4) or 611.353(b)(2).

2) A supplier is not required to conduct source water sampling for lead or copper if the supplier meets the action level for the specific contaminant in all tap water samples collected during the entire source water sampling period applicable under subsection (d)(1)(A) or (d)(1)(B) of this Section.

e) Reduced monitoring frequency.

1) A GWS supplier may reduce the monitoring frequency for lead and copper in source water to once during each nine-year compliance cycle (as that term is defined in Section 611.101) if the supplier meets one of the following criteria:

   A) The supplier demonstrates that finished drinking water entering the distribution system has been maintained below the maximum permissible lead and copper concentrations specified by the State in Section 611.353(b)(4) during at least three consecutive compliance periods under subsection (d)(1) of this Section; or

   B) The Agency has determined, by a SEP issued pursuant to Section 611.110, that source water treatment is not needed and the system demonstrates that, during at least three consecutive compliance periods in which sampling was conducted under subsection (d)(1)
of this Section, the concentration of lead in source water was less than or equal to 0.005 mg/L and the concentration of copper in source water was less than or equal to 0.65 mg/L.

2) A SWS or mixed system supplier may reduce the monitoring frequency in subsection (d)(1) of this Section to once during each nine-year compliance cycle (as that term is defined in Section 611.101) if the supplier meets one of the following criteria:

A) The supplier demonstrates that finished drinking water entering the distribution system has been maintained below the maximum permissible lead and copper concentrations specified by the Agency under Section 611.353(b)(4) for at least three consecutive years; or

B) The Agency has determined, by a SEP issued pursuant to Section 611.110, that source water treatment is not needed and the supplier demonstrates that, during at least three consecutive years, the concentration of lead in source water was less than or equal to 0.005 mg/L and the concentration of copper in source water was less than or equal to 0.65 mg/L.

3) A supplier that uses a new source of water is not eligible for reduced monitoring for lead or copper until it demonstrates by samples collected from the new source during three consecutive monitoring periods, of the appropriate duration provided by subsection (d)(1) of this Section, that lead or copper concentrations are below the MPC as specified by the Agency pursuant to Section 611.353(a)(4).


(Source: Amended at 27 Ill. Reg. _______, effective ______________________)

Section 611.359 Analytical Methods

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

a) Analyses for lead and copper performed for the purposes of compliance with this Subpart G must only be conducted by laboratories that have been certified by USEPA or the Agency. To obtain certification to conduct analyses for lead and
copper, laboratories must do the following:

1) Analyze performance evaluation samples that include lead and copper provided by USEPA Environmental Monitoring and Support Laboratory or equivalent samples provided by the Agency; and

2) Achieve quantitative acceptance limits as follows:

   A) For lead: ±30 percent of the actual amount in the performance evaluation sample when the actual amount is greater than or equal to 0.005 mg/L (the PQL for lead is 0.005 mg/L);

   B) For copper: ±10 percent of the actual amount in the performance evaluation sample when the actual amount is greater than or equal to 0.050 mg/L (the PQL for copper is 0.050 mg/L);

   C) Achieve the method detection limit (MDL) for lead (0.001 mg/L, as defined in Section 611.350(a)) according to the procedures in 35 Ill. Adm. Code 183 186 and 40 CFR 136, Appendix B: “Definition and Procedure for the Determination of the Method Detection Limit--Revision 1.11” (1999) (2002). This need only be accomplished if the laboratory will be processing source water composite samples under Section 611.358(a)(1)(C); and

   D) Be currently certified by USEPA or the Agency to perform analyses to the specifications described in subsection (a)(2) of this Section.

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

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

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

c) Reporting lead and copper levels.

1) All lead and copper levels greater than or equal to the lead and copper
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

PQL (Pb ≥ 0.005 mg/L and Cu ≥ 0.050 mg/L) must be reported as measured.

2) All lead and copper levels measured less than the PQL and greater than the MDL (0.005 mg/L > Pb > MDL and 0.050 mg/L > Cu > MDL) must be either reported as measured or as one-half the PQL set forth in subsection (a) of this Section (i.e., reported as 0.0025 mg/L for lead or 0.025 mg/L for copper).

3) All lead and copper levels below the lead and copper MDL (MDL > Pb) must be reported as zero.


(Source: Amended at 27 Ill. Reg. ________, effective ______________________)

Section 611.360 Reporting

A supplier must report all of the following information to the Agency in accordance with this Section.

a) Reporting for tap, lead, and copper, and water quality parameter monitoring.

1) Except as provided in subsection (a)(1)(viii) of this section, a supplier must report the following information for all samples specified in Section 611.356 and for all water quality parameter samples specified in Section 611.357 within ten days of the end of each applicable sampling period specified in Sections 611.356 and 611.357 (i.e., every six months, annually, every three years, or every nine years).

A) The results of all tap samples for lead and copper, including the location of each site and the criteria under Section 611.356(a)(3) through (a)(7) under which the site was selected for the supplier’s sampling pool;

B) Documentation for each tap water lead or copper sample for which the water supplier requests invalidation pursuant to Section 611.356(f)(2);
C) This subsection (a)(1)(C) corresponds with 40 CFR 141.90(a)(1)(iii), a provision that USEPA removed and marked “reserved” at 65 Fed. Reg. 2012 (Jan. 12, 2000). This statement preserves structural parity with the federal rules;

D) The 90th percentile lead and copper concentrations measured from among all lead and copper tap samples collected during each sampling period (calculated in accordance with Section 611.350(c)(3)), unless the Agency calculates the system’s 90th percentile lead and copper levels under subsection (h) of this Section;

E) With the exception of initial tap sampling conducted pursuant to Section 611.356(d)(1), the supplier must designate any site that was not sampled during previous sampling periods, and include an explanation of why sampling sites have changed;

F) The results of all tap samples for pH, and where applicable, alkalinity, calcium, conductivity, temperature, and orthophosphate or silica collected pursuant to Section 611.357(b) through (e);

G) The results of all samples collected at entry points for applicable water quality parameters pursuant to Section 611.357(b) through (e).

H) A water supplier must report the results of all water quality parameter samples collected under Section 611.357(c) through (f) during each six-month monitoring period specified in Section 611.357(d) within the first 10 days following the end of the monitoring period, unless the Agency has specified, by a SEP granted pursuant to Section 611.110, a more frequent reporting requirement.

2) For a NTNCWS supplier, or a CWS supplier meeting the criteria of Sections 611.355(c)(7)(A) and (c)(7)(B), that does not have enough taps which can provide first-draw samples, the supplier must do either of the following:

A) Provide written documentation to the Agency that identifies standing times and locations for enough non-first-draw samples to make up its sampling pool under Section 611.356(b)(5) by the start
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

of the first applicable monitoring period under Section 611.356(d) that commences after April 11, 2000, unless the Agency has waived prior Agency approval of non-first-draw sample sites selected by the supplier pursuant to Section 611.356(b)(5); or

BOARD NOTE: Corresponding 40 CFR 141.90(a)(2)(i) sets forth the April 11, 2000 date. The Board has retained that date to maintain structural consistency with the federal requirements, despite the fact that this subsection (a)(2)(A) became effective after that date.

B) If the Agency has waived prior approval of non-first-draw sample sites selected by the supplier, identify, in writing, each site that did not meet the six-hour minimum standing time and the length of standing time for that particular substitute sample collected pursuant to Section 611.356(b)(5) and include this information with the lead and copper tap sample results required to be submitted pursuant to subsection (a)(1)(A) of this Section.

3) No later than 60 days after the addition of a new source or any change in water treatment, unless the Agency requires earlier notification, a water supplier deemed to have optimized corrosion control under Section 611.351(b)(3), a water supplier subject to reduced monitoring pursuant to Section 611.356(d)(4), or a water supplier subject to a monitoring waiver pursuant to Section 611.356(g), must send written documentation to the Agency describing the change. In those instances where prior Agency approval of the treatment change or new source is not required, USEPA has stated that it encourages water systems to provide the notification to the Agency beforehand to minimize the risk the treatment change or new source will adversely affect optimal corrosion control.

4) Any small system supplier applying for a monitoring waiver under Section 611.356(g), or subject to a waiver granted pursuant to Section 611.356(g)(3), must provide the following information to the Agency in writing by the specified deadline:

A) By the start of the first applicable monitoring period in Section 611.356(d), any small water system supplier applying for a monitoring waiver must provide the documentation required to
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

demonstrate that it meets the waiver criteria of Sections 611.356(g)(1) and (g)(2).

B) No later than nine years after the monitoring previously conducted pursuant to Section 611.356(g)(2) or Section 611.356(g)(4)(A), each small system supplier desiring to maintain its monitoring waiver must provide the information required by Sections 611.356(g)(4)(A) and (g)(4)(B).

C) No later than 60 days after it becomes aware that it is no longer free of lead-containing or copper-containing material, as appropriate, each small system supplier with a monitoring waiver must provide written notification to the Agency, setting forth the circumstances resulting in the lead-containing or copper-containing materials being introduced into the system and what corrective action, if any, the supplier plans to remove these materials.

D) By October 10, 2000, any small system supplier with a waiver granted prior to April 11, 2000 and that has not previously met the requirements of Section 611.356(g)(2) must provide the information required by that subsection.

BOARD NOTE: Corresponding 40 CFR 141.90(a)(2)(iv) sets forth the April 11, 2000 and October 10, 2000 dates. The Board has retained those dates to maintain structural consistency with the federal requirements, despite the fact that this subsection (a)(2)(D) became effective after that date.

5) Each GWS supplier that limits water quality parameter monitoring to a subset of entry points under Section 611.357(c)(3) must provide, by the commencement of such monitoring, written correspondence to the Agency that identifies the selected entry points and includes information sufficient to demonstrate that the sites are representative of water quality and treatment conditions throughout the system.

b) Reporting for source water monitoring.

1) A supplier must report the sampling results for all source water samples collected in accordance with Section 611.358 within ten days of the end of each source water sampling period (i.e., annually, per compliance period, per compliance cycle) specified in Section 611.358.
2) With the exception of the first round of source water sampling conducted pursuant to Section 611.358(b), a supplier must specify any site that was not sampled during previous sampling periods, and include an explanation of why the sampling point has changed.

c) Reporting for corrosion control treatment. By the applicable dates under Section 611.351, a supplier must report the following information:

1) For a supplier demonstrating that it has already optimized corrosion control, the information required by Section 611.352(b)(2) or (b)(3).

2) For a supplier required to optimize corrosion control, its recommendation regarding optimal corrosion control treatment pursuant to Section 611.352(a).

3) For a supplier required to evaluate the effectiveness of corrosion control treatments pursuant to Section 611.352(c), the information required by Section 611.352(c).

4) For a supplier required to install optimal corrosion control approved by the Agency pursuant to Section 611.352(d), a copy of the Agency permit letter, which acts as certification that the supplier has completed installing the permitted treatment.

d) Reporting for source water treatment. On or before the applicable dates in Section 611.353, a supplier must provide the following information to the Agency:

1) If required by Section 611.353(b)(1), its recommendation regarding source water treatment; or

2) For suppliers required to install source water treatment pursuant to Section 611.353(b)(2), a copy of the Agency permit letter, which acts as certification that the supplier has completed installing the treatment approved by the Agency within 24 months after the Agency approved the treatment.

e) Reporting for lead service line replacement. A supplier must report the following information to the Agency to demonstrate compliance with the requirements of Section 611.354:
1) Within 12 months after a supplier exceeds the lead action level in sampling referred to in Section 611.354(a), the supplier must report each of the following to the Agency in writing:

   A) A demonstration that it has conducted a materials evaluation, including the evaluation required by Section 611.356(a),

   B) Identify the initial number of lead service lines in its distribution system, and

   C) Provide the Agency with the supplier’s schedule for annually replacing at least seven percent of the initial number of lead service lines in its distribution system.

2) Within 12 months after a supplier exceeds the lead action level in sampling referred to in Section 611.354(a), and every 12 months thereafter, the supplier must demonstrate to the Agency in writing that the supplier has done either of the following:

   A) Replaced in the previous 12 months at least seven percent of the initial number of lead service lines in its distribution system (or any greater number of lines specified by the Agency pursuant to Section 611.354(e)), or

   B) Conducted sampling that demonstrates that the lead concentration in all service line samples from individual lines, taken pursuant to Section 611.356(b)(3), is less than or equal to 0.015 mg/L.

   C) Where the supplier makes a demonstration under subsection (e)(2)(B) of this Section, the total number of lines that the supplier has replaced, combined with the total number that meet the criteria of Section 611.354(b), must equal at least seven percent of the initial number of lead lines identified pursuant to subsection (a) of this Section (or the percentage specified by the Agency pursuant to Section 611.354(e)).

3) The annual letter submitted to the Agency pursuant to subsection (e)(2) of this Section must contain the following information:
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

A) The number of lead service lines originally scheduled to be replaced during the previous year of the supplier’s replacement schedule;

B) The number and location of each lead service line actually replaced during the previous year of the supplier’s replacement schedule; and

C) If measured, the water lead concentration from each lead service line sampled pursuant to Section 611.356(b)(3) and the location of each lead service line sampled, the sampling method used, and the date of sampling.

4) Any supplier that collects lead service line samples following partial lead service line replacement required by Section 611.354 must report the results to the Agency within the first ten days of the month following the month in which the supplier receives the laboratory results, or as specified by the Agency. The Agency may, by a SEP granted pursuant to Section 611.110, eliminate this requirement to report these monitoring results. A supplier must also report any additional information as specified by the Agency, and in a time and manner prescribed by the Agency, to verify that all partial lead service line replacement activities have taken place.

f) Reporting for public education program.

1) Any water supplier that is subject to the public education requirements in Section 611.355 must, within ten days after the end of each period in which the supplier is required to perform public education tasks in accordance with Section 611.355(c), send written documentation to the Agency that contains the following:

A) A demonstration that the supplier has delivered the public education materials that meet the content requirements in Sections 611.355(a) and (b) and the delivery requirements in Section 611.355(c); and

B) A list of all the newspapers, radio stations, television stations, and facilities and organizations to which the supplier delivered public education materials during the period in which the supplier was required to perform public education tasks.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

2) Unless required by the Agency, by a SEP issued pursuant to Section 611.110, a supplier that previously has submitted the information required by subsection (f)(1)(B) of this Section need not resubmit the information required by subsection (f)(1)(B) of this Section, as long as there have been no changes in the distribution list and the supplier certifies that the public education materials were distributed to the same list submitted previously.

g) Reporting of additional monitoring data. Any supplier that collects sampling data in addition to that required by this Subpart G must report the results of that sampling to the Agency within the first ten days following the end of the applicable sampling periods specified by Sections 611.356 through 611.358 during which the samples are collected.

h) Reporting of 90th percentile lead and copper concentrations where the Agency calculates a system’s 90th percentile concentrations. A water supplier is not required to report the 90th percentile lead and copper concentrations measured from among all lead and copper tap water samples collected during each monitoring period, as required by subsection (a)(1)(D) of this Section if the following is true:

1) The Agency has previously notified the water supplier that it will calculate the water system’s 90th percentile lead and copper concentrations, based on the lead and copper tap results submitted pursuant to subsection (h)(2)(A) of this Section, and has specified a date before the end of the applicable monitoring period by which the supplier must provide the results of lead and copper tap water samples;

2) The supplier has provided the following information to the Agency by the date specified in subsection (h)(1) of this Section:

A) The results of all tap samples for lead and copper including the location of each site and the criteria under Section 611.356(a)(3), (a)(4), (a)(5), (a)(6), or (a)(7) under which the site was selected for the system’s sampling pool, pursuant to subsection (a)(1)(A) of this Section; and

B) An identification of sampling sites utilized during the current monitoring period that were not sampled during previous monitoring periods, and an explanation why sampling sites have changed; and
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

3) The Agency has provided the results of the 90th percentile lead and copper calculations, in writing, to the water supplier before the end of the monitoring period.


(Source: Amended at 27 Ill. Reg. _______, effective ______________________)

Section 611.361 Recordkeeping

Any supplier subject to the requirements of this Subpart G shall must retain on its premises original records of all sampling data and analyses, reports, surveys, letters, evaluations, schedules, Agency determinations, and any other information required by Sections 611.351 through Section 611.360. Each supplier shall must retain the records required by this section for at least 12 years.


(Source: Amended at 27 Ill. Reg. _______, effective ______________________)

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

Section 611.380 General Requirements

a) The requirements of this Subpart I constitute NPDWRs.

1) The regulations in this Subpart I establish standards under which a CWS supplier or an NTNCWS supplier that adds a chemical disinfectant to the water in any part of the drinking water treatment process or which provides water that contains a chemical disinfectant must modify its practices to meet MCLs and MRDLs in Sections 611.312 and 611.313, respectively, and must meet the treatment technique requirements for DBP precursors in Section 611.385.

2) The regulations in this Subpart I establish standards under which a transient non-CWS supplier that uses chlorine dioxide as a disinfectant or oxidant must modify its practices to meet the MRDL for chlorine dioxide in Section 611.313.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

3) The Board has established MCLs for TTHM and HAA5 and treatment technique requirements for DBP precursors to limit the levels of known and unknown DBPs that may have adverse health effects. These DBPs may include chloroform, bromodichloromethane, dibromochloromethane, bromoform, dichloroacetic acid, and trichloroacetic acid.

b) Compliance dates.

1) CWSs and NTNCWSs. Unless otherwise noted, a supplier must comply with the requirements of this Subpart I as follows: A Subpart B system supplier serving 10,000 or more persons must comply with this Subpart I beginning January 1, 2002. A Subpart B system supplier serving fewer than 10,000 persons or a supplier using only groundwater not under the direct influence of surface water must comply with this Subpart I beginning January 1, 2004.

2) Transient non-CWSs. A Subpart B system supplier serving 10,000 or more persons and using chlorine dioxide as a disinfectant or oxidant must comply with any requirements for chlorine dioxide in this Subpart I beginning January 1, 2002. A Subpart B system supplier serving fewer than 10,000 persons and using chlorine dioxide as a disinfectant or oxidant or a supplier using only groundwater not under the direct influence of surface water and using chlorine dioxide as a disinfectant or oxidant must comply with any requirements for chlorine dioxide in this Subpart I beginning January 1, 2004.

c) Each CWS or NTNCWS supplier regulated under subsection (a) of this Section must be operated by qualified personnel who meet the requirements specified in 35 Ill. Adm. Code 680.

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

Section 611.381 Analytical Requirements

a) A supplier must use only the analytical methods specified in this Section to demonstrate compliance with the requirements of this Subpart I.

b) Disinfection byproducts (DBPs).

1) A supplier must measure disinfection byproducts (DBPs) by the methods (as modified by the footnotes) listed in the following table:

Approved Methods for Disinfection Byproduct (DBP) Compliance Monitoring

<table>
<thead>
<tr>
<th>Methodology</th>
<th>EPA Method</th>
<th>Standard Method</th>
<th>Byproduct Measured</th>
</tr>
</thead>
<tbody>
<tr>
<td>P&amp;T/GC/EICD &amp; PID</td>
<td>3502.2</td>
<td>TTHM</td>
<td></td>
</tr>
<tr>
<td>P&amp;T/GC/MS</td>
<td>524.2</td>
<td>TTHM</td>
<td></td>
</tr>
<tr>
<td>LLE/GC/ECD</td>
<td>551.1</td>
<td>TTHM</td>
<td></td>
</tr>
<tr>
<td>LLE/GC/ECD</td>
<td>6251 B</td>
<td>HAA5</td>
<td></td>
</tr>
<tr>
<td>SPE/GC/ECD</td>
<td>552.1</td>
<td>HAA5</td>
<td></td>
</tr>
<tr>
<td>LLE/GC/ECD</td>
<td>552.2</td>
<td>HAA5</td>
<td></td>
</tr>
<tr>
<td>Amperometric Titration</td>
<td>4500-CIO₂ E</td>
<td>Chlorite⁴</td>
<td></td>
</tr>
</tbody>
</table>

1 The listed method is approved for measuring specified disinfection byproduct.

2 P&T = purge and trap; GC = gas chromatography; EICD = electrolytic conductivity detector; PID = photoionization detector; MS = mass spectrometer; LLE = liquid/liquid extraction; ECD = electron capture detector; SPE = solid phase extractor; IC = ion chromatography.

3 If TTHMs are the only analytes being measured in the sample, then a PID is not required.

4 Amperometric titration may be used for routine daily monitoring of chlorite at the entrance to the distribution system, as prescribed in
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 611.382(b)(2)(A)(i). Ion chromatography must be used for routine monthly monitoring of chlorite and additional monitoring of chlorite in the distribution system, as prescribed in Sections 611.382(b)(2)(A)(ii) and (b)(2)(B).

2) Analysis under this Section for DBPs must be conducted by laboratories that have received certification by USEPA or the Agency except as specified under subsection (b)(3) of this Section. To receive certification to conduct analyses for the contaminants in Section 611.312, the laboratory must carry out annual analyses of performance evaluation (PE) samples approved by USEPA or the Agency. In these analyses of PE samples, the laboratory must achieve quantitative results within the acceptance limit on a minimum of 80% of the analytes included in each PE sample. The acceptance limit is defined as the 95% confidence interval calculated around the mean of the PE study data between a maximum and minimum acceptance limit of ±50% and ±15% of the study mean.

3) A party approved by USEPA or the Agency must measure daily chlorite samples at the entrance to the distribution system.

c) Disinfectant residuals.

1) A supplier must measure residual disinfectant concentrations for free chlorine, combined chlorine (chloramines), and chlorine dioxide by the methods (as modified by the footnotes) listed in the following table:

<table>
<thead>
<tr>
<th>Methodology</th>
<th>Standard Method</th>
<th>ASTM Method</th>
<th>Residual Measured</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amperometric Titration</td>
<td>4500-Cl D</td>
<td>D 1253-86</td>
<td>Free chlorine, Combined chlorine, Total chlorine</td>
</tr>
<tr>
<td>Low Level Amperometric Titration</td>
<td>4500-Cl E</td>
<td></td>
<td>Total chlorine</td>
</tr>
<tr>
<td>DPD Ferrous Titrimetric</td>
<td>4500-Cl F</td>
<td></td>
<td>Free chlorine, Combined chlorine, Total chlorine</td>
</tr>
</tbody>
</table>
ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

DPD Colorimetric 4500-Cl G Free chlorine, Combined chlorine, Total chlorine
Syringaldazine (FACTS) 4500-Cl H Free chlorine
Iodometric Electrode 4500-Cl I Total chlorine
DPD 4500-ClO₂ D Chlorine dioxide
Amperometric Method II 4500-ClO₂ E Chlorine dioxide

1) The listed method is approved for measuring specified disinfectant residual.

2) If approved by the Agency, a supplier may also measure residual disinfectant concentrations for chlorine, chloramines, and chlorine dioxide by using DPD colorimetric test kits.

3) A party approved by USEPA or the Agency must measure residual disinfectant concentration.

d) A supplier required to analyze parameters not included in subsections (b) and (c) of this Section must use the methods listed below. A party approved by USEPA or the Agency must measure the following parameters:

1) Alkalinity. All methods allowed in Section 611.611(a)(21) for measuring alkalinity

2) Bromide. USEPA Method 300.0 or USEPA Method 300.1

3) Total Organic Carbon (TOC). Standard Method 5310 B (High-Temperature Combustion Method), Standard Method 5310 C (Persulfate-Ultraviolet or Heated-Persulfate Oxidation Method), or Standard Method 5310 D (Wet-Oxidation Method). TOC samples may not be filtered prior to analysis. TOC samples must either be analyzed or must be acidified to achieve pH less than 2.0 by minimal addition of phosphoric or sulfuric acid as soon as practical after sampling, not to exceed 24 hours. Acidified TOC samples must be analyzed within 28 days.

4) Specific Ultraviolet Absorbance (SUVA). SUVA is equal to the UV absorption at 254 nm (UV₂₅₄) (measured in m⁻¹) divided by the dissolved organic carbon (DOC) concentration (measured as mg/L). In order to
determine SUVA, it is necessary to separately measure UV$_{254}$ and DOC. When determining SUVA, a supplier must use the methods stipulated in subsection (d)(4)(A) of this Section to measure DOC and the method stipulated in subsection (d)(4)(B) of this Section to measure UV$_{254}$. SUVA must be determined on water prior to the addition of disinfectants/oxidants by the supplier. DOC and UV$_{254}$ samples used to determine a SUVA value must be taken at the same time and at the same location.

A) Dissolved Organic Carbon (DOC). Standard Method 5310 B (High-Temperature Combustion Method), Standard Method 5310 C (Persulfate-Ultraviolet or Heated-Persulfate Oxidation Method), or Standard Method 5310 D (Wet-Oxidation Method). Prior to analysis, DOC samples must be filtered through a 0.45 µm pore-diameter filter. Water passed through the filter prior to filtration of the sample must serve as the filtered blank. This filtered blank must be analyzed using procedures identical to those used for analysis of the samples and must meet the following standards: DOC $< 0.5$ mg/L. DOC samples must be filtered through the 0.45 µm pore-diameter filter prior to acidification. DOC samples must either be analyzed or must be acidified to achieve pH less than 2.0 by minimal addition of phosphoric or sulfuric acid as soon as practical after sampling, not to exceed 48 hours. Acidified DOC samples must be analyzed within 28 days and

B) Ultraviolet Absorption at 254 nm (UV$_{254}$). Method 5910 B (Ultraviolet Absorption Method). UV absorption must be measured at 253.7 nm (may be rounded off to 254 nm). Prior to analysis, UV$_{254}$ samples must be filtered through a 0.45 µm pore-diameter filter. The pH of UV$_{254}$ samples may not be adjusted. Samples must be analyzed as soon as practical after sampling, not to exceed 48 hours and

5) pH. All methods allowed in Section 611.611 (a)(17)-611.611(a)(17) for measuring pH.

Section 611.382 Monitoring Requirements

a) General requirements.

1) A supplier must take all samples during normal operating conditions.

2) A supplier may consider multiple wells drawing water from a single aquifer as one treatment plant for determining the minimum number of TTHM and HAA5 samples required with Agency approval.

3) Failure to monitor in accordance with the monitoring plan required under subsection (f) of this Section is a monitoring violation.

4) Where compliance is based on a running annual average of monthly or quarterly samples or averages and the supplier’s failure to monitor makes it impossible to determine compliance with MCLs or MRDLs, this failure to monitor will be treated as a violation for the entire period covered by the annual average.

5) A supplier must use only data collected under the provisions of this Subpart I or under the Information Collection Rule (40 CFR 141, Subpart M) to qualify for reduced monitoring.

b) Monitoring requirements for disinfection byproducts (DBPs).

1) TTHMs and HAA5.

A) Routine monitoring. A supplier must monitor at the following frequency indicated in the following table:

<table>
<thead>
<tr>
<th>Type of supplier</th>
<th>Minimum monitoring frequency</th>
<th>Sample location in the distribution system</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subpart B system</td>
<td>Four water samples per quarter per treatment plant</td>
<td>At least 25 percent of all samples collected each</td>
</tr>
</tbody>
</table>
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

persons. quarter at locations representing maximum-residence time. Remaining samples taken at locations representative of at least average residence time in the distribution system and representing the entire distribution system, taking into account number of persons served, different sources of water, and different treatment methods. 1

<table>
<thead>
<tr>
<th>Subpart B system supplier serving from 500 to 9,999 persons.</th>
<th>One water sample per quarter per treatment plant.</th>
<th>Locations representing maximum-residence time. 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subpart B system supplier serving fewer than 500 persons.</td>
<td>One sample per year per treatment plant during month of warmest water temperature.</td>
<td>Locations representing maximum-residence time. 1. If the sample (or average of annual samples, if more than one sample is taken) exceeds the MCL, the supplier must increase monitoring to one sample per treatment plant per quarter, taken at a point reflecting the maximum-residence time. 1</td>
</tr>
</tbody>
</table>
time in the distribution system, until the supplier meets the standards in subsection (b)(1)(D) of this Section.

<table>
<thead>
<tr>
<th>Supplier Type</th>
<th>Sample Frequency</th>
<th>Location Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>A supplier using only groundwater not under direct influence of surface water using chemical disinfectant and serving 10,000 or more persons.</td>
<td>One water sample per quarter per treatment plant. 2</td>
<td>Locations representing maximum residence time. 1</td>
</tr>
<tr>
<td>A supplier using only groundwater not under direct influence of surface water using chemical disinfectant and serving fewer than 10,000 persons.</td>
<td>One sample per year per treatment plant 2 during month of warmest water temperature.</td>
<td>Locations representing maximum residence time. 1 – If the sample (or average of annual samples, if more than one sample is taken) exceeds MCL, the supplier must increase monitoring to one sample per treatment plant per quarter, taken at a point reflecting the maximum residence time in the distribution system, until the supplier meets standards in subsection (b)(1)(D) of this Section.</td>
</tr>
</tbody>
</table>
NOTICE OF PROPOSED AMENDMENTS

i) A Subpart B system supplier that serves 10,000 or more persons must collect four water samples per quarter per treatment plant. At least 25 percent of all samples collected each quarter must be collected at locations representing maximum residence time. The remaining samples may be taken at locations representative of at least average residence time in the distribution system and representing the entire distribution system, taking into account the number of persons served, the different sources of water, and the different treatment methods.

ii) A Subpart B system supplier that serves from 500 to 9,999 persons must collect one water sample per quarter per treatment plant. The samples must be collected from locations representing maximum residence time.

iii) A Subpart B system supplier that serves fewer than 500 persons must collect one sample per year per treatment plant during month of warmest water temperature. The samples must be collected from locations representing maximum residence time. If the sample (or average of annual samples, if more than one sample is taken) exceeds the MCL, the supplier must increase the monitoring frequency to one sample per treatment plant per quarter, taken at a point reflecting the maximum residence time in the distribution system, until the supplier meets the standards in subsection (b)(1)(D) of this Section.

iv) A supplier that uses only groundwater not under direct influence of surface water, which uses chemical disinfectant, and which serves 10,000 or more persons must collect one water sample per quarter per treatment plant. The samples must be collected from locations representing maximum residence time.

v) A supplier that uses only groundwater not under direct influence of surface water, which uses chemical disinfectant, and which serves fewer than 10,000 persons must collect one sample per year per treatment plant during
month of warmest water temperature. The samples must be collected from locations representing maximum residence time. If the sample (or average of annual samples, if more than one sample is taken) exceeds MCL, the supplier must increase monitoring to one sample per treatment plant per quarter, taken at a point reflecting the maximum residence time in the distribution system, until the supplier meets standards in subsection (b)(1)(D) of this Section.

BOARD NOTE: If a supplier elects to sample more frequently than the minimum required, at least 25 percent of all samples collected each quarter (including those taken in excess of the required frequency) must be taken at locations that represent the maximum residence time of the water in the distribution system. The remaining samples must be taken at locations representative of at least average residence time in the distribution system. For a supplier using groundwater not under the direct influence of surface water, multiple wells drawing water from a single aquifer may be considered one treatment plant for determining the minimum number of samples required, with Agency approval.

Multiple wells drawing water from a single aquifer may be considered one treatment plant for determining the minimum number of samples required, with Agency approval.

B) A supplier may reduce monitoring, except as otherwise provided, in accordance with the following table:

<table>
<thead>
<tr>
<th>Reduced Monitoring Frequency for TTHM and HAA5</th>
</tr>
</thead>
<tbody>
<tr>
<td>If you are a...</td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

To this level
NOTICE OF PROPOSED AMENDMENTS

Subpart B system supplier serving 10,000 or more persons that has a source water annual average TOC level, before any treatment, ≤4.0 mg/L.

TTHM annual average ≤0.040 mg/L and HAA5 annual average ≤0.030 mg/L.

One sample per treatment plant per quarter at distribution system location reflecting maximum residence time.

Subpart B system supplier serving from 500 to 9,999 persons that has a source water annual average TOC level, before any treatment, ≤4.0 mg/L.

TTHM annual average ≤0.040 mg/L and HAA5 annual average ≤0.030 mg/L.

One sample per treatment plant per year at distribution system location reflecting maximum residence time during month of warmest water temperature.

NOTE: Any Subpart B system supplier serving fewer than 500 persons may not reduce its monitoring to less than one sample per treatment plant per year.

A supplier using only groundwater not under direct influence of surface water using chemical disinfectant and serving 10,000 or more persons.

TTHM annual average ≤0.040 mg/L and HAA5 annual average ≤0.030 mg/L.

One sample per treatment plant per year at distribution system location reflecting maximum residence time during month of warmest water temperature.
A supplier using only groundwater not under direct influence of surface water using chemical disinfectant and serving fewer than 10,000 persons.

TTHM annual average $\leq 0.040$ mg/L and HAA5 annual average $\leq 0.030$ mg/L for two consecutive years or TTHM annual average $\leq 0.020$ mg/L and HAA5 annual average $\leq 0.015$ mg/L for one year.

One sample per treatment plant per three-year monitoring cycle at distribution system location reflecting maximum residence time during month of warmest water temperature, with the three-year cycle beginning on January 1 following quarter in which the supplier qualifies for reduced monitoring.

i) A Subpart B system supplier that serves 10,000 or more persons and which has a source water annual average TOC level, before any treatment, of less than or equal to 4.0 mg/L may reduce monitoring if it has monitored for at least one year and its TTHM annual average is less than or equal to 0.040 mg/L and HAA5 annual average is less than or equal to 0.030 mg/L. The reduced monitoring allowed is a minimum of one sample per treatment plant per quarter at distribution system location reflecting maximum residence time.

ii) A Subpart B system supplier that serves from 500 to 9,999 persons and which has a source water annual average TOC level, before any treatment, of less than or equal to 4.0 mg/L may reduce monitoring if it has monitored at least one year and its TTHM annual average less than or equal to 0.040 mg/L and HAA5 annual average less than or equal to 0.030 mg/L. The reduced monitoring allowed is a minimum of one sample per treatment plant per year at distribution system location reflecting maximum residence time during month of warmest water temperature.

BOARD NOTE: Any Subpart B system supplier serving
fewer than 500 persons may not reduce its monitoring to less than one sample per treatment plant per year.

iii) A supplier using only groundwater not under direct influence of surface water using chemical disinfectant and serving 10,000 or more persons may reduce monitoring if it has monitored at least one year and its TTHM annual average less than of equal to 0.040 mg/ℓ and HAA5 annual average less than of equal to 0.030 mg/ℓ. The reduced monitoring allowed is a minimum of one sample per treatment plant per year at distribution system location reflecting maximum residence time during month of warmest water temperature.

iv) A supplier using only groundwater not under direct influence of surface water using chemical disinfectant and serving fewer than 10,000 persons may reduce monitoring if it has monitored at least one year and its TTHM annual average less than of equal to 0.040 mg/ℓ and HAA5 annual average less than of equal to 0.030 mg/ℓ for two consecutive years or TTHM annual average less than of equal to 0.020 mg/ℓ and HAA5 annual average less than of equal to 0.015 mg/ℓ for one year. The reduced monitoring allowed is a minimum of one sample per treatment plant per three year monitoring cycle at distribution system location reflecting maximum residence time during month of warmest water temperature, with the three-year cycle beginning on January 1 following quarter in which the supplier qualifies for reduced monitoring.

C) A supplier on a reduced monitoring schedule may remain on that reduced schedule as long as the average of all samples taken in the year (for a supplier that must monitor quarterly) or the result of the sample (for a supplier that must monitor no more frequently than annually) is no more than 0.060 mg/ℓ and 0.045 mg/ℓ for TTHMs and HAA5, respectively. A supplier that does not meet these levels must resume monitoring at the frequency identified in subsection (b)(1)(A) of this Section (minimum monitoring frequency column) in the quarter immediately following the monitoring period in which the supplier exceeds 0.060 mg/ℓ for
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TTHMs or 0.045 mg/L for HAA5. For a supplier using only groundwater not under the direct influence of surface water and serving fewer than 10,000 persons, if either the TTHM annual average is \(\geq\) greater than 0.080 mg/L or the HAA5 annual average is \(\geq\) greater than 0.060 mg/L, the supplier must go to increased monitoring identified in subsection (b)(1)(A) of this Section (sample location column) in the quarter immediately following the monitoring period in which the supplier exceeds 0.080 mg/L for TTHMs or 0.060 mg/L for HAA5.

D) A supplier on increased monitoring may return to routine monitoring if, after at least one year of monitoring, its TTHM annual average is \(\leq\) less than or equal to 0.060 mg/L and its HAA5 annual average is \(\leq\) less than or equal to 0.045 mg/L.

E) The Agency may return a supplier to routine monitoring.

2) Chlorite. A CWS or NTNCWS supplier using chlorine dioxide, for disinfection or oxidation, must conduct monitoring for chlorite.

A) Routine monitoring.

i) Daily monitoring. A supplier must take daily samples at the entrance to the distribution system. For any daily sample that exceeds the chlorite MCL, the supplier must take additional samples in the distribution system the following day at the locations required by subsection (b)(2)(B) of this Section, in addition to the sample required at the entrance to the distribution system.

ii) Monthly monitoring. A supplier must take a three-sample set each month in the distribution system. The supplier must take one sample at each of the following locations: near the first customer, at a location representative of average residence time, and at a location reflecting maximum residence time in the distribution system. Any additional routine sampling must be conducted in the same manner (as three-sample sets, at the specified locations). The supplier may use the results of additional monitoring conducted under subsection (b)(2)(B) of this Section to
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

meet the requirement for monitoring in this subsection (b)(2)(A)(ii).

B) Additional monitoring. On each day following a routine sample monitoring result that exceeds the chlorite MCL at the entrance to the distribution system, the supplier must take three chlorite distribution system samples at the following locations: as close to the first customer as possible, in a location representative of average residence time, and as close to the end of the distribution system as possible (reflecting maximum residence time in the distribution system).

C) Reduced monitoring.

i) Chlorite monitoring at the entrance to the distribution system required by subsection (b)(2)(A)(i) of this Section may not be reduced.

ii) Chlorite monitoring in the distribution system required by subsection (b)(2)(A)(ii) of this Section may be reduced to one three-sample set per quarter after one year of monitoring where no individual chlorite sample taken in the distribution system under subsection (b)(2)(A)(ii) of this Section has exceeded the chlorite MCL and the supplier has not been required to conduct monitoring under subsection (b)(2)(B) of this Section. The supplier may remain on the reduced monitoring schedule until either any of the three individual chlorite samples taken quarterly in the distribution system under subsection (b)(2)(A)(ii) of this Section exceeds the chlorite MCL or the supplier is required to conduct monitoring under subsection (b)(2)(B) of this Section, at which time the supplier must revert to routine monitoring.

3) Bromate.

A) Routine monitoring. A CWS or NTNCWS supplier using ozone, for disinfection or oxidation, must take one sample per month for each treatment plant in the system using ozone. A supplier must take samples monthly at the entrance to the distribution system while the ozonation system is operating under normal conditions.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

B) Reduced monitoring. A supplier required to analyze for bromate may reduce monitoring from monthly to once per quarter, if the supplier demonstrates that the average source water bromide concentration is less than 0.05 mg/L based upon representative monthly bromide measurements for one year. The supplier may remain on reduced bromate monitoring until the running annual average source water bromide concentration, computed quarterly, is equal to or greater than 0.05 mg/L based upon representative monthly measurements. If the running annual average source water bromide concentration is equal to or greater than 0.05 mg/L, the supplier must resume routine monitoring required by subsection (b)(3)(A) of this Section.

c) Monitoring requirements for disinfectant residuals.

1) Chlorine and chloramines.

A) Routine monitoring. A CWS or NTNCWS supplier that uses chlorine or chloramines must measure the residual disinfectant level in the distribution system at the same point in the distribution system and at the same time as total coliforms are sampled, as specified in Section 611.521. A Subpart B system supplier may use the results of residual disinfectant concentration sampling conducted under Section 611.532 for unfiltered systems or Section 611.533 for systems that filter, in lieu of taking separate samples.

B) Reduced monitoring. Monitoring may not be reduced.

2) Chlorine dioxide.

A) Routine monitoring. A CWS, an NTNCWS, or a transient non-CWS supplier that uses chlorine dioxide for disinfection or oxidation must take daily samples at the entrance to the distribution system. For any daily sample that exceeds the MRDL, the supplier must take samples in the distribution system the following day at the locations required by subsection (c)(2)(B) of this Section, in addition to the sample required at the entrance to the distribution system.

B) Additional monitoring. On each day following a routine sample monitoring result that exceeds the MRDL, the supplier must take
three chlorine dioxide distribution system samples. If chlorine dioxide or chloramines are used to maintain a disinfectant residual in the distribution system, or if chlorine is used to maintain a disinfectant residual in the distribution system and there are no disinfection addition points after the entrance to the distribution system (i.e., no booster chlorination), the supplier must take three samples as close to the first customer as possible, at intervals of at least six hours. If chlorine is used to maintain a disinfectant residual in the distribution system and there are one or more disinfection addition points after the entrance to the distribution system (i.e., booster chlorination), the supplier must take one sample at each of the following locations: as close to the first customer as possible, in a location representative of average residence time, and as close to the end of the distribution system as possible (reflecting maximum residence time in the distribution system).

C) Reduced monitoring. Monitoring may not be reduced.

d) Monitoring requirements for disinfection byproduct (DBP) precursors.

1) Routine monitoring. A Subpart B system supplier that uses conventional filtration treatment (as defined in Section 611.101) must monitor each treatment plant for TOC not past the point of combined filter effluent turbidity monitoring and representative of the treated water. A supplier required to monitor under this subsection (d)(1) must also monitor for TOC in the source water prior to any treatment at the same time as monitoring for TOC in the treated water. These samples (source water and treated water) are referred to as paired samples. At the same time as the source water sample is taken, a system must monitor for alkalinity in the source water prior to any treatment. A supplier must take one paired sample and one source water alkalinity sample per month per plant at a time representative of normal operating conditions and influent water quality.

2) Reduced monitoring. A Subpart B system supplier with an average treated water TOC of less than 2.0 mg/L for two consecutive years, or less than 1.0 mg/L for one year, may reduce monitoring for both TOC and alkalinity to one paired sample and one source water alkalinity sample per plant per quarter. The supplier must revert to routine monitoring in the
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

month following the quarter when the annual average treated water TOC \( \geq \frac{2.0}{2.0} \) mg/L.

e) Bromide. A supplier required to analyze for bromate may reduce bromate monitoring from monthly to once per quarter, if the supplier demonstrates that the average source water bromide concentration is less than 0.05 mg/L based upon representative monthly measurements for one year. The supplier must continue bromide monitoring to remain on reduced bromate monitoring.

f) Monitoring plans. Each supplier required to monitor under this Subpart I must develop and implement a monitoring plan. The supplier must maintain the plan and make it available for inspection by the Agency and the general public no later than 30 days following the applicable compliance dates in Section 611.380(b). A Subpart B system supplier serving more than 3,300 persons must submit a copy of the monitoring plan to the Agency no later than the date of the first report required under Section 611.384. After review, the Agency may require changes in any plan elements. The plan must include at least the following elements:

1) Specific locations and schedules for collecting samples for any parameters included in this Subpart I;

2) How the supplier will calculate compliance with MCLs, MRDLs, and treatment techniques; and

3) If approved for monitoring as a consecutive system, or if providing water to a consecutive system, under the provisions of Section 611.500, the sampling plan must reflect the entire distribution system.


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

Section 611.383 Compliance Requirements

a) General requirements.

1) Where compliance is based on a running annual average of monthly or quarterly samples or averages and the supplier fails to monitor for TTHM, HAA5, or bromate, this failure to monitor will be treated as a monitoring violation for the entire period covered by the annual average. Where
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

compliance is based on a running annual average of monthly or quarterly samples or averages and the supplier’s failure to monitor makes it impossible to determine compliance with the MRDL for chlorine or chloramines, this failure to monitor will be treated as a monitoring violation for the entire period covered by the annual average.

2) All samples taken and analyzed under the provisions of this Subpart I must be included in determining compliance, even if that number is greater than the minimum required.

3) If, during the first year of monitoring under Section 611.382, any individual quarter’s average will cause the running annual average of that supplier to exceed the MCL, the supplier is out of compliance at the end of that quarter.

b) Disinfection byproducts (DBPs).

1) TTHMs and HAA5.

A) For a supplier monitoring quarterly, compliance with MCLs in Section 611.312 must be based on a running annual arithmetic average, computed quarterly, of quarterly arithmetic averages of all samples collected by the supplier as prescribed by Section 611.382(b)(1).

B) For a supplier monitoring less frequently than quarterly, the supplier demonstrates MCL compliance if the average of samples taken that year under the provisions of Section 611.382(b)(1) does not exceed the MCLs in Section 611.312. If the average of these samples exceeds the MCL, the supplier must increase monitoring to once per quarter per treatment plant, and such a system is not in violation of the MCL until it has completed one year of quarterly monitoring, unless the result of fewer than four quarters of monitoring will cause the running annual average to exceed the MCL, in which case the supplier is in violation at the end of that quarter. A supplier required to increase to quarterly monitoring must calculate compliance by including the sample that triggered the increased monitoring plus the following three quarters of monitoring.

C) If the running annual arithmetic average of quarterly averages covering any consecutive four-quarter period exceeds the MCL,
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

the supplier is in violation of the MCL and must notify the public pursuant to Subpart V of this Part in addition to reporting to the Agency pursuant to Section 611.384.

D) If a PWS fails to complete four consecutive quarter’s monitoring, compliance with the MCL for the last four-quarter compliance period must be based on an average of the available data.

2) Bromate. Compliance must be based on a running annual arithmetic average, computed quarterly, of monthly samples (or, for months in which the supplier takes more than one sample, the average of all samples taken during the month) collected by the supplier, as prescribed by Section 611.382(b)(3). If the average of samples covering any consecutive four-quarter period exceeds the MCL, the supplier is in violation of the MCL and must notify the public pursuant to Subpart V of this Part, in addition to reporting to the Agency pursuant to Section 611.384. If a PWS supplier fails to complete 12 consecutive months’ monitoring, compliance with the MCL for the last four-quarter compliance period must be based on an average of the available data.

3) Chlorite. Compliance must be based on an arithmetic average of each three sample set taken in the distribution system as prescribed by Section 611.382(b)(2)(A)(ii) and Section 611.382(b)(2)(B). If the arithmetic average of any three sample set exceeds the MCL, the supplier is in violation of the MCL and must notify the public pursuant to Subpart V of this Part, in addition to reporting to the Agency pursuant to Section 611.384.

c) Disinfectant residuals.

1) Chlorine and chloramines.

A) Compliance must be based on a running annual arithmetic average, computed quarterly, of monthly averages of all samples collected by the supplier under Section 611.382(c)(1). If the average of quarterly averages covering any consecutive four-quarter period exceeds the MRDL, the supplier is in violation of the MRDL and must notify the public pursuant to Subpart V of this Part, in addition to reporting to the Agency pursuant to Section 611.384.
B) In cases where a supplier switches between the use of chlorine and chloramines for residual disinfection during the year, compliance must be determined by including together all monitoring results of both chlorine and chloramines in calculating compliance. Reports submitted pursuant to Section 611.384 must clearly indicate which residual disinfectant was analyzed for each sample.

2) Chlorine dioxide.

A) Acute violations. Compliance must be based on consecutive daily samples collected by the supplier under Section 611.382(c)(2). If any daily sample taken at the entrance to the distribution system exceeds the MRDL, and on the following day one (or more) of the three samples taken in the distribution system exceeds the MRDL, the supplier is in violation of the MRDL and must take immediate corrective action to lower the level of chlorine dioxide below the MRDL and must notify the public pursuant to the procedures for acute health risks in Subpart V of this Part, in addition to reporting to the Agency pursuant to Section 611.384. Failure to take samples in the distribution system the day following an exceedence of the chlorine dioxide MRDL at the entrance to the distribution system will also be considered an MRDL violation and the supplier must notify the public of the violation in accordance with the procedures for acute violations under Subpart V of this Part, in addition to reporting to the Agency pursuant to Section 611.384.

B) Nonacute violations. Compliance must be based on consecutive daily samples collected by the supplier under Section 611.382(c)(2). If any two consecutive daily samples taken at the entrance to the distribution system exceed the MRDL and all distribution system samples taken are below the MRDL, the supplier is in violation of the MRDL and must take corrective action to lower the level of chlorine dioxide below the MRDL at the point of sampling and must notify the public pursuant to the procedures for nonacute health risks in Subpart V of this Part, in addition to reporting to the Agency pursuant to Section 611.384. Failure to monitor at the entrance to the distribution system the day following an exceedence of the chlorine dioxide MRDL at the entrance to the distribution system is also an MRDL violation and the supplier must notify the public of the violation in accordance
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

with the provisions for nonacute violations under Subpart V of this Part, in addition to reporting to the Agency pursuant to Section 611.384.

d) Disinfection byproduct (DBP) precursors. Compliance must be determined as specified by Section 611.385(c). A supplier may begin monitoring to determine whether Step 1 TOC removals can be met 12 months prior to the compliance date for the supplier. This monitoring is not required and failure to monitor during this period is not a violation. However, any supplier that does not monitor during this period, and then determines in the first 12 months after the compliance date that it is not able to meet the Step 1 requirements in Section 611.141(b)(2) and must therefore apply for alternate minimum TOC removal (Step 2) requirements, is not eligible for retroactive approval of alternate minimum TOC removal (Step 2) requirements as allowed pursuant to Section 611.385(b)(3) and is in violation of an NPDWR. A supplier may apply for alternate minimum TOC removal (Step 2) requirements any time after the compliance date. For a supplier required to meet Step 1 TOC removals, if the value calculated under Section 611.385(c)(1)(D) is less than 1.00, the supplier is in violation of the treatment technique requirements and must notify the public pursuant to Subpart V of this Part, in addition to reporting to the Agency pursuant to Section 611.384.


(Source: Amended at 27 Ill. Reg. ________, effective ______________________)

Section 611.384 Reporting and Recordkeeping Requirements

a) A supplier required to sample quarterly or more frequently must report to the Agency within ten days after the end of each quarter in which samples were collected, notwithstanding the provisions of Section 611.840. A supplier required to sample less frequently than quarterly must report to the Agency within ten days after the end of each monitoring period in which samples were collected.

b) Disinfection byproducts (DBPs). A supplier must report the information following specified information in the following table:

<table>
<thead>
<tr>
<th>If a supplier is a . . .</th>
<th>The supplier must report . . .</th>
</tr>
</thead>
<tbody>
<tr>
<td>(2) Supplier monitoring for TTHMs and HAAS under the requirements of</td>
<td>(A) The number of samples taken during the last year.</td>
</tr>
</tbody>
</table>
Section 611.382(b) less frequently than quarterly (but at least annually):
(B) The location, date, and result of each sample taken during the last monitoring period.
(C) The arithmetic average of all samples taken over the last year.
(D) Whether, based on Section 611.383(b)(1), the MCL was violated.

(3) Supplier monitoring for TTHMs and HAAS under the requirements of Section 611.382(b) less frequently than annually.
(A) The location, date, and result of the last sample taken.
(B) Whether, based on Section 611.383(b)(1), the MCL was violated.

(4) Supplier monitoring for chlorite under the requirements of Section 611.382(b).
(A) The number of entry point samples taken each month for the last three months.
(B) The location, date, and result of each sample (both entry point and distribution system) taken during the last quarter.
(C) For each month in the reporting period, the arithmetic average of each three-sample set for all sample sets taken in the distribution system.
(D) Whether, based on Section 611.383(b)(3), the MCL was violated, in which month it was violated, and how many times it was violated in each month.

(5) Supplier monitoring for bromate under the requirements of Section 611.382(b).
(A) The number of samples taken during the last quarter.
(B) The location, date, and result of each sample taken during the last quarter.
(C) The arithmetic average of the monthly arithmetic averages of all samples taken in the last year.
POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

(D) Whether, based on Section 611.383(b)(2), the MCL was violated.

1) A supplier that monitors for TTHMs and HAA5 under the requirements of Section 611.382(b) on a quarterly or more frequently basis must report the following:
   A) The number of samples taken during the last quarter;
   B) The location, date, and result of each sample taken during the last quarter;
   C) The arithmetic average of all samples taken over the last quarter;
   D) The annual arithmetic average of the quarterly arithmetic averages of this section for the last four quarters; and
   E) Whether, based on Section 611.383(b)(1), the MCL was violated.

2) A supplier that monitors for TTHMs and HAA5 under the requirements of Section 611.382(b) less frequently than quarterly (but at least annually) must report the following:
   A) The number of samples taken during the last year;
   B) The location, date, and result of each sample taken during the last monitoring period;
   C) The arithmetic average of all samples taken over the last year; and
   D) Whether, based on Section 611.383(b)(1), the MCL was violated.

3) A supplier that monitors for TTHMs and HAA5 under the requirements of Section 611.382(b) less frequently than annually must report the following:
   A) The location, date, and result of the last sample taken; and
   B) Whether, based on Section 611.383(b)(1), the MCL was violated.

4) A supplier that monitors for chlorite under the requirements of Section 611.382(b) must report the following:
ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

A) The number of entry point samples taken each month for the last three months;

B) The location, date, and result of each sample (both entry point and distribution system) taken during the last quarter;

C) For each month in the reporting period, the arithmetic average of each three-sample set for all sample sets taken in the distribution system; and

D) Whether, based on Section 611.383(b)(3), the MCL was violated, in which month it was violated, and how many times it was violated in each month.

5) Supplier that monitors for bromate under the requirements of Section 611.382(b) must report the following:

A) The number of samples taken during the last quarter;

B) The location, date, and result of each sample taken during the last quarter;

C) The arithmetic average of the monthly arithmetic averages of all samples taken in the last year; and

D) Whether, based on Section 611.383(b)(2), the MCL was violated.

BOARD NOTE: The Agency may choose to perform calculations and determine whether the MCL was exceeded, in lieu of having the supplier report that the required information.

c) Disinfectants. A supplier must report the following specified information specified in the following table:

<table>
<thead>
<tr>
<th>If a supplier is a...</th>
<th>The supplier must report...1</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Supplier monitoring for chlorine or chloramines under the requirements of Section 611.382(c).</td>
<td>(A) The number of samples taken during each month of the last quarter.</td>
</tr>
<tr>
<td>(B) The monthly arithmetic average of all samples taken in each month for the last 12 months.</td>
<td></td>
</tr>
</tbody>
</table>
A supplier that monitors for chlorine or chloramines under the requirements of Section 611.382(c) must report the following:

A) The number of samples taken during each month of the last quarter.

B) The monthly arithmetic average of all samples taken in each month for the last 12 months.

C) The arithmetic average of all monthly averages for the last 12 months.

D) Whether, based on Section 611.383(c)(1), the MRDL was violated.

Supplier monitoring for chlorine dioxide under the requirements of Section 611.382(c) must report the following:

A) The dates, results, and locations of samples taken during the last quarter.

B) Whether, based on Section 611.383(c)(2), the MRDL was violated.

C) Whether the MRDL was exceeded in any two consecutive daily samples and whether the resulting violation was acute or nonacute.
BOARDS NOTE: The Agency may choose to perform calculations and determine whether the MRDL was exceeded, in lieu of having the supplier report the required information.

d) Disinfection byproduct (DBP) precursors and enhanced coagulation or enhanced softening. A supplier must report the following specified information specified in the following table:

If a supplier is a... The supplier must report...

(1) Supplier monitoring monthly or quarterly for TOC under the requirements of Section 611.382(d) and required to meet the enhanced coagulation or enhanced softening requirements in Section 611.385(b)(2) or (b)(3).

(A) The number of paired (source water and treated water) samples taken during the last quarter.
(B) The location, date, and result of each paired sample and associated alkalinity taken during the last quarter.
(C) For each month in the reporting period that paired samples were taken, the arithmetic average of the percent reduction of TOC for each paired sample and the required TOC percent removal.
(D) Calculations for determining compliance with the TOC percent removal requirements, as provided in Section 611.385(c)(1).
(E) Whether the supplier is in compliance with the enhanced coagulation or enhanced softening percent removal requirements in Section 611.385(b) for the last four quarters.

(2) Supplier monitoring monthly or quarterly for TOC under the requirements of Section 611.382(d) and meeting one or more of the alternative compliance standards in Section 611.385(a)(2) or (a)(3).

(A) The alternative compliance criterion that the supplier is using.
(B) The number of paired samples taken during the last quarter.
(C) The location, date, and result of each paired sample and associated alkalinity taken during the last quarter.
NOTICE OF PROPOSED AMENDMENTS

(D) The running annual arithmetic average based on monthly averages (or quarterly samples) of source water TOC for a supplier meeting a criterion in Section 611.385(a)(2)(A) or (a)(2)(C) or of treated water TOC for a supplier meeting the criterion in Section 611.385(a)(2)(B).

(E) The running annual arithmetic average based on monthly averages (or quarterly samples) of source water SUVA for a supplier meeting the criterion in Section 611.385(a)(2)(E) or of treated water SUVA for a supplier meeting the criterion in Section 611.385(a)(2)(F).

(F) The running annual average of source water alkalinity for a supplier meeting the criterion in Section 611.385(a)(2)(C) and of treated water alkalinity for a supplier meeting the criterion in Section 611.385(a)(3)(A).

(G) The running annual average for both TTHM and HAAS for a supplier meeting the criterion in Section 611.385(a)(2)(C) or (D).

(H) The running annual average of the amount of magnesium hardness removal (as CaCO₃ in mg/L) for a supplier meeting the criterion in Section 611.385(a)(3)(B).

(I) Whether the supplier is in compliance with the particular alternative compliance criterion in Section 611.385(a)(2) or (3).

1) A supplier that monitors monthly or quarterly for TOC under the requirements of Section 611.382(d) and required to meet the enhanced coagulation or enhanced softening requirements in Section 611.385(b)(2) or (b)(3) must report the following:
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

A) The number of paired (source water and treated water) samples taken during the last quarter;

B) The location, date, and result of each paired sample and associated alkalinity taken during the last quarter;

C) For each month in the reporting period that paired samples were taken, the arithmetic average of the percent reduction of TOC for each paired sample and the required TOC percent removal;

D) Calculations for determining compliance with the TOC percent removal requirements, as provided in Section 611.385(c)(1); and

E) Whether the supplier is in compliance with the enhanced coagulation or enhanced softening percent removal requirements in Section 611.385(b) for the last four quarters.

2) A supplier that monitors monthly or quarterly for TOC under the requirements of Section 611.382(d) and meeting one or more of the alternative compliance standards in Section 611.385(a)(2) or (a)(3) must report the following:

A) The alternative compliance criterion that the supplier is using;

B) The number of paired samples taken during the last quarter;

C) The location, date, and result of each paired sample and associated alkalinity taken during the last quarter;

D) The running annual arithmetic average based on monthly averages (or quarterly samples) of source water TOC for a supplier meeting a criterion in Section 611.385(a)(2)(A) or (a)(2)(C) or of treated water TOC for a supplier meeting the criterion in Section 611.385(a)(2)(B);

E) The running annual arithmetic average based on monthly averages (or quarterly samples) of source water SUVA for a supplier meeting the criterion in Section 611.385(a)(2)(E) or of treated water SUVA for a supplier meeting the criterion in Section 611.385(a)(2)(F);
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

F) The running annual average of source water alkalinity for a supplier meeting the criterion in Section 611.385(a)(2)(C) and of treated water alkalinity for a supplier meeting the criterion in Section 611.385(a)(3)(A);

G) The running annual average for both TTHM and HAA5 for a supplier meeting the criterion in Section 611.385(a)(2)(C) or (D);

H) The running annual average of the amount of magnesium hardness removal (as CaCO3 in mg/l) for a supplier meeting the criterion in Section 611.385(a)(3)(B); and

I) Whether the supplier is in compliance with the particular alternative compliance criterion in Section 611.385(a)(2) or (3).

BOARD NOTE: The Agency may choose to perform calculations and determine whether the treatment technique was met, in lieu of having the supplier report the required information.


(Source: Amended at 27 Ill. Reg. ________, effective ______________________)

Section 611.385 Treatment Technique for Control of Disinfection Byproduct (DBP) Precursors

a) Applicability.

1) A Subpart B system supplier using conventional filtration treatment (as defined in Section 611.101) must operate with enhanced coagulation or enhanced softening to achieve the TOC percent removal levels specified in subsection (b) of this Section unless the supplier meets at least one of the alternative compliance standards listed in subsection (a)(2) or (a)(3) of this Section.

2) Alternative compliance standards for enhanced coagulation and enhanced softening systems. A Subpart B system supplier using conventional filtration treatment may use the alternative compliance standards in subsections (a)(2)(A) through (a)(2)(F) of this Section to comply with this Section in lieu of complying with subsection (b). A supplier must comply with monitoring requirements in Section 611.382(d) of this Part.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

A) The supplier’s source water TOC level, measured according to Section 611.381(d)(3), is less than 2.0 mg/L, calculated quarterly as a running annual average.

B) The supplier’s treated water TOC level, measured according to Section 611.381(d)(3), is less than 2.0 mg/L, calculated quarterly as a running annual average.

C) The supplier’s source water TOC level, measured according to Section 611.381(d)(3), is less than 4.0 mg/L, calculated quarterly as a running annual average; the source water alkalinity, measured according to Section 611.381(d)(1), is greater than 60 mg/L (as CaCO₃), calculated quarterly as a running annual average; and either the TTHM and HAA5 running annual averages are no greater than 0.040 mg/L and 0.030 mg/L, respectively; or prior to the effective date for compliance in Section 611.380(b), the system has made a clear and irrevocable financial commitment, not later than the effective date for compliance in Section 611.380(b), to use technologies that will limit the levels of TTHMs and HAA5 to no more than 0.040 mg/L and 0.030 mg/L, respectively. A supplier must submit evidence of a clear and irrevocable financial commitment, in addition to a schedule containing milestones and periodic progress reports for installation and operation of appropriate technologies, to the Agency for approval not later than June 30, 2005. Failure to install and operate these technologies by the date in the approved schedule will constitute a violation of an NPDWR.

D) The TTHM and HAA5 running annual averages are no greater than 0.040 mg/L and 0.030 mg/L, respectively, and the supplier uses only chlorine for primary disinfection and maintenance of a residual in the distribution system.

E) The supplier’s source water SUVA, prior to any treatment and measured monthly according to Section 611.381(d)(4), is less than or equal to 2.0 L/L/mg-m, calculated quarterly as a running annual average.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

F) The supplier’s finished water SUVA, measured monthly according to Section 611.381(d)(4), is less than or equal to 2.0 \( \frac{L}{mg-m} \), calculated quarterly as a running annual average.

3) Additional alternative compliance standards for softening systems. A supplier practicing enhanced softening that cannot achieve the TOC removals required by subsection (b)(2) of this Section may use the alternative compliance standards in subsections (a)(3)(A) and (a)(3)(B) of this Section in lieu of complying with subsection (b) of this Section. A supplier must comply with monitoring requirements in Section 611.382(d). The alternative compliance standards are as follows:

A) The supplier may undertake softening that results in lowering the treated water alkalinity to less than 60 mg/L (as CaCO3), measured monthly according to Section 611.381(d)(1) and calculated quarterly as a running annual average;

B) The supplier may undertake softening that results in removing at least 10 mg/L of magnesium hardness (as CaCO3), measured monthly and calculated quarterly as an annual running average.

b) Enhanced coagulation and enhanced softening performance requirements.

1) A supplier must achieve the percent reduction of TOC specified in subsection (b)(2) of this Section between the source water and the combined filter effluent, unless the Agency approves a supplier’s request for alternate minimum TOC removal (Step 2) requirements under subsection (b)(3) of this Section.

2) Required Step 1 TOC reductions, indicated in the following table, are based upon specified source water parameters measured in accordance with Section 611.381(d). A supplier practicing softening must meet the Step 1 TOC reductions in the far-right column (source water alkalinity \( \geq \) greater than 120 mg/L) for the following specified source water TOC:

| Source-water TOC, mg/L | Source-water alkalinity, mg/L as CaCO3 |
---|---|
| Step 1 Required Removal of TOC by Enhanced Coagulation and Enhanced Softening for a Subpart B System Supplier Using Conventional Treatment\(^{1,2}\) | |

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\(^{1,2}\) Source-water TOC and source-water alkalinity.
**POLLUTION CONTROL BOARD**

**NOTICE OF PROPOSED AMENDMENTS**

<table>
<thead>
<tr>
<th></th>
<th>0-60</th>
<th>&gt;60-120</th>
<th>&gt;120&lt;sup&gt;3&lt;/sup&gt;</th>
</tr>
</thead>
<tbody>
<tr>
<td>&gt;2.0-4.0</td>
<td>35.0%</td>
<td>25.0%</td>
<td>15.0%</td>
</tr>
<tr>
<td>&gt;4.0-8.0</td>
<td>45.0%</td>
<td>35.0%</td>
<td>25.0%</td>
</tr>
<tr>
<td>&gt;8.0</td>
<td>50.0%</td>
<td>40.0%</td>
<td>30.0%</td>
</tr>
</tbody>
</table>

1 A supplier meeting at least one of the conditions in subsections (a)(2)(A) through (a)(2)(F) of this Section are not required to operate with enhanced coagulation.

2 Softening systems meeting one of the alternative compliance standards in subsection (a)(3) of this Section are not required to operate with enhanced softening.

3 A supplier practicing softening must meet the TOC removal requirements in this column.

3) A Subpart B conventional treatment system supplier that cannot achieve the Step 1 TOC removals required by subsection (b)(2) of this Section due to water quality parameters or operational constraints must apply to the Agency, within three months after failure to achieve the TOC removals required by subsection (b)(2) of this Section, for approval of alternative minimum TOC (Step 2) removal requirements submitted by the supplier. If the PWS cannot achieve the Step 1 TOC removal requirement due to water quality parameters or operational constraints, the Agency must approve the use of the Step 2 TOC removal requirement. If the Agency approves the alternative minimum TOC removal (Step 2) requirements, the Agency may make those requirements retroactive for the purposes of determining compliance. Until the Agency approves the alternative minimum TOC removal (Step 2) requirements, the supplier must meet the Step 1 TOC removals contained in subsection (b)(2) of this Section.

4) Alternative minimum TOC removal (Step 2) requirements. An application made to the Agency by an enhanced coagulation system supplier for approval of alternative minimum TOC removal (Step 2) requirements under subsection (b)(3) of this Section must include, at a minimum, results of bench- or pilot-scale testing conducted under subsection (b)(4)(B) of this Section. The submitted bench- or pilot-scale testing must be used to determine the alternative enhanced coagulation level.
A) For the purposes of this Subpart I, “alternative enhanced coagulation level” is defined as coagulation at a coagulant dose and pH as determined by the method described in subsections (b)(4)(A) through (E) of this Section, such that an incremental addition of 10 mg/L of alum (or equivalent amount of ferric salt) results in a TOC removal of ≤0.3 mg/L. The percent removal of TOC at this point on the “TOC removal versus coagulant dose” curve is then defined as the minimum TOC removal required for the supplier. Once approved by the Agency, this minimum requirement supersedes the minimum TOC removal required by the table in subsection (b)(2) of this Section. This requirement will be effective until such time as the Agency approves a new value based on the results of a new bench- and pilot-scale test. Failure to achieve alternative minimum TOC removal levels is a violation of National Primary Drinking Water Regulations.

B) Bench- or pilot-scale testing of enhanced coagulation must be conducted by using representative water samples and adding 10 mg/L increments of alum (or equivalent amounts of ferric salt) until the pH is reduced to a level less than or equal to the enhanced coagulation Step 2 target pH shown in the following table:

<table>
<thead>
<tr>
<th>Enhanced Coagulation Step 2 Target pH</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alkalinity (mg/L as CaCO₃)</td>
</tr>
<tr>
<td>0-60</td>
</tr>
<tr>
<td>&gt;60-120</td>
</tr>
<tr>
<td>&gt;120-240</td>
</tr>
<tr>
<td>&gt;240</td>
</tr>
</tbody>
</table>

C) For waters with alkalinites of less than 60 mg/L for which addition of small amounts of alum or equivalent addition of iron coagulant drives the pH below 5.5 before significant TOC removal occurs, the supplier must add necessary chemicals to maintain the pH between 5.3 and 5.7 in samples until the TOC removal of 0.3 mg/L per 10 mg/L alum added (or equivalent addition of iron coagulant) is reached.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

D) The supplier may operate at any coagulant dose or pH necessary (consistent with other NPDWRs) to achieve the minimum TOC percent removal approved under subsection (b)(3) of this Section.

E) If the TOC removal is consistently less than 0.3 mg/L of TOC per 10 mg/L of incremental alum dose at all dosages of alum (or equivalent addition of iron coagulant), the water is deemed to contain TOC not amenable to enhanced coagulation. The supplier may then apply to the Agency for a waiver of enhanced coagulation requirements. If the TOC removal is consistently less than 0.3 mg/L of TOC per 10 mg/L of incremental alum dose at all dosages of alum (or equivalent addition of iron coagulant), the Agency must grant the waiver of enhanced coagulation requirements.

c) Compliance calculations.

1) A Subpart B system supplier other than those identified in subsection (a)(2) or (a)(3) of this Section must comply with requirements contained in subsection (b)(2) or (b)(3) of this Section. A supplier must calculate compliance quarterly, beginning after the supplier has collected 12 months of data, by determining an annual average using the following method:

A) Determine actual monthly TOC percent removal, equal to the following:

\[
1 - \left( \frac{\text{treated water TOC}}{\text{source water TOC}} \right) \times 100
\]

B) Determine the required monthly TOC percent removal.

C) Divide the value in subsection (c)(1)(A) of this Section by the value in subsection (c)(1)(B) of this Section.

D) Add together the results of subsection (c)(1)(C) of this Section for the last 12 months and divide by 12.

E) If the value calculated in subsection (c)(1)(D) of this Section is less than 1.00, the supplier is not in compliance with the TOC percent removal requirements.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

2) A supplier may use the provisions in subsections (c)(2)(A) through (c)(2)(E) of this Section in lieu of the calculations in subsection (c)(1)(A) through (c)(1)(E) of this Section to determine compliance with TOC percent removal requirements.

A) In any month that the supplier’s treated or source water TOC level, measured according to Section 611.381(d)(3), is less than 2.0 mg/L, the supplier may assign a monthly value of 1.0 (in lieu of the value calculated in subsection (c)(1)(C) of this Section) when calculating compliance under the provisions of subsection (c)(1) of this Section.

B) In any month that a system practicing softening removes at least 10 mg/L of magnesium hardness (as CaCO₃), the supplier may assign a monthly value of 1.0 (in lieu of the value calculated in subsection (c)(1)(C) of this Section) when calculating compliance under the provisions of subsection (c)(1) of this Section.

C) In any month that the system’s source water SUVA, prior to any treatment and measured according to Section 611.381(d)(4), is \( \leq \) less than or equal to 2.0 L/ℓ/mg-m, the supplier may assign a monthly value of 1.0 (in lieu of the value calculated in subsection (c)(1)(C) of this Section) when calculating compliance under the provisions of subsection (c)(1) of this Section.

D) In any month that the system’s finished water SUVA, measured according to Section 611.381(d)(4), is \( \leq \) less than or equal to 2.0 L/ℓ/mg-m, the supplier may assign a monthly value of 1.0 (in lieu of the value calculated in subsection (c)(1)(C) of this Section) when calculating compliance under the provisions of subsection (c)(1) of this Section.

E) In any month that a system practicing enhanced softening lowers alkalinity below 60 mg/L (as CaCO₃), the supplier may assign a monthly value of 1.0 (in lieu of the value calculated in subsection (c)(1)(C) of this Section) when calculating compliance under the provisions of subsection (c)(1) of this Section.

3) A Subpart B system supplier using conventional treatment may also comply with the requirements of this Section by meeting the standards in
subsection (a)(2) or (a)(3) of this Section.

d) Treatment technique requirements for disinfection byproduct (DBP) precursors. Treatment techniques to control the level of disinfection byproduct (DBP) precursors in drinking water treatment and distribution systems, for a Subpart B system supplier using conventional treatment, are enhanced coagulation or enhanced softening.


(Source: Amended at 27 Ill. Reg. ________, effective ______________________)

SUBPART K: GENERAL MONITORING AND ANALYTICAL REQUIREMENTS

Section 611.480 Alternative Analytical Techniques

The Agency may approve, by special exception permit a SEP issued pursuant to Section 611.110, an alternate analytical technique. The Agency shall not approve an alternate analytical technique without the concurrence of USEPA. The Agency shall approve an alternate technique if it is substantially equivalent to the prescribed test in both precision and accuracy as it relates to the determination of compliance with any MCL. The use of the alternate analytical technique must not decrease the frequency of monitoring required by this Part.


(Source: Amended at 27 Ill. Reg. ________, effective ______________________)

Section 611.490 Certified Laboratories

a) For the purpose of determining compliance with Subparts L through Q, samples will be considered only if they have been analyzed as follows:

1) By a laboratory certified pursuant to Section 4(o) of the Act [415 ILCS 5/4(o)]; or,

2) By a laboratory certified by USEPA; or,

3) Measurements for alkalinity, calcium, conductivity, disinfectant residual, orthophosphate, silica, turbidity, free chlorine residual, temperature, and
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

pH may be performed under the supervision of a certified operator (35 Ill. Adm. Code 603.103).

b) Nothing in this Part shall be construed to preclude the Agency or any duly designated representative of the Agency from taking samples or from using the results from such samples to determine compliance by a supplier of water with the applicable requirements of this Part.

BOARD NOTE: Derived Subsections (a) and (b) are derived from 40 CFR 141.28 (1999) (2002).

c) The CWS supplier shall have required analyses performed either at an Agency laboratory or a certified laboratory. The Agency may require that some or all of the required samples be submitted to its laboratories.

BOARD NOTE: This is an additional State requirement.

(Source: Amended at 27 Ill. Reg. _____, effective ______________________)

Section 611.491 Laboratory Testing Equipment

a) Each CWS supplier shall have adequate laboratory equipment and capability to perform operational tests (except bacteriological) appropriate to the parameters to be tested and the type of treatment employed. Such equipment must be in good operating condition, and the operator on duty must be familiar with the procedure for performing the tests.

b) Nothing in this Subpart K shall be construed to prevent a CWS supplier from running control laboratory tests in an uncertified laboratory. These results are not to be included in the required monitoring results.

BOARD NOTE: This is an additional State requirement.

(Source: Amended at 27 Ill. Reg. _____, effective ______________________)

Section 611.500 Consecutive PWSs

When a PWS supplies water to one or more other PWSs, the Agency shall modify the monitoring requirements imposed by this Part to the extent that the interconnection of the PWSs justifies treating them as a single PWS for monitoring purposes. Any modified monitoring must be conducted pursuant to a schedule specified by a special exception permit (SEP) issued pursuant
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

to Section 611.110. The Agency shall not approve such modified monitoring without the concurrence of U.S. EPA.

BOARD NOTE: Derived from 40 CFR 141.29 (1994).

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

Section 611.510 Special Monitoring for Unregulated Contaminants

a) Monitoring for Phase I unregulated contaminants.

1) All CWS and NTNCWS suppliers must begin monitoring for the contaminants listed in subsection (a)(5) no later than the following dates:

   B) 3300 to 10,000 persons served: January 1, 1989.
   C) More than 10,000 persons served: January 1, 1988.

2) SWS and mixed system suppliers must sample at points in the distribution system representative of each water source or at entry points to the distribution system after any application of treatment. The minimum number of samples is one year of quarterly samples per water source.

3) GWS suppliers must sample at points of entry to the distribution system representative of each well after any application of treatment. The minimum number of samples is one sample per entry point to the distribution system.

4) The Agency may issue a SEP pursuant to Section 610.110 to require a supplier to use a confirmation sample for results that it finds dubious for whatever reason. The Agency must state its reasons for issuing the SEP if the SEP is Agency-initiated.

5) List of Phase I unregulated chemical contaminants:

   Bromobenzene
   Bromodichloromethane
   Bromoform
   Bromomethane
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Chlorobenzene
Chlorodibromomethane
Chloroethane
Chloroform
Chloromethane
o-Chlorotoluene
p-Chlorotoluene
Dibromomethane
m-Dichlorobenzene
1,1-Dichloroethane
1,3-Dichloropropane
2,2-Dichloropropane
1,1-Dichloropropene
1,3-Dichloropropene
1,1,1,2-Tetrachloroethane
1,1,2,2-Tetrachloroethane
1,2,3-Trichloropropene

6) This subsection corresponds with 40 CFR 141.40(f), reserved by USEPA. This statement maintains structural consistency with USEPA rules.

7) Analyses performed pursuant to subsection (a) must be conducted using the following USEPA Organic Methods: Methods 502.2 or 524.2 or their equivalent as approved by the Agency, except that analyses for bromodichloromethane, bromoform, chlorodibromomethane, and chloroform may also be performed using USEPA Organic Methods: Method 551, and analyses for 1,2,3-trichloropropene may also be performed using USEPA Organic Methods: Method 504.1, all of which are incorporated by reference in Section 611.102.

BOARD NOTE: Subsection (a) derived from 40 CFR 141.40(a) through (m) (2000) (2002). The Board has adopted no counterpart to 40 CFR 141.40(h), which the Board has codified at subsection (c) of this Section; 141.40(i), which pertains to the ability of suppliers to grandfather data up until a date long since expired; 141.41(j), an optional USEPA provision relating to monitoring 15 additional contaminants that USEPA does not require for state programs; 141.40(k), which pertains to notice to the Agency by smaller suppliers up until a date long since expired in lieu of sampling; 141.40(l), which the Board has adopted at subsection (d) of this Section; and 141.40(m), an optional provision that pertains to composite sampling. Otherwise, the structure of this Section
b) Monitoring for Phase V unregulated contaminants. Monitoring of the unregulated organic contaminants listed in subsection (b)(11) of this Section and the unregulated inorganic contaminants listed in subsection (b)(12) of this Section must be conducted as follows:

1) Each CWS and NTNCWS supplier must take four consecutive quarterly samples at each sampling point for each contaminant listed in subsection (b)(11) of this Section and report the results to the Agency. Monitoring must be completed by December 31, 1995.

2) Each CWS and NTNCWS supplier must take one sample at each sampling point for each contaminant listed in subsection (b)(12) of this Section and report the results to the Agency. Monitoring must be completed by December 31, 1995.

3) Each CWS and NTNCWS supplier may apply to the Agency for a SEP pursuant to Section 611.110 that releases it from any of the requirements of subsections (b)(1) and (b)(2) of this Section.

4) The Agency must grant a SEP pursuant to Section 611.110 as follows:

A) From any requirement of subsection (b)(1) of this Section based on consideration of the factors set forth at Section 611.110(e); and

B) From any requirement of subsection (b)(2) of this Section if previous analytical results indicate contamination would not occur, provided this data was collected after January 1, 1990.

5) A GWS supplier must take a minimum of one sample at every entry point to the distribution system that is representative of each well after treatment (“sampling point”).

6) A SWS or mixed system supplier must take a minimum of one sample at points in the distribution system that are representative of each source or at each entry point to the system after treatment (“sampling point”).

7) If the system draws water from more than one source and sources are combined before distribution, the supplier must sample at an entry point during periods of normal operating conditions (when water representative
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

8) The Agency may issue a SEP pursuant to Section 610.110 to require a supplier to use a confirmation sample for results that it finds dubious for whatever reason. The Agency must state its reasons for issuing the SEP if the SEP is Agency-initiated.

9) Suppliers must take samples at the same sampling point unless the Agency has granted a SEP allowing another sampling point because conditions make another sampling point more representative of the water from each source or treatment plant.

BOARD NOTE: Subsection (b)(9) of this Section corresponds with duplicate segments of 40 CFR 141.40(n)(5) and (n)(6) (2000) (2002), which correspond with subsections (b)(5) and (b)(6) of this Section. The Board has adopted no counterpart to 40 CFR 141.40(n)(9), an optional provision that pertains to composite sampling. Otherwise, the structure of this Section directly corresponds with 40 CFR 141.40(n) (2000) (2002).

10) Instead of performing the monitoring required by this subsection, a CWS and NTNCWS supplier serving fewer than 150 service connections may send a letter to the Agency stating that the PWS is available for sampling. This letter must have been sent to the Agency by January 1, 1994. The supplier must not send such samples to the Agency, unless requested to do so by the Agency.

11) List of Phase V unregulated organic contaminants with methods required for analysis (all methods are from USEPA Organic Methods unless otherwise noted; all are incorporated by reference in Section 611.102):

<table>
<thead>
<tr>
<th>Contaminant</th>
<th>USEPA Organic Methods</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aldicarb</td>
<td>531.1, Standard Methods, 18th ed.: Method 6610</td>
</tr>
<tr>
<td>Aldicarb sulfone</td>
<td>531.1, Standard Methods, 18th ed.: Method 6610</td>
</tr>
<tr>
<td>Aldicarb sulfoxide</td>
<td>531.1, Standard Methods, 18th ed.: Method 6610</td>
</tr>
<tr>
<td>Aldrin</td>
<td>505, 508, 508.1, 525.2</td>
</tr>
<tr>
<td>Butachlor</td>
<td>507, 525.2</td>
</tr>
<tr>
<td>Carbaryl</td>
<td>531.1, Standard Methods, 18th ed.:</td>
</tr>
</tbody>
</table>
NOTICE OF PROPOSED AMENDMENTS

Dicamba 515.1, 515.2, 555
Dieldrin 505, 508, 508.1, 525.2
3-Hydroxycarbofuran 531.1, Standard Methods, 18th ed.: Method 6610
Methomyl 531.1, Standard Methods, 18th ed.: Method 6610
Metolachlor 507, 508.1, 525.2
Metribuzin 507, 508.1, 525.2
Propachlor 508, 508.1, 525.2

12) List of unregulated inorganic contaminants (all methods indicated are incorporated by reference in Section 611.102):

<table>
<thead>
<tr>
<th>Contaminant</th>
<th>Methods</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sulfate</td>
<td>USEPA Environmental Inorganic Methods: Methods 300.0, 375.2; ASTM Method D 4327-91; Standard Methods, 18th ed.: Methods 4110, 4500-SO\textsubscript{4}\textsuperscript{2-} F, 4500-SO\textsubscript{4}\textsuperscript{2-} C &amp; 4500-SO\textsubscript{4}\textsuperscript{2-} D</td>
</tr>
</tbody>
</table>


e) Analyses performed pursuant to this Section must be conducted by a laboratory certified pursuant to Section 611.646(q).


d) All CWS and NTNCWS suppliers must repeat the monitoring required by this Section no less frequently than every five years, starting from the dates specified in subsections (a)(1) and (b)(2) of this Section.


(Source: Amended at 27 Ill. Reg. _______, effective ______________________)

SUBPART L: MICROBIOLOGICAL MONITORING AND ANALYTICAL REQUIREMENTS
Section 611.521 Routine Coliform Monitoring

a) Suppliers must collect total coliform samples at sites that are representative of water throughout the distribution system according to a written sample siting plan, which must be approved by special exception permit a SEP issued pursuant to Section 611.110.

b) The monitoring frequency for total coliforms for CWSs is based on the population served by the CWS, as set forth in Section 611. Table A of this Part.

c) The monitoring frequency for total coliforms for non-CWSs is as follows:

1) A non-CWS using only groundwater (except groundwater under the direct influence of surface water, as determined in Section 611.212) and serving 1,000 persons or fewer must monitor each calendar quarter that the system provides water to the public, except that the Agency must reduce this monitoring frequency if a sanitary survey shows that the system is free of sanitary defects. Beginning June 29, 1994, the Agency cannot reduce the monitoring frequency for a non-CWS using only groundwater (except groundwater under the direct influence of surface water) and serving 1,000 persons or fewer to less than once per year.

2) A non-CWS using only groundwater (except groundwater under the direct influence of surface water) and serving more than 1,000 persons during any month must monitor at the same frequency as a like-sized CWS, as specified in subsection (b) of this Section, except the Agency must reduce this monitoring frequency for any month the system serves 1,000 persons or fewer. The Agency cannot reduce the monitoring to less than once per year. For systems using groundwater under the direct influence of surface water, subsection (c)(4) of this Section applies.

3) A non-CWS using surface water, in total or in part, must monitor at the same frequency as a like-sized CWS, as specified in subsection (b) of this Section, regardless of the number of persons it serves.

4) A non-CWS using groundwater under the direct influence of surface water must monitor at the same frequency as a like-sized CWS, as specified in subsection (b) of this Section. The supplier must begin monitoring at this frequency beginning six months after Public Health determines that the groundwater is under the direct influence of surface water.
d) The supplier must collect samples at regular time intervals throughout the month, except that a supplier that uses only groundwater (except groundwater under the direct influence of surface water) and serves 4,900 persons or fewer, may collect all required samples on a single day if they are taken from different sites.

e) A PWS that uses surface water or groundwater under the direct influence of surface water, and does not practice filtration in compliance with Subpart B of this Part, must collect at least one sample near the first service connection each day the turbidity level of the source water, measured as specified in Section 611.532(b), exceeds 1 NTU. This sample must be analyzed for the presence of total coliforms. When one or more turbidity measurements in any day exceed 1 NTU, the supplier must collect this coliform sample within 24 hours of the first exceedance, unless the Agency has determined, by special exception permit issued pursuant to Section 611.110, that the supplier, for logistical reasons outside the supplier’s control, cannot have the sample analyzed within 30 hours of collection. Sample results from this coliform monitoring must be included in determining compliance with the MCL for total coliforms in Section 611.325.

f) Special purpose samples, such as those taken to determine whether disinfection practices are sufficient following pipe placement, replacement or repair, must not be used to determine compliance with the MCL for total coliforms in Section 611.325.


(Source: Amended at 27 Ill. Reg. ________, effective ______________________)

Section 611.522 Repeat Coliform Monitoring

a) If a routine sample is total coliform-positive, the supplier shall collect a set of repeat samples within 24 hours of being notified of the positive result. A supplier that collects more than one routine sample per month shall collect no fewer than three repeat samples for each total coliform-positive sample found. A supplier that collects one routine sample per month or fewer shall collect no fewer than four repeat samples for each total coliform-positive sample found. The Agency shall extend the 24-hour limit on a case-by-case basis if it determines that the supplier has a logistical problem in collecting the repeat samples within 24 hours that is beyond its control. In the case of an extension, the Agency shall specify how much time the supplier has to collect the repeat samples.
b) The supplier shall collect at least one repeat sample from the sampling tap where the original total coliform-positive sample was taken, and at least one repeat sample at a tap within five service connections upstream and at least one repeat sample at a tap within five service connections downstream of the original sampling site. If a total coliform-positive sample is at the end of the distribution system, or one away from the end of the distribution system, the Agency may waive the requirement to collect at least one repeat sample upstream or downstream of the original sampling site.

c) The supplier shall collect all repeat samples on the same day, except that the Agency shall allow a supplier with a single service connection to collect the required set of repeat samples over a four-day period or to collect a larger volume repeat sample(s) in one or more sample containers of any size, as long as the total volume collected is at least 400 ml (300 ml for PWSs that collect more than one routine sample per month).

d) If one or more repeat samples in the set is total coliform-positive, the supplier shall collect an additional set of repeat samples in the manner specified in subsections (a) through (c) of this Section. The additional samples must be collected within 24 hours of being notified of the positive result, unless the Agency extends the limit as provided in subsection (a) of this Section. The supplier shall repeat this process until either total coliforms are not detected in one complete set of repeat samples or the supplier determines that the MCL for total coliforms in Section 611.325 has been exceeded and notifies the Agency.

e) If a supplier collecting fewer than five routine samples/month has one or more total coliform-positive samples and the Agency does not invalidate the sample(s) under Section 611.523, the supplier shall collect at least five routine samples during the next month the supplier provides water to the public, unless the Agency determines that the conditions of subsection (e)(1) or (e)(2) of this Section are met. This does not apply to the requirement to collect repeat samples in subsections (a) through (d) of this Section. The supplier does not have to collect the samples if the following occurs:

1) The Agency performs a site visit before the end of the next month the supplier provides water to the public. Although a sanitary survey need not be performed, the site visit must be sufficiently detailed to allow the Agency to determine whether additional monitoring or any corrective action is needed.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

2) The Agency has determined why the sample was total coliform-positive and establishes that the supplier has corrected the problem or will correct the problem before the end of the next month the supplier serves water to the public.

A) The Agency shall document this decision in writing, and make the document available to USEPA and the public. The written documentation must describe the specific cause of the total coliform-positive sample and what action the supplier has taken or will take to correct the problem.

B) The Agency cannot waive the requirement to collect five routine samples the next month the supplier provides water to the public solely on the grounds that all repeat samples are total coliform-negative.

C) Under this subsection, a supplier shall still take at least one routine sample before the end of the next month it serves water to the public and use it to determine compliance with the MCL for total coliforms in Section 611.325, unless the Agency has determined that the supplier has corrected the contamination problem before the supplier took the set of repeat samples required in subsections (a) through (d) of this Section, and all repeat samples were total coliform-negative.

f) After a supplier collects a routine sample and before it learns the results of the analysis of that sample, if it collects another routine sample(s) from within five adjacent service connections of the initial sample, and the initial sample, after analysis, is found to contain total coliforms, then the supplier may count the subsequent sample(s) as a repeat sample instead of as a routine sample.

g) Results of all routine and repeat samples not invalidated pursuant to Section 611.523 must be included in determining compliance with the MCL for total coliforms in Section 611.325.


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

Section 611.523  Invalidation of Total Coliform Samples
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

A total coliform-positive sample invalidated under this Section does not count towards meeting the minimum monitoring requirements.

a) The Agency shall invalidate a total coliform-positive sample only if the conditions of subsection (a)(1), (a)(2), or (a)(3) of this Section are met.

1) The laboratory establishes that improper sample analysis caused the total coliform-positive result.

2) The Agency, on the basis of the results of repeat samples collected as required by Section 611.522(a) through (d) determines that the total coliform-positive sample resulted from a domestic or other non-distribution system plumbing problem. The Agency cannot invalidate a sample on the basis of repeat sample results unless all repeat samples collected at the same tap as the original total coliform-positive sample are also total coliform-positive, and all repeat samples collected within five service connections of the original tap are total coliform-negative (e.g., Agency cannot invalidate a total coliform-positive sample on the basis of repeat samples if all the repeat samples are total coliform-negative, or if the supplier has only one service connection).

3) The Agency determines that there are substantial grounds to believe that a total coliform-positive result is due to a circumstance or condition which does not reflect water quality in the distribution system. In this case, the supplier shall still collect all repeat samples required under Section 611.522(a) through (d) and use them to determine compliance with the MCL for total coliforms in Section 611.325. To invalidate a total coliform-positive sample under this subsection, the decision with the rationale for the decision must be documented in writing. The Agency shall make this document available to USEPA and the public. The written documentation must state the specific cause of the total coliform-positive sample, and what action the supplier has taken, or will take, to correct this problem. The Agency shall not invalidate a total coliform-positive sample solely on the grounds that all repeat samples are total coliform-negative.

b) A laboratory shall invalidate a total coliform sample (unless total coliforms are detected) if the sample produces a turbid culture in the absence of gas production using an analytical method where gas formation is examined (e.g., the Multiple-Tube Fermentation Technique), produces a turbid culture in the absence...
of an acid reaction in the P-A Coliform Test, or exhibits confluent growth or produces colonies too numerous to count with an analytical method using a membrane filter (e.g., Membrane Filter Technique). If a laboratory invalidates a sample because of such interference, the supplier shall collect another sample from the same location as the original sample within 24 hours of being notified of the interference problem, and have it analyzed for the presence of total coliforms. The supplier shall continue to re-sample within 24 hours and have the samples analyzed until it obtains a valid result. The Agency shall waive the 24-hour time limit on a case-by-case basis, if it is not possible to collect the sample within that time.

BOARD NOTE: Derived from 40 CFR 141.21(c)-(1994)-(2002).

(Source: Amended at 27 Ill. Reg. ________, effective ______________________)

Section 611.524 Sanitary Surveys

a) Requirement to conduct a sanitary survey.

1) Suppliers which do not collect five or more routine samples per month shall undergo an initial sanitary survey by June 29, 1994, for CWS suppliers and June 29, 1999, for non-CWS suppliers. Thereafter, suppliers shall undergo another sanitary survey at least once every five years, except that non-CWS suppliers using only disinfected groundwater, from a source that is not under the direct influence of surface water, shall undergo subsequent sanitary surveys at least once every ten years after the initial sanitary survey. The Agency or, for non-CWSs, Public Health shall review the results of each sanitary survey to determine whether the existing monitoring frequency is adequate and what additional measures, if any, the supplier needs to undertake to improve drinking water quality.

2) In conducting a sanitary survey of a PWS using groundwater, information on sources of contamination within the delineated wellhead protection area that was collected in the course of developing and implementing the wellhead protection program should be considered instead of collecting new information, if the information was collected since the last time the PWS was subject to a sanitary survey.

b) Sanitary surveys must be performed by the Agency. The PWS is responsible for ensuring that the survey takes place.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 611.525  Fecal Coliform and E. Coli Testing

a) If any routine or repeat sample is total coliform-positive, the supplier shall must analyze that total coliform-positive culture medium to determine if fecal coliforms are present, except that the supplier may test for E. coli in lieu of fecal coliforms. If fecal coliforms or E. coli are present, the supplier shall must notify the Agency by the end of the day when the supplier is notified of the test result, unless the supplier is notified of the result after the Agency office is closed, in which case the supplier shall must notify the Agency before the end of the next business day. The supplier need not notify the Agency if the original sample was analyzed in an Agency laboratory.

b) The Agency may allow a supplier, on a case-by-case basis, to forgo fecal coliform or E. coli testing on a total coliform-positive sample if that supplier assumes that the total coliform-positive sample is fecal coliform-positive or E. coli-positive. Accordingly, the supplier shall must notify the Agency as specified in subsection (a) of this Section and the provisions of Section 611.325(b) apply.

Section 611.526  Analytical Methodology

a) The standard sample volume required for total coliform analysis, regardless of analytical method used, is 100 mL mL.

b) Suppliers need only determine the presence or absence of total coliforms; a determination of total coliform density is not required.

c) Suppliers shall must conduct total coliform analyses in accordance with one of the following analytical methods, incorporated by reference in Section 611.102 (the time from sample collection to initiation of analysis may not exceed 30 hours, and the supplier is encouraged but not required to hold samples below 10° C during transit):
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Total Coliform Fermentation Technique, as set forth in Standard Methods, 18th, or 19th, or 20th ed.: Methods 9221 A and B, as follows:

A) Lactose broth, as commercially available, may be used in lieu of lauryl tryptose broth if the supplier conducts at least 25 parallel tests between this medium and lauryl tryptose broth using the water normally tested and this comparison demonstrates that the false-positive rate and false-negative rate for total coliforms, using lactose broth, is less than 10 percent;

B) If inverted tubes are used to detect gas production, the media should cover these tubes at least one-half to two-thirds after the sample is added; and

C) No requirement exists to run the completed phase on 10 percent of all total coliform-positive confirmed tubes.

2) Total Coliform Membrane Filter Technique, as set forth in Standard Methods, 18th, or 19th, or 20th ed.: Methods 9222 A, B, and C.

3) Presence-Absence (P-A) Coliform Test, as set forth in: Standard Methods, 18th, or 19th, or 20th ed.: Method 9221 D, as follows:

A) No requirement exists to run the completed phase on 10 percent of all total coliform-positive confirmed tubes; and

B) Six-times formulation strength may be used if the medium is filter-sterilized rather than autoclaved.

4) ONPG-MUG test: Standard Methods, 18th, or 19th, or 20th ed.: Method 9223. (The ONPG-MUG test is also known as the Autoanalysis Colilert System).

5) Colisure Test (Autoanalysis Colilert System). (The Colisure Test may be read after an incubation time of 24 hours.)

BOARD NOTE: USEPA included the P-A Coliform and Colisure Tests for testing finished water under the coliform rule, but did not include them for the purposes of the surface water treatment rule, under Section 611.531, for which quantitation of total coliforms is necessary. For these reasons, USEPA included Standard Methods: Method 9221 C for the
surface water treatment rule, but did not include it for the purposes of the total coliform rule, under this Section.

6) E*Colite® Test (Charm Sciences, Inc.).

7) m-ColiBlue24® Test (Hatch Company).

8) Readycult Coliforms 100 Presence/Absence Test.

9) Membrane Filter Technique using Chromocult Doliform Agar.

d) This subsection corresponds with 40 CFR 141.21(f)(4), which USEPA has marked “reserved”. This statement maintains structural consistency with the federal regulations.

e) Suppliers must conduct fecal coliform analysis in accordance with the following procedure:

1) When the MTF Technique or P-A Coliform Test is used to test for total coliforms, shake the lactose-positive presumptive tube or P-A vigorously and transfer the growth with a sterile 3-mm loop or sterile applicator stick into brilliant green lactose bile broth and EC medium, defined below, to determine the presence of total and fecal coliforms, respectively.

2) For approved methods that use a membrane filter, transfer the total coliform-positive culture by one of the following methods: remove the membrane containing the total coliform colonies from the substrate with sterile forceps and carefully curl and insert the membrane into a tube of EC medium; (the laboratory may first remove a small portion of selected colonies for verification); swab the entire membrane filter surface with a sterile cotton swab and transfer the inoculum to EC medium (do not leave the cotton swab in the EC medium); or inoculate individual total coliform-positive colonies into EC medium. Gently shake the inoculated tubes of EC medium to insure adequate mixing and incubate in a waterbath at 44.5±0.2°C for 24±2 hours. Gas production of any amount in the inner fermentation tube of the EC medium indicates a positive fecal coliform test.

3) EC medium is described in Standard Methods, 18th ed., 19th ed., and 20th ed.: Method 9221 E.
4) Suppliers need only determine the presence or absence of fecal coliforms; a determination of fecal coliform density is not required.

f) Suppliers shall must conduct analysis of E. coli in accordance with one of the following analytical methods, incorporated by reference in Section 611.102:

1) EC medium supplemented with 50 µg/L of MUG (final concentration). EC medium is as described in subsection (e) of this Section. MUG may be added to EC medium before autoclaving. EC medium supplemented with 50 µg/L MUG is commercially available. At least 10 mL of EC medium supplemented with MUG must be used. The inner inverted fermentation tube may be omitted. The procedure for transferring a total coliform-positive culture to EC medium supplemented with MUG is as in subsection (e) of this Section for transferring a total coliform-positive culture to EC medium. Observe fluorescence with an ultraviolet light (366 nm) in the dark after incubating tube at 44.5±2° C for 24±2 hours; or

2) Nutrient agar supplemented with 100 µg/L of MUG (final concentration). Nutrient agar is described in Standard Methods, 18th ed. or 19th ed. and 20th ed.: Method 9221 B and Method 9222 G. This test is used to determine if a total coliform-positive sample, as determined by the MF technique or any other method in which a membrane filter is used, contains E. coli. Alternatively, Standard Methods, 18th ed.: Method 9221 B (paragraph 3) may be used if the membrane filter containing a total coliform-positive colony or colonies is transferred to nutrient agar, as described in Method 9221 B (paragraph 3), supplemented with 100 µg/L of MUG (final concentration). After incubating, if Method 9221 B is used, incubate the agar plate at 35° Celsius for 4 hours, then observe the colony or colonies under ultraviolet light (366-nm) in the dark for fluorescence. If fluorescence is visible, E. coli are present.

3) Minimal Medium ONPG-MUG (MMO-MUG) Test, as set forth in Section 644, Appendix D of this Part. (The Autoanalysis Colilert System is a MMO-MUG test.) If the MMO-MUG test is total coliform positive after a 24-hour incubation, test the medium for fluorescence with a 366-nm ultraviolet light (preferably with a 6-watt lamp) in the dark. If fluorescence is observed, the sample is E. coli-positive. If fluorescence is questionable (cannot be definitively read) after 24 hours incubation, incubate the culture for an additional four hours (but not to exceed 28 hours total), and again test the medium for fluorescence. The MMO-
MUG test with hepes buffer is the only approved formulation for the detection of E. coli.

4) The Colisure Test (Autoanalysis Colilert System).

5) The membrane filter method with MI agar.

6) The E*Colite® Test.

7) The m-ColiBlue24® Test.

8) Readycult Coliforms 100 Presence/Absence Test.

9) Membrane Filter Technique using Chromocult Doliform Agar.

g) As an option to the method set forth in subsection (f)(3) of this Section, a supplier with a total coliform-positive, MUG-negative, MMO-MUG test may further analyze the culture for the presence of E. coli by transferring a 0.1 mL, 28-hour MMO-MUG culture to EC medium + MUG with a pipet. The formulation and incubation conditions of the EC medium + MUG, and observation of the results, are described in subsection (f)(1) of this Section.

h) This subsection corresponds with 40 CFR 141.21(f)(8), a central listing of all documents incorporated by reference into the federal microbiological analytical methods. The corresponding Illinois incorporations by reference are located at Section 611.102. This statement maintains structural parity with USEPA regulations.


(Source: Amended at 27 Ill. Reg. ________, effective ______________________)

Section 611.527 Response to Violation

a) A supplier that has exceeded the MCL for total coliforms in Section 611.325 must report the violation to the Agency no later than the end of the next business day after it learns of the violation, and notify the public in accordance with Subpart V.

b) A supplier that has failed to comply with a coliform monitoring requirement, including the sanitary survey requirement, must report the monitoring violation to the Agency within ten days after the supplier discovers the violation, and notify
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

the public in accordance with Subpart V of this Part.


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

Section 611.531 Analytical Requirements

The analytical methods specified in this Section must be used to demonstrate compliance with the requirements of only 611.Subpart B; they do not apply to analyses performed for the purposes of Sections 611.521 through 611.527 of this Subpart L. Measurements for pH, temperature, turbidity, and RDCs must be conducted under the supervision of a certified operator. Measurements for total coliforms, fecal coliforms and HPC must be conducted by a laboratory certified by the Agency to do such analysis. The following procedures must be performed by the following methods, incorporated by reference in Section 611.102:

a) A supplier shall do as follows:

1) Conduct analyses of pH in accordance with one of the methods listed at Section 611.611; and

2) Conduct analyses of total coliforms, fecal coliforms, heterotrophic bacteria, and turbidity in accordance with one of the following methods, and by using analytical test procedures contained in USEPA Technical Notes, incorporated by reference in Section 611.102, as follows:

A) Total Coliforms:

BOARD NOTE: The time from sample collection to initiation of analysis for source (raw) water samples required by Sections 611.521 and 611.532 and Subpart B of this Part only must not exceed eight hours. The supplier is encouraged but not required to hold samples below 10° C during transit.

i) Total coliform fermentation technique: Standard Methods, 18th ed. or 19th ed. or 20th ed.: Method 9221 A, B, and C.

BOARD NOTE: Lactose broth, as commercially available, may be used in lieu of lauryl tryptose broth if the supplier
POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

conducts at least 25 parallel tests between this medium and lauryl tryptose broth using the water normally tested and this comparison demonstrates that the false-positive rate and false-negative rate for total coliforms, using lactose broth, is less than 10 percent. If inverted tubes are used to detect gas production, the media should cover these tubes at least one-half to two-thirds after the sample is added. No requirement exists to run the completed phase on 10 percent of all total coliform-positive confirmed tubes.


ii) ONPG-MUG test (also known as the Autoanalysis Colilert System): Standard Methods, 18th ed., or 19th ed., or 20th ed.: Method 9223.

BOARD NOTE: USEPA included the P-A Coliform and Colisure Tests for testing finished water under the coliform rule, under Section 611.526, but did not include them for the purposes of the surface water treatment rule, under this Section, for which quantitation of total coliforms is necessary. For these reasons, USEPA included Standard Methods: Method 9221 C for the surface water treatment rule, but did not include it for the purposes of the total coliform rule, under Section 611.526.

B) Fecal Coliforms:

BOARD NOTE: The time from sample collection to initiation of analysis for source (raw) water samples required by Sections 611.521 and 611.532 and 611.532 Subpart B of this Part only must not exceed eight hours. The supplier is encouraged but not required to hold samples below 10° C during transit.

i) Fecal coliform procedure: Standard Methods, 18th ed., or 19th, or 20th ed.: Method 9221 E.

BOARD NOTE: A-1 broth may be held up to three months in a tightly closed screwcap tube at 4° C (39° F).
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

ii) Fecal Coliform Membrane Filter Procedure: Standard Methods, 18th, 19th, or 20th ed.: Method 9222 D.

C) Heterotrophic bacteria: Pour plate method: Standard Methods, 18th ed. or 19th ed. Method 9215 B.

BOARD NOTE: The time from sample collection to initiation of analysis must not exceed 8 hours. The supplier is encouraged but not required to hold samples below 10°C during transit.

i) Pour plate method: Standard Methods, 18th, 19th, or 20th ed.: Method 9215 B.

BOARD NOTE: The time from sample collection to initiation of analysis must not exceed eight hours. The supplier is encouraged but not required to hold samples below 10°C during transit.

ii) SimPlate method.

D) Turbidity:

i) Nephelometric method: Standard Methods, 18th ed. or 19th ed. Method 2130 B.

ii) Nephelometric method: USEPA Environmental Inorganic Methods: Method 180.1

iii) GLI Method 2.

iv) Hack FilterTrak Method 10133.


b) A supplier must measure residual disinfectant concentrations with one of the following analytical methods from Standard Methods, 18th, ed. or 19th, or 20th ed., and by using analytical test procedures contained in USEPA Technical Notes, incorporated by reference in Section 611.102 (the method for ozone, Method 4500-O3 B, appears only in the 18th and 19th editions):
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Free chlorine:
   A) Amperometric Titration: Method 4500-Cl D.
   B) DPD Ferrous Titrimetric: Method 4500-Cl F.
   C) DPD Colimetric: Method 4500-Cl G.
   D) Syringaldazine (FACTS): Method 4500-Cl H.

2) Total chlorine:
   A) Amperometric Titration: Method 4500-Cl D.
   B) Amperometric Titration (low level measurement): Method 4500-Cl E.
   C) DPD Ferrous Titrimetric: Method 4500-Cl F.
   D) DPD Colimetric: Method 4500-Cl G.
   E) Iodometric Electrode: Method 4500-Cl I.

3) Chlorine dioxide:
   A) Amperometric Titration: Method 4500-ClO₂ C or E.
   B) DPD Method: Method 4500-ClO₂ D.

4) Ozone: Indigo Method: Method 4500-O₃ B.

5) Alternative test methods: The Agency may grant a SEP pursuant to Section 611.110 that allows a supplier to use alternative chlorine test methods as follows:
   A) DPD colorimetric test kits: Residual disinfectant concentrations for free chlorine and combined chlorine may also be measured by using DPD colorimetric test kits.
   B) Continuous monitoring for free and total chlorine: Free and total chlorine residuals may be measured continuously by adapting a specified chlorine residual method for use with a continuous
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

monitoring instrument, provided the chemistry, accuracy, and precision remain the same. Instruments used for continuous monitoring must be calibrated with a grab sample measurement at least every five days or as otherwise provided by the Agency.

BOARD NOTE: Suppliers may use a five-tube test or a ten-tube test.


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

Section 611.532 Unfiltered PWSs

A supplier that uses a surface water source and does not provide filtration treatment shall begin monitoring December 31, 1990, unless the Agency has determined, pursuant to Section 611.211, that filtration is required, in which case the Agency shall. If the Agency determines that filtration is required, it must specify alternative monitoring requirements, as appropriate, until filtration is in place. A supplier that uses a groundwater source under the direct influence of surface water and which does not provide filtration treatment shall begin monitoring beginning December 31, 1990, or must monitor within six months after the Agency determines has determined, pursuant to Section 611.212, that the groundwater source is under the direct influence of surface water, whichever is later, unless the Agency has determined that filtration is required, in which case the Agency shall must specify alternative monitoring requirements, as appropriate, until filtration is in place.

a) Fecal coliform or total coliform density measurements as required by Section 611.231(a) must be performed on representative source water samples immediately prior to the first or only point of disinfectant application. The supplier shall must sample for fecal or total coliforms at the minimum frequency specified in Table B of this Part each week the supplier serves water to the public. Also, one fecal or total coliform density measurement must be made every day the supplier serves water to the public and the turbidity of the source water exceeds 1 NTU (these samples count towards the weekly coliform sampling requirement) unless the Agency determines that the supplier, for logistical reasons outside the supplier’s control cannot have the sample analyzed within 30 hours of collection.

b) Turbidity measurements as required by Section 611.231(b) must be performed on representative grab samples of source water immediately prior to the first or only point of disinfectant application every four hours (or more frequently) that the supplier serves water to the public. A supplier may substitute continuous
turbidity monitoring for grab sample monitoring if it validates the continuous measurement for accuracy on a regular basis using a protocol approved by special exception permit a SEP issued pursuant to Section 611.110.

c) The total inactivation ratio for each day that the supplier is in operation must be determined based on the CT<sub>99.9</sub> values in Appendix B of this Part, as appropriate. The parameters necessary to determine the total inactivation ratio must be monitored as follows:

1) The temperature of the disinfected water must be measured at least once per day at each RDC sampling point.

2) If the supplier uses chlorine, the pH of the disinfected water must be measured at least once per day at each chlorine RDC sampling point.

3) The disinfectant contact time(s) (“T”) must be determined for each day during peak hourly flow.

4) The RDC(s) (“C”) of the water before or at the first customer must be measured each day during peak hourly flow.

5) If a supplier uses a disinfectant other than chlorine, the supplier may monitor by other methods approved pursuant to Section 611.241(a)(1) and (a)(2).

d) The total inactivation ratio must be calculated as follows:

1) If the supplier uses only one point of disinfectant application, the supplier may determine the total inactivation ratio based on either of the following two methods:

   A) One inactivation ratio (Ai = CT<sub>calc</sub>/CT<sub>99.9</sub>) is determined before or at the first customer during peak hourly flow and, if the Ai is greater than 1.0, the 99.9 percent Giardia lamblia inactivation requirement has been achieved; or

   B) Successive Ai values, representing sequential inactivation ratios, are determined between the point of disinfectant application and a point before or at the first customer during peak hourly flow. Under this alternative, the following method must be used to calculate the total inactivation ratio:
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

i) Determine the following, for each sequence:

\[ A_i = \frac{C_T_{\text{calc}}}{C_T_{99.9}} \]

ii) Add the \( A_i \) values together, as follows:

\[ B = \sum (A_i) \]

iii) If \( B \) is greater than 1.0, the 99.9 percent Giardia lamblia inactivation requirement has been achieved.

2) If the supplier uses more than one point of disinfectant application before or at the first customer, the supplier shall determine the CT value of each disinfection sequence immediately prior to the next point of disinfectant application during peak hourly flow. The \( A_i \) value of each sequence and \( B \) must be calculated using the method in subsection (d)(1)(B) of this Section to determine if the supplier is in compliance with Section 611.241.

3) Although not required, the total percent inactivation (PI) for a supplier with one or more points of RDC monitoring may be calculated as follows:

\[ PI = 100 - \left( \frac{100}{10^3 B} \right) \]

\[ PI = 100 - \frac{100}{10^{3B}} \]

e) The RDC of the water entering the distribution system must be monitored continuously, and the lowest value must be recorded each day, except that if there is a failure in the continuous monitoring equipment, grab sampling every 4 hours may be conducted in lieu of continuous monitoring, but for no more than 5 working days following the failure of the equipment, and suppliers serving 3,300 or fewer persons may take grab samples in lieu of providing continuous monitoring on an ongoing basis at the frequencies prescribed in Table C of this Part. If at any time the RDC falls below 0.2 mg/L in a system using grab sampling in lieu of continuous monitoring, the supplier shall take a grab sample every 4 hours until the RDC is equal to or greater than 0.2 mg/L.

f) Points of measurement.

1) The RDC must be measured at least at the same points in the distribution
system and at the same time as total coliforms are sampled, as specified in Section 611.521 et seq. Subpart L of this Section, except that the Agency shall allow a supplier which uses both a surface water source or a groundwater source under direct influence of surface water, and a groundwater source to take disinfectant residual samples at points other than the total coliform sampling points if the Agency determines, by special exception permit a SEP issued pursuant to Section 611.110, that such points are more representative of treated (disinfected) water quality within the distribution system. HPC may be measured in lieu of RDC.

2) If the Agency determines, pursuant to Section 611.213, a supplier has no means for having a sample analyzed for HPC, the requirements of subsection (f)(1) of this Section do not apply to that supplier.


(Source: Amended at 27 Ill. Reg. _______ , effective ______________________)

Section 611.533 Filtered PWSs

A supplier that uses a surface water source or a groundwater source under the influence of surface water and provides filtration treatment shall monitor in accordance with this Section beginning June 29, 1993, or when filtration is installed, whichever is later.

a) Turbidity measurements as required by Section 611.250 must be performed on representative samples of the PWS's filtered water every four hours (or more frequently) that the supplier serves water to the public. A supplier may substitute continuous turbidity monitoring for grab sample monitoring if it validates the continuous measurement for accuracy on a regular basis using a protocol approved by special exception permit a SEP issued pursuant to Section 611.110. For any suppliers using slow sand filtration or filtration treatment other than conventional treatment, direct filtration, or diatomaceous earth filtration, the Agency shall, by special exception permit condition, reduce the sampling frequency to once per day if it determines that less frequent monitoring is sufficient to indicate effective filtration performance. For suppliers serving 500 or fewer persons, the Agency shall, by special exception permit a SEP issued pursuant to Section 611.110, reduce the turbidity sampling frequency to once per day, regardless of the type of filtration treatment used, if the Agency determines that less frequent monitoring is sufficient to indicate effective filtration performance.
b) RDC entering distribution system.

1) Suppliers serving more than 3300 persons. The RDC of the water entering the distribution system must be monitored continuously, and the lowest value must be recorded each day, except that, if there is a failure in the continuous monitoring equipment, grab sampling every four hours may be conducted in lieu of continuous monitoring, but for no more than five working days following the failure of the equipment.

2) Suppliers serving 3,300 or fewer persons may take grab samples in lieu of providing continuous monitoring on an ongoing basis at the frequencies each day prescribed in Table C. If at any time the RDC falls below 0.2 mg/L in a system using grab sampling in lieu of continuous monitoring, the supplier shall take a grab sample every four hours until RDC is equal to or greater than 0.2 mg/L.

c) Points of measurement.

1) The RDC must be measured at least at the same points in the distribution system and at the same time as total coliforms are sampled, as specified in 611.521 et seq., except that the Agency shall allow a supplier which uses both a surface water source or a groundwater source under direct influence of surface water, and a groundwater source, to take RDC samples at points other than the total coliform sampling points if the Agency determines that such points are more representative of treated (disinfected) water quality within the distribution system. HPC may be measured in lieu of RDC.

2) Subsection (c)(1) does not apply if the Agency determines, pursuant to Section 611.213(c), that a system has no means for having a sample analyzed for HPC.


(Source: Amended at 27 Ill. Reg. ________, effective ______________________)

SUBPART M: TURBIDITY MONITORING AND ANALYTICAL REQUIREMENTS

Section 611.560 Turbidity
The requirements in this Section apply to unfiltered PWSs until December 30, 1991, unless the Agency has determined prior to that date that filtration is required. The requirements in this Section apply to filtered PWSs until June 29, 1993. The requirements in this Section apply to unfiltered PWSs that the Agency has determined must install filtration, until June 29, 1993, or until filtration is installed, whichever is later.

a) Suppliers must take samples at representative entry point(s) to the distribution system at least once per day, for the purposes of making turbidity measurements to determine compliance with Section 611.320.

1) If Public Health determines that a reduced sampling frequency in a non-CWS will not pose a risk to public health, it may reduce the required sampling frequency. The option of reducing the turbidity frequency will be permitted only in those suppliers that practice disinfection and which maintain an active RDC in the distribution system, and in those cases where Public Health has indicated in writing that no unreasonable risk to health existed under the circumstances of this option.

2) The turbidity measurements must be made in accordance with one of the methods set forth in Section 611.531(a).

b) If the result of a turbidity analysis indicates that the maximum allowable limit has been exceeded, the sampling and measurement must be confirmed by resampling as soon as practicable and preferably within one hour. If the repeat sample confirms that the maximum allowable limit has been exceeded, the supplier of water must report to the Agency within 48 hours. The repeat sample must be the sample used for the purpose of calculating the monthly average. If the monthly average of the daily samples exceeds the maximum allowable limit, or if the average of two samples taken on consecutive days exceeds 5 NTU, the supplier of water must report to the Agency and notify the public as directed in Subpart V of this Part.

c) Sampling for non-CWSs must begin by June 29, 1991. This subsection (c) corresponds with 40 CFR 141.22(c), which states a past effective date for CWSs.

d) This Section applies only to suppliers that use water obtained in whole or in part from surface sources.

POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 27 Ill. Reg. _______, effective ______________________)

SUBPART N: INORGANIC MONITORING AND ANALYTICAL REQUIREMENTS

Section 611.591 Violation of a State MCL

This Section applies to old MCLs that are marked as “additional State requirements” at Section 611.300, and for which no specific monitoring, reporting, or public notice requirements are specified below. If the result of analysis pursuant to this Part indicates that the level of any contaminant exceeds the old MCL, the CWS supplier shall do the following:

a) Report to the Agency within seven days, and initiate three additional analyses at the same sampling point within one month;

b) Notify the Agency and give public notice as specified in Subpart T of this Part, when the average of four analyses, rounded to the same number of significant figures as the old MCL for the contaminant in question, exceeds the old MCL; and,

c) Monitor, after public notification, at a frequency designated by the Agency, and continue monitoring until the old MCL has not been exceeded in two consecutive samples, or until a monitoring schedule as a condition of a variance or enforcement action becomes effective.

BOARD NOTE: This is an additional State requirement.

(Source: Amended at 27 Ill. Reg. _______, effective ______________________)

Section 611.592 Frequency of State Monitoring

This Section applies to old MCLs that are marked as “additional State requirements” at Section 611.300, and for which no specific monitoring, reporting, or public notice requirements are specified below.

a) Analyses for all CWS suppliers utilizing surface water sources must be repeated at yearly intervals.

b) Analyses for all CWS suppliers utilizing only groundwater sources must be repeated at three-year intervals.

BOARD NOTE: This is an additional State requirement.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 27 Ill. Reg. ________, effective ______________________)

Section 611.600  Applicability

The following types of suppliers shall conduct monitoring to determine compliance with the old MCLs in Section 611.300 and the revised MCLs in 611.301, as appropriate, in accordance with this Subpart N:

a)  CWS suppliers.

b)  NTNCWS suppliers.

c)  Transient non-CWS suppliers to determine compliance with the nitrate and nitrite MCLs.

d)  Detection limits.  The following are detection limits for purposes of this Subpart N (MCLs from Section 611.301 are set forth for information purposes only):

<table>
<thead>
<tr>
<th>Contaminant</th>
<th>MCL (mg/L, except asbestos)</th>
<th>Method</th>
<th>Detection Limit (mg/L)</th>
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<tbody>
<tr>
<td>Antimony</td>
<td>0.006</td>
<td>Atomic absorption-furnace technique</td>
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<td>Atomic absorption-furnace technique (stabilized temperature)</td>
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<td>Inductively-coupled plasma-mass spectrometry</td>
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## NOTICE OF PROPOSED AMENDMENTS

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POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Atomic absorption-furnace technique (stabilized temperature)  0.00075
Inductively-coupled plasma-mass spectrometry  0.0003

Footnotes:
1 “MFL” means millions of fibers per liter less than 10 µm.
2 Using a 2× preconcentration step as noted in Method 200.7. Lower MDLs may be achieved when using a 4× preconcentration.
3 Screening method for total cyanides.
4 Measures “free” cyanides.
5 Lower MDLs are reported using stabilized temperature graphite furnace atomic absorption.
6 The value for arsenic is effective January 23, 2006. Until then, the MCL is 0.05 mg/L.
7 The MDL reported for USEPA Method 200.9 (atomic absorption-platform furnace (stabilized temperature)) was determined using a 2× concentration step during sample digestion. The MDL determined for samples analyzed using direct analyses (i.e., no sample digestion) will be higher. Using multiple depositions, USEPA Method 200.9 is capable of obtaining an MDL of 0.0001 mg/L.
8 Using selective ion monitoring, USEPA Method 200.8 (ICP-MS) is capable of obtaining an MDL of 0.0001 mg/L.

BOARD NOTE: Subsections (a) through (c) of this Section are derived from 40 CFR 141.23 preamble (2000), and subsection (d) of this Section is derived from 40 CFR 141.23(a)(4)(i) (2000), as amended at 66 Fed. Reg. 6976 (January 22, 2001), 66 Fed. Reg. 16134 (March 23, 2001), and 66 Fed. Reg. 28342 (May 22, 2001) (2002). See the Board Note at Section 611.301(b) relating to the MCL for nickel.

(Source: Amended at 27 Ill. Reg. _______, effective ______________________)

Section 611.601 Monitoring Frequency

Monitoring must be conducted as follows:

a) Required sampling.

1) Each supplier must take a minimum of one sample at each sampling point...
POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

at the times required by Section 611.610 beginning in the initial compliance period.

2) Each sampling point must produce samples that are representative of the water from each source after treatment or from each treatment plant, as required by subsection (b) of this Section. The total number of sampling points must be representative of the water delivered to users throughout the PWS.

3) The supplier must take each sample at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant and the Agency has granted an SEP pursuant to subsection (b)(5) of this Section.

b) Sampling points.

1) Sampling points for GWSs. Unless otherwise provided by SEP, a GWS supplier must take at least one sample from each of the following points: each entry point that is representative of each well after treatment.

2) Sampling points for an SWS or a mixed system supplier. Unless otherwise provided by SEP, an SWS or mixed system supplier must take at least one sample from each of the following points:

   A) Each entry point after the application of treatment; or
   B) A point in the distribution system that is representative of each source after treatment.

3) If a supplier draws water from more than one source, and the sources are combined before distribution, the supplier must sample at an entry point during periods of normal operating conditions when water is representative of all sources being used.

4) Additional sampling points. The Agency must, by SEP, designate additional sampling points in the distribution system or at the consumer’s tap if it determines that such samples are necessary to more accurately determine consumer exposure.

5) Alternative sampling points. The Agency must, by SEP, approve alternate sampling points if the supplier demonstrates that the points are more
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

representative than the generally required point.

c) This subsection corresponds with 40 CFR 141.23(a)(4), an optional USEPA provision relating to compositing of samples that USEPA does not require for state programs. This statement maintains structural consistency with USEPA rules.

d) The frequency of monitoring for the following contaminants must be in accordance with the following Sections:

1) Asbestos: Section 611.602;

2) Antimony, arsenic (effective February 22, 2002), barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, selenium, and thallium: Section 611.603;

3) Nitrate: Section 611.604; and

4) Nitrite: Section 611.605.

BOARD NOTE: Derived from 40 CFR 141.23(a) and (c)(2000) (2002).

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

Section 611.602 Asbestos Monitoring Frequency

The frequency of monitoring conducted to determine compliance with the MCL for asbestos in Section 611.301 is as follows:

a) Unless the Agency has determined under subsection (c) of this Section that the PWS is not vulnerable, each CWS and NTNCWS supplier must monitor for asbestos during the first compliance period of each compliance cycle, beginning January 1, 1993.

b) CWS suppliers may apply to the Agency, by way of an application for a SEP under Section 611.110, for a determination that the CWS is not vulnerable based on consideration of the criteria listed in subsection (c) of this Section.

c) The Agency must determine that the CWS is “not vulnerable” if the CWS is not vulnerable to contamination either from asbestos in its source water, from corrosion of asbestos-cement pipe, or from both, based on a consideration of the
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

following factors:

1) Potential asbestos contamination of the water source; and

2) The use of asbestos-cement pipe for finished water distribution and the corrosive nature of the water.

d) A SEP based on a determination that a CWS is not vulnerable to asbestos contamination expires at the end of the compliance cycle for which it was issued.

e) A supplier of a PWS vulnerable to asbestos contamination due solely to corrosion of asbestos-cement pipe must take one sample at a tap served by asbestos-cement pipe and under conditions where asbestos contamination is most likely to occur.

f) A supplier of a PWS vulnerable to asbestos contamination due solely to source water must monitor in accordance with Section 611.601.

g) A supplier of a PWS vulnerable to asbestos contamination due both to its source water supply and corrosion of asbestos-cement pipe must take one sample at a tap served by asbestos-cement pipe and under conditions where asbestos contamination is most likely to occur.

h) A supplier that exceeds the MCL, as determined in Section 611.609, must monitor quarterly beginning in the next quarter after the violation occurred.

i) Reduction of quarterly monitoring.

1) The Agency must issue a SEP pursuant to Section 611.110 that reduces the monitoring frequency to that specified by subsection (a) of this Section if it determines that the sampling point is reliably and consistently below the MCL.

2) The request must, at a minimum, include the following information:

A) For a GWS: two quarterly samples.

B) For an SWS or mixed system: four quarterly samples.

3) In issuing a SEP, the Agency must specify the level of the contaminant upon which the “reliably and consistently” determination was based. All SEPs that allow less frequent monitoring based on an Agency “reliably
and consistently” determination must include a condition requiring the supplier to resume quarterly monitoring pursuant to subsection (h) of this Section if it violates the MCL specified by Section 611.609.

j) If the Agency determines that data collected after January 1, 1990 are generally consistent with the requirements of this Section, it may grant a SEP pursuant to Section 611.110 that allows the supplier to use those data to satisfy the requirements of this Section for the compliance period beginning January 1, 1993. This subsection (j) corresponds with 40 CFR 141.23(b)(10), which pertains to a compliance period long since expired. This statement maintains structural consistency with the federal regulations.


(Source: Amended at 27 Ill. Reg. ______, effective ______________________)

Section 611.603 Inorganic Monitoring Frequency

The frequency of monitoring conducted to determine compliance with the revised MCLs in Section 611.301 for antimony, arsenic (effective February 22, 2002), barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, selenium, and thallium is as follows:

a) Suppliers must take samples at each sampling point, beginning in the initial compliance period, as follows:

1) For a GWS supplier: at least one sample during each compliance period;

2) For an SWS or a mixed system supplier: at least one sample each year.


b) SEP Application.

1) The supplier may apply to the Agency for an SEP that allows reduction from the monitoring frequencies specified in subsection (a) of this Section pursuant to subsections (d) through (f) of this Section and Section 611.110.

2) The supplier may apply to the Agency for an SEP that relieves it of the requirement for monitoring cyanide pursuant to subsections (d) through (f) of this Section and Section 611.110 if it can demonstrate that its system is
not vulnerable due to a lack of any industrial source of cyanide.

BOARD NOTE: Drawn from 40 CFR 141.23(c)(2) and (c)(6) (2000) (2002).

c) SEP Procedures. The Agency must review the request pursuant to the SEP procedures of Section 611.110 based on consideration of the factors in subsection (e) of this Section.


d) Standard for SEP reduction in monitoring. The Agency must grant an SEP that allows a reduction in the monitoring frequency if the supplier demonstrates that all previous analytical results were less than the MCL, provided the supplier meets the following minimum data requirements:

1) For GWS suppliers: a minimum of three rounds of monitoring.
2) For an SWS or mixed system supplier: annual monitoring for at least three years.
3) At least one sample must have been taken since January 1, 1990.
4) A supplier that uses a new water source is not eligible for an SEP until it completes three rounds of monitoring from the new source.


e) Standard for SEP monitoring conditions. As a condition of any SEP, the Agency must require that the supplier take a minimum of one sample during the term of the SEP. In determining the appropriate reduced monitoring frequency, the Agency must consider the following:

1) Reported concentrations from all previous monitoring;
2) The degree of variation in reported concentrations; and
3) Other factors that may affect contaminant concentrations, such as changes in groundwater pumping rates, changes in the CWS’s configuration, the CWS’s operating procedures, or changes in stream flows or characteristics.

BOARD NOTE: Drawn from 40 CFR 141.23(c)(3) and (c)(5) (2000) (2002).
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

f) SEP Conditions and Revision.

1) An SEP will expire at the end of the compliance cycle for which it was issued.


2) In issuing an SEP, the Agency must specify the level of the contaminant upon which the “reliably and consistently” determination was based. An SEP must provide that the Agency will review and, where appropriate, revise its determination of the appropriate monitoring frequency when the supplier submits new monitoring data or when other data relevant to the supplier’s appropriate monitoring frequency become available.


g) A supplier that exceeds the MCL as determined in Section 611.609, must monitor quarterly for that contaminant, beginning in the next quarter after the violation occurred.


h) Reduction of quarterly monitoring.

1) The Agency must grant an SEP pursuant to Section 611.110 that reduces the monitoring frequency to that specified by subsection (a) of this Section if it determines that the sampling point is reliably and consistently below the MCL.

2) A request for an SEP must include the following minimal information:

A) For a GWS: two quarterly samples.

B) For an SWS or mixed system supplier: four quarterly samples.

3) In issuing the SEP, the Agency must specify the level of the contaminant upon which the “reliably and consistently” determination was based. Any SEP that allows less frequent monitoring based on an Agency “reliably and consistently” determination must include a condition requiring the supplier to resume quarterly monitoring for any contaminant pursuant to subsection (g) of this Section if it violates the MCL specified by Section
ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

611.609 for that contaminant.


i) A new system supplier that begins operation after January 22, 2004 or a supplier whose system uses a new source of water beginning after January 22, 2004 must demonstrate compliance with the MCL within a period of time specified by a permit issued the Agency. The supplier must also comply with the initial sampling frequencies specified by the Agency to ensure a system can demonstrate compliance with the MCL. Routine and increased monitoring frequencies must be conducted in accordance with the requirements in this Section.


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

Section 611.604 Nitrate Monitoring

Each supplier shall monitor to determine compliance with the MCL for nitrate in Section 611.301.

a) Suppliers shall monitor at the following frequencies, beginning January 1, 1993:

1) CWSs and NTNCWSs:
   A) GWSs: annually;
   B) SWSs and mixed systems: quarterly.


2) Transient non-CWSs: annually.


b) Quarterly monitoring for GWSs.

1) A CWS or NTNCWS supplier that is a GWS shall initiate quarterly monitoring in the quarter following any one sample that has a nitrate
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

concentration equal to or greater than 50 percent of the MCL.

2) The Agency shall must grant a SEP pursuant to Section 611.110 that reduces the monitoring frequency to annual after the supplier has completed quarterly sampling for at least four quarters if it determines that the sampling point is reliably and consistently below the MCL.

A) The request must include the following minimal information: the results from four consecutive quarterly samples.

B) In issuing the SEP, the Agency shall must specify the level of the contaminant upon which the “reliably and consistently” determination was based. All SEPs that allow less frequent monitoring based on an Agency “reliably and consistently” determination shall must include a condition requiring the supplier to resume quarterly monitoring pursuant to subsection (b)(1) of this Section if it violates the MCL specified by Section 611.301 for nitrate.


c) Reduction of monitoring frequency for SWSs and mixed systems.

1) The Agency shall must grant a SEP pursuant to Section 611.110 that allows a CWS or NTNCWS supplier that is a SWS or mixed system to reduce its monitoring frequency to annually if it determines that all analytical results from four consecutive quarters are less than 50 percent of the MCL.

2) As a condition of the SEP, the Agency shall must require the supplier to initiate quarterly monitoring, beginning the next quarter, if any one sample is greater than or equal to 50 percent of the MCL.


d) This subsection corresponds with 40 CFR 141.23(d)(4), which the Board has codified at subsection (a)(2). This statement maintains structural consistency with USEPA rules.

e) After completion of four consecutive quarters of monitoring, each CWS or NTNCWS supplier monitoring annually shall must take samples during the
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

quarter(s) quarters that resulted in the highest analytical result.


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

Section 611.605 Nitrite Monitoring

Each supplier shall must monitor to determine compliance with the MCL for nitrite in Section 611.301.

a) All suppliers shall take one sample at each sampling point during the compliance period beginning January 1, 1993 and ending December 31, 1995. This subsection (a) corresponds with 40 CFR 141.23(e)(1), which was applicable only until a date now past. This statement maintains consistency with USEPA rules.

b) This subsection corresponds with 40 CFR 141.23(e)(2), a provision by which U.S. EPA USEPA refers to state requirements that do not exist in Illinois. This statement maintains structural consistency with USEPA rules.

c) Repeat monitoring Monitoring frequency.

1) Quarterly monitoring.

A) A supplier that has any one sample in which the concentration is equal to or greater than 50 percent of the MCL shall must initiate quarterly monitoring during the next quarter.

B) A supplier required to begin quarterly monitoring pursuant to subsection (c)(1)(A) of this Section shall must continue on a quarterly basis for a minimum of one year following any one sample exceeding the 50 percent of the MCL, after which the supplier may discontinue quarterly monitoring pursuant to subsection (c)(2) of this Section.

2) The Agency shall must grant a SEP pursuant to Section 611.110 that allows a supplier to reduce its monitoring frequency to annually if it determines that the sampling point is reliably and consistently below the MCL.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

A) A request for a SEP must include the following minimal information: the results from four quarterly samples.

B) In issuing the SEP, the Agency shall specify the level of the contaminant upon which the “reliably and consistently” determination was based. All SEPs that allow less frequent monitoring based on an Agency “reliably and consitently” determination shall include a condition requiring the supplier to resume quarterly monitoring for nitrite pursuant to subsection (c)(1) of this Section if it equals or exceeds 50 percent of the MCL specified by Section 611.301 for nitrite.

d) A supplier that is monitoring annually shall take samples during the quarter(s) which previously resulted in the highest analytical result.


(Source: Amended at 27 Ill. Reg. ________, effective ______________________)

Section 611.606 Confirmation Samples

a) Where the results of sampling for antimony, arsenic (effective February 22, 2002), asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, selenium, or thallium indicate a level in excess of the MCL, the supplier must collect one additional sample as soon as possible after the initial sample was taken (but not to exceed two weeks) at the same sampling point.

b) Where nitrate or nitrite sampling results indicate a level in excess of the MCL, the supplier must take a confirmation sample within 24 hours after the supplier’s receipt of notification of the analytical results of the first sample.

1) Suppliers unable to comply with the 24-hour sampling requirement must immediately notify the persons served in accordance with Section 611.902 and meet other Tier 1 public notification requirements under Subpart V of this Part.

2) Suppliers exercising this option must take and analyze a confirmation sample within two weeks after notification of the analytical results of the first sample.

c) Averaging rules are specified in Section 611.609. The Agency must delete the
original or confirmation sample if it determines that a sampling error occurred, in which case the confirmation sample will replace the original sample.


(Source: Amended at 27 Ill. Reg. _______, effective ______________________)

Section 611.607 More Frequent Monitoring and Confirmation Sampling

This Section corresponds with 40 CFR 141.23(g), a federal provision authorizing the states to require more frequent monitoring and confirmation sampling with regard to 40 CFR 141.23(b) through (e) (corresponding with Sections 611.602 through 611.605) than is required under federal law. The Act authorizes the Board to adopt such requirements. The Board has not done so at this Section. This statement maintains structural consistency with U.S. EPA—this corresponding federal rules.

(Source: Amended at 27 Ill. Reg. _______, effective ______________________)

Section 611.608 Additional Optional Monitoring

Suppliers may conduct additional, more frequent monitoring than the minimum frequencies specified in this Subpart N, without prior approval from the Agency. The supplier must report the results of all such monitoring to the Agency.


(Source: Amended at 27 Ill. Reg. _______, effective ______________________)

Section 611.609 Determining Compliance

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

a) For suppliers that monitor at a frequency greater than annual, compliance with the MCLs for antimony, arsenic (effective January 22, 2004), asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, selenium, or thallium is determined by a running annual average at each sampling point. Effective January 22, 2004, if a system fails to collect the required number of samples, compliance (average concentration) will be based on the total number of
samples collected.

1) If the average at any sampling point is greater than the MCL, then the supplier is out of compliance.

2) If any one sample would cause the annual average to be exceeded, then the supplier is out of compliance immediately.

3) Any sample below the method detection limit must be calculated at zero for the purpose of determining the annual average.

BOARD NOTE: The “method detection limit” is different from the “detection limit,” as set forth in Section 611.600. The “method detection limit” is the level of contaminant that can be determined by a particular method with a 95 percent degree of confidence, as determined by the method outlined in 40 CFR 136, Appendix B, incorporated by reference at Section 611.102.

b) For suppliers that monitor annually or less frequently, compliance with the MCLs for antimony, arsenic (effective January 22, 2004), asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, selenium, or thallium is determined by the level of the contaminant at any sampling point. If confirmation samples are required by the Agency, the determination of compliance will be based on the average of the annual average of the initial MCL exceedence and any Agency-required confirmation samples. Effective January 22, 2004, if a supplier fails to collect the required number of samples, compliance (average concentration) will be based on the total number of samples collected.

c) Compliance with the MCLs for nitrate and nitrite is determined based on one sample if the levels of these contaminants are below the MCLs. If the levels of nitrate or nitrite in the initial sample exceed the MCLs in the initial sample, Section 611.606 requires confirmation sampling, and compliance is determined based on the average of the initial and confirmation samples.

d) Arsenic sampling results must be reported to the nearest 0.001 mg/L.


(Source: Amended at 27 Ill. Reg. ________, effective ______________________)
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 611.610  Inorganic Monitoring Times

Each supplier shall [must] monitor, within each compliance period, at the time designated by the Agency by SEP.


(Source: Amended at 27 Ill. Reg. ________, effective ______________________)

Section 611.611  Inorganic Analysis

Analytical methods are from documents incorporated by reference in Section 611.102. These are mostly referenced by a short name defined by Section 611.102(a). Other abbreviations are defined in Section 611.101.

a) Analysis for the following contaminants must be conducted using the following methods or an alternative approved pursuant to Section 611.480. Criteria for analyzing arsenic, chromium, copper, lead, nickel, selenium, sodium, and thallium with digestion or directly without digestion, and other analytical procedures, are contained in USEPA Technical Notes, incorporated by reference in Section 611.102. (This document also contains approved analytical test methods that remain remained available for compliance monitoring until July 1, 1996. These methods will are not be available for use after July 1, 1996.)

BOARD NOTE: Because MDLs reported in USEPA Environmental Metals Methods 200.7 and 200.9 were determined using a 2× preconcentration step during sample digestion, MDLs determined when samples are analyzed by direct analysis (i.e., no sample digestion) will be higher. For direct analysis of cadmium and arsenic by USEPA Environmental Metals Method 200.7, and arsenic by Standard Method 3120 B sample preconcentration using pneumatic nebulization may be required to achieve lower detection limits. Preconcentration may also be required for direct analysis of antimony, lead, and thallium by USEPA Environmental Metals Method 200.9; antimony and lead by Standard Method 3113 B; and lead by ASTM Method D3559-90D unless multiple in-furnace depositions are made.

1) Antimony_{2+}

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS


D) Atomic absorption, furnace technique: Standard Methods, 18th or 19th ed.: Method 3113 B.

2) Arsenic:

BOARD NOTE: If ultrasonic nebulization is used in the determination of arsenic by Methods 200.7, 200.8, or SM 3120 B, the arsenic must be in the pentavalent state to provide uniform signal response. For methods 200.7 and 3120 B, both samples and standards must be diluted in the same mixed acid matrix concentration of nitric and hydrochloric acid with the addition of 100 µL of 30% hydrogen peroxide per 100 mL of solution. For direct analysis of arsenic with method 200.8 using ultrasonic nebulization, samples and standards must contain one mg/L of sodium hypochlorite.

A) Inductively-coupled plasma:

BOARD NOTE: Effective January 23, 2006, a supplier may no longer employ analytical methods using the ICP-AES technology because the detection limits for these methods are 0.008 mg/L or higher. This restriction means that the two ICP-AES methods (USEPA Environmental Metals Method 200.7 and Standard Methods, Method 3120 B) approved for use for the MCL of 0.05 mg/L may not be used for compliance determinations for the revised MCL of 0.01 mg/L. However, prior to the 2005 through 2007 compliance period, a supplier may have compliance samples analyzed with these less sensitive methods.

i) USEPA Environmental Metals Methods: Method 200.7

or

ii) Standard Methods, 18th, or 19th, or 20th ed.: Method 3120 B.

NOTICE OF PROPOSED AMENDMENTS


D) Atomic absorption, furnace technique:
   i) ASTM Method D2972-93 or D2972-97
   ii) Standard Methods, 18th or 19th ed.: Method 3113 B.

E) Atomic absorption, hydride technique:
   i) ASTM Method D2972-93 or D2972-97
   ii) Standard Methods, 18th or 19th ed.: Method 3114 B.

3) Asbestos: Transmission electron microscopy: USEPA Asbestos Methods-100.1 and USEPA Asbestos Methods-100.2.

4) Barium:
   A) Inductively-coupled plasma:
      i) USEPA Environmental Metals Methods: Method 200.7
      ii) Standard Methods, 18th or 19th ed.: Method 3120 B.
   C) Atomic absorption, direct aspiration technique: Standard Methods, 18th or 19th ed.: Method 3111 D.
   D) Atomic absorption, furnace technique: Standard Methods, 18th or 19th ed.: Method 3113 B.

5) Beryllium:
   A) Inductively-coupled plasma:
      i) USEPA Environmental Metals Methods: Method 200.7
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

or

ii) Standard Methods, 18th or 19th or 20th ed.: Method 3120 B.


D) Atomic absorption, furnace technique:

i) ASTM Method D3645-93 or D3645-97 or

ii) Standard Methods, 18th or 19th ed.: Method 3113 B.

6) Cadmium:


D) Atomic absorption, furnace technique: Standard Methods, 18th or 19th ed.: Method 3113 B.

7) Chromium:

A) Inductively-coupled plasma arc furnace:

i) USEPA Environmental Metals Methods: Method 200.7 or

ii) Standard Methods, 18th or 19th or 20th ed.: Method 3120 B.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS


D) Atomic absorption, furnace technique: Standard Methods, 18th or 19th ed.: Method 3113 B.

8) Cyanide

A) Manual distillation (ASTM Method D2036-98 A or Standard Methods, 18th, 19th, or 20th ed.: Method 4500-CN- C), followed by spectrophotometric, amenable:

i) ASTM Method D2036-98 B

ii) Standard Methods, 18th, 19th, or 20th ed.: Method 4500-CN- G.

B) Manual distillation (ASTM Method D2036-98 A or Standard Methods, 18th, 19th, or 20th ed.: Method 4500-CN- C), followed by spectrophotometric, manual:

i) ASTM Method D2036-91 D2036-98 D

ii) Standard Methods, 18th, 19th, or 20th ed.: Method 4500-CN- E

iii) USGS Methods: Method I-3300-85.


D) Selective electrode: Standard Methods, 18th, 19th, or 20th ed.: Method 4500-CN- F.

E) UV/Distillation/Spectrophotometric: Kaleda 01.

F) Distillation/Spectrophotometric: QuickChem 10-204-00-1-X.
9) Fluoride

A) Ion Chromatography:
   i) USEPA Environmental Inorganic Methods: Method 300.0,
   ii) ASTM Method D4327-94 or D4327-97,
   iii) Standard Methods, 18th or 19th or 20th ed.: Method 4110 B.

B) Manual distillation, colorimetric SPADNS: Standard Methods, 18th or 19th or 20th ed.: Method 4500-F B and D.

C) Manual electrode:
   i) ASTM Method D1179-93 B or
   ii) Standard Methods, 18th or 19th or 20th ed.: Method 4500-F C.

D) Automated electrode: Technicon Methods: Method 380-75WE.

E) Automated alizarin:
   i) Standard Methods, 18th or 19th or 20th ed.: Method 4500-F E or
   ii) Technicon Methods: Method 129-71W.

10) Mercury

A) Manual cold vapor technique:
   i) USEPA Environmental Metals Methods: Method 245.1,
   ii) ASTM Method D3223-94 or D3223-97,
   iii) Standard Methods, 18th or 19th ed.: Method 3112 B.

B) Automated cold vapor technique: USEPA Inorganic Methods: Method 245.2.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS


11) Nickel

A) Inductively-coupled plasma

i) USEPA Environmental Metals Methods: Method 200.7

or

ii) Standard Methods, 18th, 19th, or 20th ed.: Method 3120 B.


D) Atomic absorption, direct aspiration technique: Standard Methods, 18th or 19th ed.: Method 3111 B.

E) Atomic absorption, furnace technique: Standard Methods, 18th or 19th ed.: Method 3113 B.

12) Nitrate

A) Ion chromatography

i) USEPA Environmental Inorganic Methods: Method 300.0

ii) ASTM Method D4327-91, D4327-97;

iii) Standard Methods, 18th, 19th, or 20th ed.: Method 4110 B or


B) Automated cadmium reduction
NOTICE OF PROPOSED AMENDMENTS

i) USEPA Environmental Inorganic Methods: Method 353.2

ii) ASTM Method D3867-90

iii) Standard Methods, 18th, 19th, or 20th ed.: Method 4500-NO$_3^-$ F.

C) Ion selective electrode:

i) Standard Methods, 18th, 19th, or 20th ed.: Method 4500-NO$_3^-$ D or


D) Manual cadmium reduction:

i) ASTM Method D3867-90 B or

ii) Standard Methods, 18th, 19th, or 20th ed.: Method 4500-NO$_3^-$ E.

13) Nitrite:

A) Ion chromatography:

i) USEPA Environmental Inorganic Methods: Method 300.0

ii) ASTM Method D4327-94 D4327-97

iii) Standard Methods, 18th, 19th, or 20th ed.: Method 4110 B or


B) Automated cadmium reduction:

i) USEPA Environmental Inorganic Methods: Method 353.2
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

ii) ASTM Method D3867-90 A or

iii) Standard Methods, 18th or 19th or 20th ed.: Method 4500-NO$_3$ F.

C) Manual cadmium reduction:

i) ASTM Method D3867-90 B or

ii) Standard Methods, 18th or 19th or 20th ed.: Method 4500-NO$_3$ E.

D) Spectrophotometric: Standard Methods, 18th or 19th or 20th ed.: Method 4500-NO$_2$ B.

14) Selenium

A) Atomic absorption, hydride:

i) ASTM Method D3859-93 or D3859-98 A or

ii) Standard Methods, 18th or 19th ed.: Method 3114 B.


D) Atomic absorption, furnace technique:

i) ASTM Method D3859-93 or D3859-98 B or

ii) Standard Methods, 18th or 19th ed.: Method 3113 B.

15) Thallium


POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

16) Lead:
   A) Atomic absorption, furnace technique:
      i) ASTM Method D3559-95 or D3559-96
      ii) Standard Methods, 18th or 19th ed.: Method 3113 B.

17) Copper:
   A) Atomic absorption, furnace technique:
      i) ASTM Method D1688-95 or D1688-95 A
      ii) Standard Methods, 18th or 19th ed.: Method 3113 B.
   B) Atomic absorption, direct aspiration:
      i) ASTM Method D1688-90 or D1688-95 A
      ii) Standard Methods, 18th or 19th ed.: Method 3111 B.
   C) Inductively-coupled plasma:
      i) USEPA Environmental Metals Methods: Method 200.7 or
      ii) Standard Methods, 18th, 19th, or 20th ed.: Method 3120 B.

18) pH
   A) Electrometric
      i) USEPA Inorganic Methods: Method 150.1
      ii) ASTM Method D1293-84 or D1293-95
      iii) Standard Methods, 18th or 19th or 20th ed.: Method 4500-H B.

   B) USEPA Inorganic Methods: Method 150.2.

19) Conductivity; Conductance
   A) ASTM Method D1125-95 A
   B) Standard Methods, 18th or 19th or 20th ed.: Method 2510 B.

20) Calcium
   A) EDTA titrimetric
      i) ASTM Method D511-93 A
      ii) Standard Methods, 18th or 19th or 20th ed.: Method 3500-Ca D.
   B) Atomic absorption, direct aspiration
      i) ASTM Method D511-93 B
      ii) Standard Methods, 18th or 19th ed.: Method 3111 B.
   C) Inductively-coupled plasma
      i) USEPA Environmental Metals Methods: Method 200.7
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

ii) Standard Methods, 18th or 19th or 20th ed.: Method 3120 B.

21) Alkalinity

A) Titrimetric
   i) ASTM Method D1067-92 B or
   ii) Standard Methods, 18th or 19th or 20th ed.: Method 2320 B.


22) Orthophosphate (unfiltered, without digestion or hydrolysis)

A) Automated colorimetric, ascorbic acid
   i) USEPA Environmental Inorganic Methods: Method 365.1 or
   ii) Standard Methods, 18th or 19th or 20th ed.: Method 4500-P F.

B) Single reagent colorimetric, ascorbic acid
   i) ASTM Method D515-88 A or
   ii) Standard Methods, 18th or 19th or 20th ed.: Method 4500-P E.


F) Ion Chromatography
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

i) USEPA Environmental Inorganic Methods: Method 300.03

ii) ASTM Method D4327-97 or

iii) Standard Methods, 18th, 19th, or 20th ed.: Method 4110 B.

23) Silica


D) Molybdosilicate: Standard Methods, 18th or 19th ed.: Method 4500-Si D or Standard Methods, 20th ed.: Method 4500-Si C.

E) Heteropoly blue: Standard Methods, 18th or 19th ed.: Method 4500-Si E or Standard Methods, 20th ed.: Method 4500-Si D.

F) Automated method for molybdate-reactive silica: Standard Methods, 18th or 19th ed.: Method 4500-Si F or Standard Methods, 20th ed.: Method 4500-Si E.

G) Inductively-coupled plasma:

i) USEPA Environmental Metals Methods: Method 200.7 or

ii) Standard Methods, 18th, 19th, or 20th ed.: Method 3120 B.

24) Temperature; thermometric: Standard Methods, 18th, 19th, or 20th ed.: Method 2550.

25) Sodium
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS


B) Atomic absorption, direct aspiration: Standard Methods, 18th or 19th ed.: Method 3111 B.

b) Sample collection for antimony, arsenic (effective January 22, 2004), asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, nitrate, nitrite, selenium, and thallium pursuant to Sections 611.600 through 611.604 must be conducted using the following sample preservation, container, and maximum holding time procedures:

BOARD NOTE: For cyanide determinations samples must be adjusted with sodium hydroxide to pH 12 at the time of collection. When chilling is indicated the sample must be shipped and stored at 4°C or less. Acidification of nitrate or metals samples may be with a concentrated acid or a dilute (50% by volume) solution of the applicable concentrated acid. Acidification of samples for metals analysis is encouraged and allowed at the laboratory rather than at the time of sampling provided the shipping time and other instructions in Section 8.3 of USEPA Environmental Metals Method 200.7, 200.8, or 200.9 is followed.

1) Antimony
   A) Preservative: Concentrated nitric acid to pH less than 2.
   B) Plastic or glass (hard or soft).
   C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 6 months.

2) Arsenic
   A) Preservative: Concentrated nitric acid to pH less than 2.
   B) Plastic or glass (hard or soft).
   C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 6 months.

3) Asbestos
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

A) Preservative: Cool to 4° C.

B) Plastic or glass (hard or soft).

C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 48 hours.

4) Barium

A) Preservative: Concentrated nitric acid to pH less than 2.

B) Plastic or glass (hard or soft).

C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 6 months.

5) Beryllium

A) Preservative: Concentrated nitric acid to pH less than 2.

B) Plastic or glass (hard or soft).

C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 6 months.

6) Cadmium

A) Preservative: Concentrated nitric acid to pH less than 2.

B) Plastic or glass (hard or soft).

C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 6 months.

7) Chromium
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

8) Cyanide
   A) Preservative: Cool to 4° C. Add sodium hydroxide to pH greater than 12. See the analytical methods for information on sample preservation.
   B) Plastic or glass (hard or soft).
   C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 14 days.

9) Fluoride
   A) Preservative: None.
   B) Plastic or glass (hard or soft).
   C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 1 month.

10) Mercury
    A) Preservative: Concentrated nitric acid to pH less than 2.
    B) Plastic or glass (hard or soft).
    C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 28 days.

11) Nickel
    A) Preservative: Concentrated nitric acid to pH less than 2.
    B) Plastic or glass (hard or soft).
    C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 6 months.

12) Nitrate, chlorinated
    A) Preservative: Cool to 4° C.
NOTICE OF PROPOSED AMENDMENTS

B) Plastic or glass (hard or soft).

C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 14 days.

13) Nitrate, non-chlorinated:

A) Preservative: Concentrated sulfuric acid to pH less than 2.

B) Plastic or glass (hard or soft).

C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 14 days.

14) Nitrite:

A) Preservative: Cool to 4° C.

B) Plastic or glass (hard or soft).

C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 48 hours.

15) Selenium:

A) Preservative: Concentrated nitric acid to pH less than 2.

B) Plastic or glass (hard or soft).

C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 6-six months.

16) Thallium:

A) Preservative: Concentrated nitric acid to pH less than 2.

B) Plastic or glass (hard or soft).

C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 6-six months.

c) Analyses under this Subpart N must be conducted by laboratories that received
NOTICE OF PROPOSED AMENDMENTS

The Agency must certify laboratories to conduct analyses for antimony, arsenic (effective January 23, 2006), asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, nitrate, nitrite, selenium, and thallium if the laboratory does as follows:

1) **Analyzes.** It analyzes performance evaluation (PE) samples, provided by the Agency pursuant to 35 Ill. Adm. Code 186, that include those substances at levels not in excess of levels expected in drinking water; and

2) **Achieves.** It achieves quantitative results on the analyses within the following acceptance limits:

   A) Antimony: ± 30% at greater than or equal to 0.006 mg/L.
   B) Arsenic: ± 30% at greater than or equal to 0.003 mg/L.
   C) Asbestos: 2 standard deviations based on study statistics.
   D) Barium: ± 15% at greater than or equal to 0.15 mg/L.
   E) Beryllium: ± 15% at greater than or equal to 0.001 mg/L.
   F) Cadmium: ± 20% at greater than or equal to 0.002 mg/L.
   G) Chromium: ± 15% at greater than or equal to 0.01 mg/L.
   H) Cyanide: ± 25% at greater than or equal to 0.1 mg/L.
   I) Fluoride: ± 10% at 1 to 10 mg/L.
   J) Mercury: ± 30% at greater than or equal to 0.0005 mg/L.
   K) Nickel: ± 15% at greater than or equal to 0.01 mg/L.
   L) Nitrate: ± 10% at greater than or equal to 0.4 mg/L.
   M) Nitrite: ± 15% at greater than or equal to 0.4 mg/L.
   N) Selenium: ± 20% at greater than or equal to 0.01 mg/L.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

O) Thallium: ± 30% at greater than or equal to 0.002 mg/L.


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

Section 611.612 Monitoring Requirements for Old Inorganic MCLs

a) Analyses for the purpose of determining compliance with the old inorganic MCLs of Section 611.300 are required as follows:

1) Analyses for all CWSs utilizing surface water sources must be repeated at yearly intervals.

2) Analyses for all CWSs utilizing only groundwater sources must be repeated at three-year intervals.

3) This subsection (a)(3) corresponds with 40 CFR 141.23(1)(3) (1999), which requires monitoring for the repealed old MCL for nitrate at a frequency specified by the state. The Board has followed the USEPA lead and repealed that old MCL. This statement maintains structural consistency with USEPA rules.

4) This subsection (a)(4) corresponds with 40 CFR 141.23(1)(4) (1999), which authorizes the state to determine compliance and initiate enforcement action. This authority exists through the authorization of the Act, not through federal rules. This statement maintains structural consistency with USEPA rules.

b) If the result of an analyses made under subsection (a) of this Section indicates that the level of any contaminant listed in Section 611.300 exceeds the old MCL, the supplier must report to the Agency within 7 days and initiate three additional analyses at the same sampling point within one month.

c) When the average of four analyses made pursuant to subsection (b) of this Section, rounded to the same number of significant figures as the old MCL for the substance in question, exceeds the old MCL, the supplier must notify the Agency and give notice to the public pursuant to Subpart V of this Part. Monitoring after public notification must be at a frequency designated by the Agency by a SEP.
granted pursuant to Section 611.110 and must continue until the old MCL has not been exceeded in two successive samples or until a different monitoring schedule becomes effective as a condition to a variance, an adjusted standard, a site specific rule, an enforcement action, or another SEP granted pursuant to Section 611.110.

d) This subsection (d) corresponds with 40 CFR 141.23(o) (1999), which pertains to monitoring for the repealed old MCL for nitrate. The Board has followed the USEPA action and repealed that old MCL. This statement maintains structural consistency with USEPA rules.

e) This subsection (e) corresponds with 40 CFR 141.23(p) (1999), which pertains to the use of existing data up until a date long since expired. The Board did not adopt the original provision in R88-26. This statement maintains structural consistency with USEPA rules.

f) Except for arsenic, for which analyses must be made in accordance with Section 611.611, analyses conducted to determine compliance with the old MCLs of Section 611.300 must be made in accordance with the following methods, incorporated by reference in Section 611.102.

1) Fluoride: The methods specified in Section 611.611(c) must apply for the purposes of this Section.

2) Iron

A) Standard Methods, 18th ed.
   i) Method 3111 B, or 18th or 19th ed.;
   ii) Method 3113 B, 18th or 19th ed.; or
   iii) Method 3120 B, 18th, 19th, or 20th ed.

B) EPA Environmental Metals Methods
   i) Method 200.7, or
   ii) Method 200.9.

3) Manganese
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

A) Standard Methods, 18th ed.:
   i) Method 3111 B, or 18th or 19th ed.;
   ii) Method 3113 B, 18th or 19th ed.; or
   iii) Method 3120 B, 18th, 19th, or 20th ed.

B) EPA Environmental Metals Methods:
   i) Method 200.7;
   ii) Method 200.8;
   iii) Method 200.9.

4) Zinc:

   A) Standard Methods, 18th ed.:
      i) Method 3111 B, 18th or 19th ed.; or
      ii) Method 3120 B, 18th, 19th, or 20th ed.

   B) EPA Environmental Metals Methods:
      i) Method 200.7;
      ii) Method 200.8.

BOARD NOTE: The provisions of subsections (a) through (f) of this Section derive from 40 CFR 141.23(l) through (p) (1999), as amended at 65 Fed. Reg. 26022, May 4, 2000 (2002). USEPA removed and reserved 40 CFR 141.23(q) (formerly 40 CFR 141.23(f)) at 59 Fed. Reg. 62466 (Dec. 5, 1994). Subsection (f)(2) of this Section relates to a contaminant for which USEPA specifies an MCL, but for which it repealed the analytical method. Subsections (f)(2) through (f)(4) of this Section relate exclusively to additional state requirements. The Board retained subsections (f)(1), (f)(3), and (f)(4) subsection (f) of this Section to set forth methods for the inorganic contaminants for which there is a state-only MCL. The methods specified are those set forth in 40 CFR 143.4(b) (1999), (2002), for secondary MCLs. The predecessor to subsections (a) through (e) of this Section were formerly codified as Section 611.601. The predecessor to subsection (f) of this Section was formerly codified as Section 611.606.
POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 27 Ill. Reg. _______, effective ______________________)

Section 611.630  Special Monitoring for Sodium

a) CWS suppliers shall must collect and analyze one sample per plant at the entry point of the distribution system for the determination of sodium concentration levels; samples must be collected and analyzed annually for CWSs utilizing surface water sources in whole or in part, and at least every three years for CWSs utilizing solely groundwater sources. The minimum number of samples required to be taken by the supplier is based on the number of treatment plants used by the supplier, except that multiple wells drawing raw water from a single aquifer may, with the Agency approval, be considered one treatment plant for determining the minimum number of samples. The Agency shall must require the supplier to collect and analyze water samples for sodium more frequently in locations where the sodium content is variable.

b) The CWS supplier shall must report to the Agency the results of the analyses for sodium within the first 10 days of the month following the month in which the sample results were received or within the first 10 days following the end of the required monitoring period as specified by SEP, whichever of these is first. If more than annual sampling is required, the supplier shall must report the average sodium concentration within 10 days of the month following the month in which the analytical results of the last sample used for the annual average was received.

c) The CWS supplier shall must notify the Agency and appropriate local public health officials of the sodium levels by written notice by direct mail within three months. A copy of each notice required to be provided by this subsection must be sent to the Agency within 10 days of its issuance.

d) Analyses for sodium must be conducted as directed in Section 611.611(a).


(Source: Amended at 27 Ill. Reg. _______, effective ______________________)

SUBPART O: ORGANIC MONITORING AND ANALYTICAL REQUIREMENTS

Section 611.640  Definitions

The following terms are defined for use in this Subpart O only. Additional definitions are
“Old MCL” means an MCL in Section 611.310. These include the MCLs identified as “additional state requirements” and those derived from 40 CFR 141.12, but excluding TTHM. “Old MCLs” include the Section 611.310 MCLs for the following contaminants:

- Aldrin
- 2,4-D
- DDT
- Dieldrin
- Heptachlor
- Heptachlor epoxide

BOARD NOTE: 2,4-D, heptachlor, and heptachlor epoxide are also “Phase II SOCs”. The additional state requirements of Section 611.310 impose a more stringent “old MCL” for each of these compounds than that imposed on them as Phase II SOCs by Section 611.311. However, the requirements for sampling and monitoring for these compounds as Phase II SOCs and the consequences of their detection and violation of their revised MCLs is more stringent as Phase II SOCs.

“Phase II SOCs” means the following:

- Alachlor
- Atrazine
- Carbofuran
- Chlordane
- Dibromochloropropane
- Ethylene dibromide
- Heptachlor
- Heptachlor epoxide
- Lindane
- Methoxychlor
- Polychlorinated biphenyls
- Toxaphene
- 2,4-D
- 2,4,5-TP

BOARD NOTE: These are organic contaminants regulated at 40 CFR 141.61(c)(1) through (c)(18) (1992) (2002). The MCLs for these contaminants are located at Section 611.311. More stringent MCLs for heptachlor, heptachlor epoxide, and 2,4-D are found as “additional state requirements” in Section

Located in Section 611.102.
611.310.

“Phase IIB SOCs” means the following:

Aldicarb
Aldicarb Sulfone
Aldicarb Sulfoxide
Pentachlorophenol

BOARD NOTE: These are organic contaminants regulated at 40 CFR 141.61(c)(1) through (c)(18) (1992) (2002). The MCLs for these contaminants are located at Section 611.311. The effectiveness of the Section 611.311 MCLs for aldicarb, aldicarb sulfone, and aldicarb sulfoxide are administratively stayed until the Board takes further administrative action to end this stay. However, suppliers must monitor for these three SOCs pursuant to Section 611.648. See 40 CFR 141.6(g) (1992) (2002) and 57 Fed. Reg. 22178 (May 27, 1992).

“Phase V SOCs” means the following:

Benzo[a]pyrene
Dalapon
Di(2-ethylhexyl)adipate
Di(2-ethylhexyl)phthalate
Dinoseb
Diquat
Endothall
Endrin
Glyphosate
Hexachlorobenzene
Hexachlorocyclopentadiene
Oxamyl
Picloram
Simazine
2,3,7,8-TCDD

BOARD NOTE: These are organic contaminants regulated at 40 CFR 141.61(c)(19) through (c)(33) (1992) (2002). The MCLs for these contaminants are located at Section 611.311, and become effective January 17, 1994.

“Phase I VOCs” means the following:

Benzene
Carbon tetrachloride
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

p-Dichlorobenzene.
1,2-Dichloroethane
1,1-Dichloroethylene
1,1,1-Trichloroethane
Trichloroethylene
Vinyl chloride
BOARD NOTE: These are the organic contaminants regulated at 40 CFR 141.61(a)(1) through (a)(8) (1992) (2002). The MCLs for these contaminants are located at Section 611.311(a).

"Phase II VOCs" means the following:

o-Dichlorobenzene
cis-1,2-Dichloroethylene
trans-1,2-Dichloroethylene
1,2-Dichloropropane
Ethylbenzene
Monochlorobenzene
Styrene
Tetrachloroethylene
Toluene
Xylenes (total)
BOARD NOTE: These are organic contaminants regulated at 40 CFR 141.61(a)(9) through (a)(18) (1992) (2002). The MCLs for these contaminants are in Section 611.311(a).

"Phase V VOCs" means the following:

Dichloromethane
1,2,4-Trichlorobenzene
1,1,2-Trichloroethane
BOARD NOTE: These are the organic contaminants regulated at 40 CFR 141.61(a)(19) through (a)(21) (1992) (2002). The MCLs for these contaminants are located at Section 611.311(a) and become effective January 17, 1994.

"Revised MCL" means an MCL in Section 611.311. This term includes MCLs for "Phase I VOCs", "Phase II VOCs", "Phase V VOCs", "Phase II SOCs", Phase IIB SOCs, and "Phase V SOCs".

(Source: Amended at 27 Ill. Reg. __________, effective ______________________)
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 611.641  Old MCLs

a) An analysis of substances for the purpose of determining compliance with the old MCLs of Section 611.310 must be made as follows:

1) The Agency shall, by SEP, require CWS suppliers utilizing surface water sources to collect samples during the period of the year when contamination by pesticides is most likely to occur. The Agency shall require the supplier to repeat these analyses at least annually.

2) The Agency shall, by SEP, require CWS suppliers utilizing only groundwater sources to collect samples at least once every three years.

b) If the result of an analysis made pursuant to subsection (a) indicates that the level of any contaminant exceeds its old MCL, the CWS supplier must report to the Agency within seven days and initiate three additional analyses within one month.

c) When the average of four analyses made pursuant to subsection (a), rounded to the same number of significant figures as the MCL for the substance in question, exceeds the old MCL, the CWS supplier must report to the Agency and give notice to the public pursuant to Subpart T of this Part. Monitoring after public notification must be at a frequency designated by the Agency and must continue until the MCL has not been exceeded in two successive samples or until a monitoring schedule as a condition to a variance, adjusted standard, or enforcement action becomes effective.

d) Analysis made to determine compliance with the old MCLs of Section 611.310 must be made in accordance with the appropriate methods specified in Section 611.645.

BOARD NOTE: This provision now applies only to state-only MCLs. It was formerly derived from 40 CFR 141.24(a) through (e), which USEPA removed and reserved at 59 Fed. Reg. 34323 (July 1, 1994).

(Source: Amended at 27 Ill. Reg. ________, effective ______________________)

Section 611.645  Analytical Methods for Organic Chemical Contaminants

Analysis for the Section 611.311(a) VOCs under Section 611.646; the Section 611.311(c) SOCs under Section 611.648; the Section 611.310 old organic MCLs under Section 611.641; and for
THMs, TTHMs, and TTHM potential shall **must** be conducted using the methods listed in this Section or by equivalent methods as approved by the Agency pursuant to Section 611.480. All methods are from USEPA Organic Methods, unless otherwise indicated. All methods are incorporated by reference in Section 611.102.

Volatile Organic Chemical Contaminants (VOCs):

<table>
<thead>
<tr>
<th>Contaminant</th>
<th>Analytical Methods</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benzene</td>
<td>502.2, 524.2</td>
</tr>
<tr>
<td>Carbon tetrachloride</td>
<td>502.2, 524.2, 551.1</td>
</tr>
<tr>
<td>Chlorobenzene</td>
<td>502.2, 524.2</td>
</tr>
<tr>
<td>1,2-Dichlorobenzene</td>
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<tr>
<td>trans-Dichloroethylene</td>
<td>502.2, 524.2</td>
</tr>
<tr>
<td>Dichloromethane</td>
<td>502.2, 524.2</td>
</tr>
<tr>
<td>1,2-Dichloropropane</td>
<td>502.2, 524.2</td>
</tr>
<tr>
<td>Ethylbenzene</td>
<td>502.2, 524.2</td>
</tr>
<tr>
<td>Styrene</td>
<td>502.2, 524.2</td>
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<tr>
<td>Tetrachloroethylene</td>
<td>502.2, 524.2, 551.1</td>
</tr>
<tr>
<td>1,1,1-Trichloroethane</td>
<td>502.2, 524.2, 551.1</td>
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<tr>
<td>Trichloroethylene</td>
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<tr>
<td>Toluene</td>
<td>502.2, 524.2</td>
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<tr>
<td>1,2,4-Trichlorobenzene</td>
<td>502.2, 524.2</td>
</tr>
<tr>
<td>1,1-Dichloroethylene</td>
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</tr>
<tr>
<td>1,1,2-Trichloroethane</td>
<td>502.2, 524.2</td>
</tr>
<tr>
<td>Vinyl chloride</td>
<td>502.2, 524.2</td>
</tr>
<tr>
<td>Xylenes (total)</td>
<td>502.2, 524.2</td>
</tr>
</tbody>
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Synthetic Organic Chemical Contaminants (SOCs):

<table>
<thead>
<tr>
<th>Contaminant</th>
<th>Analytical Methods</th>
</tr>
</thead>
<tbody>
<tr>
<td>2,3,7,8-Tetrachlorodibenzodioxin (2,3,7,8-TCDD or dioxin)</td>
<td>Dioxin and Furan Method 1613 515.2, 555, 515.1, 515.3, 515.4, ASTM Method D5317-93</td>
</tr>
</tbody>
</table>
2,4,5-TP (Silvex) 515.2, 555, 515.1, 515.3, 515.4, ASTM Method D5317-93
Alachlor 505*, 507, 508.1, 525.2, 551.1
Atrazine 505*, 507, 508.1, 525.2, 551.1
Benzo(a)pyrene 525.2, 550, 550.1
Carbofuran 531.1, 531.2, Standard Methods, 18th ed. Supplement, 19th ed., or 20th ed.: Method 6610
Chlordane 505, 508, 508.1, 525.2
Dalapon 515.1, 552.1, 552.2, 515.3, 515.4
Di(2-ethylhexyl)adipate 506, 525.2
Di(2-ethylhexyl)phthalate 506, 525.2
Dibromochloropropane (DBCP) 504.1, 551.1
Dinoseb 515.1, 515.2, 515.3, 515.4, 555
Diquat 549.1
Endothall 548.1
Endrin 505, 508, 508.1, 525.2, 551.1
Ethylene Dibromide (EDB) 504.1, 551.1
Glyphosate 547, Standard Methods, 18th ed., 19th ed., or 20th ed.: Method 6651
Heptachlor 505, 508, 508.1, 525.2, 551.1
Heptachlor Epoxide 505, 508, 508.1, 525.2, 551.1
Hexachlorobenzene 505, 508, 508.1, 525.2, 551.1
Hexachlorocyclopentadiene 505, 508, 508.1, 525.2, 551.1
Lindane 505, 508, 508.1, 525.2, 551.1
Methoxychlor 505, 508, 508.1, 525.2, 551.1
POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

Oxamyl 531.1, 531.2, Standard Methods, 18th ed. Supplement, 19th ed., or 20th ed.: Method 6610

PCBs (measured for compliance purposes as decchlorobiphenyl) 508A
PCBs (qualitatively identified as Araclors) 505, 508, 508.1, 525.2
Pentachlorophenol 515.1, 515.2, 525.2, 555, 515.3, 515.4, ASTM Method D5317-93
Picloram 515.1, 515.2, 555, 515.3, 515.4, ASTM Method D5317-93
Simazine 505*, 507, 508.1, 525.2, 551.2
Toxaphene 505, 508, 525.2, 508.1

Total Trihalomethanes (TTHMs)\(\text{\textregistered}\)

Contaminant
Total Trihalomethanes (TTHMs), Trihalomethanes (THMs), and Maximum Total Trihalomethane Potential Analytical Methods 502.2, 524.2, 551.1

State-Only MCLs (for which a method is not listed above)\(\text{\textregistered}\)

Contaminant Analytical Methods
Aldrin 505, 508, 508.1, 525.2
DDT 505, 508
Dieldrin 505, 508, 508.1, 525.2

* denotes that, for the particular contaminant, a nitrogen-phosphorus detector should be substituted for the electron capture detector in method 505 (or another approved method should be used) to determine alachlor, atrazine, and simazine if lower detection limits are required.


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

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

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

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

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

“Detection limit” means 0.0005 mg/L.

BOARD NOTE: Derived from 40 CFR 141.24(f)(7), (f)(11), (f)(14)(i), and (f)(20) (2000) (2002). This is a “trigger level” for Phase I, Phase II, and Phase V VOCs inasmuch as it prompts further action. The use of the term “detect” in this section is not intended to include any analytical capability of quantifying lower levels of any contaminant, or the “method detection limit.” Note, however that certain language at the end of federal paragraph (f)(20) is capable of meaning that the “method detection limit” is used to derive the “detection limit.” The Board has chosen to disregard that language at the end of paragraph (f)(20) in favor of the more direct language of paragraphs (f)(7) and (f)(11).

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


b) Required sampling. Each supplier must take a minimum of one sample at each sampling point at the times required in subsection (u) of this Section.

c) Sampling points.

1) Sampling points for a GWS. Unless otherwise provided by an SEP granted by the Agency pursuant to Section 611.110, a GWS supplier must take at least one sample from each of the following points: each entry point that is representative of each well after treatment.

2) Sampling points for an SWS or mixed system supplier. Unless otherwise provided by an SEP granted by the Agency pursuant to Section 611.110, an SWS or mixed system supplier must sample from each of the following
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

points:

A) Each entry point after treatment; or

B) Points in the distribution system that are representative of each source.

3) The supplier must take each sample at the same sampling point unless the Agency has granted an SEP pursuant to Section 611.110 that designates another location as more representative of each source, treatment plant, or within the distribution system.

4) If a system draws water from more than one source, and the sources are combined before distribution, the supplier must sample at an entry point during periods of normal operating conditions when water is representative of all sources being used.

BOARD NOTE: Subsections (b) and (c) of this Section derived from 40 CFR 141.24(f)(1) through (f)(3) (2000).

d) Each CWS and NTNCWS supplier must take four consecutive quarterly samples for each of the Phase I VOCs, excluding vinyl chloride, and Phase II VOCs during each compliance period, beginning in the compliance period starting in the initial compliance period.

e) Reduction to annual monitoring frequency. If the initial monitoring for the Phase I, Phase II, and Phase V VOCs, as allowed in subsection (r)(1) of this Section has been completed by December 31, 1992, and the supplier did not detect any of the Phase I VOCs, including vinyl chloride; Phase II VOCs; or Phase V VOCs, then the supplier must take one sample annually beginning in the initial compliance period.

f) GWS reduction to triennial monitoring frequency. After a minimum of three years of annual sampling, GWS suppliers that have not previously detected any of the Phase I VOCs, including vinyl chloride; Phase II VOCs; or Phase V VOCs must take one sample during each three-year compliance period.

g) A CWS or NTNCWS supplier that has completed the initial round of monitoring required by subsection (d) of this Section and which did not detect any of the Phase I VOCs, including vinyl chloride; Phase II VOCs; and Phase V VOCs may apply to the Agency for an SEP pursuant to Section 611.110 that releases it from
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

the requirements of subsection (e) or (f) of this Section. A supplier that serves fewer than 3300 service connections may apply to the Agency for an SEP that releases it from the requirements of subsection (d) of this Section as to 1,2,4-trichlorobenzene.

BOARD NOTE: Derived from 40 CFR 141.24(f)(7) and (f)(10) (2000, 2002), and the discussion at 57 Fed. Reg. 31825 (July 17, 1992). Provisions concerning the term of the waiver appear in subsections (i) and (j) of this Section. The definition of “detect,” parenthetically added to the federal counterpart paragraph, is in subsection (a) of this Section.

h) Vulnerability assessment. The Agency must consider the factors of Section 611.110(e) in granting an SEP from the requirements of subsection (d), (e), or (f) of this Section sought pursuant to subsection (g) of this Section.

i) An SEP issued to a GWS pursuant to subsection (g) of this Section is for a maximum of six years, except that an SEP as to the subsection (d) of this Section monitoring for 1,2,4-trichlorobenzene must apply only to the initial round of monitoring. As a condition of an SEP, except as to an SEP from the initial round of subsection (d) of this Section monitoring for 1,2,4-trichlorobenzene, the supplier shall, within 30 months after the beginning of the period for which the waiver was issued, reconfirm its vulnerability assessment required by subsection (h) of this Section and submitted pursuant to subsection (g) of this Section, by taking one sample at each sampling point and reapplying for an SEP pursuant to subsection (g) of this Section. Based on this application, the Agency must either of the following:

1) If it determines that the PWS meets the standard of Section 611.610(e), issue an SEP that reconfirms the prior SEP for the remaining three-year compliance period of the six-year maximum term; or

2) Issue a new SEP requiring the supplier to sample annually.

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

j) Special considerations for an SEP for an SWS or mixed system supplier.

1) The Agency must determine that an SWS is not vulnerable before issuing an SEP pursuant to Section 611.110 to an SWS supplier. An SEP issued to an SWS or mixed system supplier pursuant to subsection (g) of this
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section is for a maximum of one compliance period; and

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

BOARD NOTE: There is a great degree of similarity between 40 CFR 141.24(f)(7) (2000) (2002), the provision applicable to GWSs, and 40 CFR 141.24(f)(10) (2000) (2002), the provision for SWSs. The Board has consolidated the common requirements of both paragraphs into subsection (g) of this Section. Subsection (j) of this Section represents the elements unique to an SWSs or mixed system, and subsection (i) of this Section relates to a GWS supplier. Although 40 CFR 141.24(f)(7) and (f)(10) are silent as to a mixed system supplier, the Board has included a mixed system supplier with an SWS supplier because this best follows the federal scheme for all other contaminants.

k) If one of the Phase I VOCs, excluding vinyl chloride; a Phase II VOC; or a Phase V VOC is detected in any sample, then the following must occur:

1) The supplier must monitor quarterly for that contaminant at each sampling point that resulted in a detection.

2) Annual monitoring.

A) The Agency must grant an SEP pursuant to Section 611.110 that allows a supplier to reduce the monitoring frequency to annual at a sampling point if it determines that the sampling point is reliably and consistently below the MCL.

B) A request for an SEP must include the following minimal information:

i) For a GWS, two quarterly samples.

ii) For an SWS or mixed system supplier, four quarterly samples.

C) In issuing an SEP, the Agency must specify the level of the contaminant upon which the “reliably and consistently” determination was based. Any SEP that allows less frequent
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

monitoring based on an Agency “reliably and consistently”
determination must include a condition requiring the supplier to
resume quarterly monitoring pursuant to subsection (k)(1) of this
Section if it violates the MCL specified by Section 611.311.

3) Suppliers that monitor annually must monitor during the quarters that
previously yielded the highest analytical result.

4) Suppliers that do not detect a contaminant at a sampling point in three
consecutive annual samples may apply to the Agency for an SEP pursuant
to Section 611.110 that allows it to discontinue monitoring for that
contaminant at that point, as specified in subsection (g) of this Section.

5) A GWS supplier that has detected one or more of the two-carbon
contaminants listed in subsection (k)(5)(A) of this Section must monitor
quarterly for vinyl chloride as described in subsection (k)(5)(B) of this
Section, subject to the limitation of subsection (k)(5)(C) of this Section.

A) “Two-carbon contaminants” (Phase I or II VOC) are the following:

1,2-Dichloroethane (Phase I)
1,1-Dichloroethylene (Phase I)
cis-1,2-Dichloroethylene (Phase II)
trans-1,2-Dichloroethylene (Phase II)
Tetrachloroethylene (Phase II)
1,1,1-Trichloroethylene (Phase I)
Trichloroethylene (Phase I)

B) The supplier must sample quarterly for vinyl chloride at each
sampling point at which it detected one or more of the two-carbon
contaminants listed in subsection (k)(5)(A) of this Section.

C) The Agency must grant an SEP pursuant to Section 611.110 that
allows the supplier to reduce the monitoring frequency for vinyl
chloride at any sampling point to once in each three-year
compliance period if it determines that the supplier has not
detected vinyl chloride in the first sample required by subsection
(k)(5)(B) of this Section.

l) Quarterly monitoring following MCL violations.
Suppliers that violate an MCL for one of the Phase I VOCs, including vinyl chloride; Phase II VOCs; or Phase V VOCs, as determined by subsection (o) of this Section, must monitor quarterly for that contaminant, at the sampling point where the violation occurred, beginning the next quarter after the violation.

2) Annual monitoring.

A) The Agency must grant an SEP pursuant to Section 611.110 that allows a supplier to reduce the monitoring frequency to annually if it determines that the sampling point is reliably and consistently below the MCL.

B) A request for an SEP must include the following minimal information: four quarterly samples.

C) In issuing an SEP, the Agency must specify the level of the contaminant upon which the “reliably and consistently” determination was based. Any SEP that allows less frequent monitoring based on an Agency “reliably and consistently” determination must include a condition requiring the supplier to resume quarterly monitoring pursuant to subsection (l)(1) of this Section if it violates the MCL specified by Section 611.311.

D) The supplier must monitor during the quarters that previously yielded the highest analytical result.

m) Confirmation samples. The Agency may issue an SEP pursuant to Section 610.110 to require a supplier to use a confirmation sample for results that it finds dubious for whatever reason. The Agency must state its reasons for issuing the SEP if the SEP is Agency-initiated.

1) If a supplier detects any of the Phase I, Phase II, or Phase V VOCs in a sample, the supplier must take a confirmation sample as soon as possible, but no later than 14 days after the supplier receives notice of the detection.

2) Averaging is as specified in subsection (o) of this Section.

3) The Agency must delete the original or confirmation sample if it determines that a sampling error occurred, in which case the confirmation sample will replace the original or confirmation sample.
ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

n) This subsection (n) corresponds with 40 CFR 141.24(f)(14), an optional USEPA provision relating to compositing of samples that USEPA does not require for state programs. This statement maintains structural consistency with USEPA rules.

o) Compliance with the MCLs for the Phase I, Phase II, and Phase V VOCs must be determined based on the analytical results obtained at each sampling point. Effective January 22, 2004, if one sampling point is in violation of an MCL, the system is in violation of the MCL.

1) Effective January 22, 2004, for a supplier that monitors more than once per year, compliance with the MCL is determined by a running annual average at each sampling point.

2) Effective January 22, 2004, a supplier that monitors annually or less frequently whose sample result exceeds the MCL must begin quarterly sampling. The system will not be considered in violation of the MCL until it has completed one year of quarterly sampling.

3) Effective January 22, 2004, if any sample result will cause the running annual average to exceed the MCL at any sampling point, the supplier is out of compliance with the MCL immediately.

4) Effective January 22, 2004, if a supplier fails to collect the required number of samples, compliance will be based on the total number of samples collected.

5) Effective January 22, 2004, if a sample result is less than the detection limit, zero will be used to calculate the annual average.

6) Until January 22, 2004, for a supplier that conducts monitoring at a frequency greater than annual, compliance is determined by a running annual average of all samples taken at each sampling point.

A) If the annual average of any sampling point is greater than the MCL, then the supplier is out of compliance.

B) If the initial sample or a subsequent sample would cause the annual average to exceed the MCL, then the supplier is out of compliance immediately.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

C) Any samples below the detection limit must be deemed as zero for purposes of determining the annual average.

7) Until January 22, 2004, if monitoring is conducted annually, or less frequently, the supplier is out of compliance if the level of a contaminant at any sampling point is greater than the MCL. Until January 22, 2004, if a confirmation sample is taken, the determination of compliance is based on the average of two samples.

p) This subsection (p) corresponds with 40 CFR 141.24(f)(16), which USEPA removed and reserved at 59 Fed. Reg. 62468 (Dec. 5, 1994). This statement maintains structural consistency with the federal regulations.

q) Analysis under this Section must only be conducted by laboratories that have received certification by USEPA or the Agency according to the following conditions:

1) To receive certification to conduct analyses for the Phase I VOCs, excluding vinyl chloride; Phase II VOCs; and Phase V VOCs, the laboratory must do the following:

   A) Analyze It must analyze performance evaluation (PE) samples that include these substances provided by the Agency pursuant to 35 Ill. Adm. Code 186.170;

   B) Achieve It must achieve the quantitative acceptance limits under subsections (q)(1)(C) and (q)(1)(D) of this Section for at least 80 percent of the regulated organic contaminants in the PE sample;

   C) Achieve It must achieve quantitative results on the analyses performed under subsection (q)(1)(A) of this Section that are within ± 20 percent of the actual amount of the substances in the PE sample when the actual amount is greater than or equal to 0.010 mg/L;

   D) Achieve It must achieve quantitative results on the analyses performed under subsection (q)(1)(A) of this Section that are within ± 40 percent of the actual amount of the substances in the PE sample when the actual amount is less than 0.010 mg/L; and
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

E) **Achieve** It must achieve a method detection limit of 0.0005 mg/L, according to the procedures in 40 CFR 136, appendix B, incorporated by reference in Section 611.102.

2) To receive certification to conduct analyses for vinyl chloride the laboratory must do the following:

   A) **Analyze** It must analyze PE samples provided by the Agency pursuant to 35 Ill. Adm. Code 186.170;

   B) **Achieve** It must achieve quantitative results on the analyses performed under subsection (q)(2)(A) of this Section that are within ± 40 percent of the actual amount of vinyl chloride in the PE sample;

   C) **Achieve** It must achieve a method detection limit of 0.0005 mg/L, according to the procedures in 40 CFR 136, appendix B, incorporated by reference in Section 611.102; and

   D) **Obtain** It must obtain certification pursuant to subsection (q)(1) of this Section for Phase I VOCs, excluding vinyl chloride; Phase II VOCs; and Phase V VOCs.

r) Use of existing data.

1) The Agency must allow the use of data collected after January 1, 1988 but prior to December 1, 1992, pursuant to Agency sample request letters, if it determines that the data are generally consistent with the requirements of this Section.

2) The Agency must grant an SEP pursuant to Section 611.110 that allows a supplier to monitor annually beginning in the initial compliance period if it determines that the supplier did not detect any Phase I, Phase II, or Phase V VOC using existing data allowed pursuant to subsection (r)(1) of this Section.

s) The Agency shall, by an SEP issued pursuant to Section 611.110, increase the number of sampling points or the frequency of monitoring if it determines that it is necessary to detect variations within the PWS.

t) Each laboratory certified for the analysis of Phase I, Phase II, or Phase V VOCs
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

1) Determine the method detection limit (MDL), as defined in 40 CFR 136, Appendix B, incorporated by reference in Section 611.102, at which it is capable of detecting the Phase I, Phase II, and Phase V VOCs; and,

2) Achieve an MDL for each Phase I, Phase II, and Phase V VOC that is less than or equal to 0.0005 mg/L.

u) Each supplier must monitor, within each compliance period, at the time designated by the Agency by SEP pursuant to Section 611.110.

v) A new system supplier or a supplier that uses a new source of water which begins operation after January 22, 2004 must demonstrate compliance with the MCL within a period of time specified by a permit issued by the Agency. The supplier must also comply with the initial sampling frequencies specified by the Agency to ensure the supplier can demonstrate compliance with the MCL. Routine and increased monitoring frequencies must be conducted in accordance with the requirements in this Section.


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

Section 611.648 Phase II, Phase IIB, and Phase V Synthetic Organic Contaminants

Analysis of the Phase II, Phase IIB, and Phase V SOC's for the purposes of determining compliance with the MCL must be conducted as follows:

a) Definitions. As used in this Section, the following terms will have the following meanings:

“Detect” or “detection” means that the contaminant of interest is present at a level greater than or equal to the “detection limit.”

“Detection limit” means the level of the contaminant of interest that is specified in subsection (r) of this Section.

BOARD NOTE: This is a “trigger level” for Phase II, Phase IIB, and
Phase V SOCs inasmuch as it prompts further action. The use of the term “detect” or “detection” in this Section is not intended to include any analytical capability of quantifying lower levels of any contaminant, or the “method detection limit.”

b) Required sampling. Each supplier must take a minimum of one sample at each sampling point at the times required in subsection (q) of this Section.

BOARD NOTE: USEPA stayed the effective date of the MCLs for aldicarb, aldicarb sulfone, and aldicarb sulfoxide at 57 Fed. Reg. 22178 (May 27, 1991). Section 611.311(c) includes this stay. However, despite the stay of the effectiveness of the MCLs for these three SOCs, suppliers must monitor for them.

c) Sampling points.

1) Sampling points for GWSs. Unless otherwise provided by SEP, a GWS supplier must take at least one sample from each of the following points: each entry point that is representative of each well after treatment.

2) Sampling points for an SWS or mixed system supplier. Unless otherwise provided by SEP, an SWS or mixed system supplier must sample from each of the following points:

   A) Each entry point after treatment; or

   B) Points in the distribution system that are representative of each source.

3) The supplier must take each sample at the same sampling point unless the Agency has granted an SEP that designates another location as more representative of each source, treatment plant, or within the distribution system.

4) If a system draws water from more than one source, and the sources are combined before distribution, the supplier must sample at an entry point during periods of normal operating conditions when water is representative of all sources being used.

BOARD NOTE: Subsections (b) and (c) of this Section derived from 40 CFR 141.24(h)(1) through (h)(3) (2000) (2002).
d) Monitoring frequency.

1) Each CWS and NTNCWS supplier must take four consecutive quarterly samples for each of the Phase II, Phase IIB, and Phase V SOCs during each compliance period, beginning in the three-year compliance period starting in the initial compliance period.

2) Suppliers serving more than 3,300 persons that do not detect a contaminant in the initial compliance period must take a minimum of two quarterly samples in one year of each subsequent three-year compliance period.

3) Suppliers serving fewer than or equal to 3,300 persons that do not detect a contaminant in the initial compliance period must take a minimum of one sample during each subsequent three-year compliance period.

e) Reduction to annual monitoring frequency. A CWS or NTNCWS supplier may apply to the Agency for an SEP that releases it from the requirements of subsection (d) of this Section. An SEP from the requirement of subsection (d) of this Section must last for only a single three-year compliance period.

f) Vulnerability assessment. The Agency must grant an SEP from the requirements of subsection (d) of this Section based on consideration of the factors set forth at Section 611.110(e).

g) If one of the Phase II, Phase IIB, or Phase V SOCs is detected in any sample, then the following must occur:

1) The supplier must monitor quarterly for the contaminant at each sampling point that resulted in a detection.

2) Annual monitoring.

A) A supplier may request that the Agency grant an SEP pursuant to Section 610.110 that reduces the monitoring frequency to annual.

B) A request for an SEP must include the following minimal information:

i) For a GWS, two quarterly samples.
ii) For an SWS or mixed system supplier, four quarterly samples.

C) The Agency must grant an SEP that allows annual monitoring at a sampling point if it determines that the sampling point is reliably and consistently below the MCL.

D) In issuing the SEP, the Agency must specify the level of the contaminant upon which the “reliably and consistently” determination was based. Any SEP that allows less frequent monitoring based on an Agency “reliably and consistently” determination must include a condition requiring the supplier to resume quarterly monitoring pursuant to subsection (g)(1) of this Section if it detects any Phase II SOC.

3) Suppliers that monitor annually must monitor during the quarters that previously yielded the highest analytical result.

4) Suppliers that have three consecutive annual samples with no detection of a contaminant at a sampling point may apply to the Agency for an SEP with respect to that point, as specified in subsections (e) and (f) of this Section.

5) Monitoring for related contaminants.

A) If monitoring results in detection of one or more of the related contaminants listed in subsection (g)(5)(B) of this Section, subsequent monitoring must analyze for all the related compounds in the respective group.

B) Related contaminants:

i) First group:  
aldicarb  
aldicarb sulfone  
aldicarb sulfoxide

ii) Second group:  
heptachlor
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

heptachlor epoxide.

h) Quarterly monitoring following MCL violations.

1) Suppliers that violate an MCL for one of the Phase II, Phase IIB, or Phase V SOCs, as determined by subsection (k) of this Section, must monitor quarterly for that contaminant at the sampling point where the violation occurred, beginning the next quarter after the violation.

2) Annual monitoring.

A) A supplier may request that the Agency grant an SEP pursuant to Section 611.110 that reduces the monitoring frequency to annual.

B) A request for an SEP must include, at a minimum, the results from four quarterly samples.

C) The Agency must grant an SEP that allows annual monitoring at a sampling point if it determines that the sampling point is reliably and consistently below the MCL.

D) In issuing the SEP, the Agency must specify the level of the contaminant upon which the “reliably and consistently” determination was based. Any SEP that allows less frequent monitoring based on an Agency “reliably and consistently” determination must include a condition requiring the supplier to resume quarterly monitoring pursuant to subsection (h)(1) of this Section if it detects any Phase II SOC.

E) The supplier must monitor during the quarters that previously yielded the highest analytical result.

i) Confirmation samples.

3) If any of the Phase II, Phase IIB, or Phase V SOCs are detected in a sample, the supplier must take a confirmation sample as soon as possible, but no later than 14 days after the supplier receives notice of the detection.

4) Averaging is as specified in subsection (k) of this Section.

5) The Agency must delete the original or confirmation sample if it
determines that a sampling error occurred, in which case the confirmation sample will replace the original or confirmation sample.

i) This subsection (j) corresponds with 40 CFR 141.24(h)(10), an optional USEPA provision relating to compositing of samples that USEPA does not require for state programs. This statement maintains structural consistency with USEPA rules.

j) Compliance with the MCLs for the Phase II, Phase IIB, and Phase V SOCs shall be determined based on the analytical results obtained at each sampling point. Effective January 22, 2004, if one sampling point is in violation of an MCL, the supplier is in violation of the MCL.

1) Effective January 22, 2004, for a supplier that monitors more than once per year, compliance with the MCL is determined by a running annual average at each sampling point.

2) Effective January 22, 2004, a supplier that monitors annually or less frequently whose sample result exceeds the regulatory detection level as defined by subsection (r) of this Section must begin quarterly sampling. The system will not be considered in violation of the MCL until it has completed one year of quarterly sampling.

3) Effective January 22, 2004, if any sample result will cause the running annual average to exceed the MCL at any sampling point, the supplier is out of compliance with the MCL immediately.

4) Effective January 22, 2004, if a supplier fails to collect the required number of samples, compliance will be based on the total number of samples collected.

5) Effective January 22, 2004, if a sample result is less than the detection limit, zero will be used to calculate the annual average.

6) Until January 22, 2004, for a supplier that conducts monitoring at a frequency greater than annual, compliance is determined by a running annual average of all samples taken at each sampling point.

A) If the annual average of any sampling point is greater than the MCL, then the supplier is out of compliance.
B) If the initial sample or a subsequent sample would cause the annual average to exceed the MCL, then the supplier is out of compliance immediately.

C) Any samples below the detection limit must be deemed as zero for purposes of determining the annual average.

7) Until January 22, 2004, if the supplier conducts monitoring annually, or less frequently, the supplier is out of compliance if the level of a contaminant at any sampling point is greater than the MCL. Until January 22, 2004, if a confirmation sample is taken, the determination of compliance is based on the average of two samples.

i) This subsection (l) corresponds with 40 CFR 141.24(h)(12), which USEPA removed and reserved at 59 Fed. Reg. 62468 (Dec. 5, 1994). This statement maintains structural consistency with the federal regulations.

k) Analysis for PCBs must be conducted as follows using the methods in Section 611.645:

1) Each supplier that monitors for PCBs must analyze each sample using either USEPA Organic Methods, Method 505 or Method 508.

2) If PCBs are detected in any sample analyzed using USEPA Organic Methods, Method 505 or 508, the supplier must reanalyze the sample using Method 508A to quantitate the individual Aroclors (as decachlorobiphenyl).

3) Compliance with the PCB MCL must be determined based upon the quantitative results of analyses using USEPA Organic Methods, Method 508A.

l) Use of existing data.

1) The Agency must allow the use of data collected after January 1, 1990 but prior to the effective date of this Section, pursuant to Agency sample request letters, if it determines that the data are generally consistent with the requirements of this Section.

2) The Agency must grant an SEP pursuant to Section 611.110 that allows a
NOTICE OF PROPOSED AMENDMENTS

supplier to monitor annually beginning in the initial compliance period if it determines that the supplier did not detect any Phase I VOC or Phase II VOC using existing data allowed pursuant to subsection (n)(1) of this Section.

m) The Agency must issue an SEP that increases the number of sampling points or the frequency of monitoring if it determines that this is necessary to detect variations within the PWS due to such factors as fluctuations in contaminant concentration due to seasonal use or changes in the water source.

BOARD NOTE: At 40 CFR 141.24(h)(15), USEPA uses the stated factors as non-limiting examples of circumstances that make additional monitoring necessary.

n) This subsection (p) corresponds with 40 CFR 141.24(h)(16), a USEPA provision that the Board has not adopted because it reserves relating to reserving enforcement authority to the State and would serve no useful function as part of the State’s rules. This statement maintains structural consistency with USEPA rules.

o) Each supplier must monitor, within each compliance period, at the time designated by the Agency by SEP pursuant to Section 611.110.

p) “Detection” means greater than or equal to the following concentrations for each contaminant:

1) for PCBs (Aroclors), the following:

<table>
<thead>
<tr>
<th>Aroclor</th>
<th>Detection Limit (mg/L)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1016</td>
<td>0.00008</td>
</tr>
<tr>
<td>1221</td>
<td>0.02</td>
</tr>
<tr>
<td>1232</td>
<td>0.0005</td>
</tr>
<tr>
<td>1242</td>
<td>0.0003</td>
</tr>
<tr>
<td>1248</td>
<td>0.0001</td>
</tr>
<tr>
<td>1254</td>
<td>0.0001</td>
</tr>
<tr>
<td>1260</td>
<td>0.0002</td>
</tr>
</tbody>
</table>

2) for other Phase II, Phase IIB, and Phase V SOCs, the following:

<table>
<thead>
<tr>
<th>Contaminant</th>
<th>Detection Limit</th>
</tr>
</thead>
</table>

### NOTICE OF PROPOSED AMENDMENTS

<table>
<thead>
<tr>
<th>Compound</th>
<th>Concentration (mg/L)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alachlor</td>
<td>0.0002</td>
</tr>
<tr>
<td>Aldicarb</td>
<td>0.0005</td>
</tr>
<tr>
<td>Aldicarb sulfoxide</td>
<td>0.0005</td>
</tr>
<tr>
<td>Aldicarb sulfone</td>
<td>0.0008</td>
</tr>
<tr>
<td>Atrazine</td>
<td>0.0001</td>
</tr>
<tr>
<td>Benzo(a)pyrene</td>
<td>0.00002</td>
</tr>
<tr>
<td>Carbofuran</td>
<td>0.0009</td>
</tr>
<tr>
<td>Chlordane</td>
<td>0.0002</td>
</tr>
<tr>
<td>2,4-D</td>
<td>0.0001</td>
</tr>
<tr>
<td>Dalapon</td>
<td>0.001</td>
</tr>
<tr>
<td>1,2-Dibromo-3-chloropropane (DBCP)</td>
<td>0.00002</td>
</tr>
<tr>
<td>Di(2-ethylhexyl)adipate</td>
<td>0.0006</td>
</tr>
<tr>
<td>Di(2-ethylhexyl)phthalate</td>
<td>0.0006</td>
</tr>
<tr>
<td>Dinoseb</td>
<td>0.0002</td>
</tr>
<tr>
<td>Diquat</td>
<td>0.0004</td>
</tr>
<tr>
<td>Endothall</td>
<td>0.009</td>
</tr>
<tr>
<td>Endrin</td>
<td>0.00001</td>
</tr>
<tr>
<td>Ethylene dibromide (EDB)</td>
<td>0.00001</td>
</tr>
<tr>
<td>Glyphosate</td>
<td>0.006</td>
</tr>
<tr>
<td>Heptachlor</td>
<td>0.00004</td>
</tr>
<tr>
<td>Heptachlor epoxide</td>
<td>0.00002</td>
</tr>
<tr>
<td>Hexachlorobenzene</td>
<td>0.0001</td>
</tr>
<tr>
<td>Hexachlorocyclopentadiene</td>
<td>0.0001</td>
</tr>
<tr>
<td>Lindane</td>
<td>0.00002</td>
</tr>
<tr>
<td>Methoxychlor</td>
<td>0.0001</td>
</tr>
<tr>
<td>Oxamyl</td>
<td>0.002</td>
</tr>
<tr>
<td>Picloram</td>
<td>0.0001</td>
</tr>
<tr>
<td>Polychlorinated biphenyls (PCBs)</td>
<td>0.0001</td>
</tr>
<tr>
<td>Pentachlorophenol</td>
<td>0.00004</td>
</tr>
<tr>
<td>Simazine</td>
<td>0.00007</td>
</tr>
<tr>
<td>Toxaphene</td>
<td>0.001</td>
</tr>
<tr>
<td>2,3,7,8-TCDD (dioxin)</td>
<td>0.000000005</td>
</tr>
<tr>
<td>2,4,5-TP (silvex)</td>
<td>0.0002</td>
</tr>
</tbody>
</table>

#### q) Laboratory certification.

1) Analyses under this Section must only be conducted by laboratories that
2) To receive certification to conduct analyses for the Phase II, Phase IIB, and Phase V SOCs, the laboratory must do the following:

A) Analyze PE samples provided by the Agency pursuant to 35 Ill. Adm. Code 183.125(c) that include these substances; and

B) Achieve quantitative results on the analyses performed under subsection (s)(2)(A) of this Section that are within the following acceptance limits:

<table>
<thead>
<tr>
<th>SOC</th>
<th>Acceptance Limits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alachlor</td>
<td>± 45%</td>
</tr>
<tr>
<td>Aldicarb</td>
<td>2 standard deviations</td>
</tr>
<tr>
<td>Aldicarb sulfone</td>
<td>2 standard deviations</td>
</tr>
<tr>
<td>Aldicarb sulfoxide</td>
<td>2 standard deviations</td>
</tr>
<tr>
<td>Atrazine</td>
<td>± 45%</td>
</tr>
<tr>
<td>Benzo(a)pyrene</td>
<td>2 standard deviations</td>
</tr>
<tr>
<td>Carbofuran</td>
<td>± 45%</td>
</tr>
<tr>
<td>Chlordane</td>
<td>± 45%</td>
</tr>
<tr>
<td>Dalapon</td>
<td>2 standard deviations</td>
</tr>
<tr>
<td>Di(2-ethylhexyl) adipate</td>
<td>2 standard deviations</td>
</tr>
<tr>
<td>Di(2-ethylhexyl)phthalate</td>
<td>2 standard deviations</td>
</tr>
<tr>
<td>Dinoxide</td>
<td>2 standard deviations</td>
</tr>
<tr>
<td>Diquat</td>
<td>2 standard deviations</td>
</tr>
<tr>
<td>Endothall</td>
<td>2 standard deviations</td>
</tr>
<tr>
<td>Endrin</td>
<td>± 30%</td>
</tr>
<tr>
<td>Glyphosate</td>
<td>2 standard deviations</td>
</tr>
<tr>
<td>Dibromochloroethane (DBCP)</td>
<td>± 40%</td>
</tr>
<tr>
<td>Ethylene dibromide (EDB)</td>
<td>± 40%</td>
</tr>
<tr>
<td>Heptachlor</td>
<td>± 45%</td>
</tr>
<tr>
<td>Heptachlor epoxide</td>
<td>± 45%</td>
</tr>
<tr>
<td>Hexachlorobenzene</td>
<td>2 standard deviations</td>
</tr>
<tr>
<td>Hexachlorocyclopentadiene</td>
<td>2 standard deviations</td>
</tr>
<tr>
<td>Lindane</td>
<td>± 45%</td>
</tr>
<tr>
<td>Methoxychloride</td>
<td>± 45%</td>
</tr>
<tr>
<td>Oxamyl</td>
<td>2 standard deviations</td>
</tr>
</tbody>
</table>
NOTICE OF PROPOSED AMENDMENTS

PCBs (as decachlorobiphenyl) 0-200%
Pentachlorophenol ± 50%
Picloram 2 standard deviations
Simazine 2 standard deviations
Toxaphene ± 45%
2,4-D ± 50%
2,3,7,8-TCDD (dioxin) 2 standard deviations
2,4,5-TP (silvex) ± 50%

r) A new system supplier or a supplier that uses a new source of water that begins operation after January 22, 2004 must demonstrate compliance with the MCL within a period of time specified by a permit issued by the Agency. The supplier must also comply with the initial sampling frequencies specified by the Agency to ensure the supplier can demonstrate compliance with the MCL. Routine and increased monitoring frequencies must be conducted in accordance with the requirements in this Section.


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

SUBPART P: THM MONITORING AND ANALYTICAL REQUIREMENTS

Section 611.680 Sampling, Analytical, and other Requirements

a) Required monitoring.

1) A CWS supplier that serves a population of 10,000 or more individuals and which adds a disinfectant (oxidant) to the water in any part of the drinking water treatment process must analyze for TTHMs in accordance with this Subpart.

2) For the purpose of this Subpart, the minimum number of samples required to be taken by the supplier must be based on the number of treatment plants used by the supplier. However, the Agency shall, by special exception permit, provide that multiple wells drawing raw water from a single aquifer be considered one treatment plant for determining the minimum number of samples.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

3) All samples taken within an established frequency must be collected within a 24-hour period.

b) A CWS supplier serving 10,000 or more individuals.

1) For a CWS supplier utilizing surface a water source in whole or in part, and for a CWS supplier utilizing only a groundwater source, except as provided in Section 611.683, analyses for TTHMs must be performed at quarterly intervals on at least four water samples for each treatment plant used by the system. At least 25 percent of the samples must be taken at locations within the distribution system reflecting the maximum residence time (MRT) of the water in the system. The remaining 75 percent must be taken at representative locations in the distribution system, taking into account the number of persons served, different sources of water and different treatment methods employed. The results of all analyses per quarter must be arithmetically averaged and reported to the Agency within 30 days after the supplier's receipt of such results. All samples collected must be used in the computation of the average, unless the analytical results are invalidated for technical reasons. Sampling and analyses must be conducted in accordance with the methods listed in Section 611.685.

2) Upon application by a CWS supplier, the Agency shall, by special exception permit a SEP issued pursuant to Section 611.110, reduce the monitoring frequency required by subsection (b)(1) to a minimum of one sample analyzed for TTHMs per quarter taken at a point in the distribution system reflecting the MRT of the water in the system, if the Agency determines that the data from at least one year of monitoring in accordance with subsection (b)(1) and local conditions demonstrate that TTHM concentrations will be consistently below the MCL.

3) If at any time during which the reduced monitoring frequency prescribed under this subsection (b) applies, the results from any analysis exceed 0.10 mg/L of TTHMs and such results are confirmed by at least one check sample taken promptly after such results are received, or if the CWS supplier makes any significant change to its source of water or treatment program, the supplier must immediately begin monitoring in accordance with the requirements of subsection (b)(1), which monitoring must continue for at least 1 year before the frequency may be reduced again. The Agency shall, by special exception permit a SEP issued pursuant to Section 611.110, require monitoring in excess of the minimum
NOTICE OF PROPOSED AMENDMENTS

frequency where it is necessary to detect variations of TTHM levels within the distribution system.

BOARD NOTE: Derived Subsections (a) and (b) of this Section are derived from 40 CFR 141.30(a) and (b) (2000), modified to remove the limitation regarding addition of disinfectant.

c) Surface water sources for a CWS supplier serving fewer than 10,000 individuals. Suppliers must submit at least one initial sample per treatment plant for analysis or analytical results from a certified laboratory for MRT concentration taken between May 1, 1990, and October 31, 1990. After written request by the supplier and the determination by the Agency that the results of the sample indicate that the CWS supplier is not likely to exceed the MCL, the CWS must continue to submit one annual sample per treatment plant for analysis or analytical results from a certified laboratory to the Agency taken between May 1 and October 31 of succeeding years. If the sample exceeds the MCL, the CWS must submit to the Agency samples in accordance with the sampling frequency specified in subsection (b) of this Section.

BOARD NOTE: This is an additional State requirement.

d) Groundwater sources for a CWS supplier serving fewer than 10,000 individuals. Suppliers are not required to submit samples for THM analysis under this Subpart.

BOARD NOTE: This is an additional State requirement.

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

Section 611.683 Reduced Monitoring Frequency

a) A CWS supplier utilizing only groundwater sources may, by special exception permit a SEP application pursuant to Section 611.110, seek to have the monitoring frequency required by Section 611.680(b)(1) reduced to a minimum of one sample for maximum TTHM potential per year for each treatment plant used by the supplier, taken at a point in the distribution system reflecting maximum residence time of the water in the system.

1) The CWS supplier shall submit to the Agency at least one sample for maximum TTHM potential using the procedure specified in Section 611.687. A sample must be analyzed from each treatment plant used by
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

the supplier, taken at a point in the distribution system reflecting the maximum residence time of the water in the system.

2) The Agency must reduce the supplier's monitoring frequency if it determines that, based upon the data submitted by the supplier, the supplier has a maximum TTHM potential of less than 0.10 mg/L and that, based upon an assessment of the local conditions of the CWS, the CWS is not likely to approach or exceed the MCL for TTHMs.

3) The results of all analyses must be reported to the Agency within 30 days of the supplier's receipt of such results.

4) All samples collected must be used for determining whether the supplier complies with the monitoring requirements of Section 611.680(b), unless the analytical results are invalidated for technical reasons.

5) Sampling and analyses must be conducted in accordance with the methods listed in Section 611.685.

b) Loss or modification of reduced monitoring frequency.

1) If the results from any analysis taken by the supplier for maximum TTHM potential are equal to or greater than 0.10 mg/L, and such results are confirmed by at least one check sample taken promptly after such results are received, the CWS supplier must immediately begin monitoring in accordance with the requirements of Section 611.680(b), and such monitoring must continue for at least one year before the frequency may be reduced again.

2) In the event of any significant change to the CWS's raw water or treatment program, the supplier must immediately analyze an additional sample for maximum TTHM potential taken at a point in the distribution system reflecting maximum residence time of the water in the system.

3) The Agency must require increased monitoring frequencies above the minimum where necessary to detect variation of TTHM levels within the distribution system.

BOARD NOTE: Derived from 40 CFR 141.30 (c) (1994) 141.30(c) (2002).

(Source: Amended at 27 Ill. Reg. __________, effective ______________________)
Section 611.684 Averaging

Compliance with Section 611.310(c) or 611.312(a) is determined based on a running annual average of quarterly samples collected by the PWS, as prescribed in Section 611.680(b)(1) or (b)(2). If the average of samples covering any 12 month period exceeds the MCL, the PWS must report to the Agency and notify the public pursuant to Subpart V of this Part. Monitoring after public notification must be at a frequency designated by the Agency and must continue until a monitoring schedule as a condition to a variance, adjusted standard, or enforcement action becomes effective.


(Source: Amended at 27 Ill. Reg. ________, effective ______________________)

Section 611.685 Analytical Methods

Sampling and analyses made pursuant to this Subpart V must be conducted by one of the total trihalomethanes (TTHM) methods, as directed in Section 611.645; in USEPA Technical Notes, incorporated by reference in Section 611.102; or in Section 611.381(b). Samples for TTHM must be dechlorinated upon collection to prevent further production of trihalomethanes according to the procedures described in the methods, except acidification is not required if only THMs or TTHMs are to be determined. Samples for maximum TTHM potential must not be dechlorinated or acidified, and should be held for seven days at 25° C (or above) prior to analysis.


(Source: Amended at 27 Ill. Reg. ________, effective ______________________)

Section 611.686 Modification to System

Before a CWS supplier makes any significant modifications to its existing treatment process for the purposes of achieving compliance with Section 611.310(c), the supplier shall submit, by way of special exception permit a SEP application pursuant to Section 611.110, a detailed plan setting forth its proposed modification and those safeguards that it will implement to ensure that the bacteriological quality of the drinking water served by the CWS will not be adversely affected by such modification. Upon approval, the plan will become a special exception permit a SEP. At a minimum, the plan must require the supplier modifying its disinfection practice to the following:
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

a) Evaluate the water system for sanitary defects and evaluate the source water for biological quality;

b) Evaluate its existing treatment practices and consider improvements that will minimize disinfectant demand and optimize finished water quality throughout the distribution system;

c) Provide baseline water quality survey data of the distribution system. Such data should include the results from monitoring for coliform and fecal coliform bacteria, fecal streptococci, standard plate counts at 35 degrees C and 20 degrees C, phosphate, ammonia nitrogen and total organic carbon. Virus studies are required where source waters are heavily contaminated with sewage effluent;

d) Conduct additional monitoring to assure continued maintenance of optimal biological quality in finished water, for example, when chloramines are introduced as disinfectants or when pre-chlorination is being discontinued. The Agency shall require additional monitoring for chlorate, chlorite and chlorine dioxide when chlorine dioxide is used. The Agency shall require HPC analysis (Section 611.531), as appropriate, before and after any modifications;

e) Consider inclusion in the plan of provisions to maintain an active RDC throughout the distribution system at all times during and after the modification.


(Source: Amended at 27 Ill. Reg. ________, effective ______________________)

Section 611.687 Sampling for Maximum THM Potential

a) The water sample for determination of maximum total trihalomethane potential must be taken from a point in the distribution system that reflects maximum residence time. Procedures for sample collection and handling are given in the methods.

b) The supplier taking samples shall not add reducing agent to “quench” the chemical reaction producing THMs at the time of sample collection. The intent is to permit the level of THM precursors to be depleted and the concentration of THMs to be maximized for the supply being tested.

c) Four experimental parameters affecting maximum THM production are pH,
temperature, reaction time, and the presence of a disinfectant residual. The supplier taking the sample shall deal with these parameters as follows:

1) Measure the disinfectant residual at the selected sampling point. Proceed only if a measurable disinfectant residual is present.

2) Collect triplicate 40 mL water samples at the pH prevailing at the time of sampling, and prepare a method blank according to the methods.

3) Seal and store these samples together for seven days at 25° C or above.

4) After this time period, open one of the sample containers and check for disinfectant residual. Absence of a disinfectant residual invalidates the sample for further analysis.

5) Once a disinfectant residual has been demonstrated, open another of the sealed samples and determine total THM concentration using an approved analytical method.


(Source: Amended at 27 Ill. Reg. _______, effective ______________________)

Section 611.688 Applicability Dates

The requirements in Sections 611.680 through 611.686 apply to a Subpart B community water system that serves 10,000 or more persons until December 31, 2001. The requirements in Sections 611.680 through 611.686 apply to a community water system that uses only groundwater not under the direct influence of surface water which adds a disinfectant (oxidant) in any part of the treatment process and serves 10,000 or more persons until December 31, 2003. After December 31, 2003, Sections 611.680 through 611.688 are no longer applicable.

(Source: Amended at 27 Ill. Reg. _______, effective ______________________)

SUBPART Q: RADIOLOGICAL MONITORING AND ANALYTICAL REQUIREMENTS

Section 611.720 Analytical Methods

a) The methods specified below, incorporated by reference in Section 611.102, are to be used to determine compliance with Section 611.330, except in cases where alternative methods have been approved in accordance with Section 611.480.
1) Gross Alpha and Beta:
   A) ASTM Method 302;
   B) Standard Methods:
      i) Method 302, 13th ed.; or
      ii) Method 7110 B, 17th, 18th, 19th, or 20th ed.;
   C) USEPA Interim Radiochemical Methods: page 1;
   D) USEPA Radioactivity Methods: Method 900.0;
   E) USEPA Radiochemical Analyses: page 1;
   F) USEPA Radiochemistry Methods: Method 00-01; or
   G) USGS Methods: Method R-1120-76

2) Gross Alpha:
   A) Standard Methods, 18th, 19th, or 20th ed.: Method 7110 C;
   B) USEPA Radiochemistry Methods: Method 00-02.

3) Radium-226:
   A) ASTM Methods:
      i) Method D-2460-90; or
      ii) Method D-3454-91 D-3454-97;
   B) New York Radium Method;
   C) Standard Methods:
      i) Method 304, 13th ed.;
      ii) Method 305, 13th ed.;
IIILOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

iii) Method 7500-Ra B, 17th, 18th, 19th, or 20th ed.; or
iv) Method 7500-Ra C, 17th, 18th, 19th, or 20th ed.;

D) USDOE Methods: Method Ra-05, Ra-04;

E) USEPA Interim Radiochemical Methods: pages 13 and 16;
F) USEPA Radioactivity Methods: Methods 903.0, 903.1;
G) USEPA Radiochemical Analyses: page 19;
H) USEPA Radiochemistry Methods: Methods Ra-03, Ra-04; or
I) USGS Methods:
   i) Method R-1140-76; or
   ii) Method R-1141-76.

4) Radium-228

A) Standard Methods: 17th, 18th, 19th, or 20th ed.; Method 7500-Ra D.
   i) Method 304; or
   ii) Method 7500-Ra D;

B) New York Radium Method;
C) USEPA Interim Radiochemical Methods: page 24;
D) USEPA Radioactivity Methods: Method 904.0;
E) USEPA Radiochemical Analyses: page 19;
F) USEPA Radiochemistry Methods: Method Ra-05;
G) USGS Methods: Method R-1142-76; or
H) New Jersey Radium Method.
5) Uranium:
   A) Standard Methods, 17th, 18th, 19th, or 20th ed.: Method 7500-U C.
   B) ASTM Methods:
      i) Method D 2907;
      ii) Method D 2907-94 D 2907-97;
      iii) Method D 3972-90 D 3972-97; or
      iv) Method D 5174-94 D 5174-97;
   C) USEPA Radioactivity Methods: Methods 908.0, 908.1;
   D) USEPA Radiochemical Analyses: page 33;
   E) USEPA Radiochemistry Methods: Method 00-07;
   F) USDOE Methods: Method U-02 or U-04; or
   G) USGS Methods:
      i) Method R-1180-76;
      ii) Method R-1181-76; or
      iii) Method R-1182-76.

6) Radioactive Cesium:
   A) ASTM Methods:
      i) Method D 2459-72; or
      ii) Method D 3649-91;
   B) Standard Methods:
      i) Method 7120 (19th ed.), 19th or 20th ed.; or
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

ii) Method 7500-Cs B, 17th, 18th, 19th, or 20th ed.;

C) USDOE Methods: Method 4.5.2.3;

D) USEPA Interim Radiochemical Methods: page 4;

E) USEPA Radioactivity Methods: Methods 901.0, 901.1;

F) USEPA Radiochemical Analyses: page 92; or

G) USGS Methods:

i) Method R-1110-76; or

ii) Method R-1111-76.

7) Radioactive Iodine

A) ASTM Methods:

i) D 3649-91; or

ii) D 4785-88, 4785-93;

B) Standard Methods:

i) Method 7120-(19th ed.), 19th or 20th ed.;

ii) Method 7500-I B, 17th, 18th, 19th, or 20th ed.;

iii) Method 7500-I C, 17th, 18th, 19th, or 20th ed.; or

iv) Method 7500-I D, 17th, 18th, 19th, or 20th ed.;

C) USDOE Methods: Method 4.5.2.3;

D) USEPA Interim Radiochemical Methods: pages 6, 9;

E) USEPA Radiochemical Analyses: page 92; or

F) USEPA Radioactivity Methods: Methods 901.1, 902.0.
POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

8) Radioactive Strontium-89 & 90:
   A) Standard Methods:
      i) Method 303, 13th ed.; or
      ii) Method 7500-Sr B, 17th, 18th, 19th, or 20th ed.;
   B) USDOE Methods:
      i) Method Sr-01; or
      ii) Method Sr-02;
   C) USEPA Interim Radiochemical Methods: page 29;
   D) USEPA Radioactivity Methods: Method 905.0;
   E) USEPA Radiochemical Analyses: page 65;
   F) USEPA Radiochemistry Methods: Method Sr-04; or
   G) USGS Methods: Method R-1160-76.

9) Tritium:
   A) ASTM Methods: Method D 4107-91;
   B) Standard Methods:
      i) Method 306, 13th ed.; or
      ii) Method 7500-3H B, 17th, 18th, 19th, or 20th ed.;
   C) USEPA Interim Radiochemical Methods: page 34;
   D) USEPA Radioactivity Methods: Method 906.0;
   E) USEPA Radiochemical Analyses: page 87;
   F) USEPA Radiochemistry Methods: Method H-02; or
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

G) USGS Methods: Method R-1171-76.

10) Gamma Emitters:

A) ASTM Methods:
   i) Method D 3649-91; or
   ii) Method D 4785-88 4785-93;

B) Standard Methods:
   i) Method 7120 (19th ed.), 19th or 20th ed.; or
   ii) Method 7500-Cs B, 17th, 18th, 19th, or 20th ed.; or
   iii) Method 7500-I B, 17th, 18th, 19th, or 20th ed.;

C) USDOE Method: Method 4.5.2.3 Ga-01-R;

D) USEPA Radioactivity Methods: Methods 901 901.0, 901.1, 902 or 902.0;

E) USEPA Radiochemical Analyses: page 92; or

F) USGS Methods: Method R-1110-76.

b) When the identification and measurement of radionuclides other than those listed in subsection (a) of this Section are required, the following methods, incorporated by reference in Section 611.102, are to be used, except in cases where alternative methods have been approved in accordance with Section 611.480:

1) “Procedures for Radiochemical Analysis of Nuclear Reactor Aqueous Solutions,” available from NTIS.

2) HASL Procedure Manual, HASL 300, available from ERDA Health and Safety Laboratory.

c) For the purpose of monitoring radioactivity concentrations in drinking water, the required sensitivity of the radioanalysis is defined in terms of a detection limit. The detection limit must be that concentration which can be counted with a precision of plus or minus 100 percent at the 95 percent confidence level (1.96
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

\( \sigma \text{ is the standard deviation of the net counting rate of the sample).} \)

1) To determine compliance with Section 611.330(b), (c), and (e), the detection limit must not exceed the concentrations set forth in the following table:

<table>
<thead>
<tr>
<th>Contaminant</th>
<th>Detection Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gross alpha particle</td>
<td>3 pCi/L</td>
</tr>
<tr>
<td>activity</td>
<td></td>
</tr>
<tr>
<td>Radium-226</td>
<td>1 pCi/L</td>
</tr>
<tr>
<td>Radium-228</td>
<td>1 pCi/L</td>
</tr>
<tr>
<td>Uranium</td>
<td>None</td>
</tr>
</tbody>
</table>

BOARD NOTE: Derived from 40 CFR 141.25(c) Table B, as added at 65 Fed. Reg. 76745 (December 7, 2000), effective December 8, 2003 (2002).

2) To determine compliance with Section 611.330(d), the detection limits must not exceed the concentrations listed in the following table:

<table>
<thead>
<tr>
<th>Radionuclide</th>
<th>Detection Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tritium</td>
<td>1,000 pCi/L</td>
</tr>
<tr>
<td>Strontium-89</td>
<td>10 pCi/L</td>
</tr>
<tr>
<td>Strontium-90</td>
<td>2 pCi/L</td>
</tr>
<tr>
<td>Iodine-131</td>
<td>1 pCi/L</td>
</tr>
<tr>
<td>Cesium-134</td>
<td>10 pCi/L</td>
</tr>
<tr>
<td>Gross beta</td>
<td>4 pCi/L</td>
</tr>
<tr>
<td>Other radionuclides</td>
<td>1/10 of applicable limit</td>
</tr>
</tbody>
</table>


d) To judge compliance with the MCLs listed in Section 611.330, averages of data must be used and must be rounded to the same number of significant figures as the MCL for the substance in question.


(Source: Amended at 27 Ill. Reg. _______, effective ______________________)
Section 611.731 Gross Alpha

Monitoring requirements for gross alpha particle activity, radium-226, radium-228, and uranium are as follows:

a) Effective December 8, 2003, a community water system (CWS) supplier must conduct initial monitoring to determine compliance with Section 611.330(b), (c), and (e) by December 31, 2007. For the purposes of monitoring for gross alpha particle activity, radium-226, radium-228, uranium, and beta particle and photon radioactivity in drinking water, “detection limit” is defined as in Section 611.720(c).

1) Applicability and sampling location for an existing CWS supplier. An existing CWS supplier using groundwater, surface water, or both groundwater and surface water (for the purpose of this Section hereafter referred to as a supplier) must sample at every entry point to the distribution system that is representative of all sources being used (hereafter called a sampling point) under normal operating conditions. The supplier must take each sample at the same sampling point unless conditions make another sampling point more representative of each source or the Agency has designated a distribution system location, in accordance with subsection (b)(2)(C) of this Section.

2) Applicability and sampling location for a new CWS supplier. A new CWS supplier or a CWS supplier that uses a new source of water must begin to conduct initial monitoring for the new source within the first quarter after initiating use of the source. A CWS supplier must conduct more frequent monitoring when ordered by the Agency in the event of possible contamination or when changes in the distribution system or treatment processes occur that may increase the concentration of radioactivity in finished water.

b) Initial monitoring: Effective December 8, 2003, a CWS supplier must conduct initial monitoring for gross alpha particle activity, radium-226, radium-228, and uranium as follows:

1) A CWS supplier without acceptable historical data, as defined in subsection (b)(2) of this Section, must collect four consecutive quarterly samples at all sampling points before December 31, 2007.

2) Grandfathering of data: A CWS supplier may use historical monitoring
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

data collected at a sampling point to satisfy the initial monitoring requirements for that sampling point, under the following situations.

A) To satisfy initial monitoring requirements, a CWS supplier having only one entry point to the distribution system may use the monitoring data from the last compliance monitoring period that began between June 2000 and December 8, 2003.

B) To satisfy initial monitoring requirements, a CWS supplier with multiple entry points and having appropriate historical monitoring data for each entry point to the distribution system may use the monitoring data from the last compliance monitoring period that began between June 2000 and December 8, 2003.

C) To satisfy initial monitoring requirements, a CWS supplier with appropriate historical data for a representative point in the distribution system may use the monitoring data from the last compliance monitoring period that began between June 2000 and December 8, 2003, provided that the Agency finds that the historical data satisfactorily demonstrate that each entry point to the distribution system is expected to be in compliance based upon the historical data and reasonable assumptions about the variability of contaminant levels between entry points. The Agency must make its finding in writing, by a SEP issued pursuant to Section 611.110, indicating how the data conforms to the requirements of this subsection (b)(2).

3) For gross alpha particle activity, uranium, radium-226, and radium-228 monitoring, the Agency may, by a SEP issued pursuant to Section 611.110, waive the final two quarters of initial monitoring for a sampling point if the results of the samples from the previous two quarters are below the detection limit.

4) If the average of the initial monitoring results for a sampling point is above the MCL, the supplier must collect and analyze quarterly samples at that sampling point until the system has results from four consecutive quarters that are at or below the MCL, unless the supplier enters into another schedule as part of a formal compliance agreement with the Agency.

c) Reduced monitoring: Effective December 8, 2003, the Agency may allow a CWS
supplier to reduce the future frequency of monitoring from once every three years to once every six or nine years at each sampling point, based on the following criteria:

1) If the average of the initial monitoring results for each contaminant (i.e., gross alpha particle activity, uranium, radium-226, or radium-228) is below the detection limit specified in the table at Section 611.720(c)(1), the supplier must collect and analyze for that contaminant using at least one sample at that sampling point every nine years.

2) For gross alpha particle activity and uranium, if the average of the initial monitoring results for each contaminant is at or above the detection limit but at or below one-half the MCL, the supplier must collect and analyze for that contaminant using at least one sample at that sampling point every six years. For combined radium-226 and radium-228, the analytical results must be combined. If the average of the combined initial monitoring results for radium-226 and radium-228 is at or above the detection limit but at or below one-half the MCL, the supplier must collect and analyze for that contaminant using at least one sample at that sampling point every six years.

3) For gross alpha particle activity and uranium, if the average of the initial monitoring results for each contaminant is above one-half the MCL but at or below the MCL, the supplier must collect and analyze at least one sample at that sampling point every three years. For combined radium-226 and radium-228, the analytical results must be combined. If the average of the combined initial monitoring results for radium-226 and radium-228 is above one-half the MCL but at or below the MCL, the supplier must collect and analyze at least one sample at that sampling point every three years.

4) A supplier must use the samples collected during the reduced monitoring period to determine the monitoring frequency for subsequent monitoring periods (e.g., if a supplier's sampling point is on a nine year monitoring period, and the sample result is above one-half the MCL, then the next monitoring period for that sampling point is three years).

5) If a supplier has a monitoring result that exceeds the MCL while on reduced monitoring, the supplier must collect and analyze quarterly samples at that sampling point until the supplier has results from four
consecutive quarters that are below the MCL, unless the supplier enters into another schedule as part of a formal compliance agreement with the Agency.

d) Compositing: Effective December 8, 2003, to fulfill quarterly monitoring requirements for gross alpha particle activity, radium-226, radium-228, or uranium, a supplier may composite up to four consecutive quarterly samples from a single entry point if analysis is done within a year after the first sample. The analytical results from the composited sample must be treated as the average analytical result to determine compliance with the MCLs and the future monitoring frequency. If the analytical result from the composited sample is greater than one-half the MCL, the Agency may, by a SEP issued pursuant to Section 611.110, direct the supplier to take additional quarterly samples before allowing the supplier to sample under a reduced monitoring schedule.

e) Effective December 8, 2003, a gross alpha particle activity measurement may be substituted for the required radium-226 measurement, provided that the measured gross alpha particle activity does not exceed 5 pCi/L. A gross alpha particle activity measurement may be substituted for the required uranium measurement provided that the measured gross alpha particle activity does not exceed 15 pCi/L.

1) The gross alpha measurement must have a confidence interval of 95% (1.65σ, where σ is the standard deviation of the net counting rate of the sample) for radium-226 and uranium.

2) When a supplier uses a gross alpha particle activity measurement in lieu of a radium-226 or uranium measurement, the gross alpha particle activity analytical result will be used to determine the future monitoring frequency for radium-226 and/or uranium.

3) If the gross alpha particle activity result is less than detection, one-half the detection limit will be used to determine compliance and the future monitoring frequency.

f) Until December 8, 2003, compliance must be based on the analysis of an annual composite of four consecutive quarterly samples or the average of the analyses of four samples obtained at quarterly intervals.

1) A gross alpha particle activity measurement may be substituted for the required radium-226 and radium-228 analysis, provided that the measured
gross alpha particle activity does not exceed 5 pCi/L at a confidence level of 95 percent (1.65 σ where σ is the standard deviation of the net counting rate of the sample). In localities where radium-228 may be present in drinking water, the Agency may, by special exception permit a SEP issued pursuant to Section 611.110, require radium-226 or radium-228 analyses if it determines that the gross alpha particle activity exceeds 2 pCi/L.

2) When the gross alpha particle activity exceeds 5 pCi/L, the same or an equivalent sample must be analyzed for radium-226. If the concentration of radium-226 exceeds 3 pCi/L the same or an equivalent sample must be analyzed for radium-228.

g) See Section 611.100(e).

h) Until December 8, 2003, CWS suppliers must monitor at least once every four years following the procedure required by subsection (f) of this Section. When an annual record taken in conformance with subsection (f) of this Section has established that the average annual concentration is less than half the MCLs established by Section 611.330, the Agency shall, by special exception permit a SEP issued pursuant to Section 611.110, substitute analysis of a single sample for the quarterly sampling procedure required by subsection (f) of this Section.

1) The Agency shall, by special exception permit a SEP issued pursuant to Section 611.110, require more frequent monitoring in the vicinity of mining or other operations that may contribute alpha particle radioactivity to either surface or groundwater sources of drinking water.

2) A CWS supplier must monitor in conformance with subsection (f) of this Section for one year after the introduction of a new water source. The Agency shall, by special exception permit a SEP issued pursuant to Section 611.110, require more frequent monitoring in the event of possible contamination or when changes in the distribution system or treatment process occur that may increase the concentration of radioactivity in finished water.

3) The Agency shall, by special exception permit a SEP issued pursuant to Section 611.110, require a CWS supplier using two or more sources having different concentrations of radioactivity to monitor source water, in addition to water from a free-flowing tap.
4) The Agency must not require monitoring for radium-228 to determine compliance with Section 611.330 after the initial period, provided that the average annual concentration of radium-228 has been assayed at least once using the quarterly sampling procedure required by subsection (f) of this Section.

5) The Agency must require the CWS supplier to conduct annual monitoring if the radium-226 concentration exceeds 3 pCi/L.

i) Until December 8, 2003, if the average annual MCL for gross alpha particle activity or total radium as set forth in Section 611.330 is exceeded, the CWS supplier must give notice to the Agency and notify the public as required by Subpart V. Monitoring at quarterly intervals must be continued until the annual average concentration no longer exceeds the MCL or until a monitoring schedule as a condition to a variance, adjusted standard or enforcement action becomes effective.


(Source: Amended at 27 Ill. Reg. ________, effective ______________________)

Section 611.732 Beta Particle and Photon Radioactivity

Monitoring and compliance requirements for manmade radioactivity. To determine compliance with the maximum contaminant levels in Section 611.330(d) for beta particle and photon radioactivity, a supplier must monitor at a frequency as follows:

a) Effective December 8, 2003, a CWS supplier (either a surface water or groundwater supplier) designated by the Agency, by a SEP issued pursuant to Section 611.110, as vulnerable must sample for beta particle and photon radioactivity. A supplier must collect quarterly samples for beta emitters and annual samples for tritium and strontium-90 at each entry point to the distribution system (hereafter called a sampling point), beginning within one quarter after being notified by the Agency. A supplier already designated by the Agency must continue to sample until the Agency reviews and either reaffirms or removes the designation, by a SEP issued pursuant to Section 611.110.

1) If the gross beta particle activity minus the naturally occurring potassium-40 beta particle activity at a sampling point has a running annual average
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

(computed quarterly) less than or equal to 50 pCi/L (screening level), the Agency may reduce the frequency of monitoring at that sampling point to once every three years. A supplier must collect all samples required in subsection (a) of this Section during the reduced monitoring period.

2) For a supplier in the vicinity of a nuclear facility, the Agency may allow the CWS supplier to utilize environmental surveillance data collected by the nuclear facility in lieu of monitoring at the supplier's entry points, where the Agency determines if such data is applicable to a particular water system, by a SEP issued pursuant to Section 611.110. In the event that there is a release from a nuclear facility, a supplier that is using surveillance data must begin monitoring at the community water supplier's entry points in accordance with subsection (b)(1) of this Section.

b) Effective December 8, 2003, a CWS supplier (either a surface water or groundwater supplier) designated by the Agency, by a SEP issued pursuant to Section 611.110, as utilizing waters contaminated by effluents from nuclear facilities must sample for beta particle and photon radioactivity. A supplier must collect quarterly samples for beta emitters and iodine-131 and annual samples for tritium and strontium-90 at each entry point to the distribution system (hereafter called a sampling point), beginning within one quarter after being notified by the Agency. A supplier already designated by the Agency as a supplier using waters contaminated by effluents from nuclear facilities must continue to sample until the Agency reviews and either reaffirms or removes the designation, by a SEP issued pursuant to Section 611.110.

1) Quarterly monitoring for gross beta particle activity must be based on the analysis of monthly samples or the analysis of a composite of three monthly samples.

BOARD NOTE: In corresponding 40 CFR 141.26(b)(2)(i), USEPA recommends the use of a composite of three monthly samples.

2) For iodine-131, a composite of five consecutive daily samples must be analyzed once each quarter. The Agency may, by a SEP issued pursuant to Section 611.110, order more frequent monitoring for iodine-131 where it is identified in the finished water.

3) Annual monitoring for strontium-90 and tritium must be conducted by means of the analysis of a composite of four consecutive quarterly samples or analysis of four quarterly samples.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

BOARD NOTE: In corresponding 40 CFR 141.26(b)(2)(iii), USEPA recommends the analysis of four consecutive quarterly samples.

4) If the gross beta particle activity minus the naturally occurring potassium-40 beta particle activity at a sampling point has a running annual average (computed quarterly) less than or equal to 15 pCi/ℓ, the Agency may, by a SEP issued pursuant to Section 611.110, reduce the frequency of monitoring at that sampling point to once every three years. The supplier must collect all samples required in subsection (b) of this Section during the reduced monitoring period.

5) For a supplier in the vicinity of a nuclear facility, the Agency may allow the CWS to utilize environmental surveillance data collected by the nuclear facility in lieu of monitoring at the system's entry points, where the Agency determines, by a SEP issued pursuant to Section 611.110, that such data is applicable to the particular water system. In the event that there is a release from a nuclear facility, a supplier that uses such surveillance data must begin monitoring at the CWS's entry points in accordance with subsection (b) of this Section.

c) Effective December 8, 2003, a CWS supplier designated by the Agency to monitor for beta particle and photon radioactivity can not apply to the Agency for a waiver from the monitoring frequencies specified in subsection (a) or (b) of this Section.

d) Effective December 8, 2003, a CWS supplier may analyze for naturally occurring potassium-40 beta particle activity from the same or equivalent sample used for the gross beta particle activity analysis. A supplier is allowed to subtract the potassium-40 beta particle activity value from the total gross beta particle activity value to determine if the screening level is exceeded. The potassium-40 beta particle activity must be calculated by multiplying elemental potassium concentrations (in mg/ℓ) by a factor of 0.82.

e) Effective December 8, 2003, if the gross beta particle activity minus the naturally occurring potassium-40 beta particle activity exceeds the screening level, an analysis of the sample must be performed to identify the major radioactive constituents present in the sample and the appropriate doses must be calculated and summed to determine compliance with Section 611.330(d)(1), using the formula in Section 611.330(d)(2). Doses must also be calculated and combined for measured levels of tritium and strontium to determine compliance.
f) Effective December 8, 2003, a supplier must monitor monthly at the sampling points that exceeds the maximum contaminant level in Section 611.330(d) beginning the month after the exceedence occurs. A supplier must continue monthly monitoring until the supplier has established, by a rolling average of three monthly samples, that the MCL is being met. A supplier that establishes that the MCL is being met must return to quarterly monitoring until it meets the requirements set forth in subsection (a)(2) or (b)(1) of this Section.

g) Until December 8, 2003, CWSs using surface water sources and serving more than 100,000 persons and such other CWSs as the Agency, by special exception permit a SEP issued pursuant to Section 611.110, requires must monitor for compliance with Section 611.331 by analysis of a composite of four consecutive quarterly samples or analysis of four quarterly samples. Compliance with Section 611.331 is assumed without further analysis if the average annual concentration of gross beta particle activity is less than 50 pCi/L and if the average annual concentrations of tritium and strontium-90 are less than those listed in Section 611.331, provided that if both radionuclides are present the sum of their annual dose equivalents to bone marrow must not exceed 4 millirem/year.

1) If the gross beta particle activity exceeds 50 pCi/L, an analysis of the sample must be performed to identify the major radioactive constituents present and the appropriate organ and total body doses must be calculated to determine compliance with Section 611.331.

2) If the MCLs are exceeded, the Agency shall, by special exception permit a SEP issued pursuant to Section 611.110, require the supplier to conduct additional monitoring to determine the concentration of man-made radioactivity in principal watersheds.

3) The Agency shall, pursuant to subsection (j) of this Section, by special exception permit a SEP issued pursuant to Section 611.110, require suppliers of water utilizing only groundwater to monitor for man-made radioactivity.

h) See Section 611.100(e).

i) Until December 8, 2003, CWS suppliers shall monitor at least every four years following the procedure in subsection (g) of this Section.

j) Until December 8, 2003, the Agency must, by special exception permit a SEP issued pursuant to Section 611.110, require any CWS supplier utilizing waters
contaminated by effluents from nuclear facilities to initiate quarterly monitoring for gross beta particle and iodine-131 radioactivity and annual monitoring for strontium-90 and tritium.

1) Quarterly monitoring for gross beta particle activity must be based on the analysis of monthly samples or the analysis of a composite of three monthly samples. If the gross beta particle activity in a sample exceeds 15 \( \text{pCi/L} \), the same or an equivalent sample must be analyzed for strontium-89 and cesium-134. If the gross beta particle activity exceeds 50 \( \text{pCi/L} \), an analysis of the sample must be performed to identify the major radioactive constituents present and the appropriate organ and total body doses must be calculated to determine compliance with Section 611.331.

2) For iodine-131, a composite of five consecutive daily samples must be analyzed once each quarter. The Agency shall, by special exception permit a SEP issued pursuant to Section 611.110, require more frequent monitoring when iodine-131 is identified in the finished water.

3) The Agency shall, by special exception permit a SEP issued pursuant to Section 611.110, require annual monitoring for strontium-90 and tritium by means of the analysis of a composite of four consecutive quarterly samples or analysis of four quarterly samples.

4) The Agency shall, by special exception permit a SEP issued pursuant to Section 611.110, allow the substitution of environmental surveillance data taken in conjunction with a nuclear facility for direct monitoring of manmade radioactivity by the supplier where the Agency determines such data is applicable to the CWS.

k) Until December 8, 2003, if the average annual MCL for man-made radioactivity set forth in Section 611.331 is exceeded, the CWS supplier shall give notice to the Agency and to the public as required by Subpart T. Monitoring at monthly intervals must be continued until the concentration no longer exceeds the MCL or until a monitoring schedule as a condition to a variance, adjusted standard, or enforcement action becomes effective.


(Source: Amended at 27 Ill. Reg. __________, effective ______________________)
Section 611.733  General Monitoring and Compliance Requirements

The following requirements apply effective December 8, 2003:

a) The Agency may, by a SEP issued pursuant to Section 611.110, require more frequent monitoring than specified in Sections 611.731 and 611.732 or may require confirmation samples. The results of the initial and confirmation samples will be averaged for use in a compliance determination.

b) Each PWS supplier must monitor at the time designated by the Agency during each compliance period.

c) Compliance: compliance with Section 611.330(b) through (e) must be determined based on the analytical results obtained at each sampling point. If one sampling point is in violation of an MCL, the supplier is in violation of the MCL.

1) For a supplier monitoring more than once per year, compliance with the MCL is determined by a running annual average at each sampling point. If the average of any sampling point is greater than the MCL, then the supplier is out of compliance with the MCL.

2) For a supplier monitoring more than once per year, if any sample result would cause the running average to exceed the MCL at any single sampling point, the supplier is immediately out of compliance with the MCL.

3) A supplier must include all samples taken and analyzed under the provisions of this Section and Sections 611.731 and 611.732 in determining compliance, even if that number is greater than the minimum required.

4) If a supplier does not collect all required samples when compliance is based on a running annual average of quarterly samples, compliance will be based on the running average of the samples collected.

5) If a sample result is less than the detection limit, zero will be used to calculate the annual average, unless a gross alpha particle activity is being used in lieu of radium-226 and/or uranium. If the gross alpha particle activity result is less than detection, one-half the detection limit will be used to calculate the annual average.
The requirements of this Subpart R are National Primary Drinking Water Regulations. These regulations establish requirements for filtration and disinfection that are in addition to standards under which filtration and disinfection are required under Subpart B of this Part. The requirements of this Subpart R are applicable to a Subpart B system supplier serving 10,000 or more persons, beginning January 1, 2002, unless otherwise specified in this Subpart R. The regulations in this Subpart R establish or extend treatment technique requirements in lieu of maximum contaminant levels (MCLs) for the following contaminants: Giardia lamblia, viruses, heterotrophic plate count bacteria, Legionella, Cryptosporidium, and turbidity. Each Subpart B system supplier serving 10,000 or more persons must provide treatment of its source water that complies with these treatment technique requirements and are in addition to those identified in Section 611.220. The treatment technique requirements consist of installing and properly operating water treatment processes that reliably achieve the following:

1) At least 99 percent (2-log) removal of Cryptosporidium between a point where the raw water is not subject to recontamination by surface water runoff and a point downstream before or at the first customer for filtered systems, or Cryptosporidium control under the watershed control plan for unfiltered systems; and

2) Compliance with the profiling and benchmark requirements under the provisions of Section 611.742.
b) A PWS supplier subject to the requirements of this Subpart R is considered to be in compliance with the requirements of subsection (a) of this Section if the following is true:

1) It meets the requirements for avoiding filtration in Sections 611.232 and 611.741, and the disinfection requirements in Sections 611.240 and 611.742; or

2) It meets the applicable filtration requirements in either Section 611.250 or Section 611.743, and the disinfection requirements in Sections 611.240 and 611.742.

c) A supplier must not begin construction of uncovered finished water storage facilities after February 16, 1999.

d) A Subpart B system supplier that did not conduct optional monitoring under Section 611.742 because it served fewer than 10,000 persons when such monitoring was required, but which serves more than 10,000 persons prior to January 1, 2005 must comply with Sections 611.740, 611.741, 611.743, 611.744, and 611.745. Such a supplier must also obtain the approval of the Agency to establish a disinfection benchmark. A supplier that decides to make a significant change to its disinfection practice, as described in Section 611.742(c)(1)(A) through (c)(1)(D) must obtain the approval of the Agency prior to making such a change.


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

Section 611.741 Standards for Avoiding Filtration

In addition to the requirements of Section 611.232, a PWS supplier subject to the requirements of this Subpart R that does not provide filtration must meet all of the conditions of subsections (a) and (b) of this Section.

a) Site-specific conditions. In addition to site-specific conditions in Section 611.232, a supplier must maintain the watershed control program under Section 611.232(b) to minimize the potential for contamination by Cryptosporidium oocysts in the source water. The watershed control program must, for Cryptosporidium, do the following:
1) Identify watershed characteristics and activities that may have an adverse effect on source water quality; and

2) Monitor the occurrence of activities that may have an adverse effect on source water quality.

b) During the onsite inspection conducted under the provisions of Section 611.232(c), the Agency must determine whether the watershed control program established under Section 611.232(b) is adequate to limit potential contamination by Cryptosporidium oocysts. The adequacy of the program must be based on the comprehensiveness of the watershed review; the effectiveness of the supplier’s program to monitor and control detrimental activities occurring in the watershed; and the extent to which the water supplier has maximized land ownership or controlled land use within the watershed.


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

Section 611.742 Disinfection Profiling and Benchmarking

a) Determination of a supplier required to profile. A PWS supplier subject to the requirements of this Subpart R must determine its TTHM annual average using the procedure in subsection (a)(1) of this Section and its HAA5 annual average using the procedure in subsection (a)(2) of this Section. The annual average is the arithmetic average of the quarterly averages of four consecutive quarters of monitoring.

1) The TTHM annual average that is used must be the annual average during the same period as the HAA5 annual average.

A) A supplier that collected data under the provisions of 40 CFR 141 Subpart M (Information Collection Rule) must use the results of the samples collected during the last four quarters of required monitoring under former 40 CFR 141.42 (1994) (1995).

B) A supplier that uses “grandfathered” HAA5 occurrence data that meet the provisions of subsection (a)(2)(B) of this Section must use TTHM data collected at the same time under the provisions of Section 611.680.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

C) A supplier that uses HAA5 occurrence data that meet the provisions of subsection (a)(2)(C)(i) of this Section must use TTHM data collected at the same time under the provisions of Sections 611.310 and 611.680.

2) The HAA5 annual average that is used must be the annual average during the same period as the TTHM annual average.

A) A supplier that collected data under the provisions of 40 CFR 141 Subpart M (Information Collection Rule) must use the results of the samples collected during the last four quarters of required monitoring under former 40 CFR 141.42 (1994) (1995).

B) A supplier that has collected four quarters of HAA5 occurrence data that meets the routine monitoring sample number and location requirements for TTHM in Section 611.680 and handling and analytical method requirements of Section 611.685 may use that data to determine whether the requirements of this Section apply.

C) A supplier that has not collected four quarters of HAA5 occurrence data that meets the provisions of either subsection (a)(2)(A) or (a)(2)(B) of this Section by March 31, 1999 must do either of the following:

i) Conduct monitoring for HAA5 that meets the routine monitoring sample number and location requirements for TTHM in Section 611.680 and handling and analytical method requirements of Section 611.685 to determine the HAA5 annual average and whether the requirements of subsection (b) of this Section apply. This monitoring must be completed so that the applicability determination can be made no later than March 31, 2000; or

ii) Comply with all other provisions of this Section as if the HAA5 monitoring had been conducted and the results required compliance with subsection (b) of this Section.

3) The supplier may request that the Agency approve a more representative annual data set than the data set determined under subsection (a)(1) or (a)(2) of this Section for the purpose of determining applicability of the requirements of this Section.
4) The Agency may require that a supplier use a more representative annual data set than the data set determined under subsection (a)(1) or (a)(2) of this Section for the purpose of determining the applicability of the requirements of this Section.

5) The supplier must submit data to the Agency on the schedule in subsections (a)(5)(A) through (a)(5)(E) of this Section.

A) A supplier that collected TTHM and HAA5 data under the provisions of 40 CFR Subpart M (Information Collection Rule), as required by subsections (a)(1)(A) and (a)(2)(A) of this Section, must have submitted the results of the samples collected during the last 12 months of required monitoring under Section 611.685 not later than December 31, 1999.

B) A supplier that has collected four consecutive quarters of HAA5 occurrence data that meets the routine monitoring sample number and location for TTHM in former 40 CFR 141.42 (1994), as amended 59 Fed. Reg. 62456 (Dec. 5, 1994), and handling and analytical method requirements of Section 611.685, as allowed by subsections (a)(1)(B) and (a)(2)(B) of this Section, must have submitted that data to the Agency not later than April 30, 1999. Until the Agency has approved the data, the supplier must conduct monitoring for HAA5 using the monitoring requirements specified under subsection (a)(2)(C) of this Section.

C) A supplier that conducted monitoring for HAA5 using the monitoring requirements specified by subsections (a)(1)(C) and (a)(2)(C)(i) of this Section must have submitted TTHM and HAA5 data not later than March 31, 2000.

D) A supplier that elected to comply with all other provisions of this Section as if the HAA5 monitoring had been conducted and the results required compliance with this Section, as allowed under subsection (a)(2)(C)(ii) of this Section, must have notified the Agency in writing of its election not later than December 31, 1999.

E) If the supplier elected to request that the Agency approve a more representative data set than the data set determined under
subsection (a)(2)(A) of this Section, the supplier must submit this request in writing not later than December 31, 1999.

6) Any supplier having either a TTHM annual average \( \geq 0.064 \text{ mg/L} \) or an HAA5 annual average \( \geq 0.048 \text{ mg/L} \) during the period identified in subsections (a)(1) and (a)(2) of this Section must comply with subsection (b) of this Section.

b) Disinfection profiling.

1) Any supplier that meets the standards in subsection (a)(6) of this Section must develop a disinfection profile of its disinfection practice for a period of up to three years. The Agency must determine the period of the disinfection profile, with a minimum period of one year.

2) The supplier must monitor daily for a period of 12 consecutive calendar months to determine the total logs of inactivation for each day of operation, based on the \( \text{CT}_{99.9} \) values in Appendix B of this Part, as appropriate, through the entire treatment plant. The supplier must have begun this monitoring not later than April 1, 2000. As a minimum, the supplier with a single point of disinfectant application prior to entrance to the distribution system must conduct the monitoring in subsections (b)(2)(A) through (b)(2)(D) of this Section. A supplier with more than one point of disinfectant application must conduct the monitoring in subsections (b)(2)(A) through (b)(2)(D) of this Section for each disinfection segment. The supplier must monitor the parameters necessary to determine the total inactivation ratio, using analytical methods in Section 611.531, as follows:

A) The temperature of the disinfected water must be measured once per day at each residual disinfectant concentration sampling point during peak hourly flow.

B) If the supplier uses chlorine, the pH of the disinfected water must be measured once per day at each chlorine residual disinfectant concentration sampling point during peak hourly flow.

C) The disinfectant contact times ("T") must be determined for each day during peak hourly flow.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

D) The residual disinfectant concentrations ("C") of the water before or at the first customer and prior to each additional point of disinfection must be measured each day during peak hourly flow.

3) In lieu of the monitoring conducted under the provisions of subsection (b)(2) of this Section to develop the disinfection profile, the supplier may elect to meet the requirements of subsection (b)(3)(A) of this Section. In addition to the monitoring conducted under the provisions of subsection (b)(2) of this Section to develop the disinfection profile, the supplier may elect to meet the requirements of subsection (b)(3)(B) of this Section.

A) A PWS supplier that has had three years of existing operational data may submit that data, a profile generated using that data, and a request that the Agency approve use of that data in lieu of monitoring under the provisions of subsection (b)(2) of this Section not later than March 31, 2000. The Agency must determine whether the operational data is substantially equivalent to data collected under the provisions of subsection (b)(2) of this Section. The data must also be representative of Giardia lamblia inactivation through the entire treatment plant and not just of certain treatment segments. If the Agency determines that the operational data is substantially equivalent, the Agency must approve the request. Until the Agency approves this request, the system is required to conduct monitoring under the provisions of subsection (b)(2) of this Section.

B) In addition to the disinfection profile generated under subsection (b)(2) of this Section, a PWS supplier that has existing operational data may use that data to develop a disinfection profile for additional years. The Agency must determine whether the operational data is substantially equivalent to data collected under the provisions of subsection (b)(2) of this Section. The data must also be representative of inactivation through the entire treatment plant and not just of certain treatment segments. If the Agency determines that the operational data is substantially equivalent, such systems may use these additional yearly disinfection profiles to develop a benchmark under the provisions of subsection (c) of this Section.

4) The supplier must calculate the total inactivation ratio as follows:
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

A) If the supplier uses only one point of disinfectant application, the system may determine the total inactivation ratio for the disinfection segment based on either of the methods in subsection (b)(4)(A)(i) or (b)(4)(A)(ii) of this Section.

i) Determine one inactivation ratio \( \frac{C_{\text{calc}}}{C_{99.9}} \) before or at the first customer during peak hourly flow.

ii) Determine successive \( \frac{C_{\text{calc}}}{C_{99.9}} \) values, representing sequential inactivation ratios, between the point of disinfectant application and a point before or at the first customer during peak hourly flow. Under this alternative, the supplier must calculate the total inactivation ratio \( \sum(\frac{C_{\text{calc}}}{C_{99.9}}) \) by determining \( \frac{C_{\text{calc}}}{C_{99.9}} \) for each sequence and then adding the \( \frac{C_{\text{calc}}}{C_{99.9}} \) values together to determine \( \sum(\frac{C_{\text{calc}}}{C_{99.9}}) \).

B) If the supplier uses more than one point of disinfectant application before the first customer, the system must determine the \( C \) value of each disinfection segment immediately prior to the next point of disinfectant application, or for the final segment, before or at the first customer, during peak hourly flow. The \( \frac{C_{\text{calc}}}{C_{99.9}} \) value of each segment and \( \sum(\frac{C_{\text{calc}}}{C_{99.9}}) \) must be calculated using the method in subsection (b)(4)(A) of this Section.

C) The supplier must determine the total logs of inactivation by multiplying the value calculated in subsection (b)(4)(A) or (b)(4)(B) of this Section by 3.0.

5) A supplier that uses either chloramines or ozone for primary disinfection must also calculate the logs of inactivation for viruses using a method approved by the Agency.

6) The supplier must retain disinfection profile data in graphic form, as a spreadsheet, or in some other format acceptable to the Agency for review as part of sanitary surveys conducted by the Agency.

c) Disinfection benchmarking.

1) Any supplier required to develop a disinfection profile under the provisions of subsections (a) and (b) of this Section and that decides to
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

make a significant change to its disinfection practice must consult with the Agency prior to making such change. Significant changes to disinfection practice are the following:

A) Changes to the point of disinfection;
B) Changes to the disinfectants used in the treatment plant;
C) Changes to the disinfection process; and
D) Any other modification identified by the Agency.

2) Any supplier that is modifying its disinfection practice must calculate its disinfection benchmark using the procedure specified in subsections (c)(2)(A) and (c)(2)(B) of this Section.

A) For each year of profiling data collected and calculated under subsection (b) of this Section, the supplier must determine the lowest average monthly Giardia lamblia inactivation in each year of profiling data. The supplier must determine the average Giardia lamblia inactivation for each calendar month for each year of profiling data by dividing the sum of daily Giardia lamblia of inactivation by the number of values calculated for that month.

B) The disinfection benchmark is the lowest monthly average value (for systems with one year of profiling data) or average of lowest monthly average values (for systems with more than one year of profiling data) of the monthly logs of Giardia lamblia inactivation in each year of profiling data.

3) A supplier that uses either chloramines or ozone for primary disinfection must also calculate the disinfection benchmark for viruses using a method approved by the Agency.

4) The supplier must submit information in subsections (c)(4)(A) through (c)(4)(C) of this Section to the Agency as part of its consultation process.

A) A description of the proposed change;
NOTICE OF PROPOSED AMENDMENTS

B) The disinfection profile for Giardia lamblia (and, if necessary, viruses) under subsection (b) of this Section and benchmark as required by subsection (c)(2) of this Section; and

C) An analysis of how the proposed change will affect the current levels of disinfection.


(Source: Amended at 27 Ill. Reg. ________, effective ______________________)

Section 611.743  Filtration

A PWS supplier subject to the requirements of this Subpart R that did not meet all of the standards in this Subpart R and Subpart B of this Part for avoiding filtration must provide treatment consisting of both disinfection, as specified in Section 611.242, and filtration treatment that complies with the requirements of subsection (a) or (b) of this Section or Section 611.250 (b) or (c) by December 31, 2001.

a) Conventional filtration treatment or direct filtration.

1) For a supplier using conventional filtration or direct filtration, the turbidity level of representative samples of a system’s filtered water must be less than or equal to 0.3 NTU in at least 95 percent of the measurements taken each month, measured as specified in Sections 611.531 and 611.533.

2) The turbidity level of representative samples of a supplier’s filtered water must not exceed 1 NTU, measured as specified in Sections 611.531 and 611.533.

3) A supplier that uses lime softening may acidify representative samples prior to analysis using a protocol approved by the Agency.

b) Filtration technologies other than conventional filtration treatment, direct filtration, slow sand filtration, or diatomaceous earth filtration. A PWS supplier may use a filtration technology not listed in subsection (a) of this Section or in Section 611.250 (b) or (c) if it demonstrates to the Agency, using pilot plant studies or other means, that the alternative filtration technology, in combination with disinfection treatment that meets the requirements of Section 611.242(b), consistently achieves 99.9 percent removal or inactivation of Giardia lamblia.
cysts and 99.99 percent removal or inactivation of viruses, and 99 percent removal of Cryptosporidium oocysts, and the Agency approves the use of the filtration technology. For each approval, the Agency must set turbidity performance requirements that the supplier must meet at least 95 percent of the time and that the supplier must not exceed at any time at a level that consistently achieves 99.9 percent removal or inactivation of Giardia lamblia cysts, 99.99 percent removal or inactivation of viruses, and 99 percent removal of Cryptosporidium oocysts.


(Source: Amended at 27 Ill. Reg. _______, effective ______________________)

Section 611.744 Filtration Sampling Requirements

a) Monitoring requirements for systems using filtration treatment. In addition to monitoring required by Sections 611.531 and 611.533, a PWS subject to the requirements of this Subpart R that provides conventional filtration treatment or direct filtration shall—must conduct continuous monitoring of turbidity for each individual filter using an approved method in Section 611.531(a) and shall—must calibrate turbidimeters using the procedure specified by the manufacturer. Systems shall—must record the results of individual filter monitoring every 15 minutes.

b) If there is a failure in the continuous turbidity monitoring equipment, the system shall—must conduct grab sampling every four hours in lieu of continuous monitoring, until the turbidimeter is back online. A system shall—must repair the equipment within a maximum of five working days after failure.


(Source: Amended at 27 Ill. Reg. _______, effective ______________________)

Section 611.745 Reporting and Recordkeeping Requirements

In addition to the reporting and recordkeeping requirements in Sections 611.261 and 611.262, a PWS supplier subject to the requirements of this Subpart R that provides conventional filtration treatment or direct filtration must report monthly to the Agency the information specified in subsections (a) and (b) of this Section beginning January 1, 2002. In addition to the reporting and recordkeeping requirements in Sections 611.261 and 611.262, a PWS supplier subject to the
requirements of this Subpart R that provides filtration approved under Section 611.743(b) must report monthly to the Agency the information specified in subsection (a) of this Section beginning January 1, 2002. The reporting in subsection (a) of this Section is in lieu of the reporting specified in Section 611.262(a).

a) Turbidity measurements, as required by Section 611.743, must be reported within ten days after the end of each month the system serves water to the public. Information that must be reported is the following:

1) The total number of filtered water turbidity measurements taken during the month.

2) The number and percentage of filtered water turbidity measurements taken during the month that are less than or equal to the turbidity limits specified in Section 611.743(a) or (b).

3) The date and value of any turbidity measurements taken during the month that exceed 1 NTU for a supplier using conventional filtration treatment or direct filtration, or that exceed the maximum level under Section 611.743(b).

b) A supplier must maintain the results of individual filter monitoring taken under Section 611.744 for at least three years. A supplier must report that it has conducted individual filter turbidity monitoring under Section 611.744 within ten days after the end of each month the system serves water to the public. A supplier must report individual filter turbidity measurement results taken under Section 611.744 within ten days after the end of each month the supplier serves water to the public only if measurements demonstrate one or more of the conditions in subsections (b)(1) through (b)(4) of this Section. A supplier that uses lime softening may apply to the Agency for alternative exceedence levels for the levels specified in subsections (b)(1) through (b)(4) of this Section if they can demonstrate that higher turbidity levels in individual filters are due to lime carryover only and not due to degraded filter performance.

1) For any individual filter that has a measured turbidity level of greater than 1.0 NTU in two consecutive measurements taken 15 minutes apart, the supplier must report the filter number, the turbidity measurement, and the dates on which the exceedence occurred. In addition, the supplier must either produce a filter profile for the filter within seven days after the exceedence (if the supplier is not able to identify an obvious reason for the abnormal filter performance) and report that the profile has been produced
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

or report the obvious reason for the exceedence.

2) For any individual filter that has a measured turbidity level of greater than 0.5 NTU in two consecutive measurements taken 15 minutes apart at the end of the first four hours of continuous filter operation after the filter has been backwashed or otherwise taken offline, the supplier must report the filter number, the turbidity, and the dates on which the exceedence occurred. In addition, the supplier must either produce a filter profile for the filter within seven days after the exceedence (if the supplier is not able to identify an obvious reason for the abnormal filter performance) and report that the profile has been produced or report the obvious reason for the exceedence.

3) For any individual filter that has a measured turbidity level of greater than 1.0 NTU in two consecutive measurements taken 15 minutes apart at any time in each of three consecutive months, the supplier must report the filter number, the turbidity measurement, and the dates on which the exceedence occurred. In addition, the supplier must conduct a self-assessment of the filter within 14 days after the exceedence and report that the self-assessment was conducted. The self-assessment must consist of at least the following components: assessment of filter performance; development of a filter profile; identification and prioritization of factors limiting filter performance; assessment of the applicability of corrections; and preparation of a filter self-assessment report.

4) For any individual filter that has a measured turbidity level of greater than 2.0 NTU in two consecutive measurements taken 15 minutes apart at any time in each of two consecutive months, the supplier must report the filter number, the turbidity measurement, and the dates on which the exceedence occurred. In addition, the supplier must arrange for the conduct of a comprehensive performance evaluation by the Agency or a third party approved by the Agency no later than 30 days following the exceedence and have the evaluation completed and submitted to the Agency no later than 90 days following the exceedence.

c) Additional reporting requirements.

1) If at any time the turbidity exceeds 1 NTU in representative samples of filtered water in a system using conventional filtration treatment or direct filtration, the supplier must consult with the Agency as soon as possible,
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

but no later than the end of the next business day.

2) If at any time the turbidity in representative samples of filtered water exceeds the maximum level set by the Agency under Section 611.743(b) for filtration technologies other than conventional filtration treatment, direct filtration, slow sand filtration, or diatomaceous earth filtration, the supplier must inform the Agency as soon as possible, but no later than the end of the next business day.


(Source: Amended at 27 Ill. Reg. ________, effective ______________________)

SUBPART T: REPORTING AND RECORDKEEPING

Section 611.830 Applicability

Except as otherwise provided, this Subpart T applies to violations of both identical in substance regulations and those noted as additional State requirements.

(Source: Amended at 27 Ill. Reg. ________, effective ______________________)

Section 611.831 Monthly Operating Report

Within 30 days following the last day of the month, each CWS supplier shall must submit a monthly operating report to the Agency on forms provided or approved by the Agency.

BOARD NOTE: This is an additional State requirement.

(Source: Amended at 27 Ill. Reg. ________, effective ______________________)

Section 611.833 Cross Connection Reporting

Each CWS supplier exempted pursuant to Section 17(b) of the Act [415 ILCS 5/17(b)] from the disinfection requirement shall must report monthly to the Agency its activity to educate and inform its customers about preventing contamination into the distribution system.

BOARD NOTE: This is an additional State requirement.

(Source: Amended at 27 Ill. Reg. ________, effective ______________________)
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 611.840 Reporting

a) Except where a shorter period is specified in this Part, a supplier must report to the Agency the results of any test measurement or analysis required by this Part within the following times, whichever is shortest:

1) The first ten days following the month in which the result is received; or

2) The first ten days following the end of the required monitoring period, as specified by special exception permit (SEP) issued pursuant to Section 611.110.

b) Except where a different reporting period is specified in this Part, the supplier must report to the Agency within 48 hours any failure to comply with any provision (including failure to comply with monitoring requirements) of this Part.

c) The supplier is not required to report analytical results to the Agency in cases where an Agency laboratory performs the analysis.

d) The supplier, within ten days after completing the public notification requirements under Subpart V of this Part for the initial public notice and any repeat notices, must submit to the Agency a certification that it has fully complied with the public notification regulations. The PWS must include with this certification a representative copy of each type of notice distributed, published, posted, or made available to the persons served by the supplier or to the media.

e) The supplier must submit to the Agency within the time stated in the request copies of any records required to be maintained under Section 611.860 or copies of any documents then in existence that the Agency is entitled to inspect pursuant to the authority of Section 4 of the Act [415 ILCS 5/4].


(Source: Amended at 27 Ill. Reg. ________, effective ______________________)

Section 611.860 Record Maintenance

A supplier must retain on its premises or at a convenient location near its premises the following records:

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POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

a) Records of bacteriological analyses made pursuant to this Part must be kept for not less than five years. Records of chemical analyses made pursuant to this Part must be kept for not less than ten years. Actual laboratory reports may be kept, or data may be transferred to tabular summaries, provided that the following information is included:

1) The date, place, and time of sampling, and the name of the person who collected the sample;

2) Identification of the sample as to whether it was a routine distribution system sample, check sample, raw or process water sample, or other special purpose sample;

3) The date of analysis;

4) The laboratory and person responsible for performing analysis;

5) The analytical technique or method used; and

6) The results of the analysis.

b) Records of action taken by the supplier to correct violations of this Part must be kept for a period not less than three years after the last action taken with respect to the particular violation involved.

c) Copies of any written reports, summaries, or communications relating to sanitary surveys of the system conducted by the supplier itself, by a private consultant, by USEPA, the Agency, or a unit of local government delegated pursuant to Section 611.108, must be kept for a period not less than ten years after completion of the sanitary survey involved.

d) Records concerning a variance or adjusted standard granted to the supplier must be kept for a period ending not less than five years following the expiration of such variance or adjusted standard.

e) Copies of public notices issued pursuant to Subpart V of this Part and certifications made to the Agency pursuant to Section 611.840 must be kept for three years after issuance.

SUBPART U: CONSUMER CONFIDENCE REPORTS

Section 611.881 Purpose and Applicability of this Subpart

a) This Subpart U establishes the minimum requirements for the content of annual reports that community water systems (CWSs) must deliver to their customers. These reports must contain information on the quality of the water delivered by the systems and characterize the risks (if any) from exposure to contaminants detected in the drinking water in an accurate and understandable manner.

b) Notwithstanding the provisions of Section 611.100(d), this Subpart U only applies to CWSs.

c) For the purpose of this Subpart U, “customers” are defined as billing units or service connections to which water is delivered by a CWS.

d) For the purpose of this Subpart U, “detected” means the following: at or above the detection limit levels prescribed by Section 611.600(d) for inorganic contaminants; at or above the levels prescribed by Section 611.646 for Phase I, II, and V VOCs; at or above the levels prescribed by Section 611.648(r) for Phase II, IIB, and V SOCs; and at or above the levels prescribed by Section 611.720(c)(3) for radioactive contaminants.


Section 611.882 Compliance Dates

a) Each existing CWS shall deliver its first report by October 19, 1999, its second report by July 1, 2000, and it must deliver subsequent reports by July 1 annually thereafter. The first report must contain data collected during, or prior to, calendar year 1998, as prescribed in Section 611.883(d)(3). Each report thereafter must contain data collected during, or prior to, the previous calendar year.

b) A new CWS shall deliver its first report by July 1 of the year after its first full calendar year in operation and annually thereafter.
c) A community water system that sells water to another community water system must deliver the applicable information required in Section 611.883 to the buyer system as follows:

1) No later than April 1, 2000, and by April 1 annually thereafter; or

2) On a date mutually agreed upon by the seller and the purchaser, and specifically included in a contract between the parties.


(Source: Amended at 27 Ill. Reg. ________, effective ______________________)

Section 611.883 Content of the Reports

a) Each CWS must provide to its customers an annual report that contains the information specified in this Section and Section 611.884.

b) Information on the source of the water delivered.

1) Each report must identify the sources of the water delivered by the CWS by providing information on the following:

A) The type of the water (e.g., surface water, groundwater); and

B) The commonly used name (if any) and location of the body (or bodies) of water.

2) If a source water assessment has been completed, the report must notify consumers of the availability of this information and the means to obtain it. In addition, systems are encouraged to highlight in the report significant sources of contamination in the source water area if they have readily available information. Where a system has received a source water assessment from the Agency, the report must include a brief summary of the system’s susceptibility to potential sources of contamination, using language provided by the Agency or written by the PWS.

c) Definitions.

1) Each report must include the following definitions:
NOTICE OF PROPOSED AMENDMENTS

A) Maximum Contaminant Level Goal or MCLG: The level of a contaminant in drinking water below which there is no known or expected risk to health. MCLGs allow for a margin of safety.

BOARD NOTE: Although an MCLG is not an NPDWR that the Board must include in the Illinois SDWA regulations, the use of this definition is mandatory where the term “MCLG” is defined.

B) Maximum Contaminant Level or MCL: The highest level of a contaminant that is allowed in drinking water. MCLs are set as close to the MCLGs as feasible using the best available treatment technology.

2) A report for a CWS operating under relief from an NPDWR issued under Sections 611.111, 611.112, 611.130, or 611.131 must include the following definition: “Variances, Adjusted Standards, and Site-specific Rules: State permission not to meet an MCL or a treatment technique under certain conditions.”

3) A report that contains data on contaminants that USEPA regulates using any of the following terms must include the applicable definitions:

A) Treatment technique: A required process intended to reduce the level of a contaminant in drinking water.

B) Action level: The concentration of a contaminant that, if exceeded, triggers treatment or other requirements which a water system must follow.

C) Maximum residual disinfectant level goal or MRDLG: The level of a drinking water disinfectant below which there is no known or expected risk to health. MRDLGs do not reflect the benefits of the use of disinfectants to control microbial contaminants.

BOARD NOTE: Although an MRDLG is not an NPDWR that the Board must include in the Illinois SDWA regulations, the use of this definition is mandatory where the term “MRDLG” is defined.

D) Maximum residual disinfectant level or MRDL: The highest level of a disinfectant allowed in drinking water. There is convincing
d) Information on detected contaminants.

1) This subsection (d) specifies the requirements for information to be included in each report for contaminants subject to mandatory monitoring (except Cryptosporidium). It applies to the following:

   A) Contaminants subject to an MCL, action level, MRDL, or treatment technique (regulated contaminants);

   B) Contaminants for which monitoring is required by Section 611.510 (unregulated contaminants); and

   C) Disinfection byproducts or microbial contaminants for which monitoring is required by Section 611.382 and Subpart L of this Part, except as provided under subsection (e)(1) of this Section, and which are detected in the finished water.

2) The data relating to these contaminants must be displayed in one table or in several adjacent tables. Any additional monitoring results that a CWS chooses to include in its report must be displayed separately.

3) The data must have been derived from data collected to comply with monitoring and analytical requirements during calendar year 1998 for the first report and must be derived from the data collected in subsequent calendar years thereafter, except that the following requirements also apply:

   A) Where a system is allowed to monitor for regulated contaminants less often than once a year, the tables must include the date and results of the most recent sampling, and the report must include a brief statement indicating that the data presented in the report is from the most recent testing done in accordance with the regulations. No data older than five years need be included.

   B) Results of monitoring in compliance with Section 611.382 and Subpart L need only be included for five years from the date of last sample or until any of the detected contaminants becomes
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

regulated and subject to routine monitoring requirements, whichever comes first.

4) For detected regulated contaminants (listed in Appendix A of this Part), the tables must contain the following:

A) The MCL for that contaminant expressed as a number equal to or greater than 1.0 (as provided in Appendix A of this Part);

B) The federal Maximum Contaminant Level Goal (MCLG) for that contaminant expressed in the same units as the MCL;

C) If there is no MCL for a detected contaminant, the table must indicate that there is a treatment technique, or specify the action level, applicable to that contaminant, and the report must include the definitions for treatment technique or action level, as appropriate, specified in subsection (c)(3) of this Section;

D) For contaminants subject to an MCL, except turbidity and total coliforms, the highest contaminant level used to determine compliance with an NPDWR, and the range of detected levels, as follows:

i) When compliance with the MCL is determined annually or less frequently: the highest detected level at any sampling point and the range of detected levels expressed in the same units as the MCL.

ii) When compliance with the MCL is determined by calculating a running annual average of all samples taken at a sampling point: the highest average of any of the sampling points and the range of all sampling points expressed in the same units as the MCL.

iii) When compliance with the MCL is determined on a system-wide basis by calculating a running annual average of all samples at all sampling points: the average and range of detection expressed in the same units as the MCL;

BOARD NOTE TO SUBSECTION (D)(4)(D): WHEN ROUNDING OF RESULTS TO DETERMINE COMPLIANCE
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

WITH THE MCL IS ALLOWED BY THE REGULATIONS, ROUNDING SHOULD BE DONE PRIOR TO MULTIPLYING THE RESULTS BY THE FACTOR LISTED IN APPENDIX A OF THIS PART; DERIVED FROM 40 CFR 153 (2002).

E) For turbidity the following:
   i) When it is reported pursuant to Section 611.560: the highest average monthly value.
   ii) When it is reported pursuant to the requirements of Section 611.211(b): the highest monthly value. The report must include an explanation of the reasons for measuring turbidity.
   iii) When it is reported pursuant to Section 611.250, 611.743, or 611.955(b): the highest single measurement and the lowest monthly percentage of samples meeting the turbidity limits specified in Section 611.250, 611.743, or 611.955(b) for the filtration technology being used. The report must include an explanation of the reasons for measuring turbidity;

F) For lead and copper the following: the 90th percentile value of the most recent round of sampling and the number of sampling sites exceeding the action level;

G) For total coliform the following:
   i) The highest monthly number of positive samples for systems collecting fewer than 40 samples per month; or
   ii) The highest monthly percentage of positive samples for systems collecting at least 40 samples per month;

H) For fecal coliform the following: the total number of positive samples; and

I) The likely sources of detected contaminants to the best of the supplier’s knowledge. Specific information regarding contaminants may be available in sanitary surveys and source
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

water assessments, and must be used when available to the supplier. If the supplier lacks specific information on the likely source, the report must include one or more of the typical sources for that contaminant listed in Appendix G of this Part which are most applicable to the CWS.

5) If a CWS distributes water to its customers from multiple hydraulically independent distribution systems that are fed by different raw water sources, the table must contain a separate column for each service area and the report must identify each separate distribution system. Alternatively, a CWS may produce separate reports tailored to include data for each service area.

6) The tables must clearly identify any data indicating violations of MCLs, MRDLs, or treatment techniques, and the report must contain a clear and readily understandable explanation of the violation including the following: the length of the violation, the potential adverse health effects, and actions taken by the CWS to address the violation. To describe the potential health effects, the CWS must use the relevant language of Appendix A of this Part.

7) For detected unregulated contaminants for which monitoring is required (except Cryptosporidium), the tables must contain the average and range at which the contaminant was detected. The report may include a brief explanation of the reasons for monitoring for unregulated contaminants.

e) Information on Cryptosporidium, radon, and other contaminants as follows:

1) If the CWS has performed any monitoring for Cryptosporidium, including monitoring performed to satisfy the requirements of Subpart L of this Part, that indicates that Cryptosporidium may be present in the source water or the finished water, the report must include the following:

A) A summary of the results of the monitoring; and

B) An explanation of the significance of the results.

2) If the CWS has performed any monitoring for radon which indicates that radon may be present in the finished water, the report must include the following:
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

A) The results of the monitoring; and

B) An explanation of the significance of the results.

3) If the CWS has performed additional monitoring that indicates the presence of other contaminants in the finished water, the report must include the following:

A) The results of the monitoring; and

B) An explanation of the significance of the results noting the existence of any health advisory or proposed regulation.

f) Compliance with an NPDWR. In addition to the requirements of subsection (d)(6) of this Section, the report must note any violation that occurred during the year covered by the report of a requirement listed below, and include a clear and readily understandable explanation of the violation, any potential adverse health effects, and the steps the CWS has taken to correct the violation.

1) Monitoring and reporting of compliance data;

2) Filtration and disinfection prescribed by Subpart B of this Part. For CWSs that have failed to install adequate filtration or disinfection equipment or processes, or have had a failure of such equipment or processes which constitutes a violation, the report must include the following language as part of the explanation of potential adverse health effects: Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.

3) Lead and copper control requirements prescribed by Subpart G of this Part. For systems that fail to take one or more actions prescribed by Sections 611.350(d), 611.351, 611.352, 611.353, or 611.354, the report must include the applicable language of Appendix A of this Part for lead, copper, or both.

4) Treatment techniques for acrylamide and epichlorohydrin prescribed by Section 611.296. For systems that violate the requirements of Section 611.296, the report must include the relevant language from Appendix A of this Part.
5) Recordkeeping of compliance data.

6) Special monitoring requirements prescribed by Sections 611.510 and 611.630; and

7) Violation of the terms of a variance, adjusted standard, site-specific rule, or administrative or judicial order.

g) Variances, adjusted standards, and site-specific rules. If a system is operating under the terms of a variance, adjusted standard, or site-specific rule issued under Sections 611.111, 611.112, or 611.131, the report must contain the following:

1) An explanation of the reasons for the variance, adjusted standard, or site-specific rule;

2) The date on which the variance, adjusted standard, or site-specific rule was issued;

3) A brief status report on the steps the CWS is taking to install treatment, find alternative sources of water, or otherwise comply with the terms and schedules of the variance, adjusted standard, or site-specific rule; and

4) A notice of any opportunity for public input in the review, or renewal, of the variance, adjusted standard, or site-specific rule.

h) Additional information.

1) The report must contain a brief explanation regarding contaminants that may reasonably be expected to be found in drinking water, including bottled water. This explanation may include the language of subsections (h)(1)(A) through (h)(1)(C) of this Section or CWSs may use their own comparable language. The report also must include the language of subsection (h)(1)(D) of this Section.

   A) The sources of drinking water (both tap water and bottled water) include rivers, lakes, streams, ponds, reservoirs, springs, and wells. As water travels over the surface of the land or through the ground, it dissolves naturally-occurring minerals and, in some cases, radioactive material, and can pick up substances resulting from the presence of animals or from human activity.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

B) Contaminants that may be present in source water include the following:

i) Microbial contaminants, such as viruses and bacteria, which may come from sewage treatment plants, septic systems, agricultural livestock operations, and wildlife;

ii) Inorganic contaminants, such as salts and metals, which can be naturally-occurring or result from urban stormwater runoff, industrial or domestic wastewater discharges, oil and gas production, mining, or farming;

iii) Pesticides and herbicides, which may come from a variety of sources such as agriculture, urban stormwater runoff, and residential uses;

iv) Organic chemical contaminants, including synthetic and volatile organic chemicals, which are byproducts of industrial processes and petroleum production, and can also come from gas stations, urban stormwater runoff, and septic systems; and

v) Radioactive contaminants, which can be naturally-occurring or be the result of oil and gas production and mining activities.

C) In order to ensure that tap water is safe to drink, USEPA prescribes regulations that limit the amount of certain contaminants in water provided by public water systems. United States Food and Drug Administration (USFDA) regulations establish limits for contaminants in bottled water that must provide the same protection for public health.

D) Drinking water, including bottled water, may reasonably be expected to contain at least small amounts of some contaminants. The presence of contaminants does not necessarily indicate that water poses a health risk. More information about contaminants and potential health effects can be obtained by calling the USEPA Safe Drinking Water Hotline (800-426-4791).

2) The report must include the telephone number of the owner, operator, or
designee of the CWS as a source of additional information concerning the report.

3) In communities with a large proportion of non-English speaking residents, as determined by the Agency, the report must contain information in the appropriate languages regarding the importance of the report or contain a telephone number or address where such residents may contact the system to obtain a translated copy of the report or assistance in the appropriate language.

4) The report must include information about opportunities for public participation in decisions that may affect the quality of the water.

5) The CWS may include such additional information as it deems necessary for public education consistent with, and not detracting from, the purpose of the report.


(Source: Amended at 27 Ill. Reg. _______, effective ______________________)

Section 611.884 Required Additional Health Information

a) All reports must prominently display the following language: “Some people may be more vulnerable to contaminants in drinking water than the general population. Immuno-compromised persons such as persons with cancer undergoing chemotherapy, persons who have undergone organ transplants, people with HIV/AIDS or other immune system disorders, some elderly, and infants can be particularly at risk from infections. These people should seek advice about drinking water from their health care providers. USEPA or Centers for Disease Control and Prevention guidelines on appropriate means to lessen the risk of infection by Cryptosporidium and other microbial contaminants are available from the USEPA Safe Drinking Water Hotline (800-426-4791).”

b) Ending in the report due by July 1, 2001, a supplier that detects arsenic at levels above 25 µg/L, but below 0.05 mg/L, and beginning in the report due by July 1, 2002, a supplier that detects arsenic above 0.005 mg/L and up to and including 0.01 mg/L must do the following:

1) The supplier must include in its report a short informational statement about arsenic, using the following language: “While your drinking water meets
USEPA's standard for arsenic, it does contain low levels of arsenic. USEPA's standard balances the current understanding of arsenic's possible health effects against the costs of removing arsenic from drinking water. USEPA continues to research the health effects of low levels of arsenic, which is a naturally-occurring mineral known to cause cancer in humans at high concentrations and is linked to other health effects such as skin damage and circulatory problems.”; or

2) The supplier may write its own educational statement, but only in consultation with the Agency.

c) A supplier that detects nitrate at levels above 5 mg/L, but below the MCL, must do the following:

1) The supplier must include a short informational statement about the impacts of nitrate on children, using the following language: “Nitrate in drinking water at levels above 10 ppm is a health risk for infants of less than six months of age. High nitrate levels in drinking water can cause blue baby syndrome. Nitrate levels may rise quickly for short periods of time because of rainfall or agricultural activity. If you are caring for an infant you should ask advice from your health care provider”; or

2) The CWS supplier may write its own educational statement, but only in consultation with the Agency.

d) A CWS supplier that detects lead above the action level in more than five percent, and up to and including ten percent, of homes sampled must do the following:

1) The CWS supplier must include a short informational statement about the special impact of lead on children, using the following language: “Infants and young children are typically more vulnerable to lead in drinking water than the general population. It is possible that lead levels at your home may be higher than at other homes in the community as a result of materials used in your home’s plumbing. If you are concerned about elevated lead levels in your home’s water, you may wish to have your water tested and flush your tap for 30 seconds to two minutes before using tap water. Additional information is available from the USEPA Safe Drinking Water Hotline (800-426-4791)”; or

2) The CWS supplier may write its own educational statement, but only in consultation with the Agency.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

e) A CWS supplier that detects TTHM above 0.080 mg/L, but below the MCL in Section 611.312, as an annual average, monitored and calculated under the provisions of Section 611.680, must include the health effects language prescribed by Appendix A of this Part.

f) Beginning in the report due by July 1, 2002 and ending Until January 22, 2006, a CWS supplier that detects arsenic above 0.01 mg/L and up to and including 0.05 mg/L must include the arsenic health effects language prescribed by Appendix A to this Part.


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

Section 611.885 Report Delivery and Recordkeeping

a) Except as provided in subsection (g) of this Section, each CWS must mail or otherwise directly deliver one copy of the report to each customer.

b) The CWS must make a good faith effort to reach consumers who do not get water bills, using a means approved by the Agency by a SEP granted pursuant to Section 611.110. A good faith effort to reach consumers includes, but is not limited to, methods such as the following: posting the reports on the Internet, advertising the availability of the report in the news media, publication in a local newspaper, or delivery to community organizations.

c) No later than the date the CWS is required to distribute the report to its customers, each CWS must mail a copy of the report to the Agency, followed within three months by a certification that the report has been distributed to customers, and that the information is correct and consistent with the compliance monitoring data previously submitted to the Agency.

d) No later than the date the CWS is required to distribute the report to its customers, each CWS must deliver the report to any other agency or clearinghouse identified by the Agency.

e) Each CWS must make its reports available to the public upon request.

f) Each CWS serving 100,000 or more persons must post its current year’s report to
a publicly-accessible site on the Internet.

The Governor or his designee may waive the requirement of subsection (a) of this Section for a CWS serving fewer than 10,000 persons.

1) Such a CWS must do the following:

A) The CWS must publish the report in one or more local newspapers serving the county in which the CWS is located;

B) The CWS must inform the customers that the report will not be mailed, either in the newspapers in which the report is published or by other means approved by the Agency; and

C) The CWS must make the report available to the public upon request.

2) Systems serving fewer than 500 persons may forgo the requirements of subsections (g)(1)(A) and (g)(1)(B) of this Section if they provide notice at least once per year to their customers by mail, by door-to-door delivery, or by posting in a location approved by the Agency that the report is available upon request.

Any system subject to this Subpart U must retain copies of its consumer confidence report for no less than three years.


(Source: Amended at 27 Ill. Reg. _______, effective ______________________)

SUBPART V: PUBLIC NOTIFICATION OF DRINKING WATER VIOLATIONS

Section 611.901 General Public Notification Requirements

The requirements of this Subpart V replace former notice requirements.

a) Who must give public notice. Each owner or operator of a public water system (a CWS, an NTNCWS, or a transient non-CWS) must give notice for all violations of an NPDWR and for other situations, as listed in this subsection (a). The term “NPDWR violation” is used in this Subpart V to include violations of an MCL, an MRDL, a treatment technique, monitoring requirements, or a testing procedure set
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

forth in this Part. Appendix G to this Part identifies the tier assignment for each specific violation or situation requiring a public notice.

1) NPDWR violations

A) A failure to comply with an applicable MCL or MRDL.
B) A failure to comply with a prescribed treatment technique.
C) A failure to perform water quality monitoring, as required by this Part.
D) A failure to comply with testing procedures as prescribed by this Part.

2) Relief equivalent to a variance and exemptions under sections 1415 and 1416 of SDWA

A) Operation under relief equivalent to a SDWA section 1415 variance, under Section 611.111, or a SDWA section 1416 exemption, under Section 611.112.
B) A failure to comply with the requirements of any schedule that has been set under relief equivalent to a SDWA section 1415 variance, under Section 611.111, or a SDWA section 1415 exemption, under Section 611.112.

3) Special public notices

A) The occurrence of a waterborne disease outbreak or other waterborne emergency.
B) An exceedence of the nitrate MCL by a non-CWS, where granted permission by the Agency under Section 611.300(d).
C) An exceedence of the secondary fluoride standard of Section 611.858.
D) The availability of unregulated contaminant monitoring data.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

E) Other violations and situations determined by the Agency by a SEP issued pursuant to Section 611.110 to require a public notice under this Subpart V, not already listed in Appendix G of this Part.

b) The type of public notice required for each violation or situation. The public notice requirements of this Subpart V are divided into three tiers, to take into account the seriousness of the violation or situation and of any potential adverse health effects that may be involved. The public notice requirements for each violation or situation listed in subsection (a) of this Section are determined by the tier to which it is assigned. This subsection (b) provides the definition of each tier. Appendix G of this Part identifies the tier assignment for each specific violation or situation.

1) Tier 1 public notice: required for NPDWR violations and situations with significant potential to have serious adverse effects on human health as a result of short-term exposure.

2) Tier 2 public notice: required for all other NPDWR violations and situations with potential to have serious adverse effects on human health.

3) Tier 3 public notice: required for all other NPDWR violations and situations not included in Tier 1 and Tier 2.

c) Who must receive notice.

1) Each PWS supplier must provide public notice to persons served by the water supplier, in accordance with this Subpart V. A PWS supplier that sells or otherwise provides drinking water to another PWS supplier (i.e., to a consecutive system) is required to give public notice to the owner or operator of the consecutive system; the consecutive system supplier is responsible for providing public notice to the persons it serves.

2) If a PWS supplier has a violation in a portion of the distribution system that is physically or hydraulically isolated from other parts of the distribution system, the Agency may allow the system to limit distribution of the public notice to only persons served by that portion of the system that is out of compliance. Permission by the Agency for limiting distribution of the notice must be granted in writing, by a SEP granted pursuant to Section 611.110.

3) A copy of the notice must also be sent to the Agency, in accordance with
Section 611.902 Tier 1 Public Notice—Notice: Form, Manner, and Frequency of Notice

a) Violations or situations that require a Tier 1 public notice. This subsection (a) lists the violation categories and other situations requiring a Tier 1 public notice. Appendix G of this Part identifies the tier assignment for each specific violation or situation.

1) Violation of the MCL for total coliforms when fecal coliform or E. coli are present in the water distribution system (as specified in Section 611.325(b)), or when the water supplier fails to test for fecal coliforms or E. coli when any repeat sample tests positive for coliform (as specified in Section 611.525);

2) Violation of the MCL for nitrate, nitrite, or total nitrate and nitrite, as defined in Section 611.301, or when the water supplier fails to take a confirmation sample within 24 hours after the supplier’s receipt of the results from the first sample showing an exceedence of the nitrate or nitrite MCL, as specified in Section 611.606(b);

3) Exceedence of the nitrate MCL by a non-CWS supplier, where permitted to exceed the MCL by the Agency under Section 611.300(d), as required under Section 611.909;

4) Violation of the MRDL for chlorine dioxide, as defined in Section 611.313(a), when one or more samples taken in the distribution system the day following an exceedence of the MRDL at the entrance of the distribution system exceed the MRDL, or when the water supplier does not take the required samples in the distribution system, as specified in Section 611.383(c)(2)(A);

5) Violation of the turbidity MCL under Section 141.13(b), where the Agency determines after consultation that a Tier 1 notice is required or where consultation does not take place within 24 hours after the supplier learns of the violation;
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

6) Violation of the Surface Water Treatment Rule (SWTR), Interim Enhanced Surface Water Treatment Rule (IESWTR), or Long Term 1 Enhanced Surface Water Treatment Rule (LT1ESWTR) treatment technique requirement resulting from a single exceedence of the maximum allowable turbidity limit (as identified in Appendix G), where the Agency determines after consultation that a Tier 1 notice is required or where consultation does not take place within 24 hours after the supplier learns of the violation;

7) Occurrence of a waterborne disease outbreak, as defined in Section 611.101, or other waterborne emergency (such as a failure or significant interruption in key water treatment processes, a natural disaster that disrupts the water supply or distribution system, or a chemical spill or unexpected loading of possible pathogens into the source water that significantly increases the potential for drinking water contamination);

8) Other violations or situations with significant potential to have serious adverse effects on human health as a result of short-term exposure, as determined by the Agency by an SEP issued pursuant to Section 611.110.

b) When the Tier 1 public notice is to be provided. Additional steps required. A PWS supplier must do the following:

1) Provide--It must provide a public notice as soon as practical but no later than 24 hours after the supplier learns of the violation;

2) Initiate--It must initiate consultation with the Agency as soon as practical, but no later than 24 hours after the PWS supplier learns of the violation or situation, to determine additional public notice requirements; and

3) Comply--It must comply with any additional public notification requirements (including any repeat notices or direction on the duration of the posted notices) that are established as a result of the consultation with the Agency. Such requirements may include the timing, form, manner, frequency, and content of repeat notices (if any) and other actions designed to reach all persons served.

c) The form and manner of the public notice. A PWS supplier must provide the notice within 24 hours in a form and manner reasonably calculated to reach all persons served. The form and manner used by the PWS supplier are to fit the specific situation, but must be designed to reach residential, transient, and non-
transient users of the water system. In order to reach all persons served, a water supplier is to use, at a minimum, one or more of the following forms of delivery:

1) Appropriate broadcast media (such as radio and television);

2) Posting of the notice in conspicuous locations throughout the area served by the water supplier;

3) Hand delivery of the notice to persons served by the water supplier; or

4) Another delivery method approved in writing by the Agency by an SEP issued pursuant to Section 611.110.


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

Section 611.903 Tier 2 Public Notice—Notice: Form, Manner, and Frequency of Notice

a) Violations or situations that require a Tier 2 public notice. This subsection (a) lists the violation categories and other situations requiring a Tier 2 public notice. Appendix G to this Part identifies the tier assignment for each specific violation or situation.

1) All violations of the MCL, MRDL, and treatment technique requirements, except where a Tier 1 notice is required under Section 611.902(a) or where the Agency determines by an SEP issued pursuant to Section 611.110 that a Tier 1 notice is required;

2) Violations of the monitoring and testing procedure requirements, where the Agency determines by an SEP issued pursuant to Section 611.110 that a Tier 2 rather than a Tier 3 public notice is required, taking into account potential health impacts and persistence of the violation; and

3) Failure to comply with the terms and conditions of any relief equivalent to a SDWA section 1415 variance or a SDWA section 1416 exemption in place.

b) When Tier 2 public notice is to be provided.

1) A PWS supplier must provide the public notice as soon as practical, but no
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

later than 30 days after the supplier learns of the violation. If the public notice is posted, the notice must remain in place for as long as the violation or situation persists, but in no case for less than seven days, even if the violation or situation is resolved. The Agency may, in appropriate circumstances, by an SEP issued pursuant to Section 611.110, allow additional time for the initial notice of up to three months from the date the supplier learns of the violation. It is not appropriate for the Agency to grant an extension to the 30-day deadline for any unresolved violation or to allow across-the-board extensions by rule or policy for other violations or situations requiring a Tier 2 public notice. Extensions granted by the Agency must be in writing.

2) The PWS supplier must repeat the notice every three months as long as the violation or situation persists, unless the Agency determines that appropriate circumstances warrant a different repeat notice frequency. In no circumstance may the repeat notice be given less frequently than once per year. It is not appropriate for the Agency to allow less frequent repeat notice for an MCL violation under the Total Coliform Rule or a treatment technique violation under the Surface Water Treatment Rule or Interim Enhanced Surface Water Treatment Rule. It is also not appropriate for the Agency to allow across-the-board reductions in the repeat notice frequency for other ongoing violations requiring a Tier 2 repeat notice. An Agency determination allowing repeat notices to be given less frequently than once every three months must be in writing.

3) For the turbidity violations specified in this subsection (b)(3), a PWS supplier must consult with the Agency as soon as practical but no later than 24 hours after the supplier learns of the violation, to determine whether a Tier 1 public notice under Section 611.902(a) is required to protect public health. When consultation does not take place within the 24-hour period, the water system must distribute a Tier 1 notice of the violation within the next 24 hours (i.e., no later than 48 hours after the supplier learns of the violation), following the requirements under Section 611.902(b) and (c). Consultation with the Agency is required for the following:

A) Violation of the turbidity MCL under Section 611.320(b); or
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

B) Violation of the SWTR, IESWTR, or treatment technique requirement resulting from a single exceedence of the maximum allowable turbidity limit.

c) The form and manner of Tier 2 public notice. A PWS supplier must provide the initial public notice and any repeat notices in a form and manner that is reasonably calculated to reach persons served in the required time period. The form and manner of the public notice may vary based on the specific situation and type of water system, but it must at a minimum meet the following requirements:

1) Unless directed otherwise by the Agency in writing, by an SEP issued pursuant to Section 611.110, a CWS supplier must provide notice by the following:

   A) Mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the PWS supplier; and

   B) Any other method reasonably calculated to reach other persons regularly served by the supplier, if they would not normally be reached by the notice required in subsection (c)(1)(A) of this Section. Such persons may include those who do not pay water bills or do not have service connection addresses (e.g., house renters, apartment dwellers, university students, nursing home patients, prison inmates, etc.). Other methods may include: Publication in a local newspaper; delivery of multiple copies for distribution by customers that provide their drinking water to others (e.g., apartment building owners or large private employers); posting in public places served by the supplier or on the Internet; or delivery to community organizations.

2) Unless directed otherwise by the Agency in writing, by an SEP issued pursuant to Section 611.110, a non-CWS supplier must provide notice by the following means:

   A) Posting the notice in conspicuous locations throughout the distribution system frequented by persons served by the supplier, or by mail or direct delivery to each customer and service connection (where known); and
NOTICE OF PROPOSED AMENDMENTS

B) Any other method reasonably calculated to reach other persons served by the system if they would not normally be reached by the notice required in subsection (c)(2)(A) of this Section. Such persons may include those served who may not see a posted notice because the posted notice is not in a location they routinely pass by. Other methods may include the following: Publication in a local newspaper or newsletter distributed to customers; use of E-mail to notify employees or students; or delivery of multiple copies in central locations (e.g., community centers).


(Source: Amended at 27 Ill. Reg. ________, effective ______________________)

Section 611.904 Tier 3 Public Notice—Notice: Form, Manner, and Frequency of Notice

a) Violations or situations that require a Tier 3 public notice. This subsection (a) lists the violation categories and other situations requiring a Tier 3 public notice. Appendix G of this Part identifies the tier assignment for each specific violation or situation.

1) Monitoring violations under this Part, except where a Tier 1 notice is required under Section 611.902(a) or where the Agency determines by a SEP issued pursuant to Section 611.110 that a Tier 2 notice is required;

2) Failure to comply with a testing procedure established in this Part, except where a Tier 1 notice is required under Section 611.902(a) or where the Agency determines by a SEP issued pursuant to Section 611.110 that a Tier 2 notice is required;

3) Operation under relief equivalent to a SDWA Section 1415 variance granted under Section 611.111 or relief equivalent to a SDWA Section 1416 exemption granted under Section 611.112;

4) Availability of unregulated contaminant monitoring results, as required under Section 611.907; and

5) Exceedence of the secondary standard for fluoride under Section 611.858, as required under Section 611.908.

b) When the Tier 3 public notice is to be provided.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) A PWS supplier must provide the public notice not later than one year after the supplier learns of the violation or situation or begins operating under relief equivalent to a SDWA Section 1415 variance or Section 1416 exemption. Following the initial notice, the supplier must repeat the notice annually for as long as the violation, relief equivalent to a SDWA Section 1415 variance or Section 1416 exemption, or other situation persists. If the public notice is posted, the notice must remain in place for as long as the violation, relief equivalent to a SDWA Section 1415 variance or Section 1416 exemption, or other situation persists, but in no case less than seven days (even if the violation or situation is resolved).

2) Instead of individual Tier 3 public notices, a PWS supplier may use an annual report detailing all violations and situations that occurred during the previous twelve months, as long as the timing requirements of subsection (b)(1) of this Section are met.

c) The form and manner of the Tier 3 public notice. A PWS supplier must provide the initial notice and any repeat notices in a form and manner that is reasonably calculated to reach persons served in the required time period. The form and manner of the public notice may vary based on the specific situation and type of water system, but it must at a minimum meet the following requirements:

1) Unless directed otherwise by the Agency by a SEP issued pursuant to Section 611.110 in writing, a CWS supplier must provide notice by the following:

A) Mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the supplier; and

B) Any other method reasonably calculated to reach other persons regularly served by the supplier, if they would not normally be reached by the notice required in subsection (c)(1)(A) of this Section. Such persons may include those who do not pay water bills or do not have service connection addresses (e.g., house renters, apartment dwellers, university students, nursing home patients, prison inmates, etc.). Other methods may include the following: publication in a local newspaper; delivery of multiple copies for distribution by customers that provide their drinking
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

water to others (e.g., apartment building owners or large private employers); posting in public places or on the Internet; or delivery to community organizations.

2) Unless directed otherwise by the Agency by a SEP issued pursuant to Section 611.110 in writing, a non-CWS supplier must provide notice by the following:

A) Posting the notice in conspicuous locations throughout the distribution system frequented by persons served by the supplier, or by mail or direct delivery to each customer and service connection (where known); and

B) Any other method reasonably calculated to reach other persons served by the supplier, if they would not normally be reached by the notice required in subsection (c)(2)(A) of this Section. Such persons may include those who may not see a posted notice because the notice is not in a location they routinely pass by. Other methods may include the following: publication in a local newspaper or newsletter distributed to customers; use of E-mail to notify employees or students; or delivery of multiple copies in central locations (e.g., community centers).

d) When the Consumer Confidence Report may be used to meet the Tier 3 public notice requirements. For a CWS supplier, the Consumer Confidence Report (CCR) required under Subpart U of this Part may be used as a vehicle for the initial Tier 3 public notice and all required repeat notices, as long as the following is true:

1) The CCR is provided to persons served no later than 12 months after the supplier learns of the violation or situation as required under Section 611.904(b);

2) The Tier 3 notice contained in the CCR follows the content requirements under Section 611.905; and

3) The CCR is distributed following the delivery requirements under Section 611.904(c).

Section 611.905  Content of the Public Notice

a) Elements included in public notice for violation of an NPDWR or other situations. When a PWS supplier violates an NPDWR or has a situation requiring public notification, each public notice must include the following elements:

1) A description of the violation or situation, including the contaminants of concern, and (as applicable) the contaminant levels;
2) When the violation or situation occurred;
3) Any potential adverse health effects from the violation or situation, including the standard language under subsection (d)(1) or (d)(2) of this Section, whichever is applicable;
4) The population at risk, including subpopulations particularly vulnerable if exposed to the contaminant in their drinking water;
5) Whether alternative water supplies should be used;
6) What actions consumers should take, including when they should seek medical help, if known;
7) What the supplier is doing to correct the violation or situation;
8) When the water supplier expects to return to compliance or resolve the situation;
9) The name, business address, and phone number of the water system owner, operator, or designee of the public water system as a source of additional information concerning the notice; and
10) A statement to encourage the notice recipient to distribute the public notice to other persons served, using the standard language under subsection (d)(3) of this Section, where applicable.

b) The elements that must be included in the public notice for public water systems operating under relief equivalent to a SDWA Section 1415 variance or a Section 1416 exemption.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) If a PWS supplier has been granted a relief equivalent to a SDWA Section 1415 variance, under Section 611.111, or a Section 1416 exemption, under Section 611.112, the public notice must contain the following:

A) An explanation of the reasons for the relief equivalent to a SDWA Section 1415 variance or a Section 1416 exemption;

B) The date on which the relief equivalent to a SDWA Section 1415 variance or a Section 1416 exemption was issued;

C) A brief status report on the steps that the supplier is taking to install treatment, find alternative sources of water, or otherwise comply with the terms and schedules of the relief equivalent to a SDWA Section 1415 variance or a Section 1416 exemption; and

D) A notice of any opportunity for public input in the review of the relief equivalent to a SDWA Section 1415 variance or a Section 1416 exemption.

2) If a PWS supplier violates the conditions of relief equivalent to a SDWA Section 1415 variance or a Section 1416 exemption, the public notice must contain the ten elements listed in subsection (a) of this Section.

c) How the public notice is to be presented.

1) Each public notice required by this Section must comply with the following:

A) It must be displayed in a conspicuous way when printed or posted;

B) It must not contain overly technical language or very small print;

C) It must not be formatted in a way that defeats the purpose of the notice;

D) It must not contain language which nullifies the purpose of the notice.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

2) Each public notice required by this Section must comply with multilingual requirements, as follows:

A) For a PWS supplier serving a large proportion of non-English speaking consumers, the public notice must contain information in the appropriate languages regarding the importance of the notice or contain a telephone number or address where persons served may contact the water supplier to obtain a translated copy of the notice or to request assistance in the appropriate language.

B) In cases where the Agency has not determined what constitutes a large proportion of non-English speaking consumers, the PWS supplier must include in the public notice the same information as in subsection (c)(2)(A) of this Section, where appropriate to reach a large proportion of non-English speaking persons served by the water supplier.

d) Standard language that a PWS supplier must include in its public notice. A PWS supplier is required to include the following standard language in its public notice:

1) Standard health effects language for MCL or MRDL violations, treatment technique violations, and violations of the condition of relief equivalent to a SDWA Section 1415 variance or a Section 1416 exemption. A PWS supplier must include in each public notice the health effects language specified in Appendix H to this Part corresponding to each MCL, MRDL, and treatment technique violation listed in Appendix G to this Part, and for each violation of a condition of relief equivalent to a SDWA Section 1415 variance or a Section 1416 exemption.

2) Standard language for monitoring and testing procedure violations. A PWS supplier must include the following language in its notice, including the language necessary to fill in the blanks, for all monitoring and testing procedure violations listed in Appendix G of this Part:

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not your drinking water meets health standards. During {{compliance period}}, we “did not monitor or test” or “did not complete all monitoring or testing” for {{contaminants}}, and therefore cannot be sure of the quality of
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

your drinking water during that time.

3) Standard language to encourage the distribution of the public notice to all persons served. A PWS supplier must include the following language in its notice (where applicable):

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.


(Source: Amended at 27 Ill. Reg. ________, effective ______________________)

Section 611.906 Notice to New Billing Units or New Customers

a) The requirement for a CWS. A CWS supplier must give a copy of the most recent public notice for any continuing violation, the existence of relief equivalent to a SDWA Section 1415 variance or a Section 1416 exemption, or other ongoing situations requiring a public notice to all new billing units or new customers prior to or at the time service begins.

b) The requirement for non-CWS. A non-CWS supplier must continuously post the public notice in conspicuous locations in order to inform new consumers of any continuing violation, relief equivalent to a SDWA Section 1415 variance or a Section 1416 exemption, or other situation requiring a public notice for as long as the violation, the relief equivalent to a SDWA Section 1415 variance or a Section 1416 exemption, or other situation persists.


(Source: Amended at 27 Ill. Reg. ________, effective ______________________)

Section 611.907 Special Notice of the Availability of Unregulated Contaminant Monitoring Results

a) When to give special notice. The owner or operator of a CWS supplier or an
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

NTNCWS supplier required to monitor for unregulated contaminants under Section 611.510 must notify persons served by the supplier of the availability of the results of such sampling no later than 12 months after the monitoring results are known.

b) The form and manner of a special notice. The form and manner of the public notice must follow the requirements for a Tier 3 public notice prescribed in Sections 611.904(c), (d)(1), and (d)(3). The notice must also identify a person and provide the telephone number to contact for information on the monitoring results.


(Source: Amended at 27 Ill. Reg. ________, effective ______________________)

Section 611.908 Special Notice for Exceedence of the Fluoride Secondary Standard

a) When to give special notice. A CWS supplier that exceeds the fluoride secondary standard (SMCL) of 2 mg/L, as specified in Section 611.858 (determined by the last single sample taken in accordance with Section 611.603), but does not exceed the maximum contaminant level (MCL) of 4 mg/L for fluoride (as specified in Section 611.301), must provide the public notice in subsection (c) of this Section to persons served. Public notice must be provided as soon as practical but no later than 12 months from the day the supplier learns of the exceedence. A copy of the notice must also be sent to all new billing units and new customers at the time service begins and to the Department of Public Health. The PWS supplier must repeat the notice at least annually for as long as the SMCL is exceeded. If the public notice is posted, the notice must remain in place for as long as the fluoride SMCL is exceeded, but in no case less than seven days (even if the exceedence is eliminated). On a case-by-case basis, the Agency may require an initial notice sooner than 12 months and repeat notices more frequently than annually.

b) The form and manner of a special notice. The form and manner of the public notice (including repeat notices) must follow the requirements for a Tier 3 public notice in Section 611.904(c), (d)(1), and (d)(3).

c) Mandatory language in a special notice. The notice must contain the following language, including the language necessary to fill in the blanks:

This is an alert about your drinking water and a cosmetic dental problem
that might affect children under nine years of age. At low levels, fluoride can help prevent cavities, but children drinking water containing more than 2 milligrams per liter (mg/L) of fluoride may develop cosmetic discoloration of their permanent teeth (dental fluorosis). The drinking water provided by your community water system [(name)] has a fluoride concentration of [(insert value)] mg/L. Dental fluorosis, in its moderate or severe forms, may result in a brown staining and/or pitting of the permanent teeth. This problem occurs only in developing teeth, before they erupt from the gums. Children under nine should be provided with alternative sources of drinking water or water that has been treated to remove the fluoride to avoid the possibility of staining and pitting of their permanent teeth. You may also want to contact your dentist about proper use by young children of fluoride-containing products. Older children and adults may safely drink the water.

Drinking water containing more than 4 mg/L of fluoride (the USEPA’s drinking water standard) can increase your risk of developing bone disease. Your drinking water does not contain more than 4 mg/L of fluoride, but we’re required to notify you when we discover that the fluoride levels in your drinking water exceed 2 mg/L because of this cosmetic dental problem.

For more information, please call [(name of water system contact)] of [(name of community water system)] at [(phone number)]. Some home water treatment units are also available to remove fluoride from drinking water. To learn more about available home water treatment units, you may call NSF International at 1-877-8-NSF-HELP.


(Source: Amended at 27 Ill. Reg. _______, effective ______________________)

Section 611.909 Special Notice for Nitrate Exceedences above the MCL by a Non-Community Water System

a) When the special notice is to be given. The owner or operator of a non-CWS supplier granted permission by the Agency under Section 611.300(d) to exceed the nitrate MCL must provide notice to persons served according to the requirements for a Tier 1 notice under Section 611.902(a) and (b).

b) The form and manner of the special notice. A non-CWS supplier granted
permission by the Agency to exceed the nitrate MCL under Section 611.300(d)
must provide continuous posting of the fact that nitrate levels exceed 10 mg/L
and the potential health effects of exposure, according to the requirements for Tier
1 notice delivery under Section 611.902(c) and the content requirements under
Section 611.905.

(Source: Amended at 27 Ill. Reg. ________, effective ______________________)

Section 611.910 Notice by the Agency on Behalf of a PWS

a) The Agency may issue the notice required by this Subpart V on behalf of the
owner and operator of the PWS supplier if the Agency complies with the
requirements of this Subpart V.

b) The responsibility of the PWS supplier when notice is given by the Agency. The
owner or operator of the PWS supplier remains responsible for ensuring that the
requirements of this Subpart V are met.

BOARD NOTE: Derived from 40 CFR 141.210, as added at 65 Fed. Reg. 26039 (May 4, 2000)
(2002).
(Source: Amended at 27 Ill. Reg. ________, effective ______________________)

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

Section 611.950 General Requirements

a) The requirements of this Subpart X constitute national primary drinking water
regulations. These regulations establish requirements for filtration and
disinfection that are in addition to criteria under which filtration and disinfection
are required under Subpart B of this Part. The regulations in this Subpart X
establish or extend treatment technique requirements in lieu of maximum
contaminant levels for the following contaminants: Giardia lamblia, viruses,
heterotrophic plate count bacteria, Legionella, Cryptosporidium, and turbidity.
The treatment technique requirements consist of installing and properly operating
water treatment processes that reliably achieve the following:

1) At least 99 percent (2 log₂-log) removal of Cryptosporidium between a
point where the raw water is not subject to recontamination by surface water runoff and a point downstream before or at the first customer for filtered systems, or Cryptosporidium control under the watershed control plan for unfiltered systems; and

2) Compliance with the profiling and benchmark requirements in Sections 611.953 and 611.954.

b) Applicability of the Subpart X requirements. A supplier is subject to these requirements if the following is true of its system:

1) Is a public water system;

2) Uses surface water or groundwater under the direct influence of surface water as a source; and

3) Serves fewer than 10,000 persons.

c) Compliance deadline. A supplier must comply with these requirements in this Subpart X beginning January 1, 2005, except where otherwise noted.

d) Subpart X requirements. There are seven requirements of this Subpart X, and a supplier must comply with all requirements that are applicable to its system. These requirements are the following:

1) The supplier must cover any finished water reservoir that the supplier began to construct on or after March 15, 2002, as described in Section 611.951;

2) If the supplier’s system is an unfiltered system, the supplier must comply with the updated watershed control requirements described in Section 611.952;

3) If the supplier’s system is a community or non-transient non-community water system the supplier must develop a disinfection profile, as described in Section 611.953;

4) If the supplier’s system is considering making a significant change to its disinfection practices, the supplier must develop a disinfection benchmark and consult with the Agency for approval of the change, as described in Section 611.954;
5) If the supplier’s system is a filtered system, the supplier must comply with the combined filter effluent requirements, as described in Section 611.955;

6) If the supplier’s system is a filtered system that uses conventional or direct filtration, the supplier must comply with the individual filter turbidity requirements, as described in Section 611.956; and

7) The supplier must comply with the applicable reporting and recordkeeping requirements, as described in Section 611.957.

BOARD NOTE: Derived from 40 CFR 141.500 through 141.503 (2002).

(Source: Amended at 27 Ill. Reg. ________, effective ______________________)

Section 611.952 Additional Watershed Control Requirements for Unfiltered Systems

a) Applicability. A Subpart B system supplier that serves fewer than 10,000 persons which that does not provide filtration must continue to comply with all of the filtration avoidance criteria in Sections 611.211 and 611.230 through 611.233, as well as the additional watershed control requirements in subsection (b) of this Section.

b) Requirements to avoid filtration. A supplier must take any additional steps necessary to minimize the potential for contamination by Cryptosporidium oocysts in the source water. A watershed control program must fulfill the following for Cryptosporidium:

1) The program must identify watershed characteristics and activities that may have an adverse effect on source water quality; and

2) The program must monitor the occurrence of activities that may have an adverse effect on source water quality.

c) Determination of adequacy of control requirements. During an onsite inspection conducted under the provisions of Section 611.232(c), the Agency must determine whether a watershed control program is adequate to limit potential contamination by Cryptosporidium oocysts. The adequacy of the program must be based on the comprehensiveness of the watershed review; the effectiveness of the program to monitor and control detrimental activities occurring in the watershed; and the extent to which the supplier has maximized land ownership or controlled land use within the watershed.
Section 611.953 Disinfection Profile

a) Applicability. A disinfection profile is a graphical representation of a system’s level of Giardia lamblia or virus inactivation measured during the course of a year. A Subpart B community or non-transient non-community water system that serves fewer than 10,000 persons must develop a disinfection profile unless the Agency, by an SEP issued pursuant to Section 611.110, determines that a profile is unnecessary. The Agency may approve the use of a more representative data set for disinfection profiling than the data set required under subsections (c) through (g) of this Section.

b) Determination that a disinfection profile is not necessary. The Agency may only determine that a disinfection profile is not necessary if the system’s TTHM and HAA5 levels are below 0.064 mg/L and 0.048 mg/L, respectively. To determine these levels, TTHM and HAA5 samples must have been collected after January 1, 1998, during the month with the warmest water temperature, and at the point of maximum residence time in the distribution system.

c) Development of a disinfection profile. A disinfection profile consists of the following three steps:

1) First, the supplier must collect data for several parameters from the plant, as discussed in subsection (d) of this Section, over the course of 12 months. If the supplier serves between 500 and 9,999 persons it must begin to collect data no later than July 1, 2003. If the supplier serves fewer than 500 persons, it must begin to collect data no later than January 1, 2004.

2) Second, the supplier must use this data to calculate weekly log inactivation as discussed in subsections (e) and (f) of this Section; and

3) Third, the supplier must use these weekly log inactivations to develop a disinfection profile as specified in subsection (g) of this Section.

d) Data required for a disinfection profile. A supplier must monitor the following parameters to determine the total log inactivation using the analytical methods in Section 611.231, once per week on the same calendar day, over 12 consecutive
months:

1) The temperature of the disinfected water at each residual disinfectant concentration sampling point during peak hourly flow;

2) If a supplier uses chlorine, the pH of the disinfected water at each residual disinfectant concentration sampling point during peak hourly flow;

3) The disinfectant contact times (“T”) during peak hourly flow; and

4) The residual disinfectant concentrations (“C”) of the water before or at the first customer and prior to each additional point of disinfection during peak hourly flow.

e) Calculations based on the data collected. The supplier must calculate the total inactivation ratio as follows, and multiply the value by 3.0 to determine log inactivation of Giardia lamblia:

1) If the supplier uses only one point of disinfectant application, it must determine either of the following:

A) One inactivation ratio (CT\text{calc}/CT_{99.9}) before or at the first customer during peak hourly flow, or

B) Successive CT\text{calc}/CT_{99.9} values, representing sequential inactivation ratios, between the point of disinfectant application and a point before or at the first customer during peak hourly flow. Under this alternative, the supplier must calculate the total inactivation ratio by determining CT\text{calc}/CT_{99.9} for each sequence and then adding the CT\text{calc}/CT_{99.9} values together to determine \(\sum\text{CT}_{\text{calc}}/\text{CT}_{99.9}\).

2) If the supplier uses more than one point of disinfectant application before the first customer, it must determine the CT\text{calc}/CT_{99.9} value of each disinfection segment immediately prior to the next point of disinfectant application, or for the final segment, before or at the first customer, during peak hourly flow using the procedure specified in subsection (e)(1)(B) of this Section.

f) Use of chloramines, ozone, or chlorine dioxide as a primary disinfectant. If a supplier uses chloramines, ozone, or chlorine dioxide for primary disinfection,
POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

supplier must also calculate the logs of inactivation for viruses and develop an additional disinfection profile for viruses using methods approved by the Agency.

g) Development and maintenance of the disinfection profile in graphic form. Each log inactivation serves as a data point in the supplier’s disinfection profile. A supplier will have obtained 52 measurements (one for every week of the year). This will allow the supplier and the Agency the opportunity to evaluate how microbial inactivation varied over the course of the year by looking at all 52 measurements (the supplier’s disinfection profile). The supplier must retain the disinfection profile data in graphic form, such as a spreadsheet, which must be available for review by the Agency as part of a sanitary survey. The supplier must use this data to calculate a benchmark if the supplier is considering changes to disinfection practices.

BOARD NOTE: Derived from 40 CFR 141.530 through 141.536 (2002).

(Source: Amended at 27 Ill. Reg. _______, effective ______________________)

Section 611.954 Disinfection Benchmark

a) Applicability. A Subpart B system supplier that is required to develop a disinfection profile under Section 611.953 must develop a disinfection benchmark if it decides to make a significant change to its disinfection practice. The supplier must consult with the Agency for approval before it can implement a significant disinfection practice change.

b) Significant changes to disinfection practice. Significant changes to disinfection practice include the following:

1) Changes to the point of disinfection;
2) Changes to the disinfectants used in the treatment plant;
3) Changes to the disinfection process; or
4) Any other modification identified by the Agency.

c) Considering a significant change. A supplier that is considering a significant change to its disinfection practice must calculate disinfection benchmark, as described in subsections (d) and (e) of this Section, and provide the benchmarks to the Agency. A supplier may only make a significant disinfection practice
change after consulting with the Agency for approval. A supplier must submit the following information to the Agency as part of the consultation and approval process:

1) A description of the proposed change;
2) The disinfection profile for Giardia lamblia (and, if necessary, viruses) and disinfection benchmark;
3) An analysis of how the proposed change will affect the current levels of disinfection; and
4) Any additional information requested by the Agency.

d) Calculation of a disinfection benchmark. A supplier that is making a significant change to its disinfection practice must calculate a disinfection benchmark using the following procedure:

1) Step 1: Using the data that the supplier collected to develop the disinfection profile, determine the average Giardia lamblia inactivation for each calendar month by dividing the sum of all Giardia lamblia inactivations for that month by the number of values calculated for that month; and
2) Step 2: Determine the lowest monthly average value out of the 12 values. This value becomes the disinfection benchmark.

e) If a supplier uses chloramines, ozone or chlorine dioxide for primary disinfection the supplier must calculate the disinfection benchmark from the data that the supplier collected for viruses to develop the disinfection profile in subsection (d) of this Section. This viral benchmark must be calculated in the same manner used to calculate the Giardia lamblia disinfection benchmark in subsection (d) of this Section.


(Source: Amended at 27 Ill. Reg. ________, effective ______________________)

Section 611.955 Combined Filter Effluent Turbidity Limits

a) Applicability. A Subpart B system supplier that serves fewer than 10,000
persons, which is required to filter, and which utilizes filtration other than slow sand filtration or diatomaceous earth filtration must meet the combined filter effluent turbidity requirements of subsections (b) through (d) of this Section. If the supplier uses slow sand or diatomaceous earth filtration the supplier is not required to meet the combined filter effluent turbidity limits of this Subpart X, but the supplier must continue to meet the combined filter effluent turbidity limits in Section 611.250.

b) Combined filter effluent turbidity limits. A supplier must meet two strengthened combined filter effluent turbidity limits.

1) The first combined filter effluent turbidity limit is a “95th percentile” turbidity limit that a supplier must meet in at least 95 percent of the turbidity measurements taken each month. Measurements must continue to be taken as described in Sections 611.231 and 233. Monthly reporting must be completed according to Section 611.957(a). The following are the required limits for specific filtration technologies:

   A) For a system with conventional filtration or direct filtration, the 95th percentile turbidity value is 0.3 NTU.

   B) For a system with any other alternative filter technology, the 95th percentile turbidity value is a value (not to exceed 1 NTU) to be determined by the Agency, by an SEP issued pursuant to Section 611.110, based on the demonstration described in subsection (c) of this Section.

2) The second combined filter effluent turbidity limit is a “maximum” turbidity limit that a supplier may at no time exceed during the month. Measurements must continue to be taken as described in Sections 611.231 and 233. Monthly reporting must be completed according to Section 611.957(a). The following are the required limits for specific filtration technologies:

   A) For a system with conventional filtration or direct filtration, the maximum turbidity value is 1 NTU.

   B) For a system with any other alternative filter technology, the maximum turbidity value is a value (not to exceed 5 NTU) to be determined by the Agency, by an SEP issued pursuant to Section
c) Requirements for an alternative filtration system.

1) If a supplier’s system consists of alternative filtration (filtration other than slow sand filtration, diatomaceous earth filtration, conventional filtration, or direct filtration) the supplier is required to conduct a demonstration (see tables in subsection (b) of this Section). The supplier must demonstrate to the Agency, using pilot plant studies or other means, that its system’s filtration, in combination with disinfection treatment, consistently achieves the following:

A) 99 percent removal of Cryptosporidium oocysts;
B) 99.9 percent removal and/or inactivation of Giardia lamblia cysts; and
C) 99.99 percent removal and/or inactivation of viruses.

2) This subsection (c)(2) corresponds with 40 CFR 141.552(b), which USEPA has designated as “reserved.” This statement maintains structural correspondence with the corresponding federal regulation.

d) Requirements for a lime-softening system. If a supplier practices lime softening, the supplier may acidify representative combined filter effluent turbidity samples prior to analysis using a protocol approved by the Agency.


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

Section 611.956 Individual Filter Turbidity Requirements

a) Applicability. A Subpart B system supplier that serves fewer than 10,000 persons and utilizing conventional filtration or direct filtration must conduct continuous monitoring of turbidity for each individual filter in a supplier’s system. The following requirements apply to continuous turbidity monitoring:

1) Monitoring must be conducted using an approved method in Section 611.231;
2) Calibration of turbidimeters must be conducted using procedures specified by the manufacturer;

3) Results of turbidity monitoring must be recorded at least every 15 minutes;

4) Monthly reporting must be completed according to Section 611.957(a); and

5) Records must be maintained according to Section 611.957(b).

b) Failure of turbidity monitoring equipment. If there is a failure in the continuous turbidity monitoring equipment, the supplier must conduct grab sampling every four hours in lieu of continuous monitoring until the turbidimeter is back on-line. The supplier has 14 days to resume continuous monitoring before a violation is incurred.

c) Special requirements for systems with two or fewer filters. If a supplier’s system only consists of two or fewer filters, the supplier may conduct continuous monitoring of combined filter effluent turbidity in lieu of individual filter effluent turbidity monitoring. Continuous monitoring must meet the same requirements set forth in subsections (a)(1) through (a)(4) and (b) of this Section.

d) Follow-up action. Follow-up action is required according to the following requirements:

1) If the turbidity of an individual filter (or the turbidity of combined filter effluent (CFE) for a system with two filters that monitor CFE in lieu of individual filters) exceeds 1.0 NTU in two consecutive recordings 15 minutes apart, the supplier must report to the Agency by the 10th of the following month and include the filter numbers, corresponding dates, turbidity values which exceeded 1.0 NTU, and the cause (if known) for the exceedences.

2) If a supplier was required to report to the Agency for three months in a row and turbidity exceeded 1.0 NTU in two consecutive recordings 15 minutes apart at the same filter (or CFE for systems with two filters that monitor CFE in lieu of individual filters), the supplier must conduct a self-assessment of the filters within 14 days of the day on which the filter exceeded 1.0 NTU in two consecutive measurements for the third straight month, unless a CPE, as specified in subsection (d)(3) of this Section, was
required. A supplier that has a system with two filters which monitor CFE in lieu of individual filters must conduct a self assessment on both filters. The self-assessment must consist of at least the following components: assessment of filter performance, development of a filter profile, identification and prioritization of factors limiting filter performance, assessment of the applicability of corrections, and preparation of a filter self-assessment report. If a self-assessment is required, the date that it was triggered and the date that it was completed.

3) If a supplier was required to report to the Agency for two months in a row and turbidity exceeded 2.0 NTU in two consecutive recordings 15 minutes apart at the same filter (or CFE for systems with two filters that monitor CFE in lieu of individual filters), the supplier must arrange to have a comprehensive performance evaluation (CPE) conducted by the Agency or a third party approved by the Agency not later than 60 days following the day the filter exceeded 2.0 NTU in two consecutive measurements for the second straight month. If a CPE has been completed by the Agency or a third party approved by the Agency within the 12 prior months or the system and Agency are jointly participating in an ongoing comprehensive technical assistance (CTA) project at the system, a new CPE is not required. If conducted, a CPE must be completed and submitted to the Agency no later than 120 days following the day the filter exceeded 2.0 NTU in two consecutive measurements for the second straight month.

e) Special individual filter monitoring for a lime-softening system. If a supplier’s system utilizes lime softening, the supplier may apply to the Agency for alternative turbidity exceedance levels for the levels specified in subsection (d) of this Section. The supplier must be able to demonstrate to the Agency that higher turbidity levels are due to lime carryover only, and not due to degraded filter performance.


(Source: Amended at 27 Ill. Reg. _______, effective ______________________)

Section 611.957 Reporting and Recordkeeping Requirements

a) Reporting. This Subpart X requires a supplier to report several items to the Agency. Subsections (a)(1) through (a)(4) of this Section describe the items that must be reported and the frequency of reporting. (The supplier is required to report the information described in subsections (a)(1) through (a)(4) of this
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section, if it is subject to the specific requirement indicated.)

1) If a supplier is subject to the combined filter effluent requirements (Section 611.955), it must report as follows:

A) The total number of filtered water turbidity measurements taken during the month, by the 10th of the following month.

B) The number and percentage of filtered water turbidity measurements taken during the month that are less than or equal to the supplier’s required 95th percentile limit, by the 10th of the following month.

C) The date and value of any turbidity measurements taken during the month that exceed the maximum turbidity value for the supplier’s filtration system, by the 10th of the following month.

2) If the supplier is subject to the individual filter turbidity requirements (Section 611.956), it must report as follows:

A) The fact that the supplier’s system conducted individual filter turbidity monitoring during the month, by the 10th of the following month.

B) The filter numbers, corresponding dates, and the turbidity values that exceeded 1.0 NTU during the month, by the 10th of the following month, but only if two consecutive measurements exceeded 1.0 NTU.

C) If a self-assessment is required, the date that it was triggered and the date that it was completed, by the 10th of the following month (or 14 days after the self-assessment was triggered only if the self-assessment was triggered during the last four days of the month).

D) If a CPE is required, the fact that the CPE is required and the date that it was triggered, by the 10th of the following month.

E) A copy of completed CPE report, within 120 days after the CPE was triggered.

3) If the supplier is subject to the disinfection profiling (Section 611.953), it
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

must report results of optional monitoring that show TTHM levels 0.064 mg/L and HAA5 levels 0.048 mg/L (only if the supplier wishes to forgo profiling) or that the supplier has begun disinfection profiling, as follows:

A) For a supplier that serves 500-9,999 persons, by July 1, 2003; or
B) For a supplier that serves fewer than 500 persons, by January 1, 2004.

4) If the supplier is subject to the disinfection benchmarking (Section 611.954), it must report a description of the proposed change in disinfection, its system’s disinfection profile for Giardia lamblia (and, if necessary, viruses) and disinfection benchmark, and an analysis of how the proposed change will affect the current levels of disinfection, anytime the supplier is considering a significant change to its disinfection practice.

b) Recordkeeping. A supplier must keep several types of records based on the requirements of this Subpart X, in addition to recordkeeping requirements under Sections 611.261 and 611.262. Subsections (b)(1) through (b)(3) describe the necessary records, the length of time these records must be kept, and for which requirement the records pertain. (The supplier is required to maintain records described in subsections (b)(1) through (b)(3) of this Section, if it is subject to the specific requirement indicated.)

1) If the supplier is subject to the individual filter turbidity requirements (Section 611.956), it must retain the results of individual filter monitoring as necessary records for at least three years.

2) If the supplier is subject to disinfection profiling (Section 611.953), it must retain the results of its disinfection profile (including raw data and analysis) as necessary records indefinitely.

3) If the supplier is subject to disinfection benchmarking (Section 611.954), it must retain its disinfection benchmark (including raw data and analysis) as necessary records indefinitely.

BOARD NOTE: Derived from 40 CFR 141.570 and 141.571 (2002).

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

Section 611.Appendix A Regulated Contaminants
ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Microbiological contaminants:

Contaminant (units): Total Coliform Bacteria
Traditional MCL in mg/L: MCL: (a supplier that collects \( \geq \) greater than or equal to 40 samples/month) fewer than 5% five percent of monthly samples are positive; (systems that collect \( < \) fewer than 40 samples/month) fewer than 1 one positive monthly sample.

To convert for CCR, multiply by: --

MCL in CCR units: MCL: (a supplier that collects \( \geq \) greater than or equal to 40 samples/month) fewer than 5% five percent of monthly samples are positive; (a supplier that collects \( < \) fewer than 40 samples/month) fewer than 1 one positive monthly sample.

MCLG: 0

Major sources in drinking water: Naturally present in the environment.

Health effects language: Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.

Contaminant (units): Fecal coliform and E. coli
Traditional MCL in mg/L: 0

To convert for CCR, multiply by: --

MCL in CCR units: 0

MCLG: 0

Major sources in drinking water: Human and animal fecal waste.

Health effects language: Fecal coliforms and E. coli are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, some of the elderly, and people with severely-compromised immune systems.

Contaminant (units): Total organic carbon (ppm)
Traditional MCL in mg/L: TT

To convert for CCR, multiply by: --

MCL in CCR units: TT

MCLG: N/A

Major sources in drinking water: Naturally present in the environment.

Health effects language: Total organic carbon (TOC) has no health effects. However, total organic carbon provides a medium for the formation of disinfection
byproducts. These byproducts include trihalomethanes (THMs) and haloacetic acids (HAAs). Drinking water containing these byproducts in excess of the MCL may lead to adverse health effects, liver or kidney problems, or nervous system effects, and may lead to an increased risk of getting cancer.

Contaminant (units): Turbidity (NTU)
Traditional MCL in mg/Lℓ: TT
To convert for CCR, multiply by: --
MCL in CCR units: TT
MCLG: N/A
Major sources in drinking water: Soil runoff.
Health effects language: Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.

Radioactive contaminants:

Contaminant (units): Beta/photon emitters (mrem/yr)
Traditional MCL in mg/Lℓ: 4 mrem/yr
To convert for CCR, multiply by: --
MCL in CCR units: 4
MCLG: 0
Major sources in drinking water: Decay of natural and man-made deposits.
Health effects language: Certain minerals are radioactive and may emit forms of radiation known as photons and beta radiation. Some people who drink water containing beta particle and photon radioactivity in excess of the MCL over many years may have an increased risk of getting cancer.

Contaminant (units): Alpha emitters (pCi/Lℓ)
Traditional MCL in mg/Lℓ: 15 pCi/Lℓ
To convert for CCR, multiply by: --
MCL in CCR units: 15
MCLG: 0
Major sources in drinking water: Erosion of natural deposits.
Health effects language: Certain minerals are radioactive and may emit a form of radiation known as alpha radiation. Some people who drink water containing alpha emitters in excess of the MCL over many years may have an increased risk of getting cancer.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Contaminant (units): Combined radium (pCi/L)
Traditional MCL in mg/L: 5 pCi/L
To convert for CCR, multiply by: --
MCL in CCR units: 5
MCLG: 0
Major sources in drinking water: Erosion of natural deposits.
Health effects language: Some people who drink water containing radium-226 or -228 in excess of the MCL over many years may have an increased risk of getting cancer.

Contaminant (units): Uranium (µg/L)
Traditional MCL in mg/L: 30 µg/L
To convert for CCR, multiply by: --
MCL in CCR units: 30
MCLG: 0
Major sources in drinking water: Erosion of natural deposits.
Health effects language: Some people who drink water containing uranium in excess of the MCL over many years may have an increased risk of getting cancer and kidney toxicity.

Inorganic contaminants:

Contaminant (units): Antimony (ppb)
Traditional MCL in mg/L: 0.006
To convert for CCR, multiply by: 1000
MCL in CCR units: 6
MCLG: 6
Major sources in drinking water: Discharge from petroleum refineries; fire retardants; ceramics; electronics; solder.
Health effects language: Some people who drink water containing antimony well in excess of the MCL over many years could experience increases in blood cholesterol and decreases in blood sugar.

Contaminant (units): Arsenic (ppb)
Traditional MCL in mg/L: 0.05 until January 23, 2006 or 0.01 effective January 23, 2006
To convert for CCR, multiply by: 1000
MCL in CCR units: 50
MCLG: 0 (effective January 26, 2006)
Major sources in drinking water: Erosion of natural deposits; runoff from orchards; runoff from glass and electronics production wastes.
Health effects language: Some people who drink water containing arsenic in excess of the MCL over many years could experience skin damage or problems with their circulatory system, and may have an increased risk of getting cancer.

Contaminant (units): Asbestos (MFL)
Traditional MCL in mg/L: 7 MFL
To convert for CCR, multiply by: --
MCL in CCR units: 7
MCLG: 7
Major sources in drinking water: Decay of asbestos cement water mains; erosion of natural deposits.
Health effects language: Some people who drink water containing asbestos in excess of the MCL over many years may have an increased risk of developing benign intestinal polyps.

Contaminant (units): Barium (ppm)
Traditional MCL in mg/L: 2
To convert for CCR, multiply by: --
MCL in CCR units: 2
MCLG: 2
Major sources in drinking water: Discharge of drilling wastes; discharge from metal refineries; erosion of natural deposits.
Health effects language: Some people who drink water containing barium in excess of the MCL over many years could experience an increase in their blood pressure.

Contaminant (units): Beryllium (ppb)
Traditional MCL in mg/L: 0.004
To convert for CCR, multiply by: 1000
MCL in CCR units: 4
MCLG: 4
Major sources in drinking water: Discharge from metal refineries and coal-burning factories; discharge from electrical, aerospace, and defense industries.
Health effects language: Some people who drink water containing beryllium well in excess of the MCL over many years could develop intestinal lesions.

Contaminant (units): Bromate (ppb)
Traditional MCL in mg/L: 0.010
To convert for CCR, multiply by: 1000
MCL in CCR units: 10
MCLG: 0
Major sources in drinking water: By-product of drinking water disinfection.

Health effects language: Some people who drink water containing bromate in excess of the MCL over many years may have an increased risk of getting cancer.

Contaminant (units): Cadmium (ppb)
Traditional MCL in mg/L: 0.005
To convert for CCR, multiply by: 1000
MCL in CCR units: 5
MCLG: 5

Major sources in drinking water: Corrosion of galvanized pipes; erosion of natural deposits; discharge from metal refineries; runoff from waste batteries and paints.
Health effects language: Some people who drink water containing cadmium in excess of the MCL over many years could experience kidney damage.

Contaminant (units): Chloramines (ppm)
Traditional MCL in mg/L: MRDL=4
To convert for CCR, multiply by: --
MCL in CCR units: MRDL=4
MCLG: MRDLG=4

Major sources in drinking water: Water additive used to control microbes.
Health effects language: Some people who drink water containing chloramines well in excess of the MRDL could experience irritating effects to their eyes and nose.
Some people who drink water containing chloramines well in excess of the MRDL could experience stomacha discomfort or anemia.

Contaminant (units): Chlorine (ppm)
Traditional MCL in mg/L: MRDL=4
To convert for CCR, multiply by: --
MCL in CCR units: MRDL=4
MCLG: MRDLG=4

Major sources in drinking water: Water additive used to control microbes.
Health effects language: Some people who drink water containing chlorine well in excess of the MRDL could experience irritating effects to their eyes and nose.
Some people who drink water containing chlorine well in excess of the MRDL could experience stomacha discomfort.

Contaminant (units): Chlorine dioxide (ppb)
Traditional MCL in mg/L: MRDL=800
To convert for CCR, multiply by: 1000
MCL in CCR units: MRDL=800
MCLG: MRDLG=800
Major sources in drinking water: Water additive used to control microbes.
Health effects language: Some infants and young children who drink water containing chlorine dioxide well in excess of the MRDL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorine dioxide in excess of the MRDL. Some people may experience anemia.

Contaminant (units): Chlorite (ppm)
Traditional MCL in mg/ℓ: MRDL=1
To convert for CCR, multiply by: --
MCL in CCR units: MRDL=1
MCLG: MRDLG=0.8
Major sources in drinking water: By-product of drinking water disinfection.
Health effects language: Some infants and young children who drink water containing chlorite well in excess of the MCL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorite in excess of the MCL. Some people may experience anemia.

Contaminant (units): Chromium (ppb)
Traditional MCL in mg/ℓ: 0.1
To convert for CCR, multiply by: 1000
MCL in CCR units: 100
MCLG: 100
Major sources in drinking water: Discharge from steel and pulp mills; erosion of natural deposits.
Health effects language: Some people who use water containing chromium well in excess of the MCL over many years could experience allergic dermatitis.

Contaminant (units): Copper (ppm)
Traditional MCL in mg/ℓ: AL=1.3
To convert for CCR, multiply by: --
MCL in CCR units: AL=1.3
MCLG: 1.3
Major sources in drinking water: Corrosion of household plumbing systems; erosion of natural deposits; leaching from wood preservatives.
Health effects language: Copper is an essential nutrient, but some people who drink water containing copper in excess of the action level over a relatively short amount of time could experience gastrointestinal distress. Some people who drink water containing copper in excess of the action level over many years could
suffer liver or kidney damage. People with Wilson’s Disease should consult their personal doctor.

Contaminant (units): Cyanide (ppb)
Traditional MCL in mg/L: 0.2
To convert for CCR, multiply by: 1000
MCL in CCR units: 200
MCLG: 200
Major sources in drinking water: Discharge from steel/metal factories; discharge from plastic and fertilizer factories.
Health effects language: Some people who drink water containing cyanide well in excess of the MCL over many years could experience nerve damage or problems with their thyroid.

Contaminant (units): Fluoride (ppm)
Traditional MCL in mg/L: 4
To convert for CCR, multiply by: --
MCL in CCR units: 4
MCLG: 4
Major sources in drinking water: Erosion of natural deposits; water additive that promotes strong teeth; discharge from fertilizer and aluminum factories.
Health effects language: Some people who drink water containing fluoride in excess of the MCL over many years could get bone disease, including pain and tenderness of the bones. Fluoride in drinking water at half the MCL or more may cause mottling of children’s teeth, usually in children less than nine years old. Mottling, also known as dental fluorosis, may include brown staining and/or pitting of the teeth, and occurs only in developing teeth before they erupt from the gums.

Contaminant (units): Lead (ppb)
Traditional MCL in mg/L: AL=0.015
To convert for CCR, multiply by: 1000
MCL in CCR units: AL=15
MCLG: 0
Major sources in drinking water: Corrosion of household plumbing systems; erosion of natural deposits.
Health effects language: Infants and children who drink water containing lead in excess of the action level could experience delays in their physical or mental development. Children could show slight deficits in attention span and learning abilities. Adults who drink this water over many years could develop kidney problems or high blood pressure.
Contaminant (units): Mercury (inorganic) (ppb)
Traditional MCL in mg/L: 0.002
To convert for CCR, multiply by: 1000
MCL in CCR units: 2
MCLG: 2
Major sources in drinking water: Erosion of natural deposits; discharge from refineries and factories; runoff from landfills; runoff from cropland.
Health effects language: Some people who drink water containing inorganic mercury well in excess of the MCL over many years could experience kidney damage.

Contaminant (units): Nitrate (ppm)
Traditional MCL in mg/L: 10
To convert for CCR, multiply by: --
MCL in CCR units: 10
MCLG: 10
Major sources in drinking water: Runoff from fertilizer use; leaching from septic tanks, sewage; erosion of natural deposits.
Health effects language: Infants below the age of six months who drink water containing nitrate in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.

Contaminant (units): Nitrite (ppm)
Traditional MCL in mg/L: 1
To convert for CCR, multiply by: --
MCL in CCR units: 1
MCLG: 1
Major sources in drinking water: Runoff from fertilizer use; leaching from septic tanks, sewage; erosion of natural deposits.
Health effects language: Infants below the age of six months who drink water containing nitrite in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.

Contaminant (units): Selenium (ppb)
Traditional MCL in mg/L: 0.05
To convert for CCR, multiply by: 1000
MCL in CCR units: 50
MCLG: 50
Major sources in drinking water: Discharge from petroleum and metal refineries; erosion of natural deposits; discharge from mines.
Health effects language: Selenium is an essential nutrient. However, some people who
ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

drink water containing selenium in excess of the MCL over many years could experience hair or fingernail losses, numbness in fingers or toes, or problems with their circulation.

Contaminant (units): Thallium (ppb)
Traditional MCL in mg/L: 0.002
To convert for CCR, multiply by: 1000
MCL in CCR units: 2
MCLG: 0.5
Major sources in drinking water: Leaching from ore-processing sites; discharge from electronics, glass, and drug factories.
Health effects language: Some people who drink water containing thallium in excess of the MCL over many years could experience hair loss, changes in their blood, or problems with their kidneys, intestines, or liver.

Synthetic organic contaminants including pesticides and herbicides:

Contaminant (units): 2,4-D (ppb)
Traditional MCL in mg/L: 0.07
To convert for CCR, multiply by: 1000
MCL in CCR units: 70
MCLG: 70
Major sources in drinking water: Runoff from herbicide used on row crops.
Health effects language: Some people who drink water containing the weed killer 2,4-D well in excess of the MCL over many years could experience problems with their kidneys, liver, or adrenal glands.

Contaminant (units): 2,4,5-TP (silvex) (ppb)
Traditional MCL in mg/L: 0.05
To convert for CCR, multiply by: 1000
MCL in CCR units: 50
MCLG: 50
Major sources in drinking water: Residue of banned herbicide.
Health effects language: Some people who drink water containing silvex in excess of the MCL over many years could experience liver problems.

Contaminant (units): Acrylamide
Traditional MCL in mg/L: TT
To convert for CCR, multiply by: --
MCL in CCR units: TT
MCLG: 0
Major sources in drinking water: Added to water during sewage/wastewater treatment.
Health effects language: Some people who drink water containing high levels of acrylamide over a long period of time could have problems with their nervous system or blood, and may have an increased risk of getting cancer.

Contaminant (units): Alachlor (ppb)
Traditional MCL in mg/L: 0.002
To convert for CCR, multiply by: 1000
MCL in CCR units: 2
MCLG: 0
Major sources in drinking water: Runoff from herbicide used on row crops.
Health effects language: Some people who drink water containing alachlor in excess of the MCL over many years could have problems with their eyes, liver, kidneys, or spleen, or experience anemia, and may have an increased risk of getting cancer.

Contaminant (units): Atrazine (ppb)
Traditional MCL in mg/L: 0.003
To convert for CCR, multiply by: 1000
MCL in CCR units: 3
MCLG: 3
Major sources in drinking water: Runoff from herbicide used on row crops.
Health effects language: Some people who drink water containing atrazine well in excess of the MCL over many years could experience problems with their cardiovascular system or reproductive difficulties.

Contaminant (units): Benzo(a)pyrene (PAH) (nanograms/L)
Traditional MCL in mg/L: 0.0002
To convert for CCR, multiply by: 1,000,000
MCL in CCR units: 200
MCLG: 0
Major sources in drinking water: Leaching from linings of water storage tanks and distribution lines.
Health effects language: Some people who drink water containing benzo(a)pyrene in excess of the MCL over many years may experience reproductive difficulties and may have an increased risk of getting cancer.

Contaminant (units): Carbofuran (ppb)
Traditional MCL in mg/L: 0.04
To convert for CCR, multiply by: 1000
ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

MCL in CCR units: 40
MCLG: 40
Major sources in drinking water: Leaching of soil fumigant used on rice and alfalfa.
Health effects language: Some people who drink water containing carbofuran in excess of the MCL over many years could experience problems with their blood, or nervous or reproductive systems.

Contaminant (units): Chlordane (ppb)
Traditional MCL in mg/L: 0.002
To convert for CCR, multiply by: 1000
MCL in CCR units: 2
MCLG: 0
Major sources in drinking water: Residue of banned termiticide.
Health effects language: Some people who drink water containing chlordane in excess of the MCL over many years could experience problems with their liver or nervous system, and may have an increased risk of getting cancer.

Contaminant (units): Dalapon (ppb)
Traditional MCL in mg/L: 0.2
To convert for CCR, multiply by: 1000
MCL in CCR units: 200
MCLG: 200
Major sources in drinking water: Runoff from herbicide used on rights of way.
Health effects language: Some people who drink water containing dalapon well in excess of the MCL over many years could experience minor kidney changes.

Contaminant (units): Di(2-ethylhexyl)adipate (ppb)
Traditional MCL in mg/L: 0.4
To convert for CCR, multiply by: 1000
MCL in CCR units: 400
MCLG: 400
Major sources in drinking water: Discharge from chemical factories.
Health effects language: Some people who drink water containing di(2-ethylhexyl)adipate well in excess of the MCL over many years could experience general toxic effects, such as weight loss, liver enlargement, or possible reproductive difficulties.

Contaminant (units): Di(2-ethylhexyl)phthalate (ppb)
Traditional MCL in mg/L: 0.006
To convert for CCR, multiply by: 1000
POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

MCL in CCR units: 6
MCLG: 0
Major sources in drinking water: Discharge from rubber and chemical factories.
Health effects language: Some people who drink water containing di(2-ethylhexyl)phthalate well in excess of the MCL over many years may have problems with their liver, or experience reproductive difficulties, and they may have an increased risk of getting cancer.

Contaminant (units): Dibromochloropropane (DBCP) (ppt)
Traditional MCL in mg/L: 0.0002
To convert for CCR, multiply by: 1,000,000
MCL in CCR units: 200
MCLG: 0
Major sources in drinking water: Runoff/leaching from soil fumigant used on soybeans, cotton, pineapples, and orchards.
Health effects language: Some people who drink water containing DBCP in excess of the MCL over many years could experience reproductive problems and may have an increased risk of getting cancer.

Contaminant (units): Dinoseb (ppb)
Traditional MCL in mg/L: 0.007
To convert for CCR, multiply by: 1000
MCL in CCR units: 7
MCLG: 7
Major sources in drinking water: Runoff from herbicide used on soybeans and vegetables.
Health effects language: Some people who drink water containing dinoseb well in excess of the MCL over many years could experience reproductive difficulties.

Contaminant (units): Diquat (ppb)
Traditional MCL in mg/L: 0.02
To convert for CCR, multiply by: 1000
MCL in CCR units: 20
MCLG: 20
Major sources in drinking water: Runoff from herbicide use.
Health effects language: Some people who drink water containing diquat in excess of the MCL over many years could get cataracts.

Contaminant (units): Dioxin (2,3,7,8-TCDD) (ppq)
Traditional MCL in mg/L: 0.0000003
To convert for CCR, multiply by: 1,000,000,000
MCL in CCR units: 30
MCLG: 0
Major sources in drinking water: Emissions from waste incineration and other combustion; discharge from chemical factories.
Health effects language: Some people who drink water containing dioxin in excess of the MCL over many years could experience reproductive difficulties and may have an increased risk of getting cancer.

Contaminant (units): Endothall (ppb)
Traditional MCL in mg/L: 0.1
To convert for CCR, multiply by: 1000
MCL in CCR units: 100
MCLG: 100
Major sources in drinking water: Runoff from herbicide use.
Health effects language: Some people who drink water containing endothall in excess of the MCL over many years could experience problems with their stomach or intestines.

Contaminant (units): Endrin (ppb)
Traditional MCL in mg/L: 0.002
To convert for CCR, multiply by: 1000
MCL in CCR units: 2
MCLG: 2
Major sources in drinking water: Residue of banned insecticide.
Health effects language: Some people who drink water containing endrin in excess of the MCL over many years could experience liver problems.

Contaminant (units): Epichlorohydrin
Traditional MCL in mg/L: TT
To convert for CCR, multiply by: --
MCL in CCR units: TT
MCLG: 0
Major sources in drinking water: Discharge from industrial chemical factories; an impurity of some water treatment chemicals.
Health effects language: Some people who drink water containing high levels of epichlorohydrin over a long period of time could experience stomach problems, and may have an increased risk of getting cancer.

Contaminant (units): Ethylene dibromide (ppt)
Traditional MCL in mg/L: 0.00005
To convert for CCR, multiply by: 1,000,000
MCL in CCR units: 50
MCLG: 0
Major sources in drinking water: Discharge from petroleum refineries.
Health effects language: Some people who drink water containing ethylene dibromide in excess of the MCL over many years could experience problems with their liver, stomach, reproductive system, or kidneys, and may have an increased risk of getting cancer.

Contaminant (units): Glyphosate (ppb)
Traditional MCL in mg/L: 0.7
To convert for CCR, multiply by: 1000
MCL in CCR units: 700
MCLG: 700
Major sources in drinking water: Runoff from herbicide use.
Health effects language: Some people who drink water containing glyphosate in excess of the MCL over many years could experience problems with their kidneys or reproductive difficulties.

Contaminant (units): Heptachlor (ppt)
Traditional MCL in mg/L: 0.0004
To convert for CCR, multiply by: 1,000,000
MCL in CCR units: 400
MCLG: 0
Major sources in drinking water: Residue of banned pesticide.
Health effects language: Some people who drink water containing heptachlor in excess of the MCL over many years could experience liver damage and may have an increased risk of getting cancer.

Contaminant (units): Heptachlor epoxide (ppt)
Traditional MCL in mg/L: 0.0002
To convert for CCR, multiply by: 1,000,000
MCL in CCR units: 200
MCLG: 0
Major sources in drinking water: Breakdown of heptachlor.
Health effects language: Some people who drink water containing heptachlor epoxide in excess of the MCL over many years could experience liver damage, and may have an increased risk of getting cancer.
Contaminant (units): Hexachlorobenzene (ppb)
Traditional MCL in mg/L: 0.001
To convert for CCR, multiply by: 1000
MCL in CCR units: 1
MCLG: 0
Major sources in drinking water: Discharge from metal refineries and agricultural chemical factories.
Health effects language: Some people who drink water containing hexachlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys, or adverse reproductive effects, and may have an increased risk of getting cancer.

Contaminant (units): Hexachlorocyclopentadiene (ppb)
Traditional MCL in mg/L: 0.05
To convert for CCR, multiply by: 1000
MCL in CCR units: 50
MCLG: 50
Major sources in drinking water: Discharge from chemical factories.
Health effects language: Some people who drink water containing hexachlorocyclopentadiene well in excess of the MCL over many years could experience problems with their kidneys or stomach.

Contaminant (units): Lindane (ppt)
Traditional MCL in mg/L: 0.0002
To convert for CCR, multiply by: 1,000,000
MCL in CCR units: 200
MCLG: 200
Major sources in drinking water: Runoff/leaching from insecticide used on cattle, lumber, gardens.
Health effects language: Some people who drink water containing lindane in excess of the MCL over many years could experience problems with their kidneys or liver.

Contaminant (units): Methoxychlor (ppb)
Traditional MCL in mg/L: 0.04
To convert for CCR, multiply by: 1000
MCL in CCR units: 40
MCLG: 40
Major sources in drinking water: Runoff/leaching from insecticide used on fruits, vegetables, alfalfa, livestock.
Health effects language: Some people who drink water containing methoxychlor in
excess of the MCL over many years could experience reproductive difficulties.

Contaminant (units): Oxamyl (vydate) (ppb)
Traditional MCL in mg/L: 0.2
To convert for CCR, multiply by: 1000
MCL in CCR units: 200
MCLG: 200
Major sources in drinking water: Runoff/leaching from insecticide used on apples, potatoes and tomatoes.
Health effects language: Some people who drink water containing oxamyl in excess of the MCL over many years could experience slight nervous system effects.

Contaminant (units): PCBs (polychlorinated biphenyls) (ppt)
Traditional MCL in mg/L: 0.0005
To convert for CCR, multiply by: 1,000,000
MCL in CCR units: 500
MCLG: 0
Major sources in drinking water: Runoff from landfills; discharge of waste chemicals.
Health effects language: Some people who drink water containing PCBs in excess of the MCL over many years could experience changes in their skin, problems with their thymus gland, immune deficiencies, or reproductive or nervous system difficulties, and may have an increased risk of getting cancer.

Contaminant (units): Pentachlorophenol (ppb)
Traditional MCL in mg/L: 0.001
To convert for CCR, multiply by: 1000
MCL in CCR units: 1
MCLG: 0
Major sources in drinking water: Discharge from wood preserving factories.
Health effects language: Some people who drink water containing pentachlorophenol in excess of the MCL over many years could experience problems with their liver or kidneys, and may have an increased risk of getting cancer.

Contaminant (units): Picloram (ppb)
Traditional MCL in mg/L: 0.5
To convert for CCR, multiply by: 1000
MCL in CCR units: 500
MCLG: 500
Major sources in drinking water: Herbicide runoff.
Health effects language: Some people who drink water containing picloram in excess of
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

the MCL over many years could experience problems with their liver.

Contaminant (units): Simazine (ppb)
Traditional MCL in mg/L: 0.004
To convert for CCR, multiply by: 1000
MCL in CCR units: 4
MCLG: 4
Major sources in drinking water: Herbicide runoff.
Health effects language: Some people who drink water containing simazine in excess of the MCL over many years could experience problems with their blood.

Contaminant (units): Toxaphene (ppb)
Traditional MCL in mg/L: 0.003
To convert for CCR, multiply by: 1000
MCL in CCR units: 3
MCLG: 0
Major sources in drinking water: Runoff/leaching from insecticide used on cotton and cattle.
Health effects language: Some people who drink water containing toxaphene in excess of the MCL over many years could have problems with their kidneys, liver, or thyroid, and may have an increased risk of getting cancer.

Volatile organic contaminants:

Contaminant (units): Benzene (ppb)
Traditional MCL in mg/L: 0.005
To convert for CCR, multiply by: 1000
MCL in CCR units: 5
MCLG: 0
Major sources in drinking water: Discharge from factories; leaching from gas storage tanks and landfills.
Health effects language: Some people who drink water containing benzene in excess of the MCL over many years could experience anemia or a decrease in blood platelets, and may have an increased risk of getting cancer.

Contaminant (units): Bromate (ppb)
Traditional MCL in mg/L: 0.010
To convert for CCR, multiply by: 1000
MCL in CCR units: 10
MCLG: 0
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Major sources in drinking water: Byproduct of drinking water chlorination.
Health effects language: Some people who drink water containing bromate in excess of the MCL over many years may have an increased risk of getting cancer.

Contaminant (units): Carbon tetrachloride (ppb)
Traditional MCL in mg/L: 0.005
To convert for CCR, multiply by: 1000
MCL in CCR units: 5
MCLG: 0

Major sources in drinking water: Discharge from chemical plants and other industrial activities.
Health effects language: Some people who drink water containing carbon tetrachloride in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer.

Contaminant (units): Chloramines (ppm)
Traditional MCL in mg/L: MRDL = 4
To convert for CCR, multiply by: —
MCL in CCR units: MRDL = 4
MCLG: MRDLG = 4

Major sources in drinking water: Water additive used to control microbes.
Health effects language: Some people who use water containing chloramines well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chloramines well in excess of the MRDL could experience stomach discomfort or anemia.

Contaminant (units): Chlorine (ppm)
Traditional MCL in mg/L: MRDL = 4
To convert for CCR, multiply by: —
MCL in CCR units: MRDL = 4
MCLG: MRDLG = 4

Major sources in drinking water: Water additive used to control microbes.
Health effects language: Some people who use water containing chlorine well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chlorine well in excess of the MRDL could experience stomach discomfort.

Contaminant (units): Chlorite (ppm)
Traditional MCL in mg/L: 1
To convert for CCR, multiply by: —
MCL in CCR units: 1
MCLG: 0.8
Major sources in drinking water: Byproduct of drinking water chlorination.
Health effects language: Some infants and young children who drink water containing chlorite in excess of the MCL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorite in excess of the MCL. Some people may experience anemia.

Contaminant (units): Chlorine dioxide (ppb)
Traditional MCL in mg/L: MRDL = 0.8
To convert for CCR, multiply by: 1000
MCL in CCR units: MRDL = 800
MCLG: MRDLG = 800
Major sources in drinking water: Water additive used to control microbes.
Health effects language: Some infants and young children who drink water containing chlorine dioxide in excess of the MRDL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorine dioxide in excess of the MRDL. Some people may experience anemia.

Contaminant (units): Chlorobenzene (ppb)
Traditional MCL in mg/L: 0.1
To convert for CCR, multiply by: 1000
MCL in CCR units: 100
MCLG: 100
Major sources in drinking water: Discharge from chemical and agricultural chemical factories.
Health effects language: Some people who drink water containing chlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys.

Contaminant (units): o-Dichlorobenzene (ppb)
Traditional MCL in mg/L: 0.6
To convert for CCR, multiply by: 1000
MCL in CCR units: 600
MCLG: 600
Major sources in drinking water: Discharge from industrial chemical factories.
Health effects language: Some people who drink water containing o-dichlorobenzene well in excess of the MCL over many years could experience problems with their liver, kidneys, or circulatory systems.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Contaminant (units): p-Dichlorobenzene (ppb)
Traditional MCL in mg/L: 0.075
To convert for CCR, multiply by: 1000
MCL in CCR units: 75
MCLG: 75
Major sources in drinking water: Discharge from industrial chemical factories.
Health effects language: Some people who drink water containing p-dichlorobenzene in excess of the MCL over many years could experience anemia, damage to their liver, kidneys, or spleen or changes in their blood.

Contaminant (units): 1,2-Dichloroethane (ppb)
Traditional MCL in mg/L: 0.005
To convert for CCR, multiply by: 1000
MCL in CCR units: 5
MCLG: 0
Major sources in drinking water: Discharge from industrial chemical factories.
Health effects language: Some people who drink water containing 1,2-dichloroethane in excess of the MCL over many years may have an increased risk of getting cancer.

Contaminant (units): 1,1-Dichloroethylene (ppb)
Traditional MCL in mg/L: 0.007
To convert for CCR, multiply by: 1000
MCL in CCR units: 7
MCLG: 7
Major sources in drinking water: Discharge from industrial chemical factories.
Health effects language: Some people who drink water containing 1,1-dichloroethylene in excess of the MCL over many years could experience problems with their liver.

Contaminant (units): cis-1,2-Dichloroethylene (ppb)
Traditional MCL in mg/L: 0.07
To convert for CCR, multiply by: 1000
MCL in CCR units: 70
MCLG: 70
Major sources in drinking water: Discharge from industrial chemical factories.
Health effects language: Some people who drink water containing cis-1,2-dichloroethylene in excess of the MCL over many years could experience problems with their liver.

Contaminant (units): trans-1,2-Dichloroethylene (ppb)
Traditional MCL in mg/L: 0.1
NOTICE OF PROPOSED AMENDMENTS

To convert for CCR, multiply by: 1000
MCL in CCR units: 100
MCLG: 100
Major sources in drinking water: Discharge from industrial chemical factories.
Health effects language: Some people who drink water containing trans-1,2-dichloroethylene well in excess of the MCL over many years could experience problems with their liver.

Contaminant (units): Dichloromethane (ppb)
Traditional MCL in mg/L: 0.005
To convert for CCR, multiply by: 1000
MCL in CCR units: 5
MCLG: 0
Major sources in drinking water: Discharge from pharmaceutical and chemical factories.
Health effects language: Some people who drink water containing dichloromethane in excess of the MCL over many years could have liver problems and may have an increased risk of getting cancer.

Contaminant (units): 1,2-Dichloropropane (ppb)
Traditional MCL in mg/L: 0.005
To convert for CCR, multiply by: 1000
MCL in CCR units: 5
MCLG: 0
Major sources in drinking water: Discharge from industrial chemical factories.
Health effects language: Some people who drink water containing 1,2-dichloropropane in excess of the MCL over many years may have an increased risk of getting cancer.

Contaminant (units): Ethylbenzene (ppb)
Traditional MCL in mg/L: 0.7
To convert for CCR, multiply by: 1000
MCL in CCR units: 700
MCLG: 700
Major sources in drinking water: Discharge from petroleum refineries.
Health effects language: Some people who drink water containing ethylbenzene well in excess of the MCL over many years could experience problems with their liver or kidneys.

Contaminant (units): Haloacetic acids (HAA5) (ppb)
Traditional MCL in mg/L: 0.060
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

To convert for CCR, multiply by: 1000
MCL in CCR units: 60
MCLG: N/A
Major sources in drinking water: Byproduct of drinking water disinfection.
Health effects language: Some people who drink water containing haloacetic acids in excess of the MCL over many years may have an increased risk of getting cancer.

Contaminant (units): Styrene (ppb)
Traditional MCL in mg/L: 0.1
To convert for CCR, multiply by: 1000
MCL in CCR units: 100
MCLG: 100
Major sources in drinking water: Discharge from rubber and plastic factories; leaching from landfills.
Health effects language: Some people who drink water containing styrene well in excess of the MCL over many years could have problems with their liver, kidneys, or circulatory system.

Contaminant (units): Tetrachloroethylene (ppb)
Traditional MCL in mg/L: 0.005
To convert for CCR, multiply by: 1000
MCL in CCR units: 5
MCLG: 0
Major sources in drinking water: Discharge from factories and dry cleaners.
Health effects language: Some people who drink water containing tetrachloroethylene in excess of the MCL over many years could have problems with their liver, and may have an increased risk of getting cancer.

Contaminant (units): 1,2,4-Trichlorobenzene (ppb)
Traditional MCL in mg/L: 0.07
To convert for CCR, multiply by: 1000
MCL in CCR units: 70
MCLG: 70
Major sources in drinking water: Discharge from textile-finishing factories.
Health effects language: Some people who drink water containing 1,2,4-trichlorobenzene well in excess of the MCL over many years could experience changes in their adrenal glands.

Contaminant (units): 1,1,1-Trichloroethane (ppb)
Traditional MCL in mg/L: 0.2
To convert for CCR, multiply by: 1000
MCL in CCR units: 200
MCLG: 200
Major sources in drinking water: Discharge from metal degreasing sites and other factories.
Health effects language: Some people who drink water containing 1,1,1-trichloroethane in excess of the MCL over many years could experience problems with their liver, nervous system, or circulatory system.

Contaminant (units): 1,1,2-Trichloroethane (ppb)
Traditional MCL in mg/L: 0.005
To convert for CCR, multiply by: 1000
MCL in CCR units: 5
MCLG: 3
Major sources in drinking water: Discharge from industrial chemical factories.
Health effects language: Some people who drink water containing 1,1,2-trichloroethane well in excess of the MCL over many years could have problems with their liver, kidneys, or immune systems.

Contaminant (units): Trichloroethylene (ppb)
Traditional MCL in mg/L: 0.005
To convert for CCR, multiply by: 1000
MCL in CCR units: 5
MCLG: 0
Major sources in drinking water: Discharge from metal degreasing sites and other factories.
Health effects language: Some people who drink water containing trichloroethylene in excess of the MCL over many years may experience problems with their liver and may have an increased risk of getting cancer.

Contaminant (units): TTHMs (total trihalomethanes) (ppb)
Traditional MCL in mg/L: 0.10/0.080
To convert for CCR, multiply by: 1000
MCL in CCR units: 100/80
MCLG: N/A
Major sources in drinking water: Byproduct of drinking water chlorination disinfection
Health effects language: Some people who drink water containing trihalomethanes in excess of the MCL over many years may experience problems with their liver, kidneys, or central nervous system, and may have an increased risk of getting cancer.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Contaminant (units): Toluene (ppm)
Traditional MCL in mg/L: 1
To convert for CCR, multiply by: --
MCL in CCR units: 1
MCLG: 1
Major sources in drinking water: Discharge from petroleum factories.
Health effects language: Some people who drink water containing toluene well in excess
of the MCL over many years could have problems with their nervous system,
kidneys, or liver.

Contaminant (units): Vinyl Chloride (ppb)
Traditional MCL in mg/L: 0.002
To convert for CCR, multiply by: 1000
MCL in CCR units: 2
MCLG: 0
Major sources in drinking water: Leaching from PVC piping; discharge from plastics
factories.
Health effects language: Some people who drink water containing vinyl chloride in
excess of the MCL over many years may have an increased risk of getting cancer.

Contaminant (units): Xylenes (ppm)
Traditional MCL in mg/L: 10
To convert for CCR, multiply by: --
MCL in CCR units: 10
MCLG: 10
Major sources in drinking water: Discharge from petroleum factories; discharge from
chemical factories.
Health effects language: Some people who drink water containing xylenes in excess of
the MCL over many years could experience damage to their nervous system.

Key:

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<tr>
<th>Abbreviation</th>
<th>Meaning</th>
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<tr>
<td>AL</td>
<td>action level</td>
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<td>MCL</td>
<td>maximum contaminant level</td>
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<td>MCLG</td>
<td>maximum contaminant level goal</td>
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<td>MFL</td>
<td>million fibers per liter</td>
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<tr>
<td>MRDL</td>
<td>maximum residual disinfectant level</td>
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<tr>
<td>MRDPLG</td>
<td>maximum residual disinfectant level goal</td>
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<tr>
<td>mrem/year</td>
<td>millirems per year (a measure of radiation absorbed by the body)</td>
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POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

N/A not applicable
NTU nephelometric turbidity units (a measure of water clarity)
pCi/L picocuries per liter (a measure of radioactivity)
ppm parts per million, or milligrams per liter (mg/L)
ppb parts per billion, or micrograms per liter (µg/L)
ppt parts per trillion, or nanograms per liter
ppq parts per quadrillion, or picograms per liter
TT treatment technique


(Source: Amended at 27 Ill. Reg. ________, effective ______________________)

Section 611.Appendix B Percent Inactivation of G. Lamblia Cysts

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<th>Free Residual PH</th>
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</table>

These CT values achieve greater than a 99.99 percent inactivation of viruses. CT values between the indicated pH values may be determined by linear interpolation. CT values between the indicated temperatures of different tables may be determined by linear interpolation. If no interpolation is used, use the CT 99.9 value at the lower temperature and at the higher pH.
### Table 1.2

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<th>7.5</th>
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</table>

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### Table 1.3

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</table>

These CT values achieve greater than a 99.99 percent inactivation of viruses. CT values between the indicated pH values may be determined by linear interpolation. CT values between the indicated temperatures of different tables may be determined by linear interpolation. If no interpolation is used, use the CT 99.9 value at the lower temperature and at the higher pH.
# Pollution Control Board

## Notice of Proposed Amendments

<table>
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<th>(mg/Lℓ)</th>
<th>≤6.0</th>
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## Table 1.4

**CT-99.9 FOR 99.9 PERCENT INACTIVATION OF GIARDIA LAMBLIA CYSTS BY FREE CHLORINE AT 15.0° DEGREES C**

These CT values achieve greater than a 99.99 percent inactivation of viruses. CT values between the indicated pH values may be determined by linear interpolation. CT values between the indicated temperatures of different tables may be determined by linear interpolation. If no interpolation is used, use the CT 99.9 value at the lower temperature and at the higher pH.

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POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

CT-99.9 FOR PERCENT INACTIVATION OF GIARDIA LAMBLIA CYSTS BY FREE CHLORINE AT 20° DEGREES C

<table>
<thead>
<tr>
<th>Free Residual (mg/L)</th>
<th>PH</th>
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<th>0.8</th>
<th>1.0</th>
<th>1.2</th>
<th>1.4</th>
<th>1.6</th>
<th>1.8</th>
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</table>

TABLE: Table 1.5

These CT values achieve greater than a 99.99 percent inactivation of viruses. CT values between the indicated pH values may be determined by linear interpolation. CT values between the indicated temperatures of different tables may be determined by linear interpolation. If no interpolation is used, use the CT 99.9 value at the lower temperature and at the higher pH.

CT-99.9 FOR PERCENT INACTIVATION OF GIARDIA LAMBLIA CYSTS BY FREE CHLORINE AT 25° DEGREES C AND HIGHER

<table>
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<tr>
<th>Free Residual (mg/L)</th>
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<th>1.6</th>
<th>1.8</th>
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<th>2.2</th>
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</table>

TABLE: Table 1.6

These CT values achieve greater than a 99.99 percent inactivation of viruses. CT values between the indicated pH values may be determined by linear interpolation. CT values between the indicated temperatures of different tables may be determined by linear interpolation. If no interpolation is used, use the CT 99.9 value at the lower temperature and at the higher pH.
ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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<th>pH</th>
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TABLE 2.1
CT-99.9 FOR 99.9 PERCENT INACTIVATION OF GIARDIA LAMBLIA CYSTS BY CHLORINE DIOXIDE AND OZONE

These CT values achieve greater than a 99.99 percent inactivation of viruses. CT values between the indicated pH values may be determined by linear interpolation. If no interpolation is used, use the CT99.9 value at the lower temperature for determining CT99.9 values between indicated temperatures.

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<th>Temperature</th>
<th>≤1°C</th>
<th>5°C</th>
<th>10°C</th>
<th>15°C</th>
<th>20°C</th>
<th>≥25°C</th>
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<td>11</td>
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<td>0.72</td>
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</table>

TABLE 3.1
CT-99.9 FOR 99.9 PERCENT INACTIVATION OF GIARDIA LAMBLIA CYSTS BY CHLORAMINES

These values are for pH values of 6 to 9. These CT values may be assumed to achieve greater than a 99.99 percent inactivation of viruses only if chlorine is added and mixed in the water prior to the addition of ammonia. If this condition is not met, the system must demonstrate, based on on-site studies or other information, as approved by the Agency, that the system is achieving at least a 99.99 percent inactivation of viruses. CT values between the indicated temperatures may
be determined by linear interpolation. If no interpolation is used, use the CT$_{99.9}$ value at the lower temperature for determining CT$_{99.9}$ values between indicated temperatures.

<table>
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<th>Temperature</th>
<th>Chloramines</th>
</tr>
</thead>
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<td>3800</td>
</tr>
<tr>
<td>5°C</td>
<td>2200</td>
</tr>
<tr>
<td>10°C</td>
<td>1850</td>
</tr>
<tr>
<td>15°C</td>
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<tr>
<td>20°C</td>
<td>1100</td>
</tr>
<tr>
<td>≥25°C</td>
<td>750</td>
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</tbody>
</table>


(Source: Amended at 27 Ill. Reg. ______, effective ______________________)

Section 611.Appendix C Common Names of Organic Chemicals

The following common names are used for certain organic chemicals:

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<thead>
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<th>Common Name</th>
<th>CAS No.</th>
<th>CAS Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aldrin</td>
<td>309-00-2</td>
<td>1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1,4,4a,5,8,8a-hexahydro-, (1alpha, 4alpha, 4beta, 5alpha, 8alpha, 8beta)-</td>
</tr>
<tr>
<td>Bromoform</td>
<td>75-25-2</td>
<td>Methane, tribromo-</td>
</tr>
<tr>
<td>Chlordane</td>
<td>57-74-9</td>
<td>4,7-Methano-1H-indene, 1,2,4,5,6,7,8,8-octachloro-</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2,3,3a,4,7,7a-hexahydro-</td>
</tr>
<tr>
<td>Chloroform</td>
<td>67-66-3</td>
<td>Methane, trichloro-</td>
</tr>
<tr>
<td>2,4-D</td>
<td>94-75-7</td>
<td>Acetic acid, 2,4-dichlorophenoxy-</td>
</tr>
<tr>
<td>DDT@@@</td>
<td>50-29-3</td>
<td>Benzene, 1,1’-(2, 2, 2-trichloroethylidene) bis[(4-chloro-</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2,7;3,6-Dimethanonaphthalen[(2,3-</td>
</tr>
<tr>
<td></td>
<td></td>
<td>b)]oxirene, 3,4,5,6,9,9-hexachloro-</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1a,2,2a,3,6,6a,7,7a-octahydro-, (1alpha, 2beta, 2alpha, 3beta,</td>
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<td></td>
<td>6beta, 6alpha, 7beta, 7alpha)</td>
</tr>
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<td></td>
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<td>b)]oxirene, 3,4,5,6,9,9-hexachloro-</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1a,2,2a,3,6,6a,7,7a-octahydro-, (1alpha, 2beta, 2alpha, 3alpha,</td>
</tr>
<tr>
<td></td>
<td></td>
<td>6alpha, 6beta, 7beta, 7alpha)</td>
</tr>
<tr>
<td>Endrin</td>
<td>72-20-8</td>
<td>4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-</td>
</tr>
<tr>
<td>Heptachlor</td>
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</table>
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Heptachlor epoxide 1024-57-3 2, 5-Methano-2H-indeno[1, 2b]oxirene, 2, 3, 4, 5, 6, 7, 7-heptachloro-1a, 1b, 5, 5a, 6, 6a-hexahydro-, (1a alpha, 1b beta, 2 alpha, 5 alpha, 5a beta, 6beta, 6a alpha)-

Lindane 58-89-9 Cyclohexane, 1,2,3,4,5,6-hexachloro-, (1 alpha,2 alpha,3 beta,4 alpha,5 alpha,6 beta)-

Methoxychlor 72-43-5 Benzene, 1,1’-(2,2,2-trichloroethylidene)bis[4-methoxy-

Silvex (2,4,5-TP) 93-72-1 Propanoic acid, 2-(2,4,5-trichlorophenoxy)-

Toxaphene 8001-35-2 Toxaphene

TTHM Total trihalomethanes (See Section 611.101)


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

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

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

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

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

1. For the 10-tube method, add 10 mL of water sample to each test tube. For the single-vessel method, add 100 mL of water sample to the vessel.

2. Dissolve the reagent powder by agitation. (This should produce a colorless solution.)

3. Incubate the test tubes or vessel at 35°C for 24 hours.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

4. Development of yellow during incubation denotes the presence of total coliforms in either the test tube or the vessel.

5. Expose each positive (yellow) test tube or vessel to a fluorescent (366 nm) light source. Fluorescence specifically demonstrates the presence of Escherichia coli.


(Source: Amended at 27 Ill. Reg. ________, effective ______________________)

Section 611.Appendix E Mandatory Lead Public Education Information for Community Water Systems

1) INTRODUCTION

The United States Environmental Protection Agency (USEPA) and [insert name of water supplier] are concerned about lead in your drinking water. Although most homes have very low levels of lead in their drinking water, some homes in the community have lead levels above the USEPA action level of 15 parts per billion (ppb), or 0.015 milligrams of lead per liter of water (mg/L). Under Federal law we are required to have a program in place to minimize lead in your drinking water by [insert date when corrosion control will be completed for your system]. This program includes corrosion control treatment, source water treatment, and public education. We are also required to replace the portion of each lead service line that we own if the line contributes lead concentrations of more than 15 ppb after we have completed the comprehensive treatment program. If you have any questions about how we are carrying out the requirements of the lead regulation please give us a call at [insert water system’s phone number]. This brochure explains the simple steps you can take to protect you and your family by reducing your exposure to lead in drinking water.

2) HEALTH EFFECTS OF LEAD

Lead is a common metal found throughout the environment in lead-based paint; air; soil; household dust; food; certain types of pottery, porcelain, and pewter; and water. Lead can pose a significant risk to your health if too much of it enters your body. Lead builds up in the body over many years and can cause damage to the brain, red blood cells, and kidneys. The greatest risk is
to young children and pregnant women. Amounts of lead that won’t hurt adults can slow down normal mental and physical development of growing bodies. In addition, a child at play often comes into contact with sources of lead contamination -- like dirt and dust -- that rarely affect an adult. It is important to wash children’s hands and toys often, and to try to make sure they only put food in their mouths.

3) LEAD IN DRINKING WATER

A) Lead in drinking water, although rarely the sole cause of lead poisoning, can significantly increase a person’s total lead exposure, particularly the exposure of infants who drink baby formulas and concentrated juices that are mixed with water. The EPA estimates that drinking water can make up 20 percent or more of a person’s total exposure to lead.

B) Lead is unusual among drinking water contaminants in that it seldom occurs naturally in water supplies like rivers and lakes. Lead enters drinking water primarily as a result of the corrosion, or wearing away, of materials containing lead in the water distribution system and household plumbing. These materials include lead-based solder used to join copper pipe, brass and chrome plated brass faucets, and in some cases, pipes made of lead that connect your house to the water main (service lines). In 1986, Congress banned the use of lead solder containing greater than 0.2% lead, and restricted the lead content of faucets, pipes and other plumbing materials to 8.0%.

C) When water stands in lead pipes or plumbing systems containing lead for several hours or more, the lead may dissolve into your drinking water. This means the first water drawn from the tap in the morning, or later in the afternoon after returning from work or school, can contain fairly high levels of lead.

4) STEPS YOU CAN TAKE IN THE HOME TO REDUCE EXPOSURE TO LEAD IN DRINKING WATER

A) Despite our best efforts mentioned earlier to control water corrosivity and remove lead from the water supply, lead levels in some homes or buildings can be high. To find out whether you need to take action in your own home, have your drinking water tested to determine if it contains excessive concentrations of lead. Testing the water is essential because you cannot see, taste, or smell lead in drinking water. Some local laboratories that can provide this service are listed at the end of this booklet. For more information on having your water tested, please call [insert phone number of water system].
B) If a water test indicates that the drinking water drawn from a tap in your home contains lead above 15 ppb, then you should take the following precautions:

i) Let the water run from the tap before using it for drinking or cooking any time the water in a faucet has gone unused for more than six hours. The longer water resides in your home’s plumbing the more lead it may contain. Flushing the tap means running the cold water faucet until the water gets noticeably colder, usually about 15-30 seconds. If your house has a lead service line to the water main, you may have to flush the water for a longer time, perhaps one minute, before drinking. Although toilet flushing or showering flushes water through a portion of your home’s plumbing system, you still need to flush the water in each faucet before using it for drinking or cooking. Flushing tap water is a simple and inexpensive measure you can take to protect your family’s health. It usually uses less than one or two gallons of water and costs less than $\{\text{insert a cost estimate based on flushing two times a day for 30 days}\}$ per month. To conserve water, fill a couple of bottles for drinking water after flushing the tap, and whenever possible use the first flush water to wash the dishes or water the plants. If you live in a high-rise building, letting the water flow before using it may not work to lessen your risk from lead. The plumbing systems have more, and sometimes larger pipes than smaller buildings. Ask your landlord for help in locating the source of the lead and for advice on reducing the lead level.

ii) Try not to cook with or drink water from the hot water tap. Hot water can dissolve more lead more quickly than cold water. If you need hot water, draw water from the cold tap and heat it on the stove.

iii) Remove loose lead solder and debris from the plumbing materials installed in newly constructed homes, or homes in which the plumbing has recently been replaced, by removing the faucet strainers from all taps and running the water from 3 to 5 minutes. Thereafter, periodically remove the strainers and flush out any debris that has accumulated over time.

iv) If your copper pipes are joined with lead solder that has been installed illegally since it was banned in 1986, notify the plumber who did the work and request that he or she replace the lead solder with lead-free solder. Lead solder looks dull gray, and when scratched with a key looks shiny. In addition, notify the Illinois Environmental Protection Agency about the violation.
v) Determine whether or not the service line that connects your home or apartment to the water main is made of lead. The best way to determine if your service line is made of lead is by either hiring a licensed plumber to inspect the line or by contacting the plumbing contractor who installed the line. You can identify the plumbing contractor by checking the city’s record of building permits which should be maintained in the files of the [insert name of department that issues building permits]. A licensed plumber can at the same time check to see if your home’s plumbing contains lead solder, lead pipes, or pipe fittings that contain lead. The public water system that delivers water to your home should also maintain records of the materials located in the distribution system. If the service line that connects your dwelling to the water main contributes more than 15 ppb to drinking water, after our comprehensive treatment program is in place, we are required to replace the portion of the line that we own. If the line is only partially owned by the [insert name of the city, county, or water system that controls the line], we are required to provide the owner of the privately-owned portion of the line with information on how to replace the privately-owned portion of the service line, and offer to replace that portion of the line at the owner’s expense. If we replace only the portion of the line that we own, we also are required to notify you in advance and provide you with information on the steps that you can take to minimize exposure to any temporary increase in lead levels which may result from the partial replacement, to take a follow-up sample at our expense from the line within 72 hours after the partial replacement, and to mail or otherwise provide you with the results of that sample within three business days after receiving the results. Acceptable replacement alternatives include copper, steel, iron, and plastic pipes.

vi) Have an electrician check your wiring. If grounding wires from the electrical system are attached to your pipes, corrosion may be greater. Check with a licensed electrician or your local electrical code to determine if your wiring can be grounded elsewhere. DO NOT attempt to change the wiring yourself because improper grounding can cause electrical shock and fire hazards.

C) The steps described above will reduce the lead concentrations in your drinking water. However, if a water test indicates that the drinking water coming from your tap contains lead concentrations in excess of 15 ppb after flushing, or after we have completed our actions to minimize lead levels, then you may want to take the following additional measures:
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

i) Purchase or lease a home treatment device. Home treatment devices are limited in that each unit treats only the water that flows from the faucet to which it is connected, and all of the devices require periodic maintenance and replacement. Devices such as reverse osmosis systems or distillers can effectively remove lead from your drinking water. Some activated carbon filters may reduce lead levels at the tap, however all lead reduction claims should be investigated. Be sure to check the actual performance of a specific home treatment device before and after installing the unit.

ii) Purchase bottled water for drinking and cooking.

D) You can consult a variety of sources for additional information. Your family doctor or pediatrician can perform a blood test for lead and provide you with information about the health effects of lead. State and local government agencies that can be contacted include the following:

i) [insert the name of city or county department of public utilities] at [insert phone number] can provide you with information about your community’s water supply, and a list of local laboratories that have been certified by EPA for testing water quality;

ii) [insert the name of city or county department that issues building permits] at [insert phone number] can provide you with information about building permit records that should contain the names of plumbing contractors that plumbed your home; and

iii) The Illinois Department of Public Health at 217-782-4977 or 312-814-2608 or the [insert the name of the city or county health department] at [insert phone number] can provide you with information about the health effects of lead and how you can have your child’s blood tested.

E) The following is a list of some State-approved laboratories in your area that you can call to have your water tested for lead. [Insert names and phone numbers of at least two laboratories.]


(Source: Amended at 27 Ill. Reg. ________, effective ______________________)

Section 611.Appendix F    Mandatory Lead Public Education Information for Non-Transient
1) INTRODUCTION

The United States Environmental Protection Agency (USEPA) and [insert name of water supplier] are concerned about lead in your drinking water. Some drinking water samples taken from this facility have lead levels above the USEPA action level of 15 parts per billion (ppb), or 0.015 milligrams of lead per liter of water (mg/L). Under Federal law we are required to have a program in place to minimize lead in your drinking water by [insert date when corrosion control will be completed for your system]. This program includes corrosion control treatment, source water treatment, and public education. We are also required to replace the portion of each lead service line that we own if the line contributes lead concentrations of more than 15 ppb after we have completed the comprehensive treatment program. If you have any questions about how we are carrying out the requirements of the lead regulation please give us a call at [insert water system’s phone number]. This brochure explains the simple steps you can take to protect you and your family by reducing your exposure to lead in drinking water.

2) HEALTH EFFECTS OF LEAD

Lead is found throughout the environment in lead-based paint; air; soil; household dust; food; certain types of pottery, porcelain, and pewter; and water. Lead can pose a significant risk to your health if too much of it enters your body. Lead builds up in the body over many years and can cause damage to the brain, red blood cells, and kidneys. The greatest risk is to young children and pregnant women. Amounts of lead that won’t hurt adults can slow down normal mental and physical development of growing bodies. In addition, a child at play often comes into contact with sources of lead contamination -- like dirt and dust -- that rarely affect an adult. It is important to wash children’s hands and toys often, and to try to make sure they only put food in their mouths.

3) LEAD IN DRINKING WATER

A) Lead in drinking water, although rarely the sole cause of lead poisoning, can significantly increase a person’s total lead exposure, particularly the exposure of infants who drink baby formulas and concentrated juices that are mixed with water. The EPA estimates that drinking water can make up 20 percent or more of a person’s total exposure to lead.

B) Lead is unusual among drinking water contaminants in that it seldom occurs naturally in water supplies like rivers and lakes. Lead enters drinking water primarily as a result of the corrosion, or wearing away, of materials containing lead in the water distribution system and household plumbing. These materials
include lead-based solder used to join copper pipe, brass, and chrome plated brass faucets, and in some cases, pipes made of lead that connect houses and buildings to the water main (service lines). In 1986, Congress banned the use of lead solder containing greater than 0.2% lead, and restricted the lead content of faucets, pipes, and other plumbing materials to 8.0%.

C) When water stands in lead pipes or plumbing systems containing lead for several hours or more, the lead may dissolve into your drinking water. This means the first water drawn from the tap in the morning, or later in the afternoon after returning from work or school, can contain fairly high levels of lead.

4) STEPS YOU CAN TAKE TO REDUCE EXPOSURE TO LEAD IN DRINKING WATER

A) Let the water run from the tap before using it for drinking or cooking any time the water in a faucet has gone unused for more than six hours. The longer water resides in plumbing the more lead it may contain. Flushing the tap means running the cold water faucet until the water gets noticeably colder, usually about 15-30 seconds. Although toilet flushing or showering flushes water through a portion of the plumbing system, you still need to flush the water in each faucet before using it for drinking or cooking. Flushing tap water is a simple and inexpensive measure you can take to protect your family’s health. It usually uses less than one gallon.

B) Do not cook with or drink water from the hot water tap. Hot water can dissolve more lead more quickly than cold water. If you need hot water, draw water from the cold tap and heat it.

C) The steps described above will reduce the lead concentrations in your drinking water. However, if you are still concerned, you may wish to use bottled water for drinking and cooking.

D) You can consult a variety of sources for additional information. Your family doctor or pediatrician can perform a blood test for lead and provide you with information about the health effects of lead. State and local government agencies that can be contacted include the following:

i) [(insert the name or title of facility official if appropriate)] at [(insert phone number)] can provide you with information about your facility’s water supply; and
ii) The Illinois Department of Public Health at 217-782-4977 or 312-814-2608 or the {insert the name of the city or county health department} at {insert phone number} can provide you with information about the health effects of lead.

BOARD NOTE: Derived from 40 CFR 141.85(a)(2), as added at 65 Fed. Reg. 2006 (Jan. 12, 2000) (2002). The Department of Public Health (Department) regulates non-community water supplies, including non-transient, non-community water supplies. The Department has incorporated this Part into its regulations at 77 Ill. Adm. Code 900.15(a)(2)(A) and 900.20(k)(2). Thus, the Board has included the notice language of 40 CFR 141.85(a)(2) as this Section for the purposes of facilitating federal review and authorization of the Illinois drinking water regulations.

(Source: Amended at 27 Ill. Reg. ________, effective ______________________)

Section 611.Appendix G  NPDWR Violations and Situations Requiring Public Notice

See note 1 at the end of this Appendix G for an explanation of the Agency’s authority to alter the magnitude of a violation from that set forth in the following table.

<table>
<thead>
<tr>
<th>Contaminant</th>
<th>MCL/MRDL/TT violations</th>
<th>Monitoring &amp; testing procedure violations</th>
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<tbody>
<tr>
<td></td>
<td>[Tier of public notice required]</td>
<td>Citation</td>
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<td>[Tier of public notice required]</td>
</tr>
</tbody>
</table>

I. Violations of National Primary Drinking Water Regulations (NPDWR):³

A. Microbiological Contaminants

1. Total coliform                             | 2 | 611.325(a) | 3 | 611.521-611.525
2. Fecal coliform/E. coli                    | 1 | 611.325(b) | ³ 1, 3 | 611.525
3. Turbidity MCL                              | 2 | 611.320(a) | 3 | 611.560
4. Turbidity MCL (average of two days’ samples greater than 5 NTU) | ³ 2, 1 | 611.320(b) | 3 | 611.560
<table>
<thead>
<tr>
<th>Section</th>
<th>Violations</th>
<th>Citations</th>
<th>Amended Citations</th>
</tr>
</thead>
<tbody>
<tr>
<td>5. Turbidity (for TT violations resulting from a single exceedence of maximum allowable turbidity level)</td>
<td>6 2, 1 611.231(b), 611.233(b)(1), 611.250(a)(2), 611.250(b)(2), 611.250(c)(2), 611.250(d), 611.743(a)(2), 611.743(b), 611.955(b)(2)</td>
<td>3</td>
<td>611.531(a), 611.532(b), 611.533(a), 611.744, 611.956(a)(1)-(a)(3), 611.956(b)</td>
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<td>6. Surface Water Treatment Rule violations, other than violations resulting from single exceedence of max. allowable turbidity level (TT)</td>
<td>2</td>
<td>611.211, 611.220, 611.230-611.233, 611.240-611.242, 611.250</td>
<td>3</td>
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<td>7. Interim Enhanced Surface Water Treatment Rule violations, other than violations resulting from single exceedence of max. turbidity level (TT)</td>
<td>2</td>
<td>611.740-611.743, 611.950-611.955</td>
<td>3</td>
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<tr>
<td>8. Filter Backwash Recycling Rule violations</td>
<td>2</td>
<td>611.276</td>
<td>3</td>
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<tr>
<td>9. Long Term 1 Enhanced Surface Water Treatment Rule violations</td>
<td>2</td>
<td>611.950-611.955</td>
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B. Inorganic Chemicals (IOCs)

<table>
<thead>
<tr>
<th>Section</th>
<th>Violations</th>
<th>Citations</th>
<th>Amended Citations</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Antimony</td>
<td>2</td>
<td>611.301(b)</td>
<td>3</td>
</tr>
<tr>
<td>2. Arsenic</td>
<td>2</td>
<td>611.301(b)</td>
<td>3</td>
</tr>
<tr>
<td>3. Asbestos (fibers $\geq$ greater than 10 µm)</td>
<td>2</td>
<td>611.301(b)</td>
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### POLLENTION CONTROL BOARD

#### NOTICE OF PROPOSED AMENDMENTS

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<td>4. Barium</td>
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<td>5. Beryllium</td>
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<td>6. Cadmium</td>
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<td>7. Chromium (total)</td>
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<td>8. Cyanide</td>
<td>2</td>
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<td>9. Fluoride</td>
<td>2</td>
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<td>10. Mercury (inorganic)</td>
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<td>11. Nitrate</td>
<td>1</td>
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<td>10, 1, 3</td>
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<td>12. Nitrite</td>
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<td>14. Selenium</td>
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<td>15. Thallium</td>
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<td></td>
<td></td>
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<td>611.600, 611.601, 611.603</td>
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**C. Lead and Copper Rule** (Action Level for lead is 0.015 mg/L, for copper is 1.3 mg/L)
# ILLINOIS REGISTER

## POLLUTION CONTROL BOARD

### NOTICE OF PROPOSED AMENDMENTS

<table>
<thead>
<tr>
<th>1. Lead and Copper Rule (TT)</th>
<th>2</th>
<th>611.350-611.355</th>
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<tbody>
<tr>
<td>D. Synthetic Organic Chemicals (SOCs)</td>
<td></td>
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</tr>
<tr>
<td>1. 2,4-D</td>
<td>2</td>
<td>611.310(c)</td>
<td>3</td>
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</tr>
<tr>
<td>2. 2,4,5-TP (silvex)</td>
<td>2</td>
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<td>3. Alachlor</td>
<td>2</td>
<td>611.310(c)</td>
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<td>4. Atrazine</td>
<td>2</td>
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<td>3</td>
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<td>5. Benzo(a)pyrene (PAHs)</td>
<td>2</td>
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<td>6. Carbofuran</td>
<td>2</td>
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<td>2</td>
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<td>13. Dioxin (2,3,7,8-TCDD)</td>
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<td>14. Diquat</td>
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<td>15. Endothall</td>
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<td>611.310(c)</td>
<td>3</td>
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<td>16. Endrin</td>
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<td>17. Ethylene dibromide</td>
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<td>20. Heptachlor epoxide</td>
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<td>21. Hexachlorobenzene</td>
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<td>23. Lindane</td>
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<td>24. Methoxychlor</td>
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<td>25. Oxamyl (Vydate)</td>
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<td>26. Pentachlorophenol</td>
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<td>27. Picloram</td>
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<td>2</td>
<td>611.310(a)</td>
<td>3</td>
<td>611.646</td>
</tr>
<tr>
<td>2. Carbon tetrachloride</td>
<td>2</td>
<td>611.310(a)</td>
<td>3</td>
<td>611.646</td>
</tr>
</tbody>
</table>
### NOTICE OF PROPOSED AMENDMENTS

<table>
<thead>
<tr>
<th>Compound</th>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
<th>Column 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chlorobenzene (monochlorobenzene)</td>
<td>2</td>
<td>611.310(a)</td>
<td>3</td>
<td>611.646</td>
</tr>
<tr>
<td>o-Dichlorobenzene</td>
<td>2</td>
<td>611.310(a)</td>
<td>3</td>
<td>611.646</td>
</tr>
<tr>
<td>p-Dichlorobenzene</td>
<td>2</td>
<td>611.310(a)</td>
<td>3</td>
<td>611.646</td>
</tr>
<tr>
<td>1,2-Dichloroethane</td>
<td>2</td>
<td>611.310(a)</td>
<td>3</td>
<td>611.646</td>
</tr>
<tr>
<td>1,1-Dichloroethylene</td>
<td>2</td>
<td>611.310(a)</td>
<td>3</td>
<td>611.646</td>
</tr>
<tr>
<td>cis-1,2-Dichloroethylene</td>
<td>2</td>
<td>611.310(a)</td>
<td>3</td>
<td>611.646</td>
</tr>
<tr>
<td>trans-1,2-Dichloroethylene</td>
<td>2</td>
<td>611.310(a)</td>
<td>3</td>
<td>611.646</td>
</tr>
<tr>
<td>Dichloromethane</td>
<td>2</td>
<td>611.310(a)</td>
<td>3</td>
<td>611.646</td>
</tr>
<tr>
<td>1,2-Dichloropropane</td>
<td>2</td>
<td>611.310(a)</td>
<td>3</td>
<td>611.646</td>
</tr>
<tr>
<td>Ethylbenzene</td>
<td>2</td>
<td>611.310(a)</td>
<td>3</td>
<td>611.646</td>
</tr>
<tr>
<td>Styrene</td>
<td>2</td>
<td>611.310(a)</td>
<td>3</td>
<td>611.646</td>
</tr>
<tr>
<td>Tetrachloroethylene</td>
<td>2</td>
<td>611.310(a)</td>
<td>3</td>
<td>611.646</td>
</tr>
<tr>
<td>Toluene</td>
<td>2</td>
<td>611.310(a)</td>
<td>3</td>
<td>611.646</td>
</tr>
<tr>
<td>1,2,4-Trichlorobenzene</td>
<td>2</td>
<td>611.310(a)</td>
<td>3</td>
<td>611.646</td>
</tr>
<tr>
<td>1,1,1-Trichloroethane</td>
<td>2</td>
<td>611.310(a)</td>
<td>3</td>
<td>611.646</td>
</tr>
<tr>
<td>1,1,2-Trichloroethane</td>
<td>2</td>
<td>611.310(a)</td>
<td>3</td>
<td>611.646</td>
</tr>
<tr>
<td>Vinyl chloride</td>
<td>2</td>
<td>611.310(a)</td>
<td>3</td>
<td>611.646</td>
</tr>
<tr>
<td>Xylenes (total)</td>
<td>2</td>
<td>611.310(a)</td>
<td>3</td>
<td>611.646</td>
</tr>
</tbody>
</table>

**F. Radioactive Contaminants**

<table>
<thead>
<tr>
<th>Source</th>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
<th>Column 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beta/photon emitters</td>
<td>2</td>
<td>611.330(d)</td>
<td>3</td>
<td>611.720(a), 611.732</td>
</tr>
<tr>
<td>Alpha emitters</td>
<td>2</td>
<td>611.330(c)</td>
<td>3</td>
<td>611.720(a), 611.731</td>
</tr>
<tr>
<td>Combined radium (226 &amp; 228)</td>
<td>2</td>
<td>611.330(b)</td>
<td>3</td>
<td>611.720(a), 611.731</td>
</tr>
<tr>
<td>Uranium</td>
<td>2</td>
<td>611.330(e)</td>
<td>3</td>
<td>611.720(a), 611.731</td>
</tr>
</tbody>
</table>

**G. Disinfection Byproducts (DBPs), Byproduct Precursors, Disinfectant Residuals.** Where disinfection is used in the treatment of drinking water, disinfectants combine with organic and inorganic matter present in water to form chemicals called disinfection byproducts (DBPs). USEPA sets standards for controlling the levels of disinfectants and DBPs in drinking water, including trihalomethanes (THMs) and haloacetic acids (HAAs).^{13}

<table>
<thead>
<tr>
<th>Source</th>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
<th>Column 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total trihalomethanes (TTHMs)</td>
<td>2</td>
<td>611.310, 611.312(a)</td>
<td>3</td>
<td>611.680-611.688, 611.382(a)-(b)</td>
</tr>
<tr>
<td>Haloacetic Acids (HAA5)</td>
<td>2</td>
<td>611.312(a)</td>
<td>3</td>
<td>611.382(a)-(b)</td>
</tr>
</tbody>
</table>
### POLLUTION CONTROL BOARD

**NOTICE OF PROPOSED AMENDMENTS**

<p>| | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>3. Bromate</td>
<td>2</td>
<td>611.312(a)</td>
<td>3</td>
</tr>
<tr>
<td>4. Chlorite</td>
<td>2</td>
<td>611.312(a)</td>
<td>3</td>
</tr>
<tr>
<td>5. Chlorine (MRDL)</td>
<td>2</td>
<td>611.313(a)</td>
<td>3</td>
</tr>
<tr>
<td>6. Chloramine (MRDL)</td>
<td>2</td>
<td>611.313(a)</td>
<td>3</td>
</tr>
<tr>
<td>7. Chlorine dioxide (MRDL), where any two consecutive daily samples at entrance to distribution system only are above MRDL</td>
<td>2</td>
<td>611.313(a), 611.383(c)(3)</td>
<td>2, 3</td>
</tr>
<tr>
<td>8. Chlorine dioxide (MRDL), where samples in distribution system the next day are also above MRDL</td>
<td>16</td>
<td>611.313(a), 611.383(c)(3)</td>
<td>2</td>
</tr>
<tr>
<td>9. Control of DBP precursors--TOC (TT)</td>
<td>2</td>
<td>611.385(a)-(b)</td>
<td>3</td>
</tr>
<tr>
<td>10. Benchmarking and disinfection profiling</td>
<td>N/A</td>
<td>N/A</td>
<td>3</td>
</tr>
<tr>
<td>11. Development of monitoring plan</td>
<td>N/A</td>
<td>N/A</td>
<td>3</td>
</tr>
</tbody>
</table>

**H. Other Treatment Techniques**

<p>| | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Acrylamide (TT)</td>
<td>2</td>
<td>611.296</td>
<td>N/A</td>
</tr>
<tr>
<td>2. Epichlorohydrin (TT)</td>
<td>2</td>
<td>611.296</td>
<td>N/A</td>
</tr>
</tbody>
</table>

**II. Unregulated Contaminant Monitoring:**

<p>| | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Unregulated contaminants</td>
<td>N/A</td>
<td>N/A</td>
<td>3</td>
</tr>
<tr>
<td>B. Nickel</td>
<td>N/A</td>
<td>N/A</td>
<td>3</td>
</tr>
</tbody>
</table>

**III. Public Notification for Relief Equivalent to a SDWA Section 1415 Variance or a Section 1416 Exemption:**

<p>| | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Operation under relief equivalent to a SDWA section 1415 variance or a section 1416 exemption</td>
<td>3</td>
<td>1415, 1416</td>
<td>N/A</td>
</tr>
<tr>
<td>B. Violation of conditions of relief equivalent to a SDWA section 1415 variance or a section 1416 exemption</td>
<td>2</td>
<td>1415, 1416, 611.111, 611.112</td>
<td>N/A</td>
</tr>
</tbody>
</table>

**IV. Other Situations Requiring Public Notification:**
### POLLUTION CONTROL BOARD

#### NOTICE OF PROPOSED AMENDMENTS

| A. Fluoride secondary maximum contaminant level (SMCL) exceedence | 3 | 611.858 | N/A | N/A |
| B. Exceedence of nitrate MCL for a non-CWS supplier, as allowed by the Agency | 1 | 611.300(d) | N/A | N/A |
| C. Availability of unregulated contaminant monitoring data | 3 | 611.510 | N/A | N/A |
| D. Waterborne disease outbreak | 1 | 611.101, 611.233(b)(2) | N/A | N/A |
| E. Other waterborne emergency | 1 | N/A | N/A | N/A |
| F. Other situations as determined by the Agency by an SEP issued pursuant to Section 611.110 | 1, 2, 3 | N/A | N/A | N/A |

#### Appendix G--Endnotes

1. Violations and other situations not listed in this table (e.g., reporting violations and failure to prepare Consumer Confidence Reports) do not require notice, unless otherwise determined by the Agency by an SEP issued pursuant to Section 611.110. The Agency may, by an SEP issued pursuant to Section 611.110, further require a more stringent public notice tier (e.g., Tier 1 instead of Tier 2 or Tier 2 instead of Tier 3) for specific violations and situations listed in this Appendix, as authorized under Sections 611.902(a) and 611.903(a).

2. Definition of the abbreviations used: “MCL” means maximum contaminant level, “MRDL” means maximum residual disinfectant level, and “TT” means treatment technique.

3. The term “violations of National Primary Drinking Water Regulations (NPDWR)” is used here to include violations of MCL, MRDL, treatment technique, monitoring, and testing procedure requirements.

4. Failure to test for fecal coliform or E. coli is a Tier 1 violation if testing is not done after any repeat sample tests positive for coliform. All other total coliform monitoring and testing procedure violations are Tier 3 violations.

5. A supplier that violates the turbidity MCL of 5 NTU based on an average of measurements over two consecutive days must consult with the Agency within 24 hours after learning of the violation. Based on this consultation, the Agency may subsequently decide to issue an SEP pursuant to Section 611.110 that elevates the violation to a Tier 1 violation. If a supplier is
ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

unable to make contact with the Agency in the 24-hour period, the violation is automatically elevated to a Tier 1 violation.

6. A supplier with a treatment technique violation involving a single exceedence of a maximum turbidity limit under the Surface Water Treatment Rule (SWTR), the Interim Enhanced Surface Water Treatment Rule (IESWTR), or the Long Term 1 Enhanced Surface Water Treatment Rule are required to consult with the Agency within 24 hours after learning of the violation. Based on this consultation, the Agency may subsequently decide to issue an SEP pursuant to Section 611.110 that elevates the violation to a Tier 1 violation. If a supplier is unable to make contact with the Agency in the 24-hour period, the violation is automatically elevated to a Tier 1 violation.

7. Most of the requirements of the Interim Enhanced Surface Water Treatment Rule (63 Fed. Reg. 69477 (December 16, 1998)) (Sections 611.740-611.741, 611.743-611.744) were effective January 1, 2002 for a Subpart B supplier (surface water systems and groundwater systems under the direct influence of surface water) that serves at least 10,000 persons. However, Section 611.742 is currently effective. The Surface Water Treatment Rule (SWTR) remains in effect for a supplier serving at least 10,000 persons even after 2002; the Interim Enhanced Surface Water Treatment Rule adds additional requirements and does not in many cases supersede the SWTR.

8. The arsenic MCL citations are effective January 23, 2006. Until then, the citations are Sections 611.330(b) and 611.612(c).

9. The arsenic Tier 3 violation MCL citations are effective January 23, 2006. Until then, the citations are Sections 611.100, 611.101, and 611.612.

10. Failure to take a confirmation sample within 24 hours for nitrate or nitrite after an initial sample exceeds the MCL is a Tier 1 violation. Other monitoring violations for nitrate are Tier 3.

11. The uranium MCL Tier 2 violation citations are effective December 8, 2003 for a CWS supplier.

12. The uranium Tier 3 violation citations are effective December 8, 2000 for a CWS supplier.

13. A Subpart B community or non-transient non-community system supplier that serves 10,000 persons or more must comply with new DBP MCLs, disinfectant MRDLs, and related monitoring requirements beginning January 1, 2002. All other community and non-transient non-community systems must meet the MCLs and MRDLs beginning January 1, 2004. A Subpart B transient non-community system supplier serving 10,000 or more persons that uses
chlorine dioxide as a disinfectant or oxidant must comply with the chlorine dioxide MRDL beginning January 1, 2002. A Subpart B transient non-community system supplier that serves fewer than 10,000 persons, which uses only groundwater not under the direct influence of surface water, and which uses chlorine dioxide as a disinfectant or oxidant must comply with the chlorine dioxide MRDL beginning January 1, 2004.


15. Failure to monitor for chlorine dioxide at the entrance to the distribution system the day after exceeding the MRDL at the entrance to the distribution system is a Tier 2 violation.

16. If any daily sample taken at the entrance to the distribution system exceeds the MRDL for chlorine dioxide and one or more samples taken in the distribution system the next day exceed the MRDL, Tier 1 notification is required. A failure to take the required samples in the distribution system after the MRDL is exceeded at the entry point also triggers Tier 1 notification.

17. Some water suppliers must monitor for certain unregulated contaminants listed in Section 611.510.

18. This citation refers to sections 1415 and 1416 of the federal Safe Drinking Water Act. Sections 1415 and 1416 require that “a schedule prescribed . . . for a public water system granted relief equivalent to a SDWA section 1415 variance or a section 1416 exemption must require compliance by the system . . .”

19. In addition to sections 1415 and 1416 of the federal Safe Drinking Water Act, 40 CFR 142.307 specifies the items and schedule milestones that must be included in relief equivalent to a SDWA section 1415 small system variance. In granting any form of relief from an NPDWR, the Board will consider all applicable federal requirements for and limitations on the State’s ability to grant relief consistent with federal law.

20. Other waterborne emergencies require a Tier 1 public notice under Section 611.902(a) for situations that do not meet the definition of a waterborne disease outbreak given in Section 611.101, but which still have the potential to have serious adverse effects on health as a result of short-term exposure. These could include outbreaks not related to treatment deficiencies, as well as situations that have the potential to cause outbreaks, such as failures or significant interruption in water treatment processes, natural disasters that disrupt the water supply or distribution system, chemical spills, or unexpected loading of possible pathogens into the source water.

BOARD NOTE: Derived from Appendix A to Subpart Q to 40 CFR 141 (2002).
POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

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

Section 611.Appendix H Standard Health Effects Language for Public Notification

<table>
<thead>
<tr>
<th>Contaminant</th>
<th>MCLG (^1) mg/L</th>
<th>MCL (^2) mg/L</th>
<th>Standard health effects language for public notification</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Primary Drinking Water Regulations (NPDWR):</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A. Microbiological Contaminants</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1a. Total coliform</td>
<td>Zero</td>
<td>See footnote 3</td>
<td>Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.</td>
</tr>
<tr>
<td>1b. Fecal coliform/E. coli</td>
<td>Zero</td>
<td>Zero</td>
<td>Fecal coliforms and E. coli are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, some of the elderly, and people with severely compromised immune systems.</td>
</tr>
<tr>
<td>2a. Turbidity (MCL) (^4)</td>
<td>None</td>
<td>1 NTU (^5)/5 NTU</td>
<td>Turbidity has no health effects. However, turbidity can interfere with disinfection and provides a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.</td>
</tr>
</tbody>
</table>
## NOTICE OF PROPOSED AMENDMENTS

### 2b. Turbidity (SWTR TT)

| None | TT $^7$ |

| Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches. |

### 2c. Turbidity (IESWTR TT and LT1ESWTR TT)

| None | TT |

| Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches. |

### B. Surface Water Treatment Rule (SWTR), Interim Enhanced Surface Water Treatment Rule (IESWTR), Long Term 1 Enhanced Surface Water Treatment Rule (LT1ESWTR), and Filter Backwash Recycling Rule (FBRR) violations:

| 3. Giardia lamblia (SWTR/IESWTR/LT1ESWTR) | Zero | TT $^{10}$ |

| Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches. |

| 4. Viruses (SWTR/IESWTR/LT1ESWTR) | Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches. |
### NOTICE OF PROPOSED AMENDMENTS

<table>
<thead>
<tr>
<th><strong>5. Heterotrophic plate count (HPC) bacteria</strong>&lt;sup&gt;9&lt;/sup&gt; (SWTR/IESWTR/LT1ESWTR)</th>
<th>Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>6. Legionella</strong> (SWTR/IESWTR/LT1ESWTR)</td>
<td>Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.</td>
</tr>
<tr>
<td><strong>7. Cryptosporidium</strong> (IESWTR/FBRR/LT1ESWTR)</td>
<td>Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.</td>
</tr>
</tbody>
</table>

**C. Inorganic Chemicals (IOCs)**

<table>
<thead>
<tr>
<th><strong>8. Antimony</strong></th>
<th>0.006</th>
<th>0.006</th>
<th>Some people who drink water containing antimony well in excess of the MCL over many years could experience increases in blood cholesterol and decreases in blood sugar.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>9. Arsenic</strong>&lt;sup&gt;11&lt;/sup&gt;</td>
<td>0</td>
<td>0.01</td>
<td>Some people who drink water containing arsenic in excess of the MCL over many years could experience skin damage or problems with their circulatory system, and may have an increased risk of getting cancer.</td>
</tr>
<tr>
<td><strong>10. Asbestos (10 µm)</strong></td>
<td>7 MFL&lt;sup&gt;12&lt;/sup&gt;</td>
<td>7 MFL</td>
<td>Some people who drink water containing asbestos in excess of the MCL over many years may have an increased risk of developing benign intestinal polyps.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Description</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>-------------</td>
</tr>
<tr>
<td>11. Barium</td>
<td>2</td>
<td>2</td>
<td>Some people who drink water containing barium in excess of the MCL over many years could experience an increase in their blood pressure.</td>
</tr>
<tr>
<td>12. Beryllium</td>
<td>0.004</td>
<td>0.004</td>
<td>Some people who drink water containing beryllium well in excess of the MCL over many years could develop intestinal lesions.</td>
</tr>
<tr>
<td>13. Cadmium</td>
<td>0.005</td>
<td>0.005</td>
<td>Some people who drink water containing cadmium in excess of the MCL over many years could experience kidney damage.</td>
</tr>
<tr>
<td>14. Chromium (total)</td>
<td>0.1</td>
<td>0.1</td>
<td>Some people who use water containing chromium well in excess of the MCL over many years could experience allergic dermatitis.</td>
</tr>
<tr>
<td>15. Cyanide</td>
<td>0.2</td>
<td>0.2</td>
<td>Some people who drink water containing cyanide well in excess of the MCL over many years could experience nerve damage or problems with their thyroid.</td>
</tr>
<tr>
<td>16. Fluoride</td>
<td>4.0</td>
<td>4.0</td>
<td>Some people who drink water containing fluoride in excess of the MCL over many years could get bone disease, including pain and tenderness of the bones. Fluoride in drinking water at half the MCL or more may cause mottling of children’s teeth, usually in children less than nine years old. Mottling, also known as dental fluorosis, may include brown staining and/or pitting of the teeth, and occurs only in developing teeth before they erupt from the gums.</td>
</tr>
</tbody>
</table>
### 17. Mercury (inorganic)

<table>
<thead>
<tr>
<th>MCL (mg/L)</th>
<th>Proposed MCL (mg/L)</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.002</td>
<td>0.002</td>
<td>Some people who drink water containing inorganic mercury well in excess of the MCL over many years could experience kidney damage.</td>
</tr>
</tbody>
</table>

### 18. Nitrate

<table>
<thead>
<tr>
<th>MCL (mg/L)</th>
<th>Proposed MCL (mg/L)</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>10</td>
<td>Infants below the age of six months who drink water containing nitrate in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.</td>
</tr>
</tbody>
</table>

### 19. Nitrite

<table>
<thead>
<tr>
<th>MCL (mg/L)</th>
<th>Proposed MCL (mg/L)</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1</td>
<td>Infants below the age of six months who drink water containing nitrite in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.</td>
</tr>
</tbody>
</table>

### 20. Total Nitrate and Nitrite

<table>
<thead>
<tr>
<th>MCL (mg/L)</th>
<th>Proposed MCL (mg/L)</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>10</td>
<td>Infants below the age of six months who drink water containing nitrate and nitrite in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.</td>
</tr>
</tbody>
</table>

### 21. Selenium

<table>
<thead>
<tr>
<th>MCL (mg/L)</th>
<th>Proposed MCL (mg/L)</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.05</td>
<td>0.05</td>
<td>Selenium is an essential nutrient. However, some people who drink water containing selenium in excess of the MCL over many years could experience hair or fingernail losses, numbness in fingers or toes, or problems with their circulation.</td>
</tr>
</tbody>
</table>
### NOTICE OF PROPOSED AMENDMENTS

<table>
<thead>
<tr>
<th>Substance</th>
<th>MCL</th>
<th>TCL</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thallium</td>
<td>0.005</td>
<td>0.002</td>
<td>Some people who drink water containing thallium in excess of the MCL over many years could experience hair loss, changes in their blood, or problems with their kidneys, intestines, or liver.</td>
</tr>
<tr>
<td>Lead</td>
<td>Zero</td>
<td>TT</td>
<td>Infants and children who drink water containing lead in excess of the action level could experience delays in their physical or mental development. Children could show slight deficits in attention span and learning abilities. Adults who drink this water over many years could develop kidney problems or high blood pressure.</td>
</tr>
<tr>
<td>Copper</td>
<td>1.3</td>
<td>TT</td>
<td>Copper is an essential nutrient, but some people who drink water containing copper in excess of the action level over a relatively short amount of time could experience gastrointestinal distress. Some people who drink water containing copper in excess of the action level over many years could suffer liver or kidney damage. People with Wilson’s Disease should consult their personal doctor.</td>
</tr>
<tr>
<td>2,4-D</td>
<td>0.07</td>
<td>0.07</td>
<td>Some people who drink water containing the weed killer 2,4-D well in excess of the MCL over many years could experience problems with their kidneys, liver, or adrenal glands.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>----------------------------------------------------------------</td>
</tr>
<tr>
<td>26.</td>
<td>2,4,5-TP (silvex)</td>
<td>0.05</td>
<td>Some people who drink water containing silvex in excess of the MCL over many years could experience liver problems.</td>
</tr>
<tr>
<td>27.</td>
<td>Alachlor</td>
<td>Zero</td>
<td>0.002 Some people who drink water containing alachlor in excess of the MCL over many years could have problems with their eyes, liver, kidneys, or spleen, or experience anemia, and may have an increased risk of getting cancer.</td>
</tr>
<tr>
<td>28.</td>
<td>Atrazine</td>
<td>0.003</td>
<td>0.003 Some people who drink water containing atrazine well in excess of the MCL over many years could experience problems with their cardiovascular system or reproductive difficulties.</td>
</tr>
<tr>
<td>29.</td>
<td>Benzo(a)pyrene (PAHs).</td>
<td>Zero</td>
<td>0.0002 Some people who drink water containing benzo(a)pyrene in excess of the MCL over many years may experience reproductive difficulties and may have an increased risk of getting cancer.</td>
</tr>
<tr>
<td>30.</td>
<td>Carbofuran</td>
<td>0.04</td>
<td>0.04 Some people who drink water containing carbofuran in excess of the MCL over many years could experience problems with their blood, or nervous or reproductive systems.</td>
</tr>
<tr>
<td>31.</td>
<td>Chlordane</td>
<td>Zero</td>
<td>0.002 Some people who drink water containing chlordane in excess of the MCL over many years could experience problems with their liver or nervous system, and may have an increased risk of getting cancer.</td>
</tr>
<tr>
<td></td>
<td>Substance</td>
<td>MCL</td>
<td>Detectable</td>
</tr>
<tr>
<td>---</td>
<td>-----------------------</td>
<td>-----</td>
<td>------------</td>
</tr>
<tr>
<td>32.</td>
<td>Dalapon</td>
<td>0.2</td>
<td>0.2</td>
</tr>
<tr>
<td>33.</td>
<td>Di(2-ethylhexyl)adipate</td>
<td>0.4</td>
<td>0.4</td>
</tr>
<tr>
<td>34.</td>
<td>Di(2-ethylhexyl)-phthalate</td>
<td>Zero</td>
<td>0.006</td>
</tr>
<tr>
<td>35.</td>
<td>Dibromochloropropane (DBCP)</td>
<td>Zero</td>
<td>0.0002</td>
</tr>
<tr>
<td>36.</td>
<td>Dinoseb</td>
<td>0.007</td>
<td>0.007</td>
</tr>
<tr>
<td>37.</td>
<td>Dioxin (2,3,7,8-TCDD)</td>
<td>Zero</td>
<td>$3 \times 10^{-8}$</td>
</tr>
<tr>
<td></td>
<td>Chemical</td>
<td>MCL</td>
<td>TSC</td>
</tr>
<tr>
<td>----</td>
<td>----------------</td>
<td>-----</td>
<td>------</td>
</tr>
<tr>
<td>38</td>
<td>Diquat</td>
<td>0.02</td>
<td>0.02</td>
</tr>
<tr>
<td>39</td>
<td>Endothall</td>
<td>0.1</td>
<td>0.1</td>
</tr>
<tr>
<td>40</td>
<td>Endrin</td>
<td>0.002</td>
<td>0.002</td>
</tr>
<tr>
<td>41</td>
<td>Ethylene dibromide</td>
<td>Zero</td>
<td>0.00005</td>
</tr>
<tr>
<td>42</td>
<td>Glyphosate</td>
<td>0.7</td>
<td>0.7</td>
</tr>
<tr>
<td>43</td>
<td>Heptachlor</td>
<td>Zero</td>
<td>0.0004</td>
</tr>
<tr>
<td>44</td>
<td>Heptachlor epoxide</td>
<td>Zero</td>
<td>0.0002</td>
</tr>
</tbody>
</table>
### NOTICE OF PROPOSED AMENDMENTS

<table>
<thead>
<tr>
<th>Substance</th>
<th>Current MCL</th>
<th>Proposed MCL</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>45. Hexachlorobenzene</td>
<td>Zero</td>
<td>0.001</td>
<td>Some people who drink water containing hexachlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys, or adverse reproductive effects, and may have an increased risk of getting cancer.</td>
</tr>
<tr>
<td>46. Hexachlorocyclopentadiene</td>
<td>0.05</td>
<td>0.05</td>
<td>Some people who drink water containing hexachlorocyclopentadiene well in excess of the MCL over many years could experience problems with their kidneys or stomach.</td>
</tr>
<tr>
<td>47. Lindane</td>
<td>0.0002</td>
<td>0.0002</td>
<td>Some people who drink water containing lindane in excess of the MCL over many years could experience problems with their kidneys or liver.</td>
</tr>
<tr>
<td>48. Methoxychlor</td>
<td>0.04</td>
<td>0.04</td>
<td>Some people who drink water containing methoxychlor in excess of the MCL over many years could experience reproductive difficulties.</td>
</tr>
<tr>
<td>49. Oxamyl (Vydate)</td>
<td>0.2</td>
<td>0.2</td>
<td>Some people who drink water containing oxamyl in excess of the MCL over many years could experience slight nervous system effects.</td>
</tr>
<tr>
<td>50. Pentachlorophenol</td>
<td>Zero</td>
<td>0.001</td>
<td>Some people who drink water containing pentachlorophenol in excess of the MCL over many years could experience problems with their liver or kidneys, and may have an increased risk of getting cancer.</td>
</tr>
</tbody>
</table>
### POLLUTION CONTROL BOARD

**NOTICE OF PROPOSED AMENDMENTS**

<table>
<thead>
<tr>
<th></th>
<th>Chemical Name</th>
<th>MCL</th>
<th>PQL</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>51</td>
<td>Picloram</td>
<td>0.5</td>
<td>0.5</td>
<td>Some people who drink water containing picloram in excess of the MCL over many years could experience problems with their liver.</td>
</tr>
<tr>
<td>52</td>
<td>Polychlorinated biphenyls (PCBs)</td>
<td>Zero</td>
<td>0.005</td>
<td>Some people who drink water containing PCBs in excess of the MCL over many years could experience changes in their skin, problems with their thymus gland, immune deficiencies, or reproductive or nervous system difficulties, and may have an increased risk of getting cancer.</td>
</tr>
<tr>
<td>53</td>
<td>Simazine</td>
<td>0.004</td>
<td>0.004</td>
<td>Some people who drink water containing simazine in excess of the MCL over many years could experience problems with their blood.</td>
</tr>
<tr>
<td>54</td>
<td>Toxaphene</td>
<td>Zero</td>
<td>0.003</td>
<td>Some people who drink water containing toxaphene in excess of the MCL over many years could have problems with their kidneys, liver, or thyroid, and may have an increased risk of getting cancer.</td>
</tr>
</tbody>
</table>

**F. Volatile Organic Chemicals (VOCs)**

<table>
<thead>
<tr>
<th></th>
<th>Chemical Name</th>
<th>MCL</th>
<th>PQL</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>55</td>
<td>Benzene</td>
<td>Zero</td>
<td>0.005</td>
<td>Some people who drink water containing benzene in excess of the MCL over many years could experience anemia or a decrease in blood platelets, and may have an increased risk of getting cancer.</td>
</tr>
<tr>
<td>56</td>
<td>Carbon tetrachloride</td>
<td>Zero</td>
<td>0.005</td>
<td>Some people who drink water containing carbon tetrachloride in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer.</td>
</tr>
<tr>
<td>Substance</td>
<td>MCL</td>
<td>PCL</td>
<td>Description</td>
<td></td>
</tr>
<tr>
<td>-------------------------------------------</td>
<td>-----</td>
<td>-----</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>Chlorobenzene (monochlorobenzene)</td>
<td>0.1</td>
<td>0.1</td>
<td>Some people who drink water containing chlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys.</td>
<td></td>
</tr>
<tr>
<td>o-Dichlorobenzene</td>
<td>0.6</td>
<td>0.6</td>
<td>Some people who drink water containing o-dichlorobenzene well in excess of the MCL over many years could experience problems with their liver, kidneys, or circulatory systems.</td>
<td></td>
</tr>
<tr>
<td>p-Dichlorobenzene</td>
<td>0.075</td>
<td>0.075</td>
<td>Some people who drink water containing p-dichlorobenzene in excess of the MCL over many years could experience anemia, damage to their liver, kidneys, or spleen, or changes in their blood.</td>
<td></td>
</tr>
<tr>
<td>1,2-Dichloroethane</td>
<td>Zero</td>
<td>0.005</td>
<td>Some people who drink water containing 1,2-dichloroethane in excess of the MCL over many years may have an increased risk of getting cancer.</td>
<td></td>
</tr>
<tr>
<td>1,1-Dichloroethylene</td>
<td>0.007</td>
<td>0.007</td>
<td>Some people who drink water containing 1,1-dichloroethylene in excess of the MCL over many years could experience problems with their liver.</td>
<td></td>
</tr>
<tr>
<td>cis-1,2-Dichloroethylene</td>
<td>0.07</td>
<td>0.07</td>
<td>Some people who drink water containing cis-1,2-dichloroethylene in excess of the MCL over many years could experience problems with their liver.</td>
<td></td>
</tr>
<tr>
<td>trans-1,2-Dichloroethylene</td>
<td>0.1</td>
<td>0.1</td>
<td>Some people who drink water containing trans-1,2-dichloroethylene well in excess of the MCL over many years could experience problems with their liver.</td>
<td></td>
</tr>
</tbody>
</table>
### POLLUTION CONTROL BOARD

**NOTICE OF PROPOSED AMENDMENTS**

<table>
<thead>
<tr>
<th>Substance</th>
<th>MCL</th>
<th>Significant Effects</th>
</tr>
</thead>
<tbody>
<tr>
<td>64. Dichloromethane</td>
<td>Zero</td>
<td>Some people who drink water containing dichloromethane in excess of the MCL over many years could have liver problems and may have an increased risk of getting cancer.</td>
</tr>
<tr>
<td>65. 1,2-Dichloropropane</td>
<td>Zero</td>
<td>Some people who drink water containing 1,2-dichloropropane in excess of the MCL over many years may have an increased risk of getting cancer.</td>
</tr>
<tr>
<td>66. Ethylbenzene</td>
<td>0.7</td>
<td>Some people who drink water containing ethylbenzene well in excess of the MCL over many years could experience problems with their liver or kidneys.</td>
</tr>
<tr>
<td>67. Styrene</td>
<td>0.1</td>
<td>Some people who drink water containing styrene well in excess of the MCL over many years could have problems with their liver, kidneys, or circulatory system.</td>
</tr>
<tr>
<td>68. Tetrachloroethylene</td>
<td>Zero</td>
<td>Some people who drink water containing tetrachloroethylene in excess of the MCL over many years could have problems with their liver, and may have an increased risk of getting cancer.</td>
</tr>
<tr>
<td>69. Toluene</td>
<td>1</td>
<td>Some people who drink water containing toluene well in excess of the MCL over many years could have problems with their nervous system, kidneys, or liver.</td>
</tr>
<tr>
<td>70. 1,2,4-Trichlorobenzene</td>
<td>0.07</td>
<td>Some people who drink water containing 1,2,4-trichlorobenzene well in excess of the MCL over many years could experience changes in their adrenal glands.</td>
</tr>
</tbody>
</table>
### POLLUTION CONTROL BOARD

**NOTICE OF PROPOSED AMENDMENTS**

<table>
<thead>
<tr>
<th>71. 1,1,1-Trichloroethane</th>
<th>0.2</th>
<th>0.2</th>
<th>Some people who drink water containing 1,1,1-trichloroethane in excess of the MCL over many years could experience problems with their liver, nervous system, or circulatory system.</th>
</tr>
</thead>
<tbody>
<tr>
<td>72. 1,1,2-Trichloroethane</td>
<td>0.003</td>
<td>0.005</td>
<td>Some people who drink water containing 1,1,2-trichloroethane well in excess of the MCL over many years could have problems with their liver, kidneys, or immune systems.</td>
</tr>
<tr>
<td>73. Trichloroethylene</td>
<td>Zero</td>
<td>0.005</td>
<td>Some people who drink water containing trichloroethylene in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer.</td>
</tr>
<tr>
<td>74. Vinyl chloride</td>
<td>Zero</td>
<td>0.002</td>
<td>Some people who drink water containing vinyl chloride in excess of the MCL over many years may have an increased risk of getting cancer.</td>
</tr>
<tr>
<td>75. Xylenes (total)</td>
<td>10</td>
<td>10</td>
<td>Some people who drink water containing xylenes in excess of the MCL over many years could experience damage to their nervous system.</td>
</tr>
</tbody>
</table>

#### G. Radioactive Contaminants

<table>
<thead>
<tr>
<th>76. Beta/photon emitters</th>
<th>Zero</th>
<th>4 mrem/yr$^{15}$</th>
<th>Certain minerals are radioactive and may emit forms of radiation known as photons and beta radiation. Some people who drink water containing beta and photon emitters in excess of the MCL over many years may have an increased risk of getting cancer.</th>
</tr>
</thead>
<tbody>
<tr>
<td>77. Alpha emitters</td>
<td>Zero</td>
<td>15 pCi/L</td>
<td>Certain minerals are radioactive and may emit a form of radiation known as alpha radiation. Some people who drink water containing alpha emitters in excess of the MCL over many years may have an increased risk of getting cancer.</td>
</tr>
<tr>
<td>78. Combined radium (226 &amp; 228)</td>
<td>Zero</td>
<td>5 pCi/L</td>
<td>Some people who drink water containing radium 226 or 228 in excess of the MCL over many years may have an increased risk of getting cancer.</td>
</tr>
<tr>
<td>79. Uranium</td>
<td>Zero</td>
<td>30 µg/L</td>
<td>Some people who drink water containing uranium in excess of the MCL over many years may have an increased risk of getting cancer and kidney toxicity.</td>
</tr>
</tbody>
</table>

H. Disinfection Byproducts (DBPs), Byproduct Precursors, and Disinfectant Residuals: Where disinfection is used in the treatment of drinking water, disinfectants combine with organic and inorganic matter present in water to form chemicals called disinfection byproducts (DBPs). USEPA sets standards for controlling the levels of disinfectants and DBPs in drinking water, including trihalomethanes (THMs) and haloacetic acids (HAA5). |

<p>| 80. Total trihalomethanes (TTHMs) | N/A | 0.10/0.080 | Some people who drink water containing trihalomethanes in excess of the MCL over many years may experience problems with their liver, kidneys, or central nervous system, and may have an increased risk of getting cancer. |
| 81. Haloacetic Acids (HAA5) | N/A | 0.060 | Some people who drink water containing haloacetic acids in excess of the MCL over many years may have an increased risk of getting cancer. |
| 82. Bromate | Zero | 0.010 | Some people who drink water containing bromate in excess of the MCL over many years may have an increased risk of getting cancer. |</p>
<table>
<thead>
<tr>
<th>Substance</th>
<th>MCL</th>
<th>MRDL</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chlorite</td>
<td>0.08</td>
<td>1.0</td>
<td>Some infants and young children who drink water containing chlorite in excess of the MCL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorite in excess of the MCL. Some people may experience anemia.</td>
</tr>
<tr>
<td>Chlorine 4 (MRDLG)</td>
<td>4</td>
<td>4.0</td>
<td>Some people who use water containing chlorine well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chlorine well in excess of the MRDL could experience stomach discomfort.</td>
</tr>
<tr>
<td>Chloramines 4 (MRDLG)</td>
<td>4</td>
<td>4.0</td>
<td>Some people who use water containing chloramines well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chloramines well in excess of the MRDL could experience stomach discomfort or anemia.</td>
</tr>
<tr>
<td>Chlorine dioxide 0.8 (MRDLG)</td>
<td>0.8</td>
<td>0.8</td>
<td>Some infants and young children who drink water containing chlorine dioxide in excess of the MRDL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorine dioxide in excess of the MRDL. Some people may experience anemia.</td>
</tr>
</tbody>
</table>
Add for public notification only: The chlorine dioxide violations reported today are the result of exceedences at the treatment facility only, not within the distribution system that delivers water to consumers. Continued compliance with chlorine dioxide levels within the distribution system minimizes the potential risk of these violations to consumers.

| 86a. Chlorine dioxide, where one or more distribution system samples are above the MRDL | 0.8 (MRDLG) | 0.8 (MRDL) | Some infants and young children who drink water containing chlorine dioxide in excess of the MRDL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorine dioxide in excess of the MRDL. Some people may experience anemia. Add for public notification only: The chlorine dioxide violations reported today include exceedences of the USEPA standard within the distribution system that delivers water to consumers. Violations of the chlorine dioxide standard within the distribution system may harm human health based on short-term exposures. Certain groups, including fetuses, infants, and young children, may be especially susceptible to nervous system effects from excessive chlorine dioxide exposure. |
87. Control of DBP precursors (TOC) | None | TT | Total organic carbon (TOC) has no health effects. However, total organic carbon provides a medium for the formation of disinfection byproducts. These byproducts include trihalomethanes (THMs) and haloacetic acids (HAAs). Drinking water containing these byproducts in excess of the MCL may lead to adverse health effects, liver or kidney problems, or nervous system effects, and may lead to an increased risk of getting cancer.

I. Other Treatment Techniques:

88. Acrylamide | Zero | TT | Some people who drink water containing high levels of acrylamide over a long period of time could have problems with their nervous system or blood, and may have an increased risk of getting cancer.

89. Epichlorohydrin | Zero | TT | Some people who drink water containing high levels of epichlorohydrin over a long period of time could experience stomach problems, and may have an increased risk of getting cancer.

Appendix H--Endnotes

1. “MCLG” means maximum contaminant level goal.

2. “MCL” means maximum contaminant level.

3. For a water supplier analyzing at least 40 samples per month, no more than 5.0 percent of the monthly samples may be positive for total coliforms. For a supplier analyzing fewer than 40 samples per month, no more than one sample per month may be positive for total coliforms.

4. There are various regulations that set turbidity standards for different types of systems, including Section 611.320, the 1989 Surface Water Treatment Rule, the 1998 Interim Enhanced
Surface Water Treatment Rule, and the 2002 Long Term 1 Enhanced Surface Water Treatment Rule. The MCL for the monthly turbidity average is 1 NTU; the MCL for the 2-day average is 5 NTU for a supplier that is required to filter but has not yet installed filtration (Section 611.320).

5. “NTU” means nephelometric turbidity unit.

6. There are various regulations that set turbidity standards for different types of systems, including Section 611.320, the 1989 Surface Water Treatment Rule (SWTR), the 1998 Interim Enhanced Surface Water Treatment Rule (IESWTR), and the 2002 Long Term 1 Enhanced Surface Water Treatment Rule. A supplier subject to the Surface Water Treatment Rule (both filtered and unfiltered) may not exceed 5 NTU. In addition, in filtered systems, 95 percent of samples each month must not exceed 0.5 NTU in systems using conventional or direct filtration and must not exceed 1 NTU in systems using slow sand or diatomaceous earth filtration or other filtration technologies approved by the Agency.

7. “TT” means treatment technique.

8. There are various regulations that set turbidity standards for different types of systems, including Section 611.320, the 1989 Surface Water Treatment Rule (SWTR), the 1998 Interim Enhanced Surface Water Treatment Rule (IESWTR), and the 2002 Long Term 1 Enhanced Surface Water Treatment Rule. For a supplier subject to the IESWTR (systems serving at least 10,000 people, using surface water or groundwater under the direct influence of surface water), that use conventional filtration or direct filtration, after January 1, 2002, the turbidity level of a system’s combined filter effluent may not exceed 0.3 NTU in at least 95 percent of monthly measurements, and the turbidity level of a system’s combined filter effluent must not exceed 1 NTU at any time. A supplier subject to the IESWTR using technologies other than conventional, direct, slow sand, or diatomaceous earth filtration must meet turbidity limits set by the Agency. For a supplier subject to the LT1ESWTR (a supplier that serves fewer than 10,000 people, using surface water or groundwater under the direct influence of surface water) that uses conventional filtration or direct filtration, after January 1, 2005, the turbidity level of the supplier’s combined filter effluent may not exceed 0.3 NTU in at least 95 percent of monthly measurements, and the turbidity level of the supplier’s combined filter effluent must not exceed 1 NTU at any time. A supplier subject to the LT1ESWTR using technologies other than conventional, direct, slow sand, or diatomaceous earth filtration must meet turbidity limits set by the Agency.

9. The bacteria detected by heterotrophic plate count (HPC) are not necessarily harmful. HPC is simply an alternative method of determining disinfectant residual levels. The number of such bacteria is an indicator of whether there is enough disinfectant in the distribution system.

10. SWTR, IESWTR, and LT1ESWTR treatment technique violations that involve turbidity exceedences may use the health effects language for turbidity instead.
11. These arsenic values are effective January 23, 2006. Until then, the MCL is 0.05 mg/L and there is no MCLG.

12. Millions of fibers per liter.

13. Action Level = 0.015 mg/L.

14. Action Level = 1.3 mg/L.

15. Millirems per year.

16. Picocuries per liter.

17. The uranium MCL is effective December 8, 2003 for all community water systems.

18. A surface water system supplier or a groundwater system supplier under the direct influence of surface water is regulated under Subpart B of this Part. A Subpart B community water system supplier or a non-transient non-community system supplier that serves 10,000 or more persons must comply with DBP MCLs and disinfectant maximum residual disinfectant levels (MRDLs) beginning January 1, 2002. All other community and non-transient non-community system suppliers must meet the MCLs and MRDLs beginning January 1, 2004. Subpart B transient non-community system suppliers serving 10,000 or more persons and using chlorine dioxide as a disinfectant or oxidant must comply with the chlorine dioxide MRDL beginning January 1, 2002. Subpart B transient non-community system suppliers serving fewer than 10,000 persons and systems using only groundwater not under the direct influence of surface water and using chlorine dioxide as a disinfectant or oxidant must comply with the chlorine dioxide MRDL beginning January 1, 2004.

19. The MCL of 0.10 mg/L for TTHMs was in effect until January 1, 2002 for a Subpart B community water system supplier serving 10,000 or more persons. This MCL is in effect until January 1, 2004 for community water systems with a population of 10,000 or more using only groundwater not under the direct influence of surface water. After these deadlines, the MCL will be 0.080 mg/L. On January 1, 2004, a supplier serving fewer than 10,000 will have to comply with the new MCL as well.

20. The MCL for total trihalomethanes is the sum of the concentrations of the individual trihalomethanes.

21. The MCL for haloacetic acids is the sum of the concentrations of the individual haloacetic acids.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

22. “MRDLG” means maximum residual disinfectant level goal.

23. “MRDL” means maximum residual disinfectant level.

BOARD NOTE: Derived from Appendix B to Subpart Q to 40 CFR 141 (2002).

(Source: Amended at 27 Ill. Reg. _______, effective ______________________)

Section 611. Table A Total Coliform Monitoring Frequency

<table>
<thead>
<tr>
<th>Population Served</th>
<th>Minimum Number of Samples per month</th>
</tr>
</thead>
<tbody>
<tr>
<td>25 to 1000</td>
<td>1</td>
</tr>
<tr>
<td>1001 to 2500</td>
<td>2</td>
</tr>
<tr>
<td>2501 to 3300</td>
<td>3</td>
</tr>
<tr>
<td>3301 to 4100</td>
<td>4</td>
</tr>
<tr>
<td>4101 to 4900</td>
<td>5</td>
</tr>
<tr>
<td>4901 to 5800</td>
<td>6</td>
</tr>
<tr>
<td>5801 to 6700</td>
<td>7</td>
</tr>
<tr>
<td>6701 to 7600</td>
<td>8</td>
</tr>
<tr>
<td>7601 to 8500</td>
<td>9</td>
</tr>
<tr>
<td>8501 to 12,900</td>
<td>10</td>
</tr>
<tr>
<td>12,901 to 17,200</td>
<td>15</td>
</tr>
<tr>
<td>17,201 to 21,500</td>
<td>20</td>
</tr>
<tr>
<td>21,501 to 25,000</td>
<td>25</td>
</tr>
<tr>
<td>25,001 to 33,000</td>
<td>30</td>
</tr>
<tr>
<td>33,001 to 41,000</td>
<td>40</td>
</tr>
<tr>
<td>41,001 to 50,000</td>
<td>50</td>
</tr>
<tr>
<td>50,001 to 59,000</td>
<td>60</td>
</tr>
<tr>
<td>59,001 to 70,000</td>
<td>70</td>
</tr>
<tr>
<td>70,001 to 83,000</td>
<td>80</td>
</tr>
<tr>
<td>83,001 to 96,000</td>
<td>90</td>
</tr>
<tr>
<td>96,001 to 130,000</td>
<td>100</td>
</tr>
<tr>
<td>130,001 to 220,000</td>
<td>120</td>
</tr>
<tr>
<td>220,001 to 320,000</td>
<td>150</td>
</tr>
<tr>
<td>320,001 to 450,000</td>
<td>180</td>
</tr>
<tr>
<td>450,001 to 600,000</td>
<td>210</td>
</tr>
<tr>
<td>600,001 to 780,000</td>
<td>240</td>
</tr>
<tr>
<td>780,001 to 970,000</td>
<td>270</td>
</tr>
<tr>
<td>970,001 to 1,230,000</td>
<td>300</td>
</tr>
</tbody>
</table>
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

<table>
<thead>
<tr>
<th>System Size (Persons Served)</th>
<th>Samples per Day</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,230,001 to 1,520,000</td>
<td>330</td>
</tr>
<tr>
<td>1,520,001 to 1,850,000</td>
<td>360</td>
</tr>
<tr>
<td>1,850,001 to 2,270,000</td>
<td>390</td>
</tr>
<tr>
<td>2,270,001 to 3,020,000</td>
<td>420</td>
</tr>
<tr>
<td>3,020,001 to 3,960,000</td>
<td>450</td>
</tr>
<tr>
<td>3,960,001 or more</td>
<td>480</td>
</tr>
</tbody>
</table>

PWSs which have at least 15 service connections, but serve fewer than 25 persons are included, are included in the entry for 25 to 1000 persons served.


(Source: Amended at 27 Ill. Reg. ________, effective ______________________)

Section 611. Table C Frequency of RDC Measurement

<table>
<thead>
<tr>
<th>System Size (Persons Served)</th>
<th>Samples per Day</th>
</tr>
</thead>
<tbody>
<tr>
<td>500 or fewer</td>
<td>1</td>
</tr>
<tr>
<td>501 to 1000</td>
<td>2</td>
</tr>
<tr>
<td>1001 to 2,500</td>
<td>3</td>
</tr>
<tr>
<td>2501 to 3,300</td>
<td>4</td>
</tr>
</tbody>
</table>

The day's samples cannot be taken at the same time. The sampling intervals are subject to Agency review and approval by special exception permit a SEP issued pursuant to Section 611.110.

BOARD NOTE: Derived from 40 CFR 141.74(b)(5) and (c)(2) (1991) (2002).

(Source: Amended at 27 Ill. Reg. ________, effective ______________________)

Section 611. Table E Lead and Copper Monitoring Start Dates

<table>
<thead>
<tr>
<th>System Size (Persons served)</th>
<th>First Six-month Monitoring Period Begins</th>
</tr>
</thead>
<tbody>
<tr>
<td>more than 50,000</td>
<td>Upon effective date January 1, 1992</td>
</tr>
<tr>
<td>3,301 to 50,000</td>
<td>Upon effective date July 1, 1992</td>
</tr>
<tr>
<td>3,300 or fewer</td>
<td>July 1, 1993</td>
</tr>
</tbody>
</table>

2 U.S. EPA sets forth a date of July 1, 1992.


(Source: Amended at 27 Ill. Reg. ________, effective ______________________)
### Notice of Proposed Amendments

Section 611. Table G  Summary of Section 611.357 Monitoring Requirements for Water Quality Parameters

See end note 1 below.

<table>
<thead>
<tr>
<th>Monitoring Period</th>
<th>Parameters</th>
<th>Location</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Initial Monitoring</td>
<td>PH, alkalinity, orthophosphate or silica, calcium, conductivity, temperature</td>
<td>Taps and at entry points to the distribution system</td>
<td>Every six months</td>
</tr>
<tr>
<td>After installation of corrosion control</td>
<td>PH, alkalinity, orthophosphate or silica, calcium</td>
<td>Taps</td>
<td>Every six months</td>
</tr>
<tr>
<td></td>
<td>PH, alkalinity dosage rate and concentration (if alkalinity is adjusted as part of corrosion control), inhibitor dosage rate and inhibitor residual</td>
<td>Entry points to the distribution system</td>
<td>No less frequently than every two weeks</td>
</tr>
<tr>
<td>After the Agency specifies parameter values for optimal corrosion control</td>
<td>PH, alkalinity, orthophosphate or silica, calcium</td>
<td>Taps</td>
<td>Every six months</td>
</tr>
<tr>
<td></td>
<td>PH, alkalinity dosage rate and concentration (if alkalinity is adjusted as part of corrosion control), inhibitor dosage rate and inhibitor residual</td>
<td>Entry points to the distribution system</td>
<td>No less frequently than every two weeks</td>
</tr>
</tbody>
</table>
**POLLUTION CONTROL BOARD**

**NOTICE OF PROPOSED AMENDMENTS**

<table>
<thead>
<tr>
<th>Reduced monitoring</th>
<th>Taps</th>
<th>Entry points to the distribution system</th>
</tr>
</thead>
<tbody>
<tr>
<td>PH, alkalinity, orthophosphate or silica(^3), calcium(^4)</td>
<td>Every six months, annually(^7) or every three years(^8); reduced number of sites</td>
<td>No less frequently than every two weeks</td>
</tr>
<tr>
<td>PH, alkalinity dosage rate and concentration (if alkalinity is adjusted as part of corrosion control), inhibitor dosage rate, and inhibitor residual(^5)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1. This Table G is for illustrative purposes; consult the text of Section 611.357 for precise regulatory requirements.

2. Small- and medium-sized systems have to monitor for water quality parameters only during monitoring periods in which the system exceeds the lead or copper action level.

3. Orthophosphate must be measured only when an inhibitor containing a phosphate compound is used. Silica must be measured only when an inhibitor containing silicate compound is used.

4. Calcium must be measured only when calcium carbonate stabilization is used as part of corrosion control.

5. Inhibitor dosage rates and inhibitor residual concentrations (orthophosphate or silica) must be measured only when an inhibitor is used.

6. A groundwater system supplier may limit monitoring to representative locations throughout the system.

7. A water supplier may reduce frequency of monitoring for water quality parameters at the tap from every six months to annually if it has maintained the range of values for water quality parameters reflecting optimal corrosion control during three consecutive years of monitoring.

8. A water supplier may further reduce the frequency of monitoring for water quality parameters at the tap from annually to once every three years if it has maintained the range of values for water quality parameters reflecting optimal corrosion control during three consecutive years of annual monitoring. A water supplier may accelerate to triennial monitoring for water quality parameters at the tap if it has maintained 90th percentile lead levels less than or equal to 0.005 mg/L\(^\text{mg/L}\), 90th percentile copper levels less than or equal to 0.65 mg/L\(^\text{mg/L}\), and the range of water quality parameters designated by the Agency under Section 611.352(f) as representing optimal...
**POLLUTION CONTROL BOARD**

**NOTICE OF PROPOSED AMENDMENTS**

corrosion control during two consecutive six-month monitoring periods.


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

Section 611. Table Z  Federal Effective Dates

The following are the effective dates of the federal MCLs:

<table>
<thead>
<tr>
<th>Substance Type</th>
<th>Date Effective</th>
<th>Corresponding Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fluoride</td>
<td>October 2, 1987</td>
<td>611.301(b)</td>
</tr>
<tr>
<td>Phase I VOCs</td>
<td>July 9, 1989</td>
<td>611.311(a)</td>
</tr>
<tr>
<td></td>
<td>(benzene, carbon tetrachloride, p-dichlorobenzene, 1,2-dichloroethane, 1,1-dichloroethylene, 1,1,1-trichloroethane, trichloroethylene, and vinyl chloride)</td>
<td></td>
</tr>
<tr>
<td>Lead and Copper</td>
<td>July 7, 1991</td>
<td>Subpart G of this Part</td>
</tr>
<tr>
<td>Phase II IOCs</td>
<td>July 30, 1992</td>
<td>611.301(b)</td>
</tr>
<tr>
<td></td>
<td>(asbestos, cadmium, chromium, mercury, nitrate, nitrite, and selenium)</td>
<td></td>
</tr>
<tr>
<td>Phase II VOCs</td>
<td>July 30, 1992</td>
<td>611.311(a)</td>
</tr>
<tr>
<td></td>
<td>(o-dichlorobenzene, cis-1,2-dichloroethylene, trans-1,2-dichloroethylene, 1,2-dichloropropane, ethylbenzene, monochlorobenzene, styrene, tetrachloroethylene, toluene, and xylenes (total))</td>
<td></td>
</tr>
<tr>
<td>Phase II SOCs</td>
<td>July 30, 1992</td>
<td>611.311(c)</td>
</tr>
<tr>
<td></td>
<td>(alachlor, atrazine, carbofuran, chlordane, dibromochloropropane, ethylene dibromide, heptachlor, heptachlor epoxide, lindane, methoxychlor, polychlorinated biphenyls, toxaphene, 2,4-D, and 2,4,5-TP (silvex))</td>
<td></td>
</tr>
<tr>
<td>Lead and Copper</td>
<td>December 7, 1992</td>
<td>Subpart G of this Part</td>
</tr>
</tbody>
</table>
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

(lead and copper corrosion control, water treatment, public education, and lead service line replacement requirements of 40 CFR 141.81 through 141.85)

Phase IIB IOC (40 CFR 141.60(b)(2)) January 1, 1993
(corresponding with Section 611.301(b))
(barium)

Phase IIB SOCs (40 CFR 141.60(a)(2)) January 1, 1993
(corresponding with Section 611.311(c))
(aldicarb, aldicarb sulfone, aldicarb sulfoxide, and pentachlorophenol; USEPA stayed the effective date as to the MCLs for aldicarb, aldicarb sulfone, and aldicarb sulfoxide, but the monitoring requirements became effective January 1, 1993)

Phase V IOCs (40 CFR 141.60(b)(3)) January 17, 1994
(corresponding with Section 611.301(b))
(antimony, beryllium, cyanide, nickel, and thallium)

Phase V VOCs (40 CFR 141.60(a)(3)) January 17, 1994
(corresponding with Section 611.311(a))
(dichloromethane, 1,2,4-trichlorobenzene, and 1,1,2-trichloroethane)

Phase V SOCs (40 CFR 141.60(a)(3)) January 17, 1994
(corresponding with Section 611.311(c))
(benzo[a]pyrene, dalapon, di(2-ethylhexyl)adipate, di(2-ethylhexyl)phthalate dinoseb, diquat, endothall, endrin, glyphosate, hexachlorobenzene, hexachlorocyclopentadiene, oxamyl, picloram, simazine, and 2,3,7,8-TCDD)

Disinfection/disinfectant byproducts (40 CFR 141.64 & 141.65)
Smaller Systems (serving ≤10,000 persons) December 16, 2001
Larger Systems (serving≥ more than 10,000 persons) December 16, 2003
(corresponding with Section 611.312 & 611.313)
(total trihalomethanes, haloacetic acids (five), bromate, chlorite, chlorine, chloramines, and chlorine dioxide)

Radionuclides (40 CFR 141.66) December 8, 2003
(corresponding with Section 611.330)
(combined radium (Ra-226 + Ra-228), gross alpha particle activity, beta particle and photon activity, and uranium)

Arsenic (40 CFR 141.62(b)(16)) January 23, 2006
NOTICE OF PROPOSED AMENDMENTS

(corresponding with Section 611.301(b))
(arsenic)

(Source: Amended at 27 Ill. Reg. __________, effective ______________________)
# Pollution Control Board

## Notice of Proposed Amendments

1) **Heading of Part:** Site Remediation Program

2) **Code Citation:** 35 Ill. Adm. Code 740

3) **Section Numbers:**

<table>
<thead>
<tr>
<th>Section Numbers</th>
<th>Proposed Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>740.100</td>
<td>Amend</td>
</tr>
<tr>
<td>740.120</td>
<td>Amend</td>
</tr>
<tr>
<td>740.900</td>
<td>Add</td>
</tr>
<tr>
<td>740.901</td>
<td>Add</td>
</tr>
<tr>
<td>740.905</td>
<td>Add</td>
</tr>
<tr>
<td>740.910</td>
<td>Add</td>
</tr>
<tr>
<td>740.911</td>
<td>Add</td>
</tr>
<tr>
<td>740.915</td>
<td>Add</td>
</tr>
<tr>
<td>740.920</td>
<td>Add</td>
</tr>
<tr>
<td>740.925</td>
<td>Add</td>
</tr>
<tr>
<td>740.930</td>
<td>Add</td>
</tr>
</tbody>
</table>

4) **Statutory Authority:** 415 ILCS 5/58 through 58.8 and 58.10 through 58.15.

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

This rulemaking is explained in more detail in the Board’s first notice opinion and order of July 10, 2003, R03-20, available from the address in item 11 below. This rulemaking is based on a proposal filed with the Board by the Illinois Environmental Protection Agency (Agency) on February 18, 2003. The amendments propose to establish procedures and standards for administering the Brownfields Site Restoration Program (BSRP). The BSRP was created by recent amendments to Title XVII of the Environmental Protection Act (Act) (415 ILCS 5/58.15(B) (2002); see P.A. 92-0715, eff. July 23, 2002). The BSRP will allow a person to be reimbursed by the State for the costs of voluntarily remediating contamination at an “abandoned” or “underutilized” property if the remediation will lead to a “net economic benefit” to the State. The proposed
amendments will be a new Subpart I to the Board’s Site Remediation Program (SRP) rules (35 Ill. Adm. Code 740). The amendments require that, prior to filing with the Agency for reimbursement of costs, a remediation applicant (RA) must submit an application for review of eligibility to the Department of Commerce and Economic Opportunity (DCEO). Only after DCEO has determined that the RA is eligible for reimbursement may the RA submit an application to the Agency for its consideration.

The rulemaking also contains procedures for the Agency’s preliminary reviews of estimated remediation costs and final reviews of remediation costs actually incurred, establishes fees for the Agency’s reviews, provides for appeals of Agency determinations, and includes listings of eligible and ineligible costs.

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

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

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

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

10) Statement of Statewide Policy Objectives:

These proposed amendments do not create or enlarge a state mandate as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3 (1992)].

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R03-20 and be addressed to:

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph St.
Suite 11-500
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Chicago, IL 60601

Address all questions to Amy Antoniolli, at 312/814-3665 or antonioa@ipcb.state.il.us

Request copies of the Board’s opinion and order in Docket R03-20 from Dorothy M. Gunn, at 312-814-3620, or download from the Board’s Web site at www.ipcb.state.il.us.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses affected:

Any small business that elects to participate in the Site Remediation Program may be affected by this proposal.

B) Reporting, bookkeeping or other procedures required for compliance:

The proposal requires additional reporting and bookkeeping procedures from those participating in the Site Remediation Program.

C) Types of professional skills necessary for compliance:

Compliance with this proposal may require the services of a professional engineer, chemist, accountant, and attorney.

13) Regulatory agenda on which this rulemaking was summarized:

Section 2.01 This proposal appeared in the Board’s July 2003 regulatory agenda.

The full text of the proposed amendments begins on the next page:
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

PART 740

SITE REMEDIATION PROGRAM

SUBPART A: GENERAL

Section 740.100 Purpose

740.105 Applicability

740.110 Permit Waiver

740.115 Agency Authority

740.120 Definitions

740.125 Incorporations by Reference

740.130 Severability

SUBPART B: APPLICATIONS AND AGREEMENTS FOR REVIEW AND EVALUATION SERVICES

Section 740.200 General

740.205 Submittal of Application and Agreement

740.210 Contents of Application and Agreement

740.215 Approval or Denial of Application and Agreement

740.220 Acceptance and Modification of Application and Agreement
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

740.225 Termination of Agreement by the Remediation Applicant (RA)
740.230 Termination of Agreement by the Agency
740.235 Use of Review and Evaluation Licensed Professional Engineer (RELPE)

SUBPART C: RECORDKEEPING, BILLING AND PAYMENT

Section
740.300 General
740.305 Recordkeeping for Agency Services
740.310 Request for Payment
740.315 Submittal of Payment
740.320 Manner of Payment

SUBPART D: SITE INVESTIGATIONS, DETERMINATION OF REMEDIATION OBJECTIVES, PREPARATION OF PLANS AND REPORTS

Section
740.400 General
740.405 Conduct of Site Activities and Preparation of Plans and Reports by Licensed Professional Engineer (LPE)
740.410 Form and Delivery of Plans and Reports, Signatories and Certifications
740.415 Site Investigation -- General
740.420 Comprehensive Site Investigation
740.425 Site Investigation Report -- Comprehensive Site Investigation
740.430 Focused Site Investigation
740.435 Site Investigation Report -- Focused Site Investigation
740.440 Determination of Remediation Objectives
ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

740.445 Remediation Objectives Report
740.450 Remedial Action Plan
740.455 Remedial Action Completion Report

SUBPART E: SUBMITTAL AND REVIEW OF PLANS AND REPORTS

Section
740.500 General
740.505 Reviews of Plans and Reports
740.510 Standards for Review of Site Investigation Reports and Related Activities
740.515 Standards for Review of Remediation Objectives Reports
740.520 Standards for Review of Remedial Action Plans and Related Activities
740.525 Standards for Review of Remedial Action Completion Reports and Related Activities
740.530 Establishment of Groundwater Management Zones
740.535 Establishment of Soil Management Zones

SUBPART F: NO FURTHER REMEDIATION LETTERS AND RECORDING REQUIREMENTS

Section
740.600 General
740.605 Issuance of No Further Remediation Letter
740.610 Contents of No Further Remediation Letter
740.615 Payment of Fees
740.620 Duty to Record No Further Remediation Letter
740.621 Requirements for No Further Remediation Letters Issued to Illinois Department of Transportation Remediation Sites Located in Rights-of-Way
SUBPART G: REVIEW OF ENVIRONMENTAL REMEDIATION COSTS FOR
ENVIRONMENTAL REMEDIATION TAX CREDIT

Section
740.700 General
740.705 Preliminary Review of Estimated Remediation Costs
740.710 Application for Final Review of Remediation Costs
740.715 Agency Review of Application for Final Review of Remediation Costs
740.720 Fees and Manner of Payment
740.725 Remediation Costs
740.730 Ineligible Costs

SUBPART H: REQUIREMENTS RELATED TO SCHOOLS

Section
740.800 General
740.805 Requirements Prior to Public Use
740.810 Engineered Barriers and Institutional Controls
740.815 Public Notice of Site Remedial Action Plan
740.820 Establishment of Document Repository
740.825 Fact Sheet

SUBPART I: REVIEW OF REMEDIATION COSTS FOR BROWNFIELDS SITE
RESTORATION PROGRAM

Section
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

740.900 General
740.901 Pre-application Assessment and Eligibility Determination
740.905 Preliminary Review of Estimated Remediation Costs
740.910 Application for Final Review and Payment of Remediation Costs Following Perfection of No Further Remediation Letter
740.911 Application for Final Review and Payment of Remediation Costs Prior to Perfection of No Further Remediation Letter
740.915 Agency Review of Application for Review and Payment of Remediation Costs
740.920 Fees and Manner of Payment
740.925 Remediation Costs
740.930 Ineligible Costs

740.APPENDIX A Target Compound List
   TABLE A Volatile Organics Analytical Parameters
   TABLE B Semivolatile Organic Analytical Parameters
   TABLE C Pesticide and Aroclors Organic Analytical Parameters
   TABLE D Inorganic Analytical Parameters

740.APPENDIX B Review and Evaluation Licensed Professional Engineer Information

AUTHORITY: Implementing Sections 58 through 58.8 and 58.10 through 58.14 and authorized by Sections 58.5, 58.6, 58.7, 58.11, and 58.14 and 58.15 of the Environmental Protection Act [415 ILCS 5/58 through 58.8 and 58.10 through 58.14 and 58.15].


NOTE: Italics denote statutory language.

SUBPART A: GENERAL

Section 740.100 Purpose

The purpose purposes of this Part is are:

   a) To establish THE PROCEDURES FOR THE INVESTIGATIVE AND
REMEDIAL ACTIVITIES AT SITES WHERE THERE IS A RELEASE, THREATENED RELEASE, OR SUSPECTED RELEASE OF HAZARDOUS SUBSTANCES, PESTICIDES, OR PETROLEUM AND FOR THE REVIEW AND APPROVAL OF THOSE ACTIVITIES the procedures for the investigative and remedial activities at sites where there is a release, threatened release, or suspected release of hazardous substances, pesticides, or petroleum and for the review and approval of those activities (Section 58.1(a)(1) of the Act)[415 ILCS 5/58.1(a)(1)];

b) The purpose of this Part is also to To establish procedures to be followed to obtain Illinois Environmental Protection Agency review and approval of remediation costs before applying for the environmental remediation tax credit under Section 201(l) of the Illinois Income Tax Act [35 ILCS 5/201(l)]; and-

c) To establish and administer a program for the payment of remediation costs to be known as the Brownfields Site Restoration Program whereby the Agency, with the assistance of the Department of Commerce and Economic Opportunity ("DCEO") through the program, shall provide remediation applicants with financial assistance for the investigation and remediation of abandoned or underutilized properties. [415 ILCS 5/58.15(B)(a)(1)]

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

Section 740.120 Definitions

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

"Abandoned property" means real property previously used for, or that has the potential to be used for, commercial or industrial purposes that reverted to the ownership of the State, a county or municipal government, or an agency thereof, through donation, purchase, tax delinquency, foreclosure, default, or settlement, including conveyance by deed in lieu of foreclosure; or privately owned property that has been vacant for a period of not less than 3 years from the time an application is made to the Department of Commerce Economic Opportunity. [415 ILCS 5/58.15(B)(b)(2)]

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

"Agency" means the Illinois Environmental Protection Agency. [415 ILCS 5/3.01]

"Agency travel costs" means costs incurred and documented for travel in accordance with 80 Ill. Adm. Code 2800 and 3000 by individuals employed by the Agency. Such costs
include costs for lodging, meals, travel, automobile mileage, vehicle leasing, tolls, taxi fares, parking and miscellaneous items.

"Agrichemical facility" means a site on which agricultural pesticides are stored or handled, or both, in preparation for end use, or distributed. The term does not include basic manufacturing facility sites. [415 ILCS 5/58.2]

"ASTM" means the American Society for Testing and Materials. [415 ILCS 5/58.2]

"Authorized agent" means a person who is authorized by written consent or by law to act on behalf of an owner, operator, or Remediation Applicant.

"Board" means the Pollution Control Board.

"Contaminant of concern" or "regulated substance of concern" means any contaminant that is expected to be present at the site based upon past and current land uses and associated releases that are known to the Remediation Applicant based upon reasonable inquiry. [415 ILCS 5/58.2]

"Costs" means all costs incurred by the Agency in providing services pursuant to a Review and Evaluation Services Agreement.

“DCEO” means the Department of Commerce and Economic Opportunity (previously known as the Department of Commerce and Community Affairs).

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

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

"GIS" means Geographic Information System.

"GPS" means Global Positioning System.

"Groundwater management zone" or "GMZ" means a three-dimensional region containing groundwater being managed to mitigate impairment caused by the release of contaminants of concern at a remediation site.

"Indirect costs" means those costs incurred by the Agency that cannot be attributed directly to a specific site but are necessary to support the site-specific activities, including, but not limited to, such expenses as managerial and administrative services, building rent and maintenance, utilities, telephone and office supplies.

“Institutional Control” means a legal mechanism for imposing a restriction on land use.
NOTICE OF PROPOSED AMENDMENTS

"Laboratory costs" means costs for services and materials associated with identifying, analyzing, and quantifying chemical compounds in samples at a laboratory.

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

"Licensed Professional Engineer" or "LPE" means a person, corporation or partnership licensed under the laws of this State to practice professional engineering. [415 ILCS 5/58.2]

"Other contractual costs" means costs for contractual services not otherwise specifically identified, including, but not limited to, printing, blueprints, photography, film processing, computer services and overnight mail.

"Perfect" or "Perfected" means recorded or filed for record so as to place the public on notice, or as otherwise provided in Sections 740.621 and 740.622 of this Part.

"Person" means individual, trust, firm, joint stock company, joint venture, consortium, commercial entity, corporation (including a government corporation), partnership, association, state, municipality, commission, political subdivision of a state, or any interstate body, including the United States Government and each department, agency and instrumentality of the United States. [415 ILCS 5/58.2]

"Personal services costs" means costs relative to the employment of individuals by the Agency. Such costs include, but are not limited to, hourly wages and fringe benefits.

"Pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest or any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant. [415 ILCS 60/4]

"Practical quantitation limit" or "PQL" or "Estimated quantitation limit" means the lowest concentration that can be reliably measured within specified limits of precision and accuracy for a specific laboratory analytical method during routine laboratory operating conditions in accordance with "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods," EPA Publication No. SW-846, incorporated by reference at Section 740.125 of this Part. For filtered water samples, PQL also means the Method Detection Limit or Estimated Detection Limit in accordance with the applicable method revision in: "Methods for the Determination of Metals in Environmental Samples," EPA Publication No. EPA/600/4-91/010; "Methods for the Determination of Metals in Environmental Samples, Supplement I," EPA Publication No. EPA/600/R-94/111;

"Reasonably obtainable" means that a copy or reasonable facsimile of the record must be obtainable from a private entity or government agency by request and upon payment of a processing fee, if any.

"Recognized environmental condition" means the presence or likely presence of any regulated substance or pesticide under conditions that indicate a release, threatened release or suspected release of any regulated substance or pesticide at, on, to or from a remediation site into structures, surface water, sediments, groundwater, soil, fill or geologic materials. The term shall not include de minimis conditions that do not present a threat to human health or the environment.

"Regulated substance" means any hazardous substance as defined under Section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (P.L. 96-510) and petroleum products, including crude oil or any fraction thereof, natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas). [415 ILCS 5/58.2]

"Regulated substance of concern" or "contaminant of concern" means any contaminant that is expected to be present at the site based upon past and current land uses and associated releases that are known to the Remediation Applicant based upon reasonable inquiry. [415 ILCS 5/58.2]

"Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, but excludes any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer or such persons; emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine; release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the federal Atomic Energy Act of 1954, if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under Section 170 of such Act; and the normal application of fertilizer. [415 ILCS5/3.33]

"Remedial action" means activities associated with compliance with the provisions of Sections 58.6 and 58.7 of the Act, including, but not limited to, the conduct of site investigations, preparation of work plans and reports, removal or treatment of
contaminants, construction and maintenance of engineered barriers, and/or implementation of institutional controls. [415 ILCS 5/58.2]

"Remediation Applicant" or "RA" means any person seeking to perform or performing investigative or remedial activities under Title XVII of the Act, including the owner or operator of the site or persons authorized by law or consent to act on behalf of or in lieu of the owner or operator of the site. [415 ILCS 5/58.2]

"Remediation costs" means reasonable costs paid for investigating and remediating regulated substances of concern consistent with the remedy selected for the site. For purposes of Subparts G and I of this Part, "Remediation Costs" shall not include costs incurred prior to January 1, 1998, costs incurred after the issuance of a No Further Remediation Letter under Subpart F of this Part, or costs incurred more than 12 months prior to acceptance into the Site Remediation Program under this Part. [415 ILCS 5/58.2]

"Remediation objective" means a goal to be achieved in performing remedial action, including but not limited to the concentration of a contaminant, an engineered barrier or engineered control, or an institutional control established under Section 58.5 of the Act or Section 740.Subpart D of this Part.

"Remediation site" means the single location, place, tract of land, or parcel or portion of any parcel of property, including contiguous property separated by a public right-of-way, for which review, evaluation, and approval of any plan or report has been requested by the Remediation Applicant in its application for review and evaluation services. This term also includes, but is not limited to, all buildings and improvements present at that location, place, or tract of land.

"Residential property" means any real property that is used for habitation by individuals, or where children have the opportunity for exposure to contaminants through soil ingestion or inhalation at educational facilities, health care facilities, child care facilities, or outdoor recreational areas. [415 ILCS 5/58.2]

"Review and Evaluation Licensed Professional Engineer" or "RELPE" means the licensed professional engineer with whom a Remediation Applicant has contracted to perform review and evaluation services under the direction of the Agency.

"Site" means any single location, place, tract of land or parcel of property or portion thereof, including contiguous property separated by a public right-of-way. [415 ILCS 5/58.2] This term also includes, but is not limited to, all buildings and improvements present at that location, place or tract of land.

"Soil management zone" or "SMZ" means a three dimensional region containing soil being managed to mitigate contamination caused by the release of contaminants at a
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

remediation site.

"Underutilized property" means real property of which less than 35% of the commercially usable space of the property and improvements thereon are used for their most commercially profitable and economically productive uses. [415 ILCS 5/58.15(B)(b)(2)]

(Source: Amended at 27 Ill. Reg. _______, effective ________)

SUBPART I: REVIEW OF REMEDIATION COSTS FOR BROWNFIELDS SITE RESTORATION PROGRAM

Section 740.900 General

a) This Subpart sets forth the procedures an RA must follow to obtain Agency review, a final determination and payment of remediation costs under the Brownfields Site Restoration Program. It contains procedures for preliminary reviews of estimated remediation costs and final reviews of remediation costs actually incurred, establishes fees for the Agency’s reviews, provides for appeals of Agency determinations, and includes listings of eligible and ineligible costs.

b) For each State fiscal year in which funds are made available to the Agency for payment under this Subpart, the Agency must, subject to the availability of funds, allocate 20% of the funds to be available to Remediation Applicants within counties with populations over 2,000,000. The remaining funds must be made available to all other Remediation Applicants in the State. [415 ILCS 5/58.15(B)(a)(2)] Brownfields Site Restoration Program funds shall be subject to availability of funding and distributed based on the order of receipt of applications satisfying all the requirements of this Subpart.

c) The total payment to be made to an applicant must not exceed an amount equal to 20% of the capital investment at the site. [415 ILCS 5/58.15(B)(a)(3)]

d) Only those remediation projects for which a No Further Remediation Letter is issued after December 31, 2001 are eligible to participate in the Brownfields Site Restoration Program. The program does not apply to any sites for which a No Further Remediation Letter is issued on or prior to December 31, 2001 or to costs incurred prior to DCEO approving a site eligible for the Brownfields Site Restoration Program. [415 ILCS 5/58.15(B)(a)(4)]
e) Except as provided in Section 740.911, an application for review of remediation costs must not be submitted until:

1) A No Further Remediation Letter has been issued by the Agency or has issued by operation of law; and

2) The No Further Remediation Letter, or an affidavit under Section 740.620(a)(2) of this Part stating that the No Further Remediation Letter has issued by operation of law, has been recorded in the chain of title for the site in accordance with Subpart F of this Part. [415 ILCS 5/58.15(B)(e)]

f) The Agency must not approve payment in excess of $750,000 to a Remediation Applicant for remediation costs incurred at a remediation site. [415 ILCS 5/58.15(B)(a)(3)]

g) Brownfields Site Restoration Program funds shall be subject to availability of funding and distributed based on the order of receipt of applications satisfying all applicable requirements as set forth in the Act and this Part. [415 ILCS 5/58.15(B)(a)(5)]

(Source: Added at ______ Ill. Reg. _______, effective ____________________)

Section 740.901 re-application Assessment and Eligibility Determination

a) Prior to submitting an application to determine eligibility to DCEO, a Remediation Applicant shall first submit to the Agency its proposed remediation costs. The Agency shall make a pre-application assessment, which is not to be binding upon DCEO or upon future review of the project, relating only to whether the Agency has adequate funding to reimburse the applicant for the remediation costs if the applicant is found to be eligible for reimbursement of remediation costs. [415 ILCS 5/58.15(B)(b)]

b) If the Agency determines that it is likely to have adequate funding to reimburse the applicant for remediation costs, the Remediation Applicant may then submit to DCEO an application for review of eligibility. [415 ILCS 5/58.15(B)(b)] To be eligible for payment, an RA must have a minimum capital investment in the redevelopment of the site. Procedures for applying for eligibility and for obtaining a determination from DCEO must be obtained from DCEO.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

c) Once DCEO has determined that an RA is eligible, the RA may submit an application to the Agency in accordance with Section 740.910 or Section 740.911 of this Part.

d) The Agency must rely on DCEO’s decision as to eligibility. The maximum amount of the payment to be made to the RA for remediation costs may not exceed the “net economic benefit” to the State of the remediation project, as determined by DCEO, based on factors including, but not limited to, the capital investment, the number of jobs created, the number of jobs retained if it is demonstrated the jobs would otherwise be lost, capital improvements, the number of construction-related jobs, increased sales, material purchases, other increases in service and operational expenditures. [415 ILCS 5/58.15(B)(b)(3)]

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

Section 740.905 Preliminary Review of Estimated Remediation Costs

a) A Remediation Applicant may obtain a preliminary review of estimated remediation costs for the development and implementation of a Remedial Action Plan, required under Section 740.450 of this Part, by submitting a budget plan along with the Remedial Action Plan. [415 ILCS 5/58.15(B)(i)(1)] The Agency shall not accept a budget plan unless a Remedial Action Plan satisfying the requirements of Section 740.450 of this Part also has been submitted.

b) The budget plan must be set forth on forms prescribed and provided by the Agency and must include, but is not limited to, the following information:

1) Identification of applicant and remediation site, including:

   A) The full legal name, address and telephone number of the RA, any authorized agents acting on behalf of the RA, and any contact persons to whom inquiries and correspondence must be addressed;

   B) The address, site name, tax parcel identification number(s) and Illinois inventory identification number for the remediation site and the date of acceptance of the site into the Site Remediation Program; and

   C) The Federal Employer Identification Number (FEIN) or Social Security Number (SSN) of the RA.
2) Line item estimates of the costs that the RA anticipates will be incurred for the development and implementation of the Remedial Action Plan, including but not limited to:

A) Site investigation activities:
   i) Drilling costs;
   ii) Physical soil analysis;
   iii) Monitoring well installation; and
   iv) Disposal costs.

B) Sampling and analysis activities:
   i) Soil analysis costs;
   ii) Groundwater analysis costs;
   iii) Well purging costs; and
   iv) Water disposal costs.

C) Remedial activities:
   i) Groundwater remediation costs;
   ii) Excavation and disposal costs;
   iii) Land farming costs;
   iv) Above-ground bio-remediation costs;
   v) Land application costs;
   vi) Low temperature thermal treatment costs;
   vii) Backfill costs; and
   viii) In-situ soil remediation costs.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

D) Report preparation costs.

3) A certification, signed by the RA or authorized agent and notarized, as follows:

I, [name of RA, if individual, or authorized agent of RA], hereby certify that neither [“I” if RA is certifying or name of RA if authorized agent is certifying], nor any related party (as described in Section 201(l) of the Illinois Income Tax Act [35 ILCS 5/201(l)]), nor any person whose tax attributes [“I” if RA is certifying or name of RA if authorized agent is certifying] have [has] succeeded to under Section 381 of the Internal Revenue Code, caused or contributed in any material respect to the release or substantial threat of a release of regulated substance(s) or pesticide(s) that are identified and addressed in the Remedial Action Plan submitted for the site identified above.

4) The original signature of the RA or authorized agent acting on behalf of the RA.

c) The RA must submit the applicable fee, as provided in Section 740.920 of this Subpart, with the budget plan, except as provided in subsections (f) and (i)(4) of this Section.

d) Budget plans must be mailed or delivered to the address designated by the Agency on the forms. Requests that are hand-delivered must be delivered during the Agency’s normal business hours.

e) Submittal of a budget plan must be deemed an automatic 60-day waiver of the Remedial Action Plan deadlines set forth in the Act and Section 740.505 of this Part. [415 ILCS 5/58.15(B)(i)(4)]

f) If the Remedial Action Plan is amended by the Remediation Applicant or as a result of Agency action, the corresponding budget plan must be revised accordingly and resubmitted. [415 ILCS 5/58.15(B)(i)(2)] No additional fee shall be required for this review.

g) The following rules apply to the Agency’s review period for budget plans:

1) The Agency’s review period begins on the date of receipt of the budget plan by the Agency. The Agency’s record of the date of receipt of a budget
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

plan shall be deemed conclusive unless a contrary date is proven by a dated, signed receipt from certified or registered mail.

2) In reviewing budget plans and the Remedial Action Plans they accompany, the Agency is subject to the deadlines set forth in Section 740.505 of this Part with an additional 60 days, due to the automatic waiver, in accordance with subsection (e) of this Section.

3) Submittal of an amended plan restarts the time for review.

4) The RA may waive the time line for review upon a request from the Agency or at the RA's discretion.

h) The Agency must review the budget plan along with the Remedial Action Plan to determine whether the estimated costs submitted are remediation costs and whether the costs estimated for the activities are reasonable. [415 ILCS 5/58.15(B)(i)(1)]

i) Upon completion of the review, the Agency must issue a letter to the Remediation Applicant approving, disapproving or modifying the estimated remediation costs submitted in the budget plan. [415 ICLS 5/58.15(B)(i)(5)] The following rules apply regarding Agency determinations:

1) The Agency’s notification of final determination shall be by certified or registered mail postmarked with a date stamp and with return receipt requested. The Agency’s determination shall be deemed to have been made on the postmarked date that the notice is mailed.

2) The Agency may combine the notification of its final determination on a budget plan with the notification of its final determination on the corresponding Remedial Action Plan.

3) If a budget plan is disapproved or approved with modification of estimated remediation costs, the written notification shall contain the following information as applicable:

A) An explanation of the specific type of information or documentation, if any, that the Agency finds the RA did not provide:
NOTICE OF PROPOSED AMENDMENTS

B) The reasons for the disapproval or modification of estimated remediation costs; and

C) Citations to statutory or regulatory provisions upon which the determination is based.

4) If the Agency disapproves a Remedial Action Plan or approves a Remedial Action Plan with conditions, in accordance with Subpart E of this Part, the Agency may return the corresponding budget plan to the RA without review. If the Remedial Action Plan is amended in response to Agency action, the RA may submit a revised budget plan for review. No additional fee shall be required for this review.

5) Within 35 days after receipt of an Agency letter disapproving or modifying a budget plan or expiration of the Agency deadline, the Remediation Applicant may appeal the Agency’s decision or the Agency’s failure to issue a final determination to the Board in the manner provided for the review of permits in section 40 of the Act. [415 ILCS 5/58.15(B)(i)(6)]

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

Section 740.910 Application for Final Review and Payment of Remediation Costs Following Perfection of No Further Remediation Letter

a) The RA for any site enrolled in the Site Remediation Program may submit an application for final review and payment of remediation costs following perfection of a No Further Remediation Letter.

b) The application must be submitted on forms prescribed and provided by the Agency and must include, at a minimum, the following information:

1) Identification of RA and remediation site, including:

   A) The full legal name, address and telephone number of the RA, any authorized agents acting on behalf of the RA, and any contact persons to whom inquiries and correspondence must be addressed;

   B) The address, site name, tax parcel identification number(s) and Illinois inventory identification number for the remediation site;
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

C) The date of acceptance of the remediation site into the Site Remediation Program; and

D) The Federal Employer Identification Number (FEIN) or Social Security Number (SSN) of the RA;

2) A true and correct copy of the No Further Remediation Letter, or affidavit(s) under Section 740.620(a)(2) of this Part stating that the No Further Remediation Letter has issued by operation of law, for the remediation site, as recorded in the chain of title for the site and certified by the appropriate County Recorder or Registrar of Titles;

3) A true and correct copy of DCEO’s letter approving eligibility, including the net economic benefit of the remediation project [415 ILCS 5/58.15(B)(e)(4)];

4) Itemization and documentation of remediation activities for which payment is sought and of remediation costs incurred, including invoices, billings and dated, legible receipts with canceled checks or other Agency-approved methods of proof of payment;

5) A certification, signed by the RA or authorized agent and notarized, as follows:

I, ___________________ [name of RA, if individual, or authorized agent of RA], hereby certify that:

The site for which this application for payment is submitted is the site for which the No Further Remediation Letter was issued;

All the costs included in this application were incurred at the site and for the regulated substance(s) or pesticide(s) for which the No Further Remediation Letter was issued;

The costs incurred are remediation costs as defined in the Act and rules adopted thereunder;

The costs submitted were paid by ___________________ [“me” if RA is certifying or name of RA if authorized agent is certifying] and are accurate to the best of my knowledge and belief;
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

None of the costs were incurred before approval of the site by DCEO as eligible for the Brownfields Site Restoration Program; and

______________________ [“I” if RA is certifying or name of RA if authorized agent is certifying] did not cause or contribute in any material respect to the release or substantial threat of a release of regulated substance(s) or pesticide(s) for which the No Further Remediation Letter was issued.

6) The original signature of the RA or of the authorized agent acting on behalf of the RA.

c) The application for final review must be accompanied by the applicable fee for review as provided in Section 740.920 of this Subpart. Applications must be mailed or delivered to the address designated by the Agency on the forms. Requests that are hand-delivered must be delivered during the Agency’s normal business hours.

d) The Agency’s acceptance of a certification that the RA did not cause or contribute in any material respect to the release or substantial threat of a release for which the payment is requested shall not bind the Agency or the State and shall not be used as a defense with regard to any enforcement or cost recovery actions that may be initiated by the State or any other party.

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

Section 740.911 Application for Review and Payment of Remediation Costs Prior to Perfection of No Further Remediation Letter

a) An application for review of remediation costs may be submitted to the Agency prior to the issuance of a No Further Remediation Letter (or an affidavit under Section 740.620(a)(2) of this Part stating that the No Further Remediation Letter has issued by operation of law) if the Remediation Applicant has a Remedial Action Plan approved by the Agency under Section 740.450 of this Part under the terms of which the Remediation Applicant will remediate groundwater for more than one year. [415 ILCS 5/58.15(B)(f)]

b) The application must be on forms prescribed and provided by the Agency, shall be accompanied by the applicable fee for review as provided in Section 740.920(b) of this Subpart, and must include, at a minimum, the following information:
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Identification of RA and remediation site, including:

A) The full legal name, address and telephone number of the RA, any authorized agents acting on behalf of the RA, and any contact persons to whom inquiries and correspondence must be addressed;

B) The address, site name, tax parcel identification number(s) and Illinois inventory identification number for the remediation site;

C) The date of acceptance of the remediation site into the Site Remediation Program; and

D) The Federal Employer Identification Number (FEIN) or Social Security Number (SSN) of the RA;

2) A true and correct copy of the Agency letter approving the Remedial Action Plan [415 ILCS 5/58.15(B)(f)(2)];

3) A true and correct copy of DCEO’s letter approving eligibility, including the net economic benefit of the remediation project [415 ILCS 5/58.15(B)(f)(4)];

4) Itemization and documentation of remediation activities for which payment is sought and of remediation costs incurred, including invoices, billings and dated, legible receipts with canceled checks or other Agency-approved methods of proof of payment;

5) A certification, signed by the RA or authorized agent and notarized, as follows:

I, ___________________ [name of RA, if individual, or authorized agent of RA], hereby certify that:

The site for which this application for payment is submitted is the site for which the Remedial Action Plan referenced in subsection (a) of this Section was approved;

All the costs included in this application were incurred at the site for which the Remedial Action Plan referenced in subsection (a) of this Section was approved;
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

The costs incurred are remediation costs as defined in the Act and rules adopted thereunder;

The costs submitted were paid by _______________ [“me” if RA is certifying or name of RA if authorized agent is certifying] and are accurate to the best of my knowledge and belief;

None of the costs were incurred before approval of the site by DCEO as eligible for the Brownfields Site Restoration Program; and

_____________________
[“I” if RA is certifying or name of RA if authorized agent is certifying] did not cause or contribute in any material respect to the release or substantial threat of a release of regulated substance(s) or pesticide(s) for which the Remedial Action Plan was approved.

6) The original signature of the RA or of the authorized agent acting on behalf of the RA.

c) Until the Agency issues a No Further Remediation Letter for the site (or an affidavit under Section 740.620(a)(2) of this Part stating that the No Further Remediation Letter has issued by operation of law), no more than 75% of the allowed payment may be claimed by the Remediation Applicant. The remaining 25% may be claimed following the issuance by the Agency of a No Further Remediation Letter (or an affidavit under Section 740.620(a)(2) of this Part stating that the No Further Remediation Letter has issued by operation of law) for the site [415 ILCS 5/58.15(B)(g)].

d) The Agency’s acceptance of a certification that the RA did not cause or contribute in any material respect to the release or substantial threat of a release for which the payment is requested shall not bind the Agency or the State and shall not be used as a defense with regard to any enforcement or cost recovery actions that may be initiated by the State or any other party.

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

Section 740.915 Agency Review of Application for Payment of Remediation Costs

a) The Agency must review each application submitted pursuant to Section 740.910 or Section 740.911 to determine, in accordance with Sections 740.925 and 740.930 of this Part, whether the costs submitted are remediation costs and
POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

whether the costs incurred are reasonable. [415 ILCS 5/58.15(B)(e), (f)]

b) Within 60 days after receipt by the Agency of an application meeting the requirements of Section 740.910 or Section 740.911, the Agency must issue a letter to the RA approving, disapproving, or modifying the remediation costs submitted in the application. [415 ILCS 5/58.15(B)(h)(1)]

c) The Agency’s review period begins on the date of receipt of the budget plan by the Agency. The Agency's record of the date of receipt of a budget plan shall be deemed conclusive unless a contrary date is proven by a dated, signed receipt from certified or registered mail.

d) The RA may waive the time for review.

e) Submittal of an amended application restarts the time for review.

f) The Agency’s notification of final determination shall be by certified or registered mail postmarked with a date stamp and with return receipt requested. The Agency’s determination shall be deemed to have been made on the postmarked date that the notice is mailed.

g) If a preliminary review of a budget plan has been obtained under Section 740.905 of this Part, the Remediation Applicant may submit, with the application, applicable fee under Section 740.920 of this Part, and supporting documentation under Section 740.910 or Section 740.911 of this Part, a copy of the Agency’s final determination on the budget plan accompanied by a certification, signed by the RA or authorized agent and notarized, stating as follows:

I, [name of RA, if individual, or name of authorized agent of RA], hereby certify that the actual remediation costs incurred at the site for line items [list line items to which certification applies] and identified in the application for final review of remediation costs are equal to or less than the costs approved for the corresponding line items in the attached budget plan determination.

h) If the budget plan determination and certification are submitted pursuant to subsection (g) of this Section, the Agency may conduct further review of the certified line item costs and may approve such costs as submitted. The Agency’s further review shall be limited to confirmation that costs approved in the Agency’s budget plan determination were actually incurred by the RA in the development and implementation of the Remedial Action Plan.
i) If the certification in subsection (g) of this Section does not apply to all line items as approved in the budget plan, the Agency shall conduct its review of the costs for the uncertified line items as if no budget plan had been approved. In its review, the Agency shall not reconsider the appropriateness of any activities, materials, labor, equipment, structures or services already approved by the Agency for the development or implementation of the Remedial Action Plan.

j) If an application is disapproved or approved with modification of remediation costs, the written notification to the RA must contain the following information as applicable:

1) An explanation of the specific type of information or documentation, if any, that the Agency deems the RA did not provide;

2) The reasons for the disapproval or modification of remediation costs; and

3) Citations to statutory or regulatory provisions upon which the determination is based.

k) **Within 35 days after receipt of an Agency letter disapproving or modifying an application for approval of remediation costs, the Remediation Applicant may appeal the Agency’s decision to the Board in the manner provided for the review of permits in Section 40 of this Act.** [415 ILCS 5/58.15(B)(h)(3)]

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

Section 740.920  Fees and Manner of Payment

a) The fee for the preliminary review of estimated remediation costs conducted under Section 740.905 of this Part shall be $500 for each remediation site reviewed. (Derived from 415 ILCS 5/58.15(B)(j)(2))

b) The fee for the final review of remediation costs under Section 740.910 or Section 740.911 of this Part shall be $1000 for each remediation site reviewed. (Derived from 415 ILCS 5/58.15(B)(j)(1))

c) The fee for a review under this Subpart shall be in addition to any other fees, payments or assessments under Title XVII of the Act and this Part.

d) All fees shall be paid by check or money order made payable to “Treasurer – State of Illinois, for deposit in the Brownfields Redevelopment Fund.” The check
or money order shall include the Illinois inventory identification number and the Federal Em0ployer Identification Number (FEIN) or social security number (SSN) of the RA.

(Source: Added at 27 Ill. Reg. ______, effective ____________________)

Section 740.925  Remediation Costs

a) Activities, materials, labor, equipment, structure and service costs that may be approved by the Agency as remediation costs for payment under this Subpart include, but are not limited to, the following:

1) Preparation of bid documents and contracts for procurement of contractors, subcontractors, analytical and testing laboratories, labor, services and suppliers of equipment and materials;

2) Engineering services performed in accordance with Section 58.6 of the Act and implementing regulations at Sections 740.235 and 740.405 of this Part;

3) Site assessment and remedial investigation activities conducted in accordance with Sections 740.410, 740.415, 740.420 and 740.430 of this Part;

4) Report or plan preparation conducted in accordance with Sections 740.425, 740.435, 740.445, 740.450 and 740.455 of this Part;

5) Collection, analysis or measurement of site samples in accordance with Section 740.415(d) of this Part;

6) Groundwater monitoring well installation, operation, maintenance and construction materials;

7) Removal, excavation, consolidation, preparation, containerization, packaging, transportation, treatment or off-site disposal of wastes, environmental media (e.g., soils, sediments, groundwater, surface water, debris), containers or equipment contaminated with regulated substances or pesticides at concentrations exceeding remediation objectives pursuant to an approved Remediation Objectives Report in accordance with Section 740.445 of this Part. Activities must be in compliance with all applicable state or federal statutes and regulations;
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

8) Clean backfill materials in quantities necessary to replace soils excavated and disposed off-site that were contaminated with regulated substances or pesticides at levels exceeding remediation objectives pursuant to an approved Remediation Objectives Report in accordance with Section 740.445 of this Part;

9) Transportation, preparation and placement of clean backfill materials pursuant to an approved Remedial Action Plan in accordance with Section 740.450 of this Part;

10) Design, testing, permitting, construction, monitoring and maintenance of on-site treatment systems pursuant to an approved Remedial Action Plan in accordance with Section 740.450 of this Part;

11) Engineering costs associated with preparation of a budget plan in accordance with Section 740.905 of this Subpart or an application for review and payment of remediation costs in accordance with Section 740.910 or Section 740.911 of this Subpart if prepared before the issuance of the No Further Remediation Letter (by the Agency or by operation of law);

12) Removal or replacement of concrete, asphalt or paving to the extent necessary to achieve remediation objectives pursuant to an approved Remedial Action Plan in accordance with Section 740.450 of this Part;

13) Clay, soil, concrete, asphalt or other appropriate materials as a cap, barrier or cover to the extent necessary to achieve remediation objectives pursuant to an approved Remedial Action Plan in accordance with Section 740.450 of this Part;

14) Placement of clay, soil, concrete, asphalt or other appropriate materials as a cap, barrier or cover to the extent necessary to achieve remediation objectives pursuant to an approved Remedial Action Plan in accordance with Section 740.450 of this Part;

15) Destruction or dismantling and reassembly of above-grade structures to the extent necessary to achieve remediation objectives pursuant to an approved Remedial Action Plan in accordance with Section 740.450 of this Part;
16) **Costs associated with obtaining a special waste generator identification number not to exceed $100.**

b) **An RA may submit a request for review of remediation costs that includes an itemized accounting and documentation of costs associated with activities, materials, labor, equipment, structures or services not identified in subsection (a) of this Section if the RA submits detailed information demonstrating that those items are necessary for compliance with this Part 740, 35 Ill. Adm. Code 742 and the approved Remedial Action Plan.**

(Source: Added at 27 Ill. Reg. ______, effective ____________________)

Section 740.930 Ineligible Costs

Costs ineligible for payment include, but are not limited to, the following:

a) **Costs not incurred by the RA, including:**

1) **Costs incurred for activities, materials, labor or services relative to remediation at a site other than the site for which the No Further Remediation Letter was issued;**

2) **Costs for remediating a release or substantial threat of a release of regulated substances or pesticides that was caused or contributed to in any material respect by the RA;**

b) **Costs incurred before approval of the site by DCEO as eligible for the Brownfields Site Restoration Program;**

c) **Costs associated with material improvements to the extent that such improvements are not necessary to achieve remediation objectives pursuant to an approved Remedial Action Plan in accordance with Section 740.450 of this Part;**

d) **Costs or losses resulting from business interruption;**

e) **Costs incurred as a result of vandalism, theft, negligence or fraudulent activity by the RA or the agent of the RA;**

f) **Costs incurred as a result of negligence in the practice of professional engineering as defined in Section 4 of the Professional Engineering Practice Act of 1989 [225 ILCS 325/4];**
NOTICE OF PROPOSED AMENDMENTS

g) Costs incurred as a result of negligence by any contractor, subcontractor, or other person providing remediation services at the site;

h) Costs associated with replacement of above-grade structures destroyed or damaged during remediation activities to the extent such destruction or damage and such replacement is not necessary to achieve remediation objectives pursuant to an approved Remedial Action Plan in accordance with Section 740.450 of this Part;

i) Attorney fees;

j) Purchase costs of non-consumable materials, supplies, equipment or tools, except that a reasonable rate may be charged for the usage of such materials, supplies, equipment or tools;

k) Costs for repairs or replacement of equipment or tools due to neglect, improper or inadequate maintenance, improper use, loss or theft;

l) Costs associated with activities that violate any provision of the Act or Board, Agency or Illinois Department of Transportation regulations;

m) Costs associated with improperly installed or maintained groundwater monitoring wells;

n) Costs associated with unnecessary, irrelevant or improperly conducted activities, including, but not limited to, data collection, testing, measurement, reporting, analysis, modeling, risk assessment or sample collection, transportation, measurement, analysis or testing;

o) Stand-by or demurrage costs;

p) Interest or finance costs charged as direct costs;

q) Insurance costs charged as direct costs;

r) Indirect costs for personnel, labor, materials, services or equipment charged as direct costs;

s) Costs associated with landscaping, vegetative cover, trees, shrubs and aesthetic considerations;
NOTICE OF PROPOSED AMENDMENTS

t) Costs associated with activities, materials, labor, equipment, structures or services to the extent they are not necessary for compliance with this Part 740, 35 Ill. Adm. Code 742 and the approved Remedial Action Plan;

u) Costs determined to be incorrect as a result of a mathematical, billing or accounting error;

v) Costs that are not adequately documented;

w) Costs that are determined to be unreasonable;

x) Handling charges for subcontractor costs when the contractor has not paid the subcontractor.

(Source: Added at 27 Ill. Reg. _____, effective _________________)
1) **Heading of Part:** Sound Emission Standards And Limitations For Property Line-Noise-Sources

2) **Code Citation:** 35 Ill. Adm. Code 901

3) **Section Numbers:**

<table>
<thead>
<tr>
<th>Section Numbers</th>
<th>Proposed Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>901.101</td>
<td>Amend</td>
</tr>
<tr>
<td>901.102</td>
<td>Amend</td>
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<td>901.103</td>
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<td>901.108</td>
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<td>901.109</td>
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<td>901.110</td>
<td>Amend</td>
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<td>901.111</td>
<td>Amend</td>
</tr>
<tr>
<td>901.113</td>
<td>Amend</td>
</tr>
<tr>
<td>901.Appendix B</td>
<td>Amend</td>
</tr>
</tbody>
</table>

4) **Statutory Authority:** 415 ILCS 5/25 and 27

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

This rulemaking is explained in more detail in the Board’s first notice opinion and order of July 10, 2003, R03-09, available from the address in item 11 below. The Illinois Pollution Control Board opened this rulemaking to update Parts 901 and 910 of its noise regulations found in 35 Ill. Adm. Code Subtitle H. As no one proposed updates to the Board since 1987, many of the sound measurement definitions and techniques in the
existing rules do not reflect present scientific standards.

The proposed changes to Part 901 replace the existing 1965 Standard Land Use Coding Manual (SLUCM) codes with the Land-Based Classification Standards (LBCS) codes, a consistent model for classifying land uses based on a multi-dimensional land use classification model. The proposed changes to Section 901.104 clarify that the impulsive sound standards are based on 1-hour A-weighted equivalent sound levels. The Board also proposes to revise the numeric standards to bring highly impulsive noise standards into conformity with the standards set forth in Sections 901.102 and 901.103 in terms of the effective community response.

This proposal includes the revision of outdated numerical sound emission standards for property line noise sources found at 35 Ill. Adm. Code Parts 901

This rulemaking is closely related to another still-pending rulemaking. The related docket, Noise Rule Update Amendments to 35 Ill. Adm. Code 900 and 903, R03-8, defines acoustical terms, pollution sources and sound measurement procedures. See 27 Illinois Register 1889 (February 7, 2003). A copy of the opinion and order in R03-08 is available from the address in item 11 below.

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

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

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

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

10) Statement of Statewide Policy Objectives:

These proposed amendments do not create or enlarge a state mandate as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3 (1992)].

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R03-09 and be addressed to:

Dorothy M. Gunn, Clerk
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Illinois Pollution Control Board

James R. Thompson Center

100 W. Randolph St.

Suite 11-500

Chicago, IL 60601

Address all questions to William Murphy, at 312/814-6062 or murphyw@ipcb.state.il.us.

Request copies of the Board’s opinion and order in Docket R03-09 from Dorothy M. Gunn, at 312-814-3620, or download from the Board’s Web site at www.ipcb.state.il.us.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses affected:

Any small business that engages in noise consulting or that emits noise beyond the boundaries of its property may be affected by this proposal.

B) Reporting, bookkeeping or other procedures required for compliance:

No changes in the reporting, bookkeeping or other procedures will be required for compliance with this proposal.

C) Types of professional skills necessary for compliance:

Compliance with these amendments may require the services of a professional noise consultant to determine whether any noise it emits beyond the boundaries of its property violates these standards.

13) Regulatory agenda on which this rulemaking was summarized:

This proposal appeared in the Board’s July 2003 regulatory agenda.

The full text of the proposed amendments begins on the next page:
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE H: NOISE

CHAPTER I: POLLUTION CONTROL BOARD

PART 901

SOUND EMISSION STANDARDS AND LIMITATIONS FOR PROPERTY LINE-NOISE-SOURCES

Section
901.101 Classification of Land According to Use
901.102 Sound Emitted to Class A Land
901.103 Sound Emitted to Class B Land
901.104 Highly-Impulsive Sound
901.105 Impact Forging Operations
901.106 Prominent Discrete Tones
901.107 Exceptions
901.108 Compliance Dates for Part 901
901.109 Highly-Impulsive Sound from Explosive Blasting
901.110 Amforge Operational Level
901.111 Modern Drop Forge Operational Level
901.112 Wyman-Gordon Operational Level
901.113 Wagner Casting Site-Specific Operational Level
901.114 Moline Forge Operational Level
901.115 Cornell Forge Hampshire Division Site-Specific Operational Level
901.116 Forgings and Stampings, Inc. Operational Level
901.117 Rockford Drop Forge Company Operational Level
901.118 Atlas Forgings Division of Scot Forge Operational Level
901.119 Clifford-Jacobs Operational Level
901.120 C.S. Norcross Operational Level
901.121 Vaughan & Bushnell Operational Level
901.APPENDIX A Old Rule Numbers Referenced
901.APPENDIX B Land-Based Classification System Standard Land Use Coding System

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS


Section 901.101 Classification of Land According to Use

a) The land use classification system used for the purposes of applying numeric sound standards for this part will be in accordance with Land-Based Classification Standards (LBCS) set forth in Appendix B.

b) Class A land shall include all land used as specified by LBCS Codes 1000 through 1340, 2410 through 2455, 5200 through 5230, 5500, 6100 through 6145, 6222, 6510 through 6530, 6568 through 6600, SLUCM Codes 110 through 190 inclusive, 651, 674, 681 through 683 inclusive, 691, 711, 762, 7121, 7122, 7123 and 921.

c) Class B land shall include all land used as specified by LBCS Codes 2100 through 2336, 2500 through 2720, 3500 through 3600, 4220 through 4243, 5100 through 5160, 5300 through 5390, 5400, 6147, 6210 through 6221, 6300 through 6320, 6400 through 6430, 6560 through 6568, 6700 through 6830, 7100 through 7380, SLUCM Codes 397, 471 through 479 inclusive, 511 through 599 inclusive, 611 through 649 inclusive, 652 through 673 inclusive, 675, 692, 699, 7124, 7129, 719, 721, 722 except 7223, 723 through 761 inclusive except 7311, 769 through 790 inclusive, and 922.

d) Class C land shall include all land used as specified by LBCS Codes 3100 through 3440, 4120 through 4180, 4210 through 4212, 4300 through 4347, 7400 through 7450, 8000 through 8500, and 9100 through 9520. SLUCM Codes 211 through 299 inclusive, 311 through 396 inclusive, 399, 411 except 4111, 412 except 4121, 421, 422, 429, 441, 449, 460, 481 through 499 inclusive, 7223 and 7311 used for automobile and motorcycle racing, and 811 through 890 inclusive.

e) A parcel or tract of land used as specified by LBCS SLUCM Code 9100, 9200, or 5500, 81, 83, 91, or 922, when adjacent to Class B or C land may be classified
similarly by action of a municipal government having zoning jurisdiction over such land. Notwithstanding any subsequent changes in actual land use, land so classified must retain such B or C classification until the municipal government removes the classification adopted by it.

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

Section 901.102 Sound Emitted to Class A Land

a) Except as elsewhere provided, no person shall cause or allow the emission of sound during daytime hours from any property-line-noise-source located on any Class A, B or C land to any receiving Class A land which exceeds any allowable octave band sound pressure level specified in the following table, when measured at any point within such receiving Class A land, provided, however, that no measurement of sound pressure levels shall be made less than 25 feet from such property-line-noise-source.

Octave Band Center Frequency (Hertz)
<table>
<thead>
<tr>
<th>Class C Land</th>
<th>Class B Land</th>
<th>Class A Land</th>
</tr>
</thead>
<tbody>
<tr>
<td>31.5</td>
<td>75</td>
<td>72</td>
</tr>
<tr>
<td>63</td>
<td>74</td>
<td>71</td>
</tr>
<tr>
<td>125</td>
<td>69</td>
<td>65</td>
</tr>
<tr>
<td>250</td>
<td>64</td>
<td>57</td>
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<tr>
<td>500</td>
<td>58</td>
<td>51</td>
</tr>
<tr>
<td>1000</td>
<td>52</td>
<td>45</td>
</tr>
<tr>
<td>2000</td>
<td>47</td>
<td>39</td>
</tr>
<tr>
<td>4000</td>
<td>43</td>
<td>34</td>
</tr>
<tr>
<td>8000</td>
<td>40</td>
<td>32</td>
</tr>
</tbody>
</table>

b) Except as provided elsewhere in this Part, no person shall cause or allow the emission of sound during nighttime hours from any property-line-noise-source located on any Class A, B or C land to any receiving Class A land which exceeds any allowable octave band sound pressure level specified in the following table, when measured at any point within such receiving Class A land, provided, however, that no measurement of sound pressure levels shall be made less than 25 feet from such property-line-noise-source.

Octave Band Center Frequency (Hertz) Allowable Octave Band Sound Pressure Levels (dB) of Sound Emitted to any Receiving Class A Land from Class C Land Class B Land Class A Land

31.5 75 72 72
63 74 71 71
125 69 65 65
250 64 57 57
500 58 51 51
1000 52 45 45
2000 47 39 39
4000 43 34 34
8000 40 32 32
### Frequency (Hertz) Emitted to any Receiving Class A Land from
<table>
<thead>
<tr>
<th>Class C Land</th>
<th>Class B Land</th>
<th>Class A Land</th>
</tr>
</thead>
<tbody>
<tr>
<td>31.5</td>
<td>69</td>
<td>63</td>
</tr>
<tr>
<td>63</td>
<td>67</td>
<td>61</td>
</tr>
<tr>
<td>125</td>
<td>62</td>
<td>55</td>
</tr>
<tr>
<td>250</td>
<td>54</td>
<td>47</td>
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<td>30</td>
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<tr>
<td>4000</td>
<td>32</td>
<td>25</td>
</tr>
<tr>
<td>8000</td>
<td>32</td>
<td>25</td>
</tr>
</tbody>
</table>

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

### Section 901.103 Sound Emitted to Class B Land

Except as provided elsewhere in this Part provided, no person shall cause or allow the emission of sound from any property-line-noise-source located on any Class A, B or C land to any receiving Class B land which exceeds any allowable octave band sound pressure level specified in the following table, when measured at any point within such receiving Class B land, provided, however, that no measurement of sound pressure levels shall be made less than 25 feet from such property-line-noise-source.

<table>
<thead>
<tr>
<th>Octave Band Center Frequency (Hertz)</th>
<th>Allowable Octave Band Sound Pressure Levels (dB) of Sound Emitted to any Receiving Class B Land from Class C Land</th>
<th>Class B Land</th>
<th>Class A Land</th>
</tr>
</thead>
<tbody>
<tr>
<td>31.5</td>
<td>80</td>
<td>79</td>
<td>72</td>
</tr>
<tr>
<td>63</td>
<td>79</td>
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<tr>
<td>1000</td>
<td>57</td>
<td>52</td>
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<td>2000</td>
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<td>46</td>
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<td>4000</td>
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<td>41</td>
<td>34</td>
</tr>
<tr>
<td>8000</td>
<td>45</td>
<td>39</td>
<td>32</td>
</tr>
</tbody>
</table>

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

### Section 901.104 Highly-Impulsive Sound
Except as provided elsewhere in this Part, no person shall cause or allow the emission of highly-impulsive sound from any property-line-noise-source located on any Class A, B, or C land to any receiving Class A or B land which exceeds the allowable A-weighted sound levels, measured with fast dynamic characteristic, specified in the following table when measured in accordance with the procedure of 35 Ill. Adm. Code 900.103 at any point within such receiving Class A or B land, provided, however, that no measurement of sound levels shall be made less than 25 feet from such property-line-noise-source.

<table>
<thead>
<tr>
<th>Classification of Land on which Property-Line Noise-Source: is Located</th>
<th>Allowable A-weighted Sound Levels in Decibels of Highly-Impulsive Sound Emitted to Receiving Class A or B Land</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class A Land</td>
<td>50—47  50—47  45—37</td>
</tr>
<tr>
<td>Class B Land</td>
<td>57  54  50—47  45  37</td>
</tr>
<tr>
<td>Class C Land</td>
<td>61  58  56  53  46  43</td>
</tr>
</tbody>
</table>

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

Section 901.105 Impact Forging Operations

a) For purposes of this Section rule only the following are applicable:

1) Daytime hours shall mean any continuous 16-hour period between 6:00 a.m. and 11:00 p.m. local time; and

2) Nighttime hours shall mean those 8 hours between 10:00 p.m. and 7:00 a.m. which are not part of the 16 continuous daytime hours.

3) The reference time for L_eq, as defined in 35 Ill. Adm. Code 900.101 is one hour.

4) New Impacting Forging Operation is that property-line-noise-source comprised of impact forging operation on which construction began after September 1, 1982.

5) Existing Impact Forging Operation is that property-line-noise-source comprised of impact forging operations which are in existence on
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

September 1, 1982,

b) Emission Limitations for New Impact Forging Operation. No impact forging operation shall cause or allow the emission of impulsive sound to any receiving Class A or B land which exceeds the allowable sound levels specified in the following table when measured at any point within such receiving land, provided however, that no measurement of sound levels shall be made less than 25 feet from such new impact forging operation's property-line.

Allowable Highly-Impulsive Sound Levels (Leq) in Decibels Emitted To Class A or B Land from New Impact Forging Operation

<table>
<thead>
<tr>
<th>Class B Land</th>
<th>Class A Land</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Daytime</td>
</tr>
<tr>
<td>59.5 Leq</td>
<td>53.5 Leq</td>
</tr>
</tbody>
</table>

c) Limitations for Existing Impact Forging Operation

No existing impact forging operation shall cause or allow the emission of highly-impulsive sound to any receiving Class A or B land which exceeds the allowable sound levels specified in the following table, when measured at any point within such receiving land, provided however, that no measurement of sound levels shall be made less than 25 feet from such existing impact forging operation's property-line, unless such forging operation is granted a permanent site specific allowable operational level pursuant to subparagraph (d).

Allowable Highly-Impulsive Sound Levels (Leq) in Decibels Emitted To Class A or B Land from Existing Impact Forging Operation

<table>
<thead>
<tr>
<th>Class B Land</th>
<th>Class A Land</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Daytime</td>
</tr>
<tr>
<td>64.5 Leq</td>
<td>58.5 Leq</td>
</tr>
</tbody>
</table>

d) Site Specific Allowable Operational Level for Existing Impact Forging Operation

1) An existing impact forging operation which does not comply with subparagraph (c) may seek a permanent site specific allowable operational level from the Board. A permanent site specific level is that level of operation allowed petitioner after review and approval by the Board and
2) Any existing impact forging operation seeking a permanent site specific operational level must submit as its petition the following:

A) The location of the petitioner, a description of the surrounding community, and a map locating the petitioner within the community;

B) A description of the petitioner's operations, the number and size of the petitioner's forging hammers, the current hours of hammer operation, the approximate number of forgings manufactured during each of the three prior calendar years and the approximate number of hammer blows used to manufacture the forgings.

C) A description of any existing sound abatement measure.

D) The sound levels in excess of those permitted by subparagraph (c) emitted by the petitioner into the community, in 5 decibel increments measured in Leq, shown on the map of the community.

E) The number of residences exposed to sound levels in excess of those permitted by subparagraph (c);

F) A description of other significant sources of noise (mobile and stationary) and their location shown on the map of the community;

G) A description of the proposed operational level and proposed physical abatement measures, if any, a schedule for their implementation and their costs;

H) The predicted improvement in community sound levels as a result of implementation of the proposed abatement measures; and

I) A description of the economic and technical considerations which justify the permanent site specific allowable operational level sought by petitioner.

3) An existing impact forging operation seeking a permanent site specific operational level shall prepare and file its petition with the Board and Agency as applicable no later than December 1, 1983.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

4) The Agency shall prepare a written evaluation regarding each petition seeking a permanent site specific operational level and shall file said evaluation within ninety (90) days following receipt of the petition with both the Board and the petitioner.

e) Land Use Classifications Preserved

The land use classifications in effect within a one-mile radius of an existing impact forging operation on September 1, 1982 shall remain the applicable land use classification for enforcement of these rules against an existing forging operation and any future modification thereof, regardless of actual subsequent changes in land use unless such actual changes would impose less restrictive limitations on the impact forging operations.

f) Site-Specific Operational Levels. Each individual existing forging operation identified in Sections 901.110, 901.111 and 901.112 must comply with the site-specific operational level defined, or is otherwise subject to Section 901.105(c).

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

Section 901.106 Prominent Discrete Tones

a) No person shall cause or allow the emission of any prominent discrete tone from any property-line-noise-source located on any Class A, B or C land to any receiving Class A, B or C land, provided, however, that no measurement of one-third octave band sound pressure levels shall be made less than 25 feet from such property-line source.

b) This rule shall not apply to prominent discrete tones having a one-third octave band sound pressure level 10 or more dB below the allowable octave band sound pressure level specified in the applicable tables in Sections 901.102 through 901.104 for the octave band which contains such one-third octave band. In the application of this sub-section, the applicable numeric standard table for sound emitted from any existing property-line-noise-source to receiving Class A land, for both daytime and nighttime operations, shall be found in Section 901.102(a).

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

Section 901.107 Exceptions

a) Sections 901.102 through 901.106 inclusive shall not apply to sound emitted from
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

land used as specified by LBCS Codes 1100, 6600 and 5500 SLUCM Codes 110, 140, 190, 691, and 742 except 7424 and 7425.

b) Sections 901.102 through 901.106 inclusive shall not apply to sound emitted from emergency warning devices and unregulated safety relief valves.

c) Sections 901.102 through 901.106 inclusive shall not apply to sound emitted from lawn care maintenance equipment and agricultural field machinery used during daytime hours. For the purposes of this sub-section, grain dryers operated off the farm shall not be considered agricultural field machinery.

d) Sections 901.102 through 901.106 inclusive shall not apply to sound emitted from equipment being used for construction.

e) Section 901.102(b) shall not apply to sound emitted from existing property-line-noise-sources during nighttime hours, provided, however, that sound emitted from such existing property-line-noise-sources shall be governed during nighttime hours by the limits specified in Section 901.102.

f) Sections 901.102 through 901.106 inclusive shall not apply to the operation of any vehicle registered for highway use while such vehicle is being operated within any land used as specified by Section 901.101 in the course of ingress to or egress from a highway.

g) Sections 901.102 through 901.106 inclusive shall not apply to sound emitted from land used as specified by LBCS Codes 5130 and 5140 SLUCM Codes 7223 and 7344 when used for automobile and motorcycle racing; and, any land used for contests, rallies, time trials, test runs or similar operations of any self-propelled device, and upon or by which any person is or may be transported or drawn, when such self-propelled device is actually being used for sport or recreation and is actually participating in an activity or event organized, regulated, and supervised under the sponsorship and sanction of a club, organization or corporation having national or statewide recognition; provided, however, that the exceptions granted in this subparagraph shall not apply to any automobile and motorcycle race, contest, rally, time trial, test run or similar operation of any self-propelled device if such event is started between the hours of 10:30 p.m. to 7:00 a.m., local time weekdays, or between the hours of 11:00 p.m. and 7:00 a.m., local time, weekend days.

h) Section 901.104 shall not apply to impulsive sound produced by explosive blasting activities conducted on any Class C land used as specified by LBCS
NOTICE OF PROPOSED AMENDMENTS

Codes 8300 and 8500 SLUCN codes 852 and 854, but such operations shall be governed by Section 901.109.

i) Sections 901.102 through 901.106 inclusive, shall not apply to sound emitted from snowmobiles.

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

Section 901.108 Compliance Dates for Part 901

a) Except as provided in subparagraphs (g), (i), and (j), every owner or operator of a new property-line-noise-source shall comply with the standards and limitations of this Part on and after August 10, 1973.

b) Except as otherwise provided in this rule, every owner or operator of an existing property-line-noise-source shall comply with the standards and limitations of this Part on and August 10, 1974.

c) Every owner or operator of an existing property-line-noise-source who emits sound which exceeds any allowable octave band sound pressure level of Section 901.102 or 901.103 by 10 dB or more in any octave band with a center frequency of 31.5 Hertz, 63 Hertz or 125 Hertz shall comply with the standards and limitations of this Part on and after February 10, 1975.

d) Except as provided in subparagraphs (g) and (h), every owner or operator of an existing property-line-noise-source required to comply with Section 901.104 shall comply with the standards and limitations of this Part on and after February 10, 1975.

e) Every owner or operator of an existing property-line-noise-source required to comply with Section 901.106 shall comply with the standards and limitations of this Part on and after February 10, 1975.

f) Repealed

g) Every owner or operator of Class C land now and hereafter used as specified by LBCS Code 4120 SLUCM Code 4112 shall have until August 10, 1976 to bring the sound from railroad car coupling in compliance with Section 901.104.

h) Existing impact forging operations as defined in Section 901.105 which do not seek permanent site specific allowable operational levels shall comply with
ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 901.105 by December 1, 1983. Those seeking permanent site specific allowable operational levels pursuant to Section 901.105(d) shall comply as of the effective date of the site specific rule granted or denied.

h) Every owner or operator of Class C land now or hereafter used as specified by LBCS Code 3310 and SLUCM Code 291 shall comply with the standards and limitations of this Part on August 10, 1975.

i) Every owner or operator of Class C land now or hereafter used as specified by LBCS Code 5130 and 5140 and SLUCM Code 7223 and 7311 when used for automobile and motorcycle racing shall comply with the standards and limitations of this Part on February 10, 1976.

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

Section 901.109 Highly-Impulsive Sound From Explosive Blasting

a) During the daytime hours, that cover the period after sunrise and before sunset, no person shall cause or allow any explosive blasting conducted on any Class C land used as specified by LBCS Codes 8300 and 8520 and SLUCM Codes 852 and 854 so as to allow the emission of sound to any receiving Class A or B land which exceeds the allowable outdoor C-weighted sound levels, measured with the slow dynamic characteristic, specified in the following table, when measured at any point, of reasonable interference with the use of such receiving Class A or B land.

<table>
<thead>
<tr>
<th>Receiving Class A Land</th>
<th>Receiving Class B Land</th>
</tr>
</thead>
<tbody>
<tr>
<td>109–107</td>
<td>114–112</td>
</tr>
</tbody>
</table>

The allowable sound exposure level limits in the above table shall be lowered by three decibels (3 dB) for each doubling of the number of blasts during the day or night.

b) Compliance with outdoor peak sound pressure level limits in the following table shall constitute prima facie level limits of this rule when measured on such receiving Class A or B land.

Equivalent Maximum Sound Pressure Level (Peak) Limits in Decibels
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

<table>
<thead>
<tr>
<th>Lower Frequency Limit of Measuring System for Flat Response, a Variation from Linear Response of $\pm$ or $-$ 3dB (Hz)</th>
<th>Receiving Class A Land (dB)</th>
<th>Receiving Class B Land (dB)</th>
</tr>
</thead>
<tbody>
<tr>
<td>$\leq 0.1$</td>
<td>135</td>
<td>140</td>
</tr>
<tr>
<td>$\leq 2.0$ but greater than 0.1</td>
<td>132</td>
<td>137</td>
</tr>
<tr>
<td>$\leq 6.0$ but greater than 2.0</td>
<td>130</td>
<td>135</td>
</tr>
</tbody>
</table>

The allowable equivalent maximum sound pressure level limits in the above table shall be lowered by two decibels (2 dB) for each doubling of the number of blasts during the day or night.

c) During the period defined by (1) the beginning of the nighttime hours (10:00 pm) or sunset, whichever occurs earlier and (2) ending of the nighttime hours (7:00 am) or after sunset and before sunrise, whichever occurs later, the allowable sound level limits in subsections subparagraphs (a) and (b) shall be reduced by 10 decibels except in emergency situations where rain, lightning, other atmospheric conditions, or operator or public safety requires unscheduled nighttime hour explosive blasting.

d) Persons causing or allowing explosive blasting to be conducted on any Class C land used as specified by LBCS code 8300 or 8500 SLUCM code 852 or 854 shall notify the local public of such blasting prior to its occurrence, except when emergency situations require unscheduled blasting, by publication of a blasting schedule, identifying the work days or dates and time periods when explosives are expected to be detonated, at least every three months in a newspaper of general circulation in the locality of the blast site.

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

Section 901.110 Amforge Operational Level

Amforge Division of Rockwell International located at 119th Street, Chicago, Illinois shall:

a) Operate only ten forging hammers at any one time; and
b) Operation of its forging hammers is limited to the hours of 7:00 a.m. through 11:00 p.m., with occasional operations beginning at 6:00 a.m. and ending at midnight, Monday through Saturdays; and

c) Sound absorptive materials shall be installed on each of the forging hammer structures as each is routinely overhauled, but no later than January 1, 1987.

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

Section 901.111 Modern Drop Forge Operational Level

Modern Drop Forge Company located at 139th Street and Western Avenue in Blue Island, Illinois shall:

a) Operate only twenty-one forging hammers at any one time; and

b) Operate its forging hammers only during the hours of 6:00 a.m. through midnight, Mondays through Fridays, and 6:30 a.m. until 7:30 p.m. on Saturdays.

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

Section 901.113 Wagner Casting Site-Specific Operational Level

Wagner Casting Company and future owners of the forging facility located at the southeast corner of Sangamon and Jasper Streets in Decatur, Illinois, must comply with the following site-specific operational level or are otherwise subject to Section 901.105(c) shall:

a) Operate Shall operate no more than nine forging hammers at any one time; and

b) Operate Shall operate its forging hammers only between the hours of 5:00 a.m. Monday through 9:00 p.m. Saturday.

(Source: Amended at 27 Ill. Reg. __________, effective __________)
# Land-Based Classification Standards

## Standard Land Use Coding System

<table>
<thead>
<tr>
<th>Main Category</th>
<th>Function Code</th>
<th>Description</th>
<th>35 IAC 901 Land Class</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residence or accommodation functions</td>
<td>1000</td>
<td>Residence or accommodation functions</td>
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</tr>
<tr>
<td></td>
<td>1100</td>
<td>Private household</td>
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</tr>
<tr>
<td></td>
<td>1200</td>
<td>Housing services for the elderly</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1210</td>
<td>Retirement housing services</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1220</td>
<td>Congregate living services</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1230</td>
<td>Assisted-living services</td>
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</tr>
<tr>
<td></td>
<td>1240</td>
<td>Life care or continuing care services</td>
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<tr>
<td></td>
<td>1250</td>
<td>Skilled-nursing services</td>
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</tr>
<tr>
<td></td>
<td>1300</td>
<td>Hotels, motels, or other accommodation services</td>
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</tr>
<tr>
<td></td>
<td>1310</td>
<td>Bed and breakfast inn</td>
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<td></td>
<td>1320</td>
<td>Rooming and boarding</td>
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<td></td>
<td>1330</td>
<td>Hotel, motel, or tourist court</td>
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<tr>
<td></td>
<td>1340</td>
<td>Casino hotel</td>
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</tr>
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<td>General sales or services</td>
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<td>2100</td>
<td>Retail sales or service</td>
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<td></td>
<td>2110</td>
<td>Automobile sales or service establishment</td>
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<td>2111</td>
<td>Car dealer</td>
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<td></td>
<td>2112</td>
<td>Bus, truck, mobile homes, or large vehicles</td>
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<tr>
<td></td>
<td>2113</td>
<td>Bicycle, motorcycle, ATV, etc.</td>
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</tr>
<tr>
<td></td>
<td>2114</td>
<td>Boat or marine craft dealer</td>
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<td></td>
<td>2115</td>
<td>Parts, accessories, or tires</td>
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</tr>
<tr>
<td></td>
<td>2116</td>
<td>Gasoline service</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2120</td>
<td>Heavy consumer goods sales or service</td>
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</tr>
<tr>
<td></td>
<td>2121</td>
<td>Furniture or home furnishings</td>
<td></td>
</tr>
</tbody>
</table>

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*This table is extracted from the Illinois Register, Notice of Proposed Amendments, Section 901, Appendix B, Land-Based Classification Standards, Standard Land Use Coding System.*
<table>
<thead>
<tr>
<th>Main Category</th>
<th>Function Code</th>
<th>Description</th>
<th>35 IAC 901 Land Class</th>
</tr>
</thead>
<tbody>
<tr>
<td>2122</td>
<td>2122</td>
<td>Hardware, home centers, etc.</td>
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</tr>
<tr>
<td>2123</td>
<td>2123</td>
<td>Lawn and garden supplies</td>
<td></td>
</tr>
<tr>
<td>2124</td>
<td>2124</td>
<td>Department store, warehouse club or superstore</td>
<td></td>
</tr>
<tr>
<td>2125</td>
<td>2125</td>
<td>Electronics and Appliances</td>
<td></td>
</tr>
<tr>
<td>2126</td>
<td>2126</td>
<td>Lumber yard and building materials</td>
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</tr>
<tr>
<td>2127</td>
<td>2127</td>
<td>Heating and plumbing equipment</td>
<td></td>
</tr>
<tr>
<td>2130</td>
<td>2130</td>
<td>Durable consumer goods sales and service</td>
<td></td>
</tr>
<tr>
<td>2131</td>
<td>2131</td>
<td>Computer and software</td>
<td></td>
</tr>
<tr>
<td>2132</td>
<td>2132</td>
<td>Camera and photographic supplies</td>
<td></td>
</tr>
<tr>
<td>2133</td>
<td>2133</td>
<td>Clothing, jewelry, luggage, shoes, etc.</td>
<td></td>
</tr>
<tr>
<td>2134</td>
<td>2134</td>
<td>Sporting goods, toy and hobby, and musical instruments</td>
<td></td>
</tr>
<tr>
<td>2135</td>
<td>2135</td>
<td>Books, magazines, music, stationery</td>
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<tr>
<td>2140</td>
<td>2140</td>
<td>Consumer goods, other</td>
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<td>2141</td>
<td>2141</td>
<td>Florist</td>
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<td>2142</td>
<td>2142</td>
<td>Art dealers, supplies, sales and service</td>
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<tr>
<td>2143</td>
<td>2143</td>
<td>Tobacco or tobacconist establishment</td>
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<td>2144</td>
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<td>Mail order or direct selling establishment</td>
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<tr>
<td>2145</td>
<td>2145</td>
<td>Antique shops, flea markets, etc.</td>
<td></td>
</tr>
<tr>
<td>2150</td>
<td>2150</td>
<td>Grocery, food, beverage, dairy, etc.</td>
<td></td>
</tr>
<tr>
<td>2151</td>
<td>2151</td>
<td>Grocery store, supermarket, or bakery</td>
<td></td>
</tr>
<tr>
<td>2152</td>
<td>2152</td>
<td>Convenience store</td>
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<tr>
<td>2153</td>
<td>2153</td>
<td>Specialty food store</td>
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</tr>
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<td>2154</td>
<td>Fruit and vegetable store</td>
<td></td>
</tr>
<tr>
<td>2155</td>
<td>2155</td>
<td>Beer, wine, and liquor store</td>
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</tr>
<tr>
<td>2160</td>
<td>2160</td>
<td>Health and personal care</td>
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</tr>
<tr>
<td>2161</td>
<td>2161</td>
<td>Pharmacy or drug store</td>
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<td>2162</td>
<td>2162</td>
<td>Cosmetic and beauty supplies</td>
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<td>2163</td>
<td>2163</td>
<td>Optical</td>
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<td>2200</td>
<td>2200</td>
<td>Finance and Insurance</td>
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<tr>
<td>2210</td>
<td>2210</td>
<td>Bank, credit union, or savings institution</td>
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</tr>
</tbody>
</table>
## Pollutant Categories

### LBCS

<table>
<thead>
<tr>
<th>LBCS</th>
<th>Description</th>
<th>35 IAC 901 Land Class</th>
</tr>
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<tbody>
<tr>
<td>2220</td>
<td>Credit and finance establishment</td>
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</tr>
<tr>
<td>2230</td>
<td>Investment banking, securities, and brokerages</td>
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</tr>
<tr>
<td>2240</td>
<td>Insurance-related establishment</td>
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<tr>
<td>2250</td>
<td>Fund, trust, or other financial establishment</td>
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</tr>
<tr>
<td>2300</td>
<td>Real estate, and rental and leasing</td>
<td></td>
</tr>
<tr>
<td>2310</td>
<td>Real estate services</td>
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</tr>
<tr>
<td>2320</td>
<td>Property management services</td>
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<tr>
<td>2321</td>
<td>Commercial property-related</td>
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<tr>
<td>2322</td>
<td>Rental housing-related</td>
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<tr>
<td>2330</td>
<td>Rental and leasing</td>
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<tr>
<td>2331</td>
<td>Cars</td>
<td></td>
</tr>
<tr>
<td>2332</td>
<td>Leasing trucks, trailers, RVs, etc.</td>
<td></td>
</tr>
<tr>
<td>2333</td>
<td>Recreational goods rental</td>
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</tr>
<tr>
<td>2334</td>
<td>Leasing commercial, industrial machinery, and equipment</td>
<td></td>
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<tr>
<td>2335</td>
<td>Consumer goods rental</td>
<td></td>
</tr>
<tr>
<td>2336</td>
<td>Intellectual property rental (video, music, software, etc.)</td>
<td>B</td>
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<tr>
<td>2400</td>
<td>Business, professional, scientific, and technical services</td>
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<tr>
<td>2410</td>
<td>Professional services</td>
<td>A</td>
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<tr>
<td>2411</td>
<td>Legal services</td>
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<tr>
<td>2412</td>
<td>Accounting, tax, bookkeeping, payroll services</td>
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<tr>
<td>2413</td>
<td>Architectural, engineering, and related services</td>
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<tr>
<td>2414</td>
<td>Graphic, industrial, interior design services</td>
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<tr>
<td>2415</td>
<td>Consulting services (management, environmental, etc.)</td>
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</tr>
<tr>
<td>2416</td>
<td>Research and development services (scientific, etc.)</td>
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<td>2417</td>
<td>Advertising, media, and photography services</td>
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<tr>
<td>2418</td>
<td>Veterinary services</td>
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<tr>
<td>2420</td>
<td>Administrative services</td>
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<td>2421</td>
<td>Office and administrative services</td>
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<tr>
<td>2422</td>
<td>Facilities support services</td>
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### NOTICE OF PROPOSED AMENDMENTS

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<th>LBCS</th>
<th>Description</th>
<th>35 IAC 901</th>
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<tbody>
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<td>Main Category Function Code</td>
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<tr>
<td>2423</td>
<td>Employment agency</td>
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<td>Business support services</td>
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<td>Collection agency</td>
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<td>2430</td>
<td>Travel arrangement and reservation services</td>
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<td>Investigation and security services</td>
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<td>Services to buildings and dwellings</td>
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<td>2451</td>
<td>Extermination and pest control</td>
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<td>2452</td>
<td>Janitorial</td>
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<td>2453</td>
<td>Landscaping</td>
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<td>2454</td>
<td>Carpet and upholstery cleaning</td>
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<td>2455</td>
<td>Packing, crating, and convention and trade show services</td>
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<td>2500</td>
<td>Food services</td>
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<tr>
<td>2510</td>
<td>Full-service restaurant</td>
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<td>2520</td>
<td>Cafeteria or limited service restaurant</td>
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<td>2530</td>
<td>Snack or nonalcoholic bar</td>
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<td>Bar or drinking place</td>
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<td>Caterer</td>
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## NOTICE OF PROPOSED AMENDMENTS

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### POLLUTION CONTROL BOARD
### NOTICE OF PROPOSED AMENDMENTS

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## NOTICE OF PROPOSED AMENDMENTS

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### POLLUTION CONTROL BOARD

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## Illinois Register

### Pollution Control Board

### Notice of Proposed Amendments

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### NOTICE OF PROPOSED AMENDMENTS

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<td>Sugarcane crop</td>
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# NOTICE OF PROPOSED AMENDMENTS

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<tr>
<td>9999</td>
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## APPENDIX B

### STANDARD LAND USE CODING SYSTEM

**U.S. Department of Transportation**  
**Federal Highway Administration**  
**Reprinted 1969**

**B. A STANDARD SYSTEM FOR IDENTIFYING AND CODING LAND USE ACTIVITIES**
**NOTICE OF PROPOSED AMENDMENTS**

**TWO, THREE, AND FOUR DIGIT LEVELS**

<table>
<thead>
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<td>122</td>
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<td>College dormitories.</td>
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<td>Convents.</td>
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**FOOTNOTES**

1. The SIC codes are listed for purposes of reference. They are the SIC codes in the SIC system that most nearly correspond to the 4-digit land use activity indicated. (See ch. III, Sec. A3, “The Use of Stand
and Industrial Classification Nomenclature.

A dash indicates that there is no corresponding SIC code.

- Code 1100 - "Household units" are defined as a house, and apartment, or other group of rooms, or a single room that is intended for occupancy as separate living quarters. Occupants of "Household units" do not live and eat with other persons in the structure (such as in a boarding house), and there is either (1) direct access from the outside or through a common hall, or (2) there is a kitchen or cooking equipment for the exclusive use of the occupants of the unit. The occupants may be a family, a group of unrelated persons, or a person living alone. Mobile homes not in "Mobile home parks or courts" (code 14), but resting on a permanent type of foundation (e.g., a brick or concrete block foundation) are included as well as units that are vacant or that are used on a seasonal basis. Farm homes are also included under "household units" and should be identified separately from the remainder of the farm which is coded under "Agriculture," code 81.

- Code 7424 - "Recreation centers (general)."

*"Land Class" refers to Rule 201 Classifications. "A" denotes a Class A Land, "B" denotes a Class B Land and "C" denotes a Class C Land. "U" denotes a Land unclassified in rule 201. (Added by IEPA.)

B-1

B. A STANDARD SYSTEM FOR IDENTIFYING AND CODING LAND USE ACTIVITIES—TWO, THREE, AND FOUR-DIGIT LEVELS—Continued

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<td>2111</td>
<td>Sausages and other products manufacturing</td>
<td>2112 Poultry and small-game dressing and packing</td>
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<td>prepared meat</td>
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<td>2122 Cheese, natural and</td>
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POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

processed. 2022
2123 Condensed and evaporated milk manufacturing. 2023
2124 Ice cream and frozen desserts manufacturing. 2024
2125 Fluid milk processing. 2026

213 Canning and preserving of fruits, vegetables, and seafoods. 2031 Canning specialty foods. 2032
2133 Canning fruits, vegetables, preserves, jams, and jellies. 2033
2134 Drying and dehydrating fruits and vegetables. 2034
2135 Pickling fruits and vegetables; table sauces and seasonings; salad dressings—manufacturing. 2035
2136 Fresh or frozen packaged fish and seafoods. 2036
2137 Frozen fruits, fruit juices, vegetables, and specialities. 2037

214 Grain mill products—manufacturing. 2041 Flour and feeding. 2042
2142 Preparing feeds for animals and fowls. 2043
2143 Cereal preparations. 2044
2144 Rice milling. 2045
2145 Blending and preparing flour. 2046
2146 Wet corn milling. 2047

215 Bakery products—manufacturing. 2050 Bakery products—manufacturing. 2051

216 Sugar—manufacturing. 206 Sugar—manufacturing. 206

217 Confectionery and related products—manufacturing. 2071 Candy and chewing gum—manufacturing. 2072
2172 Chocolate and cocoa products—manufacturing. 2073
2173 Chewing gum—manufacturing. 2074
### NOTICE OF PROPOSED AMENDMENTS

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<td>Wine, brandy, and brandy spirits manufacturing</td>
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<td>Distilling, rectifying, and blending liquors</td>
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<td>Soybean-oil seed and oil products manufacturing</td>
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<td>Animal and marine fats and oils (including grease and tallow) manufacturing</td>
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<td>Shortening, table oils, margarine, and other edible fats and oils manufacturing</td>
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**B. A STANDARD SYSTEM FOR IDENTIFYING AND CODING LAND USE ACTIVITIES -- TWO-, THREE-, AND FOUR-DIGIT LEVELS -- Continued**

| SIC | Land* |
## NOTICE OF PROPOSED AMENDMENTS

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<th>Category</th>
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<th>Category</th>
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<td>221</td>
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<td>Chemicals—other small wares (cotton, manmade fibers, silk, and wool)—manufacturing.</td>
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<td>Men’s, youths’ and boys’ suits, coats, and overcoats—manufacturing.</td>
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## NOTICE OF PROPOSED AMENDMENTS

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<thead>
<tr>
<th>Code</th>
<th>Men’s, youths', and boys’ furnishings, work clothing, and allied work garments—manufacturing.</th>
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<th>Code</th>
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<th>Code</th>
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### Land Use Activities — Two, Three, and Four-Digit Levels — Continued

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**B.3**

A STANDARD SYSTEM FOR IDENTIFYING AND CODING LAND USE ACTIVITIES — TWO, THREE, AND FOUR-DIGIT LEVELS — Continued

`SIC` — `Land*`
NOTICE OF PROPOSED AMENDMENTS

23 Apparel and other finished products made from fibers, leather, and similar materials--manufacturing.

2381 Dress and work-gloves (except knit and all leather)--manufacturing.

2381 Miscellaneous apparel and products made from fibers--manufacturing.

2382 Robes and dressing gowns--manufacturing.

2382 Leather and sheep lined clothing manufacture.

2384 Apparel belts--manufacturing.

2384 Other miscellaneous apparel and accessory manufacturing, NEC.

2385 Raincoats and other waterproof outer garments--manufacturing.

2385 Leather and sheep lined clothing manufacture.

2386 Apparel belts--manufacturing.

2387 Other miscellaneous apparel and accessory manufacturing, NEC.

2389 Other fabricated textile products--manufacturing, NEC.

239 Curtains and draperies--manufacturing.

2391 House furnishings (except curtains and draperies)--manufacturing.

2392 Textile bags--manufacturing.

2393 Canvas products--manufacturing.

2394 Pleating, decorative and novelty stitching and tucking for the trade.

2395 Apparel findings and related products--manufacturing.

2396 Other fabricated textile products--manufacturing, NEC.

2397 and

2399

2399 Other fabricated textile products--manufacturing, NEC.

241 Logging camps and logging con-tractors.

2410 Logging camps and logging con-tractors.

242 Sawmills and planing mills, general.

2421 Sawmills and planing mills, general.

2422 Hardwood dimension and flooring--manufacturing.

2429 Special sawmill products
   2431 Millwork—manufacturing.
   2432 Veneer and plywood—manufacturing.
   2433 Prefabricating wooden buildings and structural members—manufacturing.

244. Wooden containers—manufacturing.
   2440 Wooden containers—manufacturing.

249. Other lumber and wood products—manufacturing.
   2491 Wood preservatives (except furniture)—manufacturing.
   2499 Other lumber and wood products—manufacturing, NEC.

251. Household furniture—manufacturing.
   2510 Household furniture—manufacturing.

252. Office furniture—manufacturing.
   2520 Office furniture—manufacturing.

   2530 Public building and related furniture—manufacturing.

   2540 Partitions, shelving, lockers, and office and store fixtures—manufacturing.

259. Other furniture and fixtures manufacturing, NEC.
   2591 Other furniture and fixtures manufacturing, NEC.
   2599 Other furniture and fixtures manufacturing, NEC.

261. Pulp—manufacturing.
   2610 Pulp—manufacturing.

262. Paper (except building paper)—manufacturing.
   2620 Paper (except building paper)—manufacturing.
## Levels — Continued

<table>
<thead>
<tr>
<th>Code</th>
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<td>26</td>
<td>Paper and allied products</td>
<td>263</td>
<td>Paperboard — manufacturing</td>
<td>2630</td>
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<td>264</td>
<td>Converted paper and paperboard</td>
<td>2641</td>
<td>Paper coating products (except containers and boxes) — manufacturing</td>
<td>2643 Bags (except textile bags) — manufacturing</td>
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<td>Die cut paper and paperboard — manufacturing</td>
<td>2642</td>
<td></td>
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<td>Cardboard — manufacturing</td>
<td>2643</td>
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<td>Pressed and molded pulp goods — manufacturing</td>
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<td>Die cut paper and cardboard — manufacturing</td>
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<td>2649</td>
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<td>Paperboard containers and boxes — manufacturing</td>
<td>2650</td>
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<td></td>
</tr>
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<td>Building paper and building board — manufacturing</td>
<td>2660</td>
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<td>2661</td>
<td></td>
<td></td>
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<tr>
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<td>Printing, publishing, and allied industries. — publishing and printing</td>
<td>2710</td>
<td>Newspapers: publishing, publish and printing</td>
<td>2711</td>
<td></td>
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<td>Periodicals: publishing, publish and printing</td>
<td>2720</td>
<td></td>
<td></td>
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<td>Books: publishing, publish and printing</td>
<td>2730</td>
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<td>Commercial printing</td>
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</table>
# POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>276</td>
<td>Greeting card—manufacturing.</td>
</tr>
<tr>
<td>277</td>
<td>Bookbinding and related industries—blankbooks, devices—manufacturing.</td>
</tr>
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<td>2772</td>
<td>Bookbinding and miscellaneous related work—manufacturing.</td>
</tr>
<tr>
<td>278</td>
<td>Printing trade service industries—typing.</td>
</tr>
<tr>
<td>2782</td>
<td>Photoengraving.</td>
</tr>
<tr>
<td>2783</td>
<td>Electrotyping and stereotyping.</td>
</tr>
<tr>
<td>2789</td>
<td>Other printing-trade service industries, NEC.</td>
</tr>
<tr>
<td>282</td>
<td>Plastics materials and synthetic resins, synthetic rubber, synthetic and other manmade fibers (except glass)—manufacturing.</td>
</tr>
<tr>
<td>283</td>
<td>Drug—manufacturing.</td>
</tr>
<tr>
<td>2831</td>
<td>Biological products—manufacturing.</td>
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<tr>
<td>2832</td>
<td>Medicinal chemicals and botanical products—manufacturing.</td>
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<tr>
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<td>Pharmaceutical preparations—manufacturing.</td>
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<td>Soap, detergents, and cleaning preparations, perfumes, cosmetics, and other toilet preparations—manufacturing.</td>
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<tr>
<td>2843</td>
<td>Surface active agents, finishing agents, sulfonated oils, and assistant—manufacturing.</td>
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<td>Perfumes, cosmetics, and other toilet preparations—manufacturing.</td>
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B. A STANDARD SYSTEM FOR IDENTIFYING AND CODING LAND USE ACTIVITIES - TWO, THREE, AND FOUR DIGIT LEVELS -- Continued

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<td>Chemicals and allied products - manufacturing</td>
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<td>Paints, varnishes, lacquers, enamels, and allied products - manufacturing</td>
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<td>Gum and wood chemicals - manufacturing</td>
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<td>Agricultural chemicals - manufacturing</td>
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<td>Other chemicals and allied products - manufacturing, NEC.</td>
<td>2891</td>
<td>Glue and gelatin products - manufacturing</td>
<td>2892</td>
<td>Printing ink - manufacturing</td>
<td>2893</td>
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<td>2894</td>
<td>Carbon black - manufacturing</td>
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<td>Other chemicals and allied products - manufacturing</td>
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<td>Petroleum refining and related industries.</td>
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<td>Petroleum refining.</td>
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<td>Paving and roofing materials - manufacturing</td>
<td>2921</td>
<td>Paving mixtures and coatings - manufacturing</td>
<td>2922</td>
<td>Asphalt felts and coatings - manufacturing</td>
<td>2952</td>
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<td>Other petroleum refining and related industries, NEC.</td>
<td>2991</td>
<td>Lubricating oils and greases - manufacturing</td>
<td>2999</td>
<td>Other petroleum and coal products - manufacturing, NEC.</td>
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<td>Rubber and miscellaneous products - manufacturing</td>
<td>311</td>
<td>Tires and inner tubes - manufacturing</td>
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<td>312</td>
<td>Rubber footwear - manufacturing</td>
<td>3120</td>
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<td>Reclaiming rubber.</td>
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</table>
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

| 314 | Miscellaneous plastic products | 3140 Miscellaneous plastic products manufacturing |
| 319 | Other fabricated rubber products | 3190 Other fabricated rubber products manufacturing, NEC. |
| 32  | Stone, clay, and glass products | 321 Flat glass manufacturing, incl. 3210 Glass containers and flat glass manufacturing |
| 322 | Glass and glassware (pressed or blown) | 3221 Glass containers and flat glass manufacturing, incl. 3229 Other glass containers and flat glass manufacturing, NEC. |
| 323 | Cement (hydraulic) | 3230 Cement (hydraulic) manufacturing |
| 324 | Structural clay products | 3241 Brick and structural clay products manufacturing |
|     |                             | 3242 Ceramic wall and floor tile manufacturing |
|     |                             | 3243 Clay refractories manufacturing |
|     |                             | 3249 Other structural clay products manufacturing, NEC. |
| 325 | Pottery and related products | 3251 Vitreous china, earthenware, and bathroom accessories manufacturing |
|     |                             | 3252 Vitreous china table and kitchen articles manufacturing |
|     |                             | 3253 Fine earthenware (whiteware) table and kitchen articles manufacturing |
|     |                             | 3254 Porcelain electrical supplies manufacturing |
|     |                             | 3259 Other pottery and related products manufacturing, NEC. |
A STANDARD SYSTEM FOR IDENTIFYING AND CODING
LAND USE ACTIVITIES — TWO, THREE, AND FOUR DIGIT
LEVELS — Continued

<table>
<thead>
<tr>
<th>Code</th>
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<tr>
<td>32</td>
<td>Stone, clay, and glass prod</td>
<td>326</td>
<td>Concrete, gypsum, and plaster</td>
<td>3261</td>
<td>Concrete products — manufacturing</td>
<td>3262 Concrete products (excluding brick)</td>
</tr>
<tr>
<td></td>
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<td>Concrete products — manufacturing</td>
<td></td>
</tr>
<tr>
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<td>Lime products — manufacturing</td>
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<td></td>
<td>Gypsum products — manufacturing</td>
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<td>Cut stone and stone products</td>
<td>3270</td>
<td>Cut stone and stone products — manufacturing</td>
<td>3271</td>
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<td>Abrasive, asbestos, and miscellaneous nonmetallic mineral products</td>
<td>3280</td>
<td>Abrasive, asbestos, and miscellaneous nonmetallic mineral products — manufacturing</td>
<td>3281</td>
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<td>33</td>
<td>Primary metal industries</td>
<td>331</td>
<td>Blast furnaces, steel works, and the rolling and finishing of ferrous metals</td>
<td>3311</td>
<td>Blast furnaces, steel works, and the rolling and finishing of ferrous metals</td>
<td>3312 Electrometallurgical products — manufacturing</td>
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<td></td>
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<td>Electroplating and galvanizing — manufacturing</td>
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<td>Steel wire drawing and steel nails — manufacturing</td>
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<td>Cold rolled sheet, strip, and bars — manufacturing</td>
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</tr>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>Steel pipe and tubes — manufacturing</td>
<td></td>
</tr>
<tr>
<td>332</td>
<td>Iron and steel foundries</td>
<td>3320</td>
<td>Iron and steel foundries</td>
<td>3321</td>
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<td></td>
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<tr>
<td>333</td>
<td>Primary smelting and refining of nonferrous metals</td>
<td>3331</td>
<td>Primary smelting and refining of nonferrous metals</td>
<td>3332 Primary smelting and refining of nonferrous metals</td>
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<td></td>
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</tbody>
</table>
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

refining of lead.

3333 Primary smelting and refining of zinc.

3334 Primary production of aluminum.

3339 Other primary smelting and refining of nonferrous metals; NEC.

334 Secondary smelting and refining of nonferrous metals and alloys.

335 Rolling, drawing, and extruding of nonferrous metals.

3351 Rolling, drawing, and extruding of copper.

3352 Rolling, drawing, and extruding of aluminum.

3353 Rolling, drawing, and extruding of nonferrous metals (except copper and aluminum).

3354 Drawing and insulating of nonferrous wire.

336 Nonferrous foundries.

339 Other primary metal industries; NEC.

34 Fabricated metal products—manufacturing.

341 Ordinance and accessories—manufacturing.

3412 Ammunition (except small arms) manufacturing and complete assembling of guided missiles and space vehicles.

3413 Tanks and tank components—manufacturing.

3414 Sighting and fire control equipment manufacturing.

3415 Small arms—
### A STANDARD SYSTEM FOR IDENTIFYING AND CODING LAND USE ACTIVITIES — TWO, THREE, AND FOUR-DIGIT LEVELS — Continued

<table>
<thead>
<tr>
<th>Code</th>
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<tbody>
<tr>
<td>34</td>
<td>Fabricated metal products — manufacturing</td>
<td>3416</td>
<td>Small arms ammunition — manufacturing</td>
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<td>Other ordinance and accessories — manufacturing, NEC</td>
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<td>Fabricated metal products — manufacturing</td>
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<td>Machinery (except electrical) — manufacturing</td>
<td>3421</td>
<td>3422</td>
<td>Farm machinery and equipment — manufacturing</td>
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<td>Construction, mining, and materials — handling machinery and equipment — manufacturing</td>
<td>3424</td>
<td>Metalworking machinery and equipment — manufacturing</td>
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<td>Special industry machinery (except metalworking machinery) — manufacturing</td>
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<td>3426</td>
<td>General industrial machinery and equipment — manufacturing</td>
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<tr>
<td>34</td>
<td>Fabricated metal products — manufacturing</td>
<td>3427</td>
<td>Office, computing, and accounting machines — manufacturing</td>
<td>357</td>
<td>3428</td>
<td>Service industry machines — manufacturing</td>
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<td>Other machinery — manufacturing (except electrical), NEC</td>
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POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

343  Electrical machinery, equipment, and supplies—manufacturing.

3431  Electrical trauipment.

3432  Electrical industrial apparatus—manufacturing.

3433  Household appliances—manufacturing.

3434  Electric-lighting and wiring equipment—manufacturing.

3435  Radio and television receiving sets (except communication types)—manufacturing.

3436  Communication equipment—manufacturing.

3437  Electronic components and accessories—manufacturing.

3439  Other electrical machinery, equipment, and supplies—manufacturing, NEC.

344  Transportation equipment—manufacturing.

3441  Motor vehicle equipment—manufacturing.

3442  Aircraft and parts—manufacturing.

3443  Ship and boat building and repairing.

3444  Railroad equipment—manufacturing.

3445  Motorcycles, bicycles, and parts—manufacturing.

3449  Other transportation equipment—manufacturing, NEC.

349  Other fabricated metal products—manufacturing, NEC.

3491  Metal cans—manufacturing, NEC.

3492  Cutlery, hand tools, and hardware—manufacturing.

3493  Heating apparatus (except electrical)—manufacturing.
### A STANDARD SYSTEM FOR IDENTIFYING AND CODING LAND USE ACTIVITIES — TWO-, THREE-, AND FOUR-DIGIT LEVELS — Continued

| Code | Category Code | Land Code | Category Code | SIC Land* Code | Reference
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<td>35</td>
<td>Professional, scientific, and technical services</td>
<td>3510</td>
<td>Engineering, laboratory, and scientific services</td>
<td>3821</td>
<td>Mechanical and electrical engineering goods; watches and clocks manufacturing.</td>
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<tr>
<td>354</td>
<td>Surgical, medical, and dental instruments and supplies—manufacturing.</td>
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<td>3542</td>
<td>Orthopedic, prosthetic, and surgical appliances and supplies—manufacturing.</td>
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<td>3543</td>
<td>Dental equipment and supplies—manufacturing.</td>
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<td>355</td>
<td>Ophthalmic goods—manufacturing.</td>
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<td>356</td>
<td>Photographic equipment and supplies—manufacturing.</td>
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<td>357</td>
<td>Watches, clocks, clockwork operated devices, and parts—manufacturing.</td>
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<tr>
<td>39</td>
<td>Miscellaneous manufacturing—Jewelry, silverware, and plated ware—manufacturing.</td>
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<td>3912</td>
<td>Jewelers’ findings and materials—manufacturing.</td>
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<td>3913</td>
<td>Lapidary work—manufacturing.</td>
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<td>3914</td>
<td>Silverware and plated ware—manufacturing.</td>
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<tr>
<td>392</td>
<td>Musical instruments and parts—manufacturing.</td>
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<tr>
<td>393</td>
<td>Toys, amusement, sporting, and athletic goods—manufacturing.</td>
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<td>394</td>
<td>Pens, pencils, and other office and artists’ materials—manufacturing.</td>
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<td>395</td>
<td>Costume jewelry, costume novelties, buttons, and miscellaneous notions (except precious metals)—manufacturing.</td>
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<td>396</td>
<td>Tobacco—manufacturing.</td>
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<tr>
<td>3961</td>
<td>Cigarettes—manufacturing.</td>
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<tr>
<td>3962</td>
<td>Cigars—manufacturing.</td>
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</table>
| 3963 | Tobacco (chewing and
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

smoking) and 213
snuff--manufacturing.
3964 Tobacco stemming and
redrying. 214

397 Motion picture production. 3970 Motion picture production. 7811

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B-9

A STANDARD SYSTEM FOR IDENTIFYING AND CODING
LAND USE ACTIVITIES -- TWO-, THREE-, AND FOUR-DIGIT
LEVELS -- Continued

<table>
<thead>
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<tr>
<td>399</td>
<td>Miscellaneous manufacturing, NEC--Continued.</td>
<td>3991 Brooms and brushes--manufacturing, NEC.</td>
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<td>3992</td>
<td>Linoleum, asphalted felt base, and other hard surface floor cover manufacturing, NEC.</td>
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<td>3993</td>
<td>Matches--manufacturing.</td>
<td>3994 Lamp shades--manufacturing.</td>
<td>3995 Mortician's goods--manufacturing.</td>
<td>3996 Fur dressing and dyeing</td>
<td>3997 Signs and advertising displays</td>
<td>3998 Umbrellas, parasols, and canes--manufacturing.</td>
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</table>

41 Railroad, rapid rail transit. 411 Railroad transportation. 4111 Railroad right of way (excluding...
NOTICE OF PROPOSED AMENDMENTS

and street railway transportation. 4112 Railroad switching and marshaling ——— C


4119 Other railroad transportation, NEC. ———

412 — Rapid rail transit and street railway transportation. 4121 ——— Rapid rail transit and street railway transportation. 4122 Rapid rail transit and street railway passenger terminals. 4123 Rapid rail transit and street railway equipment maintenance.

4129 Other rapid rail transit and street railway transportation, NEC. ———


4219 Other bus transportation, NEC. ———

422 — Motor freight transportation. 4221 ——— Motor freight transportation. 4222 Motor freight garaging and equipment maintenance.

4229 Other motor freight transportation, NEC. ———
FOOTNOTES

1 The SIC codes are listed for purposes of reference. They are the codes in the SIC system that most nearly correspond to the 4-digit land use activity indicated. (See ch. III, Sec. A3, “The Use of Standard Industrial Classification Nomenclature.”) A dash indicates that there is no corresponding SIC code.

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B-10

B. A STANDARD SYSTEM FOR IDENTIFYING AND CODING LAND USE ACTIVITIES—TWO, THREE, AND FOUR DIGIT LEVELS—Continued

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<td>Motor vehicle transportation—Continued</td>
<td>429</td>
<td>Other motor vehicle transportation, NEC.</td>
<td>4291</td>
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<td>Motor vehicle transportation</td>
<td>4299</td>
<td>Other motor vehicle transportation, NEC.</td>
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43 Aircraft transportation. 431 Airports and flying fields. 4311

- 4312 Airport and flying field terminals (passenger).
- 4313 Airport and flying field terminals (freight).
- 4314 Airport and flying field terminals (passenger and freight).
- 4315 Aircraft storage and equipment maintenance.
- 4319 Other airports and flying fields, NEC.

439 Other aircraft transportation. 4391 Heliport landings, NEC. 4399 Other aircraft transportation, NEC.

44 Marine craft transportation. 441 Marine terminals.

- 4412 Marine terminals (freight).
- 4413 Marine terminals (passenger and freight).
NOTICE OF PROPOSED AMENDMENTS

4414 Marine terminals (commercial fishing):
4419 Other marine terminals, NEC.
449 Other marine craft transportation. 4490 Other marine craft transportation, NEC.

45 Highway and street right of way:
451 Freeways. 4510 Freeways, NEC.
452 Expressways. 4520 Expressways, NEC.
453 Parkways. 4530 Parkways, NEC.
454 Arterial streets. 4540 Arterial streets, NEC.
455 Collector/distributor streets. 4550 Collector/distributor streets, NEC.
456 Local access streets. 4560 Local access streets, NEC.
457 Alleys. 4570 Alleys, NEC.
459 Other highway and street right of way, NEC. 4590 Other highway and street right of way, NEC.

46 Automobile parking. 460 Automobile parking. 4600 Automobile parking, NEC.

47 Communication:
471 Telephone communication. 4711 Telephone exchange stations.
4712 Telephone relay towers (microwave). 4719 Other telephone communication, NEC.
472 Telegraph communication. 4721 Telegraph message centers.
4722 Telegraph transmitting and receiving stations (only). 4729 Other telegraph communication, NEC.
473 Radio communication. 4731 Radio broadcasting studios (only). 4732 Radio transmitting stations and towers.
4739 Other radio communication, NEC.
474 Television communication. 4741 Television broadcasting studios (only).
4742 Television transmitting stations and relay towers.
4749 Other television
POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

communication, NEC:

475 Radio and television communication (combined systems).

4751 Radio and television studios, only

4759 Other combined radio and television communication, NEC.

479 Other communication, NEC.

B-11

B. A STANDARD SYSTEM FOR IDENTIFYING AND CODING LAND USE ACTIVITIES--TWO, THREE, AND FOUR DIGIT LEVELS—Continued

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<td>4812 Electric generation plants.</td>
<td>4813 Electricity regulating substations.</td>
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<td>482</td>
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<td>4822 Gas production plants.</td>
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<td>4823 Natural or manufactured gas storage and distribution points.</td>
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<td>4824 Gas pressure control stations.</td>
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<td>483</td>
<td>Water utilities and irrigation.</td>
<td>4831 Water pipeline (purification).</td>
<td>4832 Water treatment plants</td>
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<td>4834 Irrigation distribution channels.</td>
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POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

4835 Water pressure control stations.
4839 Other water utilities and irrigation, NEC.

484 Sewage disposal.
4841 Sewage treatment plants.
4842 Sewage sludge drying beds.
4843 Sewage pressure control stations.
4849 Other sewage disposal, NEC.

485 Solid waste disposal.
4851 Refuse incineration.
4852 Central garbage grinding stations.
4853 Composting plants.
4854 Sanitary landfills.
4855 Refuse disposals.
4856 Industrial waste disposals.
4857 Active slag dumps and mineral waste disposals.
4859 Other solid waste disposal, NEC.

489 Other utilities, NEC.
4890 Other utilities, NEC.

49 Other transportation, communication, and utilities, NEC.
491 Other pipeline right-of-way and pressure control stations, NEC.
4919 Other pipeline right-of-way and pressure control stations, NEC.

492 Transportation services and arrangements.
4921 Freight forwarding arrangements.
4922 Packing and crating services.
4923 Travel arranging services.
4924 Transportation ticket services.
4929 Other transportation services and arrangements, NEC.

499 Other transportation, communication, and utilities, NEC.
FOOTNOTES

5Code 4391 -- "Heliport landing/takeoff pads" are identified only

1The SIC codes are listed for purposes of reference. They are the
codes in the SIC system that most nearly correspond to the 4-digit
land-use activity indicated. (See ch. III, Sec. A3, “The Use of Stand-
ard Industrial Classification Nomenclature.”) A dash indicates that
there is no corresponding SIC code.

6Code 44 -- "Transportation ticket services" include the ticket

11Code 4530 -- "Parkways" are highways for noncommercial traffic, 17 parking spaces), and that serves no other single type of activity.

12Code 4540 -- "Arterial streets" are those streets which serve move parking area
in an office building, and the parking area at shopping
ments of traffic and are not freeways, expressways, and parkways.

13Code 4550 -- "Collector/distributor streets" are those streets that collect traffic from the local streets and channel it into the arterial
system. These streets also provide necessary cross-connections be-
tween arterials. The collector/distributor street does not handle long
through trips, and it is not continuous for any great length.

14Code 4560 -- "Local access streets" are those used primarily for formations are
identified under code 93, "Water areas."

15Code 4924 -- "Transportation ticket services" include the ticket
POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

15Code 4570 "Alleys" are minor narrow streets usually without offices of any of the transportation systems. The ticket offices are sidewalks and on which building adjoin from the rear.
16Code 4600 "Automobile parking" includes nonresidential off-street parking that is 5,000 square feet or greater (or approximately

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<td>Motor vehicles and automotive</td>
<td>5111</td>
<td>Automobiles—wholesale.</td>
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<td>Drugs, chemicals, and allied</td>
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<td>Drugs, drug products—wholesale.</td>
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<td>Dry goods and apparel</td>
<td>513</td>
<td>Dry goods, apparel—wholesale.</td>
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<td>Groceries and related products</td>
<td>514</td>
<td>Groceries (food—wholesale.</td>
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* Land data provided for reference.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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<th>515</th>
<th>Farm products (raw materials)</th>
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<tbody>
<tr>
<td></td>
<td>Cotton wholesale. Incl. 5051</td>
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<td>Incl. 5051</td>
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<td></td>
<td>Hides, skins, and raw furs—wholesale. Incl. 5051</td>
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<td>Leaf tobacco—wholesale.</td>
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<td>Wool and mohair—wholesale.</td>
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<td>Livestock—wholesale.</td>
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<td>Horses and mules—wholesale.</td>
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<td>Other farm products wholesale.</td>
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<td>Electrical appliances, television, and radio sets—wholesale. 5064</td>
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<td>Electronic parts and equipment—wholesale. 5065</td>
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<th>Hardware, plumbing, heating equipment 5074</th>
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<td>Air conditioning, refrigerated equipment and supplies—wholesale 5077</td>
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B. A STANDARD SYSTEM FOR IDENTIFYING AND CODING
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

LAND USE ACTIVITIES—TWO-, THREE-, AND FOUR-DIGIT LEVELS—Continued

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<td>5182 Farm machinery and equipment wholesale.</td>
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<td>Professional equipment and supplies wholesale.</td>
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<td>Equipment and supplies for service establishments wholesale.</td>
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<td>Transportation equipment and supplies (except motor vehicles) wholesale.</td>
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<td>Petroleum bulk stations and terminals wholesale.</td>
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<td>Scrap and waste materials wholesale.</td>
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<td>Tobacco and tobacco products wholesale.</td>
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<td>Beer, wine, and distilled alcoholic beverages wholesale.</td>
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<td>Paper and paper products wholesale.</td>
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POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

furnishings—5097 wholesale.
5198 Lumber and construction materials—5098 wholesale.
5199 Other wholesale trade, NEC.—5099

52 Retail trade—building materials, hardware, and farm equipment—

521 Lumber and other building materials—5211 retail.
5212

522 Heating and plumbing equipment—5220 retail.

523 Paint, glass, and wallpaper—5230 retail.

524 Electrical supplies—retail. 5240 Electrical supplies—retail.—524

525 Hardware and farm equipment—5251 Hardware—retail—5251
5252 Farm equipment retail.—5252

53 Retail trade—general merchandise—

531 Department stores—retail.—5310

532 Mail order houses—retail. 5320 Mail order houses—retail.—532

533 Limited price variety stores—5330 Limited price—retail.

534 Merchandise vending machine—5340 Merchandise vending machine—operators—retail.

535 Direct selling organizations—5350 Direct selling organizations—retail.

539 Other retail trade—general—5391 Dry goods and general merchandise, NEC.—5392
5392 General stores—retail.—5393

54 Retail trade—food. 541 Groceries (with or without meat)—541
5410 Groceries (with or without meat)—retail.—541

542 Meats and fish—retail.—5421 Meats—retail—5422
5422 Fish and seaweeds—retail.—5423
B. A STANDARD SYSTEM FOR IDENTIFYING AND CODING LAND USE ACTIVITIES -- TWO, THREE, AND FOUR DIGIT LEVELS -- Continued

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<td>5462 Bakeries (nonmanufacturing) --</td>
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<td>Egg and poultry</td>
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<td>5512 Motor vehicles (used cars only) --</td>
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<td>Marine craft and accessories, NEC</td>
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<td>Retail trade -- apparel and accessories</td>
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<td>Men’s and boys’ clothing and furnishings -- retail</td>
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<td>5620 Women’s read-to-wear -- retail</td>
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</table>
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

563  Women’s accessories and specialties—retail.

564  Children’s and infants’ wear—retail.

565  Family clothing—retail.

566  Shoes—retail.

567  Custom tailoring.

568  Furriers and fur apparel—retail.

569  Other retail trade—apparel and accessories, NEC.

57  Retail trade—furniture, home furnishings, and equipment—retail.

570  Custom tailoring.

571  Furniture, home furnishings, and equipment—retail.

572  Household appliances—retail.

573  Radios, televisions, and music supplies—retail.

58  Retail trade—eating and drinking.

581  Eating places.

582  Drinking places (alcoholic beverages).

B-15

A STANDARD SYSTEM FOR IDENTIFYING AND CODING
LAND USE ACTIVITIES -- TWO-, THREE-, AND FOUR-DIGIT
LEVELS -- Continued
## NOTICE OF PROPOSED AMENDMENTS

<table>
<thead>
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<tr>
<td>59</td>
<td>Other retail trade, NEC.</td>
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<td>591</td>
<td>Drug and proprietary retail.</td>
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<td>Liquor retail.</td>
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<td>593</td>
<td>Antiques and secondhand merchandise retail.</td>
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<td>594</td>
<td>Book and stationery retail.</td>
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<td>5941</td>
<td>Books retail.</td>
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<td>Stationery retail.</td>
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<td>595</td>
<td>Sporting goods and bicycles retail.</td>
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<td>Bicycles retail.</td>
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<td>Farm and garden supplies retail.</td>
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<td>5961</td>
<td>Hay, grains retail.</td>
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<td>Other farm and garden retail, NEC.</td>
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<td>597</td>
<td>Jewelry retail.</td>
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<td>Fuel and ice retail.</td>
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<td>Fuel and ice dealers (except fuel oil and bottled gas dealers) retail.</td>
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<td>Fuel oil retail.</td>
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<td>5983</td>
<td>Bottled gas retail.</td>
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<td>5991</td>
<td>Florists retail.</td>
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<td>5992</td>
<td>Cigars and cigarettes retail.</td>
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<td>Newspapers and magazines retail.</td>
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<td>5994</td>
<td>Cameras and photographic supplies retail.</td>
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<td>5995</td>
<td>Gifts, novelties, and souvenirs retail.</td>
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<td>5996</td>
<td>Optical goods retail.</td>
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<td>5997</td>
<td>Other retail trade, NEC.</td>
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## Finance, insurance, and real estate services.

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<tr>
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<td>Banking and bank-related functions.</td>
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<td>6112</td>
<td>Bank-related functions.</td>
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<td>612</td>
<td>Credit services (other than savings and loan associations).</td>
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<td>6121</td>
<td>Savings and loan banks.</td>
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| 6122 | Agricultural, business, and
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

personal 613, 614 and 615 credit services (including credit unions).
6129 Other credit services (other than 611 and 616 banks), NEC.

613 Security and commodity brokers, dealers, exchanges, and services. 6132 Commodity contracts brokers and 6221 dealers services.
6133 Security and commodity exchanges.
6134 Security and commodity allied services.

614 Insurance carriers, agents, brokers, and services. 6142 Insurance agents, brokers, and services.

FOOTNOTES 1The SIC codes are listed for purposes of reference. They are the codes in the SIC system that most nearly correspond to the 4-digit land use activity indicated. (See ch. 111, sec. A3, “The Use of Standard 4Code 5462--Industrial Classification Nomenclature.”) A dash indicates that there is no corresponding SIC code.
2Code 51--”Wholesale trade.” A code of “0” is used in the auxiliary 5Code 5810--”Eating places” include both establishments serving position for those wholesalers who maintain a definite storage area on the premises. For example, 5122-0 is a wholesaler of paints and varnishes who has a definite storage area set-aside for his merchandise.
### NOTICE OF PROPOSED AMENDMENTS

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<td>Combinations of real estate, insurance, loan, and law services.</td>
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<td>Laundering, dry cleaning, and dyeing services (except rugs).</td>
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NOTICE OF PROPOSED AMENDMENTS

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<td>Direct mailing graphic services.</td>
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<td>Window services.</td>
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B-17
### A STANDARD SYSTEM FOR IDENTIFYING AND CODING LAND USE ACTIVITIES - TWO, THREE, AND FOUR DIGIT LEVELS

#### Continued

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<td>Warehousing and storage services</td>
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<td>Farm products storage (excluding stockyards)</td>
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<tr>
<td>6372</td>
<td>Stockyards.</td>
<td>4731</td>
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<td>6373</td>
<td>Refrigerated warehousing (except food lockers).</td>
<td>4222</td>
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<tr>
<td>6374</td>
<td>Food lockers (with or without food preparation facilities).</td>
<td>4223</td>
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<tr>
<td>6375</td>
<td>Household goods warehousing and storage.</td>
<td>4224</td>
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<tr>
<td>6376</td>
<td>General warehousing and storage.</td>
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<tr>
<td>6379</td>
<td>Other warehousing and storage, NEC.</td>
<td>4226</td>
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</table>

| 639   | Other business services, NEC. | 6391  | Research services. |       | 7392          |             |
| 6392  | Business and management consulting services. |       | 7393          |       |               |             |
| 6393  | Detective and protective services. |       | 7394          |       |               |             |
| 6394  | Equipment rental and leasing services. |       | 7395          |       |               |             |
| 6395  | Photofinishing services. |       | 7396          |       |               |             |
| 6396  | Trading stamp services. |       | 7397          |       |               |             |
| 6397  | Automobile and truck rental services. |       | 7511          |       |               |             |
| 6398  | Motion picture distribution and services. |       | 7812 and 782  |       |               |             |
| 6399  | Other business services, NEC. |       | 7399          |       |               |             |

| 64    | Repair services. | 641   | Automobile repair and services. | 6411  | Automotive |          |
| 6412  | Automobile wash services. |       | 754           |       | Incl.       |             |
| 6419  | Other automobile services |       |               |       |             |             |
### Pollution Control Board

#### Notice of Proposed Amendments

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>649</td>
<td>Other repair services, NEC.</td>
</tr>
</tbody>
</table>
| 6491 | Electrical repair services  
(except Incl. 754 repair and wash), NEC. |
| 6492 | Radio and television repair services. |
| 6493 | Watch, clock, and jewelry repair services. |
| 6494 | Reupholstery and furniture repair services. |
| 6495 | Armature rewinding services. |
| 6499 | Other repair services, NEC. |
| 65  | Professional services. |
| 651  | Medical and other health services. |
| 6511 | Physician services. |
| 6512 | Dental services. |
| 6513 | Hospital services. |
| 6514 | Medical-laboratory services. |
| 6515 | Dental-laboratory services. |
| 6516 | Sanitariums, convalescent, and rest home services. |
| 6517 | Medical clinics--out-patient services. |
| 6519 | Other medical and health services, NEC. |
| 652 | Legal services. |
| 6520 | Legal services. |
| 659  | Other professional services, NEC. |
| 6591 | Engineering and architectural services. |
| 6592 | Educational and scientific research services. |
| 6593 | Accounting, auditing, and bookkeeping services. |
| 6594 | Urban planning services. |
| 6599 | Other professional services, NEC. |
| 66  | Contract construction. |
| 661 | General contract construction. |
| 6611 | Building. |
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

B. A STANDARD SYSTEM FOR IDENTIFYING AND CODING LAND USE ACTIVITIES -- TWO-, THREE-, AND FOUR-DIGIT LEVELS -- Continued

<table>
<thead>
<tr>
<th>Code</th>
<th>Category</th>
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<th>Category</th>
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<tbody>
<tr>
<td>66</td>
<td>Contract construction</td>
<td>662</td>
<td>Special construction trade services</td>
<td>Continued</td>
<td>6621</td>
<td>Plumbing services</td>
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<tr>
<td>67</td>
<td>Governmental services</td>
<td>671</td>
<td>Executive, legislative, and judicial functions</td>
<td>6710</td>
<td>Executive, legislative, and judicial functions</td>
<td>929, and 939</td>
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POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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<thead>
<tr>
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<th>Description</th>
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<tbody>
<tr>
<td>673</td>
<td>Postal services.</td>
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<tr>
<td>674</td>
<td>Correctional institutions.</td>
</tr>
<tr>
<td>6749</td>
<td>Other correctional institutions, NEC.</td>
</tr>
<tr>
<td>675</td>
<td>Military bases and reservations.</td>
</tr>
<tr>
<td>6751</td>
<td>Military transportation centers.</td>
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<tr>
<td>6752</td>
<td>Military defense installations.</td>
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<tr>
<td>6753</td>
<td>Military storage depots and transportation centers.</td>
</tr>
<tr>
<td>6754</td>
<td>Military maintenance centers.</td>
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<tr>
<td>6755</td>
<td>Military administration or command centers.</td>
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<tr>
<td>6756</td>
<td>Military communication centers.</td>
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<tr>
<td>6759</td>
<td>Other military bases and reservations, NEC.</td>
</tr>
<tr>
<td>68</td>
<td>Educational services.</td>
</tr>
<tr>
<td>681</td>
<td>Nursery, primary, and secondary education.</td>
</tr>
<tr>
<td>6811</td>
<td>Nursery schools.</td>
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<tr>
<td>6812</td>
<td>Primary (elementary) schools.</td>
</tr>
<tr>
<td>6813</td>
<td>Secondary schools.</td>
</tr>
<tr>
<td>682</td>
<td>University, college, junior college, and professional school education.</td>
</tr>
<tr>
<td>6821</td>
<td>University and college education.</td>
</tr>
<tr>
<td>6822</td>
<td>Junior college education.</td>
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<tr>
<td>6823</td>
<td>Professional schools.</td>
</tr>
<tr>
<td>683</td>
<td>Special training and schooling.</td>
</tr>
<tr>
<td>6831</td>
<td>Vocational schools.</td>
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<tr>
<td>6832</td>
<td>Business and stenographic schools.</td>
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<tr>
<td>6833</td>
<td>Barber and beauty schools.</td>
</tr>
<tr>
<td>6834</td>
<td>Art and music schools.</td>
</tr>
<tr>
<td>6835</td>
<td>Dancing schools.</td>
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<tr>
<td>6836</td>
<td>Driving schools.</td>
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<tr>
<td>6837</td>
<td>Correspondence schools.</td>
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</tbody>
</table>
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

6839 Other special training and schooling. Incl. 8299, NEC.

B-19

A STANDARD SYSTEM FOR IDENTIFYING AND CODING
LAND USE ACTIVITIES -- TWO-, THREE-, AND FOUR-DIGIT
LEVELS -- Continued

<table>
<thead>
<tr>
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<th>Land* Code</th>
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<tr>
<td>69</td>
<td>Miscellaneous services. 691 Religious activities. 7 6911 60 6912 Other religious activities, NEC. 6919 Incl. 866</td>
<td>6911 60</td>
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<td>692</td>
<td>Welfare and charitable services. 6920 Welfare associations 6923 64</td>
<td>6920 64</td>
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<tr>
<td>699</td>
<td>Other miscellaneous services, NEC. 6991 Business organizations 6992 Professional membership 6993 Labor unions and similar labor organizations 6994 Civic, social, and fraternal associations 6999 Other miscellaneous services, NEC.</td>
<td>6991 6992 6993 6994 6999</td>
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</tbody>
</table>

FOOTNOTES

1The SIC codes are listed for purposes of reference. They are the codes in the SIC system that most nearly correspond to the 4-digit land schools, or hospitals) should be identified separately under the respective use activity indicated. (See ch. III, sec. A3, "The Use of Standard Industrial Classification Nomenclature.") A dash indicates that there is no corresponding SIC code. Incl. 866, Incl. 863, Incl. 864, Incl. 866.
NOTICE OF PROPOSED AMENDMENTS

2Code 637 "Warehousing and storage services" include only those facilities that are used by or are open to the public. When warehousing and storage is functionally and organizationally linked to another activity (e.g., a general contractor or an apparel manufacturer), 6Code 6813 "Secondary schools" are schools that include grades 7 and with a code of 4 (warehousing and storage) in the auxiliary position. 7Code 691 "Religious activities" include only those places of worship or for the promotion of religious activities. Activities of men's, youths' and boys' suits, coats, and overcoats are identified and coded the same as the parent activity and with a code of 4 (warehousing and storage) in the auxiliary position. Other cultural activities and nature exhibitions include only the central and administrative office activities of the agencies or special authorities involved in government functions, including the

71 Cultural activities and nature exhibitions.

711 Cultural activities.

7112 Museums.

7113 Art galleries.

7119 Other cultural activities, NEC.

712 Nature exhibitions.

7121 Planetaria.

7122 Aquariums.

7123 Botanical gardens and arboretums.

7124 Zoos.

7129 Other nature exhibitions, NEC.

719 Other cultural activities and nature exhibitions, NEC.

7191 Historic and nature exhibitions, NEC.

72 Public assembly.

721 Entertainment assembly.

7211 Amphitheaters.

7212 Motion picture theaters.

7213 Drive-in movies.

7214 Legitimate theaters.

7219 Other entertainment assembly, NEC.

722 Sports assembly.

7221 Stadiums.

7222 Arenas and field houses.

7223 Race tracks.

7229 Other sports assembly, NEC.

723 Public assembly, miscellaneous purposes.

7231 Auditoriums.

7232 Exhibition halls.
### A STANDARD SYSTEM FOR IDENTIFYING AND CODING LAND USE ACTIVITIES -- TWO-, THREE-, AND FOUR-DIGIT LEVELS -- Continued

<table>
<thead>
<tr>
<th>Code</th>
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<tr>
<td>73</td>
<td>Amusements--Continued</td>
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<td>Other amusements, NEC.</td>
<td>7391</td>
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<tr>
<td></td>
<td></td>
<td>7392</td>
<td>Miniature golf.</td>
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<td></td>
<td></td>
<td>7393</td>
<td>Golf driving ranges.</td>
<td>Incl. 7949</td>
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<tr>
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<td></td>
<td>7394</td>
<td>Go-cart tracks.</td>
<td>Incl. 7949</td>
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<td></td>
<td>7399</td>
<td>Other amusements, NEC</td>
<td>Incl. 7949</td>
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<tr>
<td>74</td>
<td>Recreational activities.</td>
<td>741</td>
<td>Sports activities.</td>
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<td></td>
<td></td>
<td>7412</td>
<td>Golf courses (with country club).</td>
<td>7947</td>
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<td>7413</td>
<td>Tennis courts.</td>
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<td></td>
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<td>7414</td>
<td>Ice skating</td>
<td>Incl. 7945</td>
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<td>7415</td>
<td>Roller skating</td>
<td>Incl. 7945</td>
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<td></td>
<td>7416</td>
<td>Riding stables.</td>
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<td>7417</td>
<td>Bowling</td>
<td>Incl. 7931</td>
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<td></td>
<td>7418</td>
<td>Skiing and tobogganing.</td>
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<td></td>
<td>7419</td>
<td>Other sports activities; NEC.</td>
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<tr>
<td>742</td>
<td>Playgrounds and athletic areas.</td>
<td>7421</td>
<td>Play lots or tennis courts</td>
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<td></td>
<td>7422</td>
<td>Playgrounds.</td>
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<td>7423</td>
<td>Playfields-athletic fields.</td>
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<td>7424</td>
<td>Recreation centers (general).</td>
<td>Incl. 7949</td>
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<td>7425</td>
<td>Gymnasiums and athletic clubs.</td>
<td>Incl. 7949</td>
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<tr>
<td>743</td>
<td>Swimming areas.</td>
<td>7431</td>
<td>Swimming beaches.</td>
<td>11</td>
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</tr>
</tbody>
</table>

*Fairgrounds are Class-B Land; when used for automobile and motorcycle racing, Fairgrounds are Class C Land.
POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

7432 Swimming pools
7441 Yachting clubs
7442 Boat rentals and boat access sites
7449 Other marinas, NEC.
7491 Camping and picnic areas
7499 Other recreation, NEC.
7511 Dude ranches
7513 Health resorts
7514 Ski resorts
7515 Hunting and fishing clubs
7519 Other resorts, NEC.
7520 Group or organized camps
7610 Parks—general recreation
7620 Parks—leisure and ornamental
7690 Other parks, NEC.
7900 Other cultural, entertainment, and recreational activities, NEC.

FOOTNOTES
1. The SIC codes are listed for purposes of reference. They are the codes in the SIC system that most nearly correspond to the 4-digit land-use activity indicated. (See ch. III, sec. A3, “The Use of Standard Industrial Classification Nomenclature,”) A dash indicates that there is no corresponding SIC code.
2. Code 7113—“Art galleries” do not include those galleries that sell art objects commercially. Commercial sales are coded 5999, “Other retail trade, NEC.”
3. Code 7191—“Historic and monument sites” include those locations set aside for no other purpose than to commemorate an historical event, ball, or tennis. Bleachers or grandstands may be provided. They
NOTICE OF PROPOSED AMENDMENTS

activity, or person. are identified and coded only when found as a separate activity and not

4Code 722 "Sports assembly" includes only the public assembly areas used for nonparticipating sports.

5Code 7221 "Stadiums" include those used for individual sports, e.g., baseball or football, as well as those used for several sports activities. The recreation centers may contain, but are not limited to a gymnasium, social or play rooms, game rooms, art and craft shops, etc.

6Code 7223 "Race tracks" include those used for individual racing activities, e.g., horse racing and automobile racing, as well as those used for the purpose of swimming. They are identified only when they are not a part of a larger activity (e.g., a park).

7Code 7421 "Play lots or tot lots" are small areas developed especially for preschool or elementary school aged children. They may include, but are not limited to, picnic areas, bathing beaches, playfields, hiking trails.

8Code 7423 "Marinas" include marine terminals and associated areas that are primarily for recreational marine craft. The sale and repair of recreational marine craft is coded 5591, "Marine craft and accessories—retail" and code 3443, "Ship and boat building and repairing," respectively.

9Code 7491 "Camping and picnicking areas" are separately identified if they are not a part of a larger activity (e.g., a park).

10Code 7492 "General resorts" have rooms for 20 or more persons and have provision for at least 2 types of recreational activities, excluding lawn games, children's playgrounds, and swimming pools, ties, monuments, or statues.


<table>
<thead>
<tr>
<th>Code</th>
<th>Category</th>
<th>Code</th>
<th>Category</th>
<th>Code</th>
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<tbody>
<tr>
<td>81</td>
<td>Agriculture</td>
<td>811</td>
<td>Farms (predominant crop, fibers)</td>
<td>8111</td>
<td>Farms (predominant crop, fibers)</td>
<td>8119</td>
<td>Farms (other type fiber crops).</td>
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<tr>
<td>812</td>
<td>Farms (predominant crop, cash grains)</td>
<td>8120</td>
<td>Farms (predominant crop, cash grains)</td>
<td>8129</td>
<td>Farms (other type fiber grains).</td>
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### NOTICE OF PROPOSED AMENDMENTS

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<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>813</td>
<td>Farms (field crops other than fiber or cash grain crops).</td>
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<tr>
<td>814</td>
<td>Farms (predominant crop, fruits, tree nuts, or vegetables).</td>
</tr>
<tr>
<td>8143</td>
<td>Farms (predominant crop, vegetables).</td>
</tr>
<tr>
<td>815</td>
<td>Farms (predominantly dairy products).</td>
</tr>
<tr>
<td>816</td>
<td>Farms and ranches (livestock other than dairy).</td>
</tr>
<tr>
<td>8162</td>
<td>Farms and ranches (predominantly hog).</td>
</tr>
<tr>
<td>8163</td>
<td>Farms and ranches (predominantly sheep).</td>
</tr>
<tr>
<td>8164</td>
<td>Farms and ranches (predominantly goat).</td>
</tr>
<tr>
<td>8169</td>
<td>Farms and ranches (other livestock), NEC.</td>
</tr>
<tr>
<td>817</td>
<td>Farms (predominantly poultry).</td>
</tr>
<tr>
<td>818</td>
<td>Farms (general no predominate).</td>
</tr>
<tr>
<td>819</td>
<td>Other agriculture and related activities, NEC.</td>
</tr>
<tr>
<td>8191</td>
<td>Range and grazing, farm or ranch.</td>
</tr>
<tr>
<td>8192</td>
<td>Horticultural specialties.</td>
</tr>
<tr>
<td>8193</td>
<td>Apiary farms.</td>
</tr>
<tr>
<td>8194</td>
<td>Farms and ranches (predominantly horse raising).</td>
</tr>
<tr>
<td>8199</td>
<td>Other agriculture and related activities, NEC.</td>
</tr>
<tr>
<td>821</td>
<td>Agricultural related activities.</td>
</tr>
<tr>
<td>8211</td>
<td>Cotton ginning and compressing.</td>
</tr>
</tbody>
</table>
ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- Grist milling services.
- Corn shelling, hay baling, and threshing services.
- Contract sorting, grading, and packing services (fruits and vegetables).
- Other agricultural processing services, NEC.
- Animal husbandry services.
- Veterinarian services.
- Incl. 0722
- Animal hospital services.
- Incl. 0722
- Poultry hatchery services.
- Other animal husbandry services.
- NEC.

B-22

A STANDARD SYSTEM FOR IDENTIFYING AND CODING LAND USE ACTIVITIES -- TWO-, THREE-, AND FOUR-DIGIT LEVELS -- Continued

<table>
<thead>
<tr>
<th>Code</th>
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<th>Category</th>
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<th>SIC</th>
<th>Land*</th>
<th>Reference</th>
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<tbody>
<tr>
<td>82</td>
<td>Agricultural related activities, NEC.</td>
<td>829</td>
<td>Other agricultural related activities, NEC.</td>
<td>8291</td>
<td></td>
<td>8212</td>
<td>Grist milling services.</td>
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</tr>
<tr>
<td>83</td>
<td>Forestry activities and related services.</td>
<td>831</td>
<td>Commercial forestry production for pulp wood.</td>
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for veneer logs.
8314 Timber production—mixed uses—
8315 Tree products production—predominantly gum extracting (except pine
c) and bark.
8316 Tree products production—predominantly pine gum extraction.
8317 Timber and tree products production—mixed uses.
8319 Other commercial forestry production—NEC.
832 Forestry services.
8321 Forest nurseries.
8329 Other forestry services, NEC.
839 Other forestry activities and related services.
8390 Other forestry related services, NEC.
84 Fishing activities and related services.
841 Fisheries and marine products.
8411 Shrimp fishing.
8412 Shellfish fisheries.
8419 Other fisheries and marine products.
842 Fishery services.
8421 Fish hatcheries.
8429 Other fishery services.
849 Other fishery activities and related services.
8490 Other fishery related services, NEC.
85 Mining activities and related services.
851 Metal ore mining.
8512 Copper ore mining.
8513 Lead and zinc ore mining.
8514 Gold and silver ore mining.
8515 Bauxite and other aluminum ore mining.
8516 Ferroalloy ore (except vanadium) mining.
NOTICE OF PROPOSED AMENDMENTS

8519 Other metal ore mining, NEC.  109

852 Coal mining.  8521 Anthracite coal mining.  111
8522 Bituminous coal mining.  1211
8523 Lignite coal mining.  1212

853 Crude petroleum and natural gas.  8530 Crude petroleum and natural gas.

854 Mining and quarrying of nonmetallic minerals (except fuels).  142
(including sand and gravel—quarrying, crushed and broken stone—quarrying, clay, ceramic, and refractory minerals—mining, chemical and fertilizers (mineral) mining, other mining and quarrying of nonmetallic minerals (except fuels), NEC.

855 Mining services.  8551 Metal mining services.  108
8552 Coal mining services.  1112 and 1213
8553 Crude, petroleum and gas field services.
8554 Nonmetallic-mining (except fuel) services.
8559 Other mining services, NEC.

89 Other resource: production and extraction, NEC.  8900 Other resource: production and extraction, NEC.

B. A STANDARD SYSTEM FOR IDENTIFYING AND CODING LAND USE ACTIVITIES—TWO-, THREE-, AND FOUR-DIGIT LEVELS—Continued

FOOTNOTES 1. The SIC codes are listed for purposes of reference. They are the
farm or ranch. These areas are usually part of the public domain in which grazing has been permitted.
codes in the SIC system that most nearly correspond to the 4-digit land processing of agricultural products. Any extensive processing, packing, and related services.” The categories

- Code 81 -- “Agriculture.” A parcel of land is considered to be in agricultural use if 10 or more acres are under cultivation, in tree or bush crops, or are used for livestock or poultry purposes. The 10 acres stock may also be taking place within these forested areas. However, may include the area of the residence, if there is one, and the immediate these types of activities are considered secondary in nature and not associated area surrounding the residence. coded. Activities such as mining (code 85), permanent camping areas that are noncontiguous. However, each parcel should be linked to together as one “farm management unit,” and identified by only one 3- or 4-digit category, e.g., code 8120, “Farms (predominant crops, cash forested areas not on the farms or ranches that are being managed or the farm is identified as “Farm (predominantly dairy products),” code 8150. 8Code 841 -- “Fisheries and marine products” include those establish- a. If 50 percent or more of the value of the farm products sold in the previous year came from the sale of dairy products, or the sale of cows, calves, the farm is identified as “Farm (predominantly dairy products),” code 8150. b. If 50 percent or more of the value of the farm products sold in the previous year came from the sale of livestock, wool, or mohair, the farm is identified as “Farms and ranches (livestock, other than dairy),” code 816. of these products should be coded under “Food and kindred products”--

c. If 50 percent or more of the value of the farm products sold in the previous year came from the sale of poultry and eggs, the farm is identified as “Farms (predominantly poultry),” code 8170. d. If the percentage of dairy, livestock, and poultry products, each came to less than 50 percent of the value of the farm products sold in the previous years, and if there are 3 or more “Farm uses” (e.g., corn crop, cotton crop, etc.) within a farm, none of which takes surface areas being used for mining or drilling purposes, the process up to 25 percent of the total farm area (excluding those areas referred to above), the farm is identified as “Farms (general—no predomi
B. A STANDARD SYSTEM FOR IDENTIFYING AND CODING LAND USE ACTIVITIES — TWO, THREE, AND FOUR-DIGIT LEVELS — Continued

FOOTNOTES

4Code 9220 "Nonreserve forests (undeveloped)" are major forested

See footnotes on following page.

B-24
NOTICE OF PROPOSED AMENDMENTS

1. The SIC codes are listed for purposes of reference. They are the codes in the SIC system that most nearly correspond to the 4-digit land use activity indicated. (See ch. III, Sec. A3, "The Use of Standard— the grazing of livestock may also be taking place within these forested Industrial Classification Nomenclature.") A dash indicates that there is no corresponding SIC code. Activities such as mining (code 85), permanent

2. Code 9100—"Undeveloped and unused land area (excluding non-commercial forest development)" identifies those parcels of land that appear to be undeveloped or if previously developed, are presently vacant and unused. This category includes such areas as vacant lands that once were farms, as well as vacant parcels where structures have been demolished. Vacant nonresidential buildings are coded 9400, "Vacant floor area," to be completed when all exterior windows and doors are installed and

3. Code 921—"Forest reserves" are forested areas withdrawn from commercial utilization, and which are reserved through statute or administrative regulation for specific conservation purposes. Forested areas—dental," code 9510
POLLUTION CONTROL BOARD
NOTICE OF PROPOSED RULES

1) **Heading of Part:** Measurement Procedures for the Enforcement of 35 Ill. Adm. Code 900 & 901

2) **Code Citation:** 35 Ill. Adm. Code 910

3) **Section Numbers:**

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910 Appendix A

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4) **Statutory Authority:** 415 ILCS 5/25 and 27.

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

This rulemaking is explained in more detail in the Board’s first notice opinion and order of July 10, 2003, R03-09, available from the address in item 11 below. The Illinois Pollution Control Board opened this rulemaking to update Parts 901 and 910 of its noise regulations found in 35 Ill. Adm. Code Subtitle H. As no one proposed updates to the Board since 1987, many of the sound measurement definitions and techniques in the Board’s existing rules do not reflect present scientific standards.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

The proposed new Part 910 sets forth the measurement procedures for enforcing the Board’s noise standards in Parts 900 and 901. These procedures are essentially based upon the Illinois Environmental Protection Agency’s noise measurement protocols at 35 Ill. Adm. Code 951. In addition to the measurement techniques, the proposal contains general requirements and specific instrument requirements. The proposed Appendix A includes tables (obtained from extensive measurements) that can be used to determine the long-term background ambient noise levels in instances where direct measurements cannot be made.

This rulemaking is closely related to another still-pending rulemaking. The related docket, Noise Rule Update Amendments to 35 Ill. Adm. Code 900 and 903, R03-8, defines acoustical terms, pollution sources and sound measurement procedures. See 27 Ill. Reg. 1889 (February 7, 2003). A copy of the opinion and order in R03-08 is available from the address in item 11 below.

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

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


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

10) Statement of Statewide Policy Objectives:

These proposed amendments do not create or enlarge a state mandate as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3 (1992)].

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R03-09 and be addressed to:

Dorothy M. Gunn, Clerk

Illinois Pollution Control Board

James R. Thompson Center
12) **Initial Regulatory Flexibility Analysis:**

A) **Types of small businesses affected:**

Any small business that engages in noise consulting or that emits noise beyond the boundaries of its property may be affected by this proposal.

B) **Reporting, bookkeeping or other procedures required for compliance:**

No changes in the reporting, bookkeeping or other procedures will be required for compliance with this proposal.

C) **Types of professional skills necessary for compliance:**

Compliance with this proposed rule may require the services of a professional noise consultant to determine whether any noise it emits beyond the boundaries of its property violates these standards.

13) **Regulatory agenda on which this rulemaking was summarized:**

This proposal appeared in the Board’s July 2003 regulatory agenda.

The full text of the proposed rule begins on the next page:
PART 910

MEASUREMENT PROCEDURES FOR THE ENFORCEMENT OF 35 ILL. ADM. CODE 900 & 901

Section

910.100 General
910.102 Instrumentation
910.103 Definitions
910.106 Protocols for Determination of Sound Levels
910.107 Measurement Techniques for Highly-Impulsive Sound
910.Appendix A Tables of Long-Term Background Ambient Noise

Table A Daytime long-term background ambient $L_{eq}$ levels in decibels by land use categories and 1/3 octave-band level

Table B Nighttime long-term background ambient $L_{eq}$ levels in decibels by land use categories and 1/3-octave band level.

Table C Daytime long-term background ambient $L_{eq}$ levels in decibels by land use categories and octave band level.

Table D Nighttime long-term background ambient $L_{eq}$ levels in decibels by land use categories and octave band level.

AUTHORITY: Implementing and authorized by Sections 25 and 27 of the Environmental Protection Act [415 ILCS 5/25 and 27]
POLLUTION CONTROL BOARD
NOTICE OF PROPOSED RULES

SOURCE: Adopted at 27 Ill. Reg. __________, effective_______________.

Section 910.100 General

This Part specifies the instrumentation to be used when conducting acoustical noise measurements and sets forth the specific acoustical measurement techniques to be employed when conducting time-averaged sound level ($L_{eq}$) measurements. The instrumentation requirements and measurement techniques as more specifically set forth in this Part must be used in determining whether a noise source is in compliance with 35 Ill. Adm. Code 900 and 901.

Section 910.102 Instrumentation

a) Sound Measuring Equipment

1) An integrating sound level meter used alone or used in conjunction with an octave band or one-third octave band filter set or a real-time sound analyze (octave band or one-third octave band) must conform with the following standards incorporated by reference at 35 Ill. Adm. Code 900.106:


C) ANSI S1.6 – 1984 (R2001) “American National Standard Preferred Frequencies, Frequency Levels, and Band Numbers for Acoustical Measurements.”

D) ANSI S1.8 - 1989

“American National Standard Reference Quantities for Acoustical Levels.”


2) A magnetic tape recorder, graphic level recorder or other indicating device
3) The laboratory calibration of instrumentation used for acoustic measurement must be traceable to the National Bureau of Standards, and must be performed no less than once every 12 months.

4) For outdoor measurement a windscreen must be attached to the microphone

b) Weather Measuring Equipment

1) An anemometer and compass or other devices must be used to measure wind speed and direction in accordance with the manufacturer's recommended procedures.

2) A thermometer, designed to measure ambient temperature, must be used in accordance with the manufacturer's recommended procedures.

3) A hygrometer must be used in accordance with the manufacturer's recommended procedures to measure the relative humidity.

4) A barometer must be used in accordance with the manufacturer's recommended procedures to measure the barometric pressure.

Section 910.103 Definitions

The definitions contained in 35 Ill. Adm. Code 900.101 apply to this Part.


Sound pressure level measurements are not required to establish a violation of 35 Ill. Adm. Code 900.102 (nuisance noise). However, sound pressure level measurements may be introduced as corroborating evidence when alleging a violation of 35 Ill. Adm. Code 900.102. If sound pressure level measurements are collected, manufacturer’s instructions must be followed for the equipment used and 35 Ill. Adm. Code 910.105 may be used as guidance in gathering data.
Sound pressure level measurements must be obtained in accordance with the following measurement techniques to determine whether a noise source is in compliance with 35 Ill. Adm. Code 901:

a) Site Selection

1) Measurements may be taken at one or more microphone positions within the appropriate receiving land. Measurement instruments must be set up outdoors within the boundaries of the receiving land for the purpose of determining whether a noise source is in compliance with 35 Ill. Adm. Code 901.

2) Measurement instruments must be set up not less than 25 feet (7.6 meters (m)) from the property-line-noise-source. The 25-foot (7.6 m) set back requirement is from the noise source and not the property line unless the noise source is contiguous to the property line.

3) Other measurement locations may be used for investigatory purposes such as, but not limited to, the following:

A) Determining the extent of noise pollution caused by the source of sound;

B) Determining the ambient; and

C) Analyzing those acoustical parameters that describe the sound source.

4) For measurements of sound sources with no audible discrete tones, microphones should not be set up less than 25 feet (7.6 m) from any reflective surface which may affect data. If measurements must be taken within 25 feet (7.6 m), the effect, if any, of the reflective surface on the measured data must be determined.

5) For measurements of sound sources with audible discrete tones, microphones should not be set up less than 50 feet (15.2 m) from any reflective surface which may affect data. If measurements must be taken within 50 feet (15.2 m), the effect, if any, of the reflective surface on the measured data must be determined.

6) Objects with small dimensions (trees, posts, bushes, etc.) should not be
within 5 feet (1.5 m) of the microphone position. If measurements must be taken within 5 feet (1.5 m) of such objects, the effect, if any, on the measured data must be determined.

b) Instrumentation Set Up

1) A tripod must be set at the chosen site. The tripod shall be extended to a height between 3 feet 8 inches (1.12 m) and 4 feet 10 inches (1.47 m) above ground.

2) A microphone must be attached to the appropriate end of a 5-foot (1.5 m) or longer cable and must be affixed to the top of the tripod. The other end of the cable shall be connected to the measuring instrument.

3) The angle of incidence of the microphone must be adjusted to yield the flattest frequency response in accordance with the manufacturer’s specifications.

4) The measuring instrument should be separated from the microphone so as to minimize any influence on the measurements. The cable movement must be minimized during the measurement period.

c) Measurement Site Operation and Instrument Calibration

1) Before taking sound pressure level measurements, measure and record (near the measurement site):

   A) Wind speed and direction;
   B) Ambient temperature;
   C) Relative humidity; and
   D) Barometric pressure.

2) Turn the measuring instrument on and allow the instrument to stabilize. Monitor and record the battery condition of the calibrator and all measuring instruments.

3) Turn the calibrator on at its appropriate frequency. Allow the calibrator to stabilize and calibrate the measuring system according to the
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

manufacturer's specifications. After the measuring system has been calibrated, remove the calibrator and attach a windscreen to the microphone.

4) Adjust the microphone to the angle of incidence that will yield the frequency response in accordance with the manufacturer's specifications.

5) Measure the sound pressure level data within the limitations of subsection (d) and according to the manufacturer's recommended procedures. Other sound pressure levels may be used for investigatory purposes such as, but not limited to, the following:

A) Determining the extent of noise pollution caused by the source of sound;

B) Determining the ambient; and

C) Analyzing those acoustical parameters that describe the sound source.

6) While sound measurements are being taken, the operator must be separated from the microphone so as to minimize any influence on the measurements.

7) While measurements are being taken, visual and aural surveillance of extraneous sound sources and varying wind conditions must be made to insure that the conditions of measurement are accurately known. Record any variations in these parameters that may affect data. The number and basis for affected data block must be recorded. When using a tape recorder, voice commentary concerning conditions will be recorded on the cue track.

8) To minimize wind effects on the microphone, sound measurements must not be taken when the wind velocity is greater than 12 miles per hour (5.4 m/second) at the microphone position.

9) For the purposes of data correction, the ambient sound at the measurement site must be determined by means of measurement or analysis.

10) After taking sound pressure level measurements, remove the windscreen and attach the calibrator to the microphone. Turn the calibrator on at its
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

appropriate frequency. After allowing the calibrator to stabilize, monitor and record the measuring system response. When the measuring system response varies by more than \( \pm 0.5 \) dB from the most recent field calibration, the sound pressure level measurements obtained since such most recent field calibration shall not be used for enforcement purposes.

11) Before removing the calibrator from the microphone, turn the calibrator off. If the ambient has not been determined by means of measurement, determine the noise floor of the measuring system. If the noise floor is within 10 dB of the measured sound pressure level data, such noise floor measurements must be recorded.

12) At the end of the sound survey, monitor and record the battery condition of the calibrator and all measuring instruments. Near the measurement site, measure and record:

A) Windspeed and direction;

B) Ambient temperature;

C) Relative humidity; and

D) Barometric pressure.

13) Record the physical and topographical description of the ground surface within the vicinity of the measurement site, survey site location, a description of the sound source, a diagram of the area, the location of reflective surfaces near the microphone, and the approximate location of the noise source relative to the microphone position.

14) A magnetic tape recorder may be used to preserve the raw data. Calibration signals must be recorded at the beginning and end of each tape as well as at intermediate times such as when relocating to a new measurement site. Voice commentary concerning local conditions and affected data blocks must be recorded on the cue track. The original tape recording must be preserved for subsequent evaluation. Laboratory analyses may be performed on magnetic tape recorded field data. A description of the laboratory instrumentation and procedures must be recorded. Analyses used in the laboratory must be correlated to field measurement techniques.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

d) Limiting Procedures for Specific Types of Data Acquisition

1) For measurements of non-impulsive sound with audible discrete tones, one-third octave band sound pressure levels must be obtained in determining whether a noise source is in compliance with 35 Ill. Adm. Code 901.106.

2) For measurements of non-impulsive sound with no audible discrete tones, octave band sound pressure levels must be obtained in determining whether a noise source is in compliance with 35 Ill. Adm. Code 901.102 and 901.103.

e) Correction Factors

If necessary, correction factors rounded to the nearest 1/2 decibel must be applied to sound pressure level measurements. The correction factors applicable to the measurement system may include, but are not limited to, corrections for windscreen interference and the sound pressure level difference between consecutive field calibrations. Such calibration correction factors must only be used to make negative corrections (subtraction from the field data). In no case must such calibration correction factors be added to the measured sound pressure levels so as to raise the sound pressure level field data. The correction factors applicable to the measurement site may include, but are not limited to, corrections for reflective surfaces and ambient sound.

Section 910.106 Protocols for Determination of Sound Levels

a) The raw data collection procedures for the determination of equivalent continuous sound pressure level (L_eq) are described in this Section using as an example the determination of a 1-hour L_eq corrected for ambient. The following procedures must be used:

1) Using small blocks:

   A) The 1-hour interval is divided into many small blocks of time such that corruption of the data from short-term background transient sound and loss of data can be limited to the corrupted or bad blocks. The block duration in seconds must remain fixed for any measurement hour. The duration must be neither less than 10 seconds nor greater than 100 seconds. For example, if the block
duration is chosen to be 60 seconds (1 minute), then the data collection proceeds for 60, 1-minute periods of measurement.

B) The collected data for each block represent block duration $L_{eq}$ (or sound exposure level (SEL)) in octave bands (or 1/3-octave bands if prominent discrete tones may be present).

C) Data for any block corrupted by one or more short-term background transient sounds must be deleted.

D) After deleting corrupted data blocks, there will be a fixed number of “good” data blocks remaining. This number is designated as $N_{PLNS}$, where PLNS stands for Property-Line-Noise-Source. These remaining “good” blocks must be numbered consecutively. The subscript $i$ is used to denote the numbering of the blocks in time order after corrupted data blocks have been deleted.

E) The data for the $N_{PLNS}$ remaining blocks are time averaged on an energy basis by octave (or 1/3-octave band) using Equation 1 below. In this equation, two subscripts are used, $i$ to designate time and $j$ to designate the specific frequency, either an octave band or 1/3 octave band. The raw, 1-hour $L_{eq}$ in the $j$th frequency band is given by:

$$L_{eqj} = 10 \log \left( \frac{1}{N_{PLNS}} \sum_{i=1}^{N_{PLNS}} 10^{\left( \frac{L_{eqi}}{10} \right)} \right) \quad [\text{Equation 1}]$$

where $L_{eq}$ is the $L_{eq}$ in the $j$th frequency band for the $i$th non-deleted data block.

F) In terms of SEL, the raw SEL in the $j$th frequency band is given by:

$$SEL_j = 10 \log \left( \sum_{i=1}^{N_{PLNS}} 10^{\left( \frac{SEL_{ij}}{10} \right)} \right) \quad [\text{Equation 2}]$$

G) The raw, 1-hour $L_{eq}$ in the $j$th frequency band is given in terms of the corresponding SEL$_j$ by:
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

\[ L_{eqj} = SEL_j + 10 \log \left( \frac{3600}{N_{PLNS} \Delta T} \right) \]  \hspace{1cm} [Equation 3]

Where \( T \) is the block duration in seconds, \( N_{PLNS} \) is the number of non-discarded data blocks, and 3600 is the number of seconds in an hour.

2) Continuous Data Collection.

A) The measuring instrument must be adjusted to continuously measure sound pressure and accumulate \( L_{eq} \) for each block of time. For convenience, the hour may be split into several smaller blocks such as 10, 6-minute blocks or 4, 15-minute blocks, etc.

B) A switch on the measuring instrument must be available to inhibit data collection whenever a short-term background transient sound occurs. This switch shall be used to prevent short-term background ambient sounds from corrupting the data.

C) Data collection must proceed for one hour. The energy average of the several measured \( L_{eqij} \) each weighted by the number of seconds actually accumulated during the \( i \)th block results in the raw, 1-hour \( L_{eq} \) in each frequency band given by:

\[ L_{eqij} = 10 \log \left( \frac{1}{T_{PLNS}} \sum_{i=1}^{N_{PLNS}} T_i \left( \frac{L_{eq}}{10} \right)^{10} \right) \]  \hspace{1cm} [Equation 4]

Where \( L_{eqij} \) is the \( L_{eq} \) in the \( j \)th frequency band for the \( i \)th large block. \( T_i \) is the actual number of seconds of “good” data accumulated in the \( i \)th block of time (e.g., 6 to 15 minutes); and

\[ T_{PLNS} = \sum_{i=1}^{N_{PLNS}} T_i \]  \hspace{1cm} [Equation 5]

3) Minimum data collection requirements:
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

A) Initial Measurement Duration. The property-line-noise-source measurements must proceed initially for one hour. Because of correction for short-term background transient sounds, actual reported data collection time $T$, in seconds, may be less than 3600 seconds (one hour).

i) If small blocks of data are used for data collection, then the total measurement duration in seconds, $T_{PLNS}$ is given by $N_{PLNS} \cdot T$, where $T$ is the length of each block in seconds and $N_{PLNS}$ is the number of non-discarded blocks. If data inhibition is used for data collection, then $T_{PLNS}$ is the number of non-inhibited seconds during the measurement hour. In either case, $T_{PLNS}$ shall be no less than 900 seconds.

ii) If very few blocks were used for data collection, then the duration of each block, $T$, may be too long and should be reduced.

iii) For either data collection method, sounds considered to be short-term transient may actually be part of the long-term background ambient and should be so redefined.

B) Extended Measurement Duration. If $T_{PLNS}$ is less than 900 seconds during the first hour of measurements, the raw data collection procedures shall be appropriately modified and new measurements must proceed for an additional hour. If $T_{PLNS}$ after combining the first and the second hour of measurements is also less than 900 seconds, then the raw data collection must continue using the data inhibition method or method employed during the second hour until $T_{PLNS}$ is greater than or equal to 900 seconds.

4) Correction for Long-Term Background Ambient Sound:

A) The raw 1-hour $L_{eq}$ must be corrected for long-term background ambient sound. Subsection (b) of this Section describes methods to obtain the long-term background ambient sound level in the jth frequency band. The correction is dependent on the difference (in decibels) between the raw, 1-hour, jth band property-line-noise-source $L_{eq}$ and corresponding jth band long-term background ambient sound level. The correction to be applied is as follows:
i) If the difference between the raw 1-hour $L_{eq}$ and the long-term background ambient sound is larger than 10 decibels, then the correction shall be set to 0.

ii) If the difference between the raw 1-hour $L_{eq}$ and the long-term background ambient sound difference is less than 3 decibels, then the $j$th frequency-band level, $L_{eqj}$, shall be set equal to 0.

iii) If the difference between the raw 1-hour $L_{eq}$ and the long-term background ambient sound is between 3 and 10 decibels then the correction given in Table 1 below shall be subtracted from the raw, 1-hour property-line-noise-source $L_{eqi}$

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<td>0.6</td>
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<tr>
<td>10</td>
<td>0.5</td>
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B) The long-term background ambient corrected level must be the property-line-noise-source $L_{eqi}$ reported for the $j$th frequency band.

b) Obtaining the background ambient sound level:

1) The background ambient must be measured for the purposes of this Section during a 10-minute interval.

2) Long-term background ambient measurement procedures are similar to
PROCEEDINGS TO MEASURE THE PROPERTY-LINE-NOISE-SOURCE ITSELF. ELIMINATING SHORT-TERM BACKGROUND AMBIENT TRANSIENT SOUNDS FROM THE MEASUREMENT OF AVERAGE LONG-TERM BACKGROUND AMBIENT SOUND PROCEEDS IN A MANNER SIMILAR TO THE MEASUREMENT OF THE PROPERTY-LINE-NOISE-SOURCE EMISSIONS THEMSELVES. THE TWO METHODS FOR MEASUREMENT ARE: TO DIVIDE THE 10-MINUTE MEASUREMENT INTO SHORT BLOCKS OF DATA, OR INHIBIT DATA COLLECTION WHEN SHORT-TERM BACKGROUND TRANSIENT SOUNDS OCCUR. THE SAME METHOD MUST BE USED FOR GATHERING BOTH THE PROPERTY-LINE-NOISE SOURCE DATA AND THE CORRESPONDING LONG-TERM BACKGROUND AMBIENT DATA. THE MEASUREMENT PROCEDURES FOR EACH METHOD ARE GIVEN IN SUBSECTIONS (b) (3), (b) (4) AND (b) (5) OF THIS SECTION:

3) USING SMALL BLOCKS OF DATA

A) THE 10-MINUTE MEASUREMENT OF LONG-TERM BACKGROUND AMBIENT MUST BE DIVIDED INTO SHORT MEASUREMENT BLOCKS. THE DURATION OF THESE BLOCKS SHALL REMAIN CONSTANT DURING THE ENTIRE MEASUREMENT, BOTH WHEN MEASURING THE LONG-TERM BACKGROUND AMBIENT AND WHEN MEASURING THE PROPERTY-LINE-NOISE-SOURCE. THE DURATION OF THIS MEASUREMENT BLOCK IN SECONDS, T, MUST DIVIDE EXACTLY (WITHOUT REMAINDER) INTO 600 AND MUST BE NEITHER GREATER THAN 100 SECONDS NOR LESS THAN 10 SECONDS.

B) ALL DATA FOR ANY MEASUREMENT BLOCK CORRUPTED BY ONE OR MORE SHORT-TERM AMBIENT TRANSIENT SOUNDS MUST BE DISCARDED. THE NUMBER OF REMAINING, NON-DISCARDED MEASUREMENT BLOCKS IS DESIGNATED N_{BA}, WHERE BA STANDS FOR BACKGROUND AMBIENT.

C) THE L_{eq} FOR EACH OCTAVE (OR 1/3 – OCTAVE) BAND ARE TIME-AVERAGED ON AN ENERGY BASIS OVER THE N_{BA} REMAINING MEASUREMENT BLOCKS TO OBTAIN AVERAGE LONG-TERM BACKGROUND AMBIENT L_{eq} PER BAND. EQUATION 1 (SEE SUBSECTION (a) (1) (E) OF THIS SECTION) IS USED FOR THIS CALCULATION WITH N_{BA} REPLACING N_{PLNS} AS THE NUMBER OF ELEMENTAL BLOCKS TO BE SUMMED. THE TOTAL DURATION OF THE MEASUREMENT IN SECONDS, T_{BA}, IS GIVEN BY N_{BA} MULTIPLIED BY T.

4) CONTINUOUS DATA COLLECTION.

A) THE MEASURING INSTRUMENT MUST BE ADJUSTED ACCORDING TO MANUFACTURER’S INSTRUCTIONS TO CONTINUOUSLY MEASURE SOUND PRESSURE AND ACCUMULATE (i.e RECORD) L_{eq}. A SWITCH MUST BE
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

available to inhibit data collection whenever a short-term background transient sound occurs, (and on some instruments, a button may be available to delete the most recent, previous data).

B) The switches or buttons must be used to prevent short-term background ambient sounds from corrupting the data.

C) Data collection must proceed for 10 minutes. The result is the 10-minute, long-term background ambient $L_{eq}$ in each band.

D) $T_{BA}$ is the number of non-inhibited measurement seconds during the 10-minute measurement period.

5) The minimum duration, for either method, $T_{BA}$ must be no less than 150 seconds. If $T_{BA}$ is less than 150 seconds, then the measurement of the long-term background ambient must continue beyond the original 10 minutes and until $T_{BA}$ for the total long-term background ambient measurement is greater than or equal to 150 seconds.

6) Measurement Alternatives. The long-term background ambient-noise should ideally be measured at the potential violation site just before measurement of the property-line-noise-source emissions. However, turning off the property-line-noise-source may not always be possible. The following are a hierarchical order of five procedures for obtaining the long-term background ambient noise. The first four procedures involves direct measurement; the fifth procedure provides for use of tables of values obtained from extensive measurements. These are not equivalent procedures but are ordered from what is considered to be the most accurate to what is considered to be the least accurate procedure.

A) Direct Measurement Procedure –1: With the property-line-noise-source (PLNS) turned off, measure the long-term background ambient noise within the hour before or within the hour after measurement of the PLNS emissions at the location where the PLNS measurements are being taken and with the measurement equipment used for the PLNS measurements.

B) Direct Measurement Procedure-2: With the PLNS turned off, measure the long-term background ambient during a similar time period in terms of background ambient sound level, within one (1) to twenty-four (24) hours before, or within one (1) to twenty-four
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

(24) hours after measurement of the PLNS emissions at the location where the PLNS measurements are being taken and with the measurement equipment used for the PLNS.

C) Direct Measurement Procedure- 3: With the PLNS turned off, measure the long-term background ambient during some other acoustically similar period within one (1) to thirty (30) days before, or within one (1) to thirty (30) days after measurement of the PLNS emissions. This alternate long-term background ambient measurement time might be a Saturday night or anytime during a Sunday or holiday. The measurements would be made at the location where the PLNS measurements are being taken and with the measurement equipment (or like equipment) used for the PLNS measurement.

D) Direct Measurement Procedure-4: With the PLNS turned off, measure the long-term background ambient noise during some other acoustically similar period within thirty (30) to ninety (90) days before, or within thirty (30) to ninety (90) days after measurement of the PLNS emissions. These measurements would be made at the location where the PLNS measurements are being taken and with the measurement equipment (or like equipment) used for the property-line-noise-source measurements.

E) Tables of Long-term Background Ambient Noise. Where none of the alternatives can be used, use the applicable long-term background ambient data taken from Tables A through D in Appendix A of this Part. These tables are organized by predominant land use and time of day (daytime or nighttime). There are separate tables for octave and 1/3- octave bands. The background environments presented in the table are based on extensive measurements conducted in the Chicago area and are divided into the five categories given below in accordance with Bonvallet, G.L., “Levels and Spectra of Traffic, Industrial, and Residential Area Noise,” Journal of the Acoustical Society of America, 23 (4), pp 435-439, July, 1951; and Dwight E. Bishop and Paul D. Schomer, Handbook of Acoustical Measurements and Noise Control, Chapter 50, Community Noise Measurements, 3rd Edition, Cyril M Harris, Editor , McGraw-Hill Book Co., New York (1991).
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

i) Category 1: Noisy commercial and Industrial Areas. Very heavy traffic conditions such as in busy downtown commercial areas, at intersections of mass transportation and other vehicles including the Chicago Transit Authority trains, heavy motor trucks and other heavy traffic, and street corners where motor many buses and heavy trucks accelerate.

ii) Category 2: Moderate Commercial and Industrial Areas, and Noisy Residential Areas. Heavy traffic areas with conditions similar to subsection (b)(6)(E)(i) of this Section but with somewhat less traffic, routes of relatively heavy or fast automobile traffic but where heavy truck traffic is not extremely dense, and motor bus routes.

iii) Category 3: Quiet Commercial and Industrial Areas, and Moderate Residential Areas. Light traffic conditions where no mass transportation vehicles and relatively few automobiles and trucks pass, and where these vehicles generally travel at low speeds. Residential areas and commercial streets and intersections with little traffic comprise this category.

iv) Category 4: Quiet Residential Areas. These areas are similar to Category 3 in subsection (b)(6)(E)(iii) of this Section but for this group the background is either distant traffic or is unidentifiable.

v) Category 5: Very Quiet, Sparse Suburban or Rural Areas. These areas are similar to Category 4 subsection (b)(6)(E)(iv) of this Section but are usually in unincorporated areas and for this group there are few if any near neighbors.


a) Measurement of highly-impulsive sound under Rule 901.104 can be made in two distinct and equally valid ways, namely the general method and the controlled test method.
b) General Method: The general method is to measure the 1-hour, A-weighted $L_{eq}$ (not the octave or 1/3 octave band levels) using essentially one of the two procedures described in 35 Ill. Adm. Code 910.105 and 910.106.

1) The procedure using small blocks of time to collect data is as follows:

   A) The hour must be divided into small blocks and the A-weighted $L_{eq}$ must be measured for each of these small blocks of time. $L_{eq}$ must be measured for the entire hour but data collection must be inhibited whenever a short-term background transient sound occurs.

   B) The duration of each block must be held constant during the hour. This duration in seconds must divide exactly into 900 and must be neither greater than 100 seconds nor less than 10 seconds.

   C) The data for any block corrupted by one or more short-term background ambient sounds must be discarded.

2) The continuous data collection procedures is as follows:

   A) $L_{eq}$ must be measured for the entire hour.

   B) Data collection must be inhibited whenever a short-term background transient sound occurs.

3) Correction for the long-term background ambient must be accomplished using all of the other procedures and requirements enumerated in 35 Ill. Adm. Code 910.105 and 910.106 must be complied with to determine an A-weighted, 1-hour, background-ambient-corrected $L_{eq}$ for the highly impulsive property-line-noise-source under study.

c) Controlled Test Method: For this method, the following procedures must be used:

1) General Measurement Description

   A) The sound exposure per impulse from each separate individual impulsive source is measured.

   B) The total sound exposure per hour from each source is the sound exposure per event multiplied by the number of events per hour.
POLLOUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

C) The grand total sound exposure (SE) per hours is the sum of the sound exposures per hour from each of the separate individual sources.

D) The reported SEL is obtained from the grand total sound exposure (SE) per hour using the following:

\[ SEL = 10 \log (SE) + 94. \]  \hspace{1cm} [Eq. 7]

E) The equivalent level, \( L_{eq} \) corresponding to a SEL measured or predicted for one hour (3600 seconds) is given by:

\[ L_{eq} = SEL - 10 \log (3600). \]  \hspace{1cm} [Eq. 8]

2) Determination of Sound Exposure per Event must be as follows:

A) The sound exposure per event from each, separate, individual source must be determined by measuring the total A-weighted sound exposure for about 10 repetitions of this source. This set of about 10 measurements may be performed continuously over a short period of time, or this set of measurements may be performed over a discontinuous set of measurement periods. In either case, the total measurement duration must be less than 100 seconds.

B) These separate, individual property-line-noise-source controlled measurement must be free of any short-term ambient sounds. If any short-term background transient sounds occur during these measurements, then the measurement must be repeated until measurement data, free of any corrupting short-term background ambient sounds, are obtained.

C) The total measured A-weighted sound exposure for this group of about 10 repetitions must be corrected for long-term background ambient by subtracting the A-weighted long-term background ambient sound exposure. The sound exposure value subtracted must be the long-term A-weighted background ambient sound exposure per second multiplied by the number of seconds used to measure the several source repetitions.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

D) The reported source A-weighted sound exposure per event must be the total corrected sound exposure divided by the number of source repetitions measured.

E) The background ambient must be measured for a short time, at least 30 seconds as near in time to the source measurements as possible, but within ½ hour. The total A-weighted long-term background ambient sound exposure per second is the total measured long-term background ambient sound exposure divided by the number of seconds of background ambient measurement.

F) There must be no short-term background ambient sounds present during the measurement of the long-term background ambient. If any short-term background transient sounds occur during these measurements, then the measurements must be repeated until long-term background ambient measurement data free of any corrupting short-term background ambient sound are obtained.

910.Appendix A Tables of Long-term Background Ambient Noise

910.Table A. Daytime long-term background ambient $L_{eq}$ levels in decibels by land use categories and 1/3 octave-band level.

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### Appendix A Tables of Long-term Background Ambient Noise

#### Table B. Nighttime long-term background ambient $L_{eq}$ levels in decibels by land use categories and 1/3- octave band level.

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POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

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910. Appendix A Tables of Long-term Background Ambient Noise

910. Table C. Daytime long-term background ambient L_{eq} levels in decibels by land use categories and octave band level.
### Appendix A Tables of Long-term Background Ambient Noise

#### Table D. Nighttime long-term background ambient L<sub>eq</sub> levels in decibels by land use categories and octave band level.

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<th>Octave-Band Center Frequency (Hz)</th>
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Notice of Proposed Amendments

1) **Heading of the Part:** The Structural Engineering Licensing Act of 1989

2) **Code Citation:** 68 Ill. Adm. Code 1480

3) **Section Numbers:**
   - 1480.150 Amendment
   - 1480.175 Amendment

4) **Statutory Authority:** Structural Engineering Practice Act of 1989 [225 ILCS 340].

5) **A Complete Description of the Subjects and Issues Involved:** The National Council of Examiners for Engineering and Surveying (NCEEES) has changed the format for the Structural II Examination. Previously the exam for licensure as a structural engineer was divided into 4 parts. Effective with the April 2004 administration, it will consist of 3 parts. Therefore, the October, 2003 administration of the exam will be the last time individuals can receive credit for passing either Structural II AM or Structural II PM of this examination. Various other technical changes are also included.

6) **Will these proposed amendments replace emergency amendments currently in effect?** Yes

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

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

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

10) **Statement of Statewide Policy Objectives (if applicable):** This rulemaking has no impact on local government.

11) **Time, Place and Manner in which interested persons may comment on this proposed rulemaking:**

    Interested persons may submit written comments to:

    Department of Professional Regulation

    Attention: Barb Smith

    320 West Washington, 3rd Floor
DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

Springfield, IL  62786

217/785-0813  Fax #: 217/782-7645

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

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Those employing structural engineers.

B) Reporting, bookkeeping or other procedures required for compliance:

None

C) Types of professional skills necessary for compliance: Structural engineering skills are necessary for licensure.

13) Regulatory Agenda on which this rulemaking was summarized: July 2003

The full text of the Proposed Amendments is the same as the text that appears in the Emergency Amendment published in this issue of the Illinois Register on page 12114:
NOTICE OF PROPOSED AMENDMENT

1) **Heading of the Part:** Child Support Enforcement

2) **Code Citation:** 89 Ill. Adm. Code 160

3) **Section Numbers:**
   - Proposed Action: Amendment
   - 160.60

4) **Statutory Authority:** Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Public Act 93-148

5) **Complete Description of the Subjects and Issues Involved:** The proposed amendments respond to Public Act 93-148 concerning child support amounts that are due from supporting parties. In accordance with the Act, courts shall determine the minimum support amount for two children on the basis of guidelines which increase the amount from 25 percent to 28 percent of the supporting party's net income.

6) **Will these proposed amendments replace emergency amendments currently in effect?** Yes

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

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

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

10) **Statement of Statewide Policy Objectives:** These proposed amendments do not affect units of local government.

11) **Time, Place, and Manner in Which Interested Persons May Comment on this Proposed Rulemaking:** Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

    Joanne Scattoloni

    Office of the General Counsel, Rules Section

    Illinois Department of Public Aid

    201 South Grand Avenue East, Third Floor
The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

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: These proposed amendments were not included on either of the two most recent agendas because:

This rulemaking was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the proposed amendments is identical to the text of the emergency amendments that appears in this issue of the Register on page 12139:
ILLINOIS REGISTER

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

1) **Heading of the Part:** Real Estate License Act of 2000

2) **Code Citation:** 68 Ill. Adm. Code 1450

3) **Section Numbers:**

<table>
<thead>
<tr>
<th>Adopted Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>1450.10</td>
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<tr>
<td>1450.95</td>
</tr>
<tr>
<td>1450.105</td>
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<tr>
<td>1450.110</td>
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<td>1450.270</td>
</tr>
<tr>
<td>1450.275</td>
</tr>
<tr>
<td>1450.276</td>
</tr>
</tbody>
</table>
OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

1450.277  New
1450.278  New
1450.280  Amendment
1450.285  Amendment
1450.286  New
1450.287  New
1450.288  New
1450.290  Amendment
1450.295  Amendment
1450.300  Repeal
1450.305  Amendment
1450.310  Repeal
1450.315  Amendment

4) **Statutory Authority:** Implementing and authorized by the Real Estate License Act of 2000 [225 ILCS 454].

5) **Effective Date of Rule:** July 9, 2003

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

7) **Does this rule contain incorporations by reference?** Yes

8) A copy of the adopted rule is on file in the Office of Banks and Real Estate’s principal office and is available for public inspection.

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

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

10) Has JCAR issued a Statement of Objections to this rule? If answer is "yes," please complete the following: 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 currently in effect? No

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

15) Summary and Purpose of Rule:

The proposed rule implements provisions contained in Public Act 92-217 and clarify portions of the real estate education provisions authorized under the Real Estate License Act of 2000. PA 92-217 established an Audit Fund to provide the Office of Banks and Real Estate (OBRE) with the resources to contract with certified public accountants to conduct audits of escrow accounts held by real estate brokers. Section 1450.246 establishes the basis for contracting with a certified public accountant to conduct such audits and the criteria OBRE must use to assess the cost of such audits to the real estate broker. Section 1450.266 establishes guidelines for advisory letters to licensees from OBRE. Certain portions of Subpart G are also clarified pertaining to the real estate school rules.

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

Jeff Riley
Legislative Liaison
Office of Banks and Real Estate
500 E. Monroe Street
Springfield, IL 62701
217/782-6167

The full text of the adopted rule begins on the next page:
OFFICE OF BANKS AND REAL ESTATE
NOTICE OF ADOPTED AMENDMENTS
TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VIII: OFFICE OF BANKS AND REAL ESTATE
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1450
REAL ESTATE LICENSE ACT OF 2000

SUBPART A: DEFINITIONS
Section 1450.10 Definitions

SUBPART B: LEASING AGENT RULES
1450.15 Leasing Agent General Provisions
1450.20 Leasing Agent Examination Requirement
1450.25 Sponsor Card for Leasing Agents
1450.30 Issuance of Leasing Agent License
1450.35 Termination of Employment of Leasing Agent
1450.40 120 Day Leasing Agent Permit
1450.50 Continuing Education Requirement for Leasing Agents
1450.55 Approved Courses, Schools and Instructors for Leasing Agents

SUBPART C: LICENSING AND EDUCATION
1450.60 Educational Requirements to Obtain a Broker's or Salesperson's License
1450.65 Salesperson and Broker Examinations
OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

1450.70 Applications for Salesperson's and Broker's Licenses by Examination
1450.75 Sponsor Cards for Brokers and Salespersons
1450.80 Branch Offices
1450.85 Corporations, Limited Liability Companies, Partnerships, and Limited Partnerships
1450.90 Assumed Name
1450.95 Fees
1450.100 Nonresident Licensure by Reciprocity
1450.105 Renewals
1450.110 Change of Information
1450.115 Continuing Education
1450.120 Rental Finding Services

SUBPART D: COMPENSATION AND BUSINESS PRACTICES

1450.125 Managing Broker Responsibilities
1450.130 Supervision
1450.135 Discrimination
1450.140 Advertising
1450.145 Internet Advertising
1450.150 Office Identification Signs
1450.155 Display of Licenses
1450.160 Employment Agreements
1450.165 Unlicensed Assistants
OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

1450.170 Corporation for Indirect Payment
1450.175 Special Accounts
1450.180 Record Keeping
1450.185 Disclosure of Compensation
1450.190 Disclosure of Licensee Status
1450.195 Brokerage Agreements and Listing Agreements
1450.200 Written Agreements
1450.205 Referral Fees and Affinity Relationships

SUBPART E: AGENCY RELATIONSHIPS

1450.207 Confidentiality
1450.210 Failure to Disclose Information Not Affecting Physical Condition
1450.215 Licensee Serving as a Dual Agent in a Transaction Where a Licensee is a Party to the Transaction

SUBPART F: DISCIPLINE RULES AND PROCEDURES

1450.220 Unprofessional Conduct
1450.225 Suspension or Denial for Failure to Pay Taxes, Child Support or Any Illinois-Guaranteed Student Loan
1450.230 Temporary Suspension
1450.235 Otherwise Discipline
1450.240 Dissolution: Effect of Suspension or Revocation of Sponsoring Brokers or Managing Brokers
1450.245 Inspections and Audits

1450.246 Audits of Special Funds by Outside Auditors
OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

1450.250 Case File Review Committee
1450.255 Hearings
1450.260 Real Estate Recovery Fund
1450.265 Automatic Termination Upon Order to Payout from the Real Estate Recovery Fund
1450.266 Advisory Letters

SUBPART G: PRE-LICENSE AND CONTINUING EDUCATION SCHOOL RULES

1450.270 Definition of Schools and School Branch (Repealed)
1450.275 Pre-License Schools and Instructors
1450.276 Curriculum for Pre-License Schools
1450.277 Expiration Date and Renewal Period for Pre-License Schools
1450.278 Pre-License Instructors
1450.280 Expiration Date and Renewal Period for Pre-License Schools and Pre-License Instructors
1450.285 Continuing Education Schools and Instructors
1450.286 Curriculum for Continuing Education Schools and Course Registration Process
1450.287 Expiration Date and Renewal Period for Continuing Education Schools
1450.288 Continuing Education Instructors
1450.290 Expiration Date and Renewal Period for Continuing Education Schools and Continuing Education Instructors
1450.295 Distance Education Courses Learning Programs
1450.300 Class Attendance Requirements (Repealed)
1450.305 Recruitment at Test Center
OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

1450.310 Withdrawal of Approval of Schools (Repealed)
1450.315 Discipline of Schools or Instructors

SUBPART H: GRANTING VARIANCES
1450.320 Granting Variances

SUBPART J: TRANSITION RULES
1450.335 Continuing Education – Transition Provisions

AUTHORITY: Implementing the Real Estate License Act of 2000 [225 ILCS 454] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS


SUBPART A: DEFINITIONS

Section 1450.10 Definitions

Unless otherwise clarified by this Part, definitions set forth in the Act also apply for purposes of this Part.

"Act" means the Real Estate License Act of 2000 [225 ILCS 454-455].

"Affidavit of Non-participation" means a sworn statement made by an unlicensed person associated with or an owner of a licensed real estate corporation, limited liability company, partnership, or limited partnership attesting that the unlicensed person is not actively directing or engaging in real estate activities as part of that association or ownership.

"Certificate of registration" means the document issued by OBRE indicating approval of a continuing education course for which CE credit can be granted.

"Compliance agreement" means an agreement entered into between a licensee and OBRE in conjunction with an administrative warning letter.

"Credit hour" means classroom attendance for a minimum of 50 minutes of lecture or its equivalent through a distance education program approved by OBRE.

"Good moral character" means a reliable and trustworthy character as will enable a person to discharge the duties of a real estate licensee in a manner which protects the public's interest and welfare. Evidence of inability to discharge such duties may include the commission of conduct violative of Section 20-20 of the Act.

"Managing broker" means a broker who has supervisory responsibilities for licensees in one or, in the case of a multi-office company, more than one office and who has been appointed as such by the sponsoring broker. Refer to the definition of sponsoring broker below.

"Moral turpitude" means conduct that is inherently base, depraved or vile.

"Office" means a real estate broker's place of business where the general public is invited
OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

to transact business and where records may be maintained and licenses displayed, whether or not it is the broker's principal place of business. When determining whether an office exists the following shall be considered by OBRE:

An office is any business location or structure which is owned, controlled, operated or maintained by a person who, at that location or structure, is:

- engaging in licensed activities;
- offering real estate services to consumers;
- holding out to the public that the person is engaged in the practice of real estate brokerage;
- maintaining original real estate documents and records related to active or pending transactions;
- maintaining current escrow records; or
- meeting consumers for the purpose of engaging in real estate licensed activities.

The following places do not constitute an office:

- a motor vehicle primarily used for transportation;
- a place whose purpose is solely devoted to advertising real estate matters of a general nature or to making a sponsoring broker's business name generally known;
- a place which a licensee uses solely for storage or archiving of records; or
- a licensee's residence unless held out to the public as a location at which real estate brokerage services are available to the public.

A licensee engaged in the practice of real estate brokerage shall maintain an office. If the licensee is sponsored by another, then the office shall be the office of the sponsoring broker.

A post office box, mail drop location, or other similar facility shall not constitute an office, so long as none of the activities described in this definition take place at this facility.
"School branch" means a location where a pre-license school provides instruction other than the sponsoring school's principal location.

"Semester hours" shall be converted into quarter hours at a ratio of 2 semester hours to 3 quarter hours.

"Sole owner" when used to describe a licensee means a licensee who has a 100% ownership interest alone, has ownership as a joint tenant or tenant by the entirety or holds 100% beneficial interest in a land trust.

"Sponsoring broker" means the broker who has issued a sponsor card to a licensed salesperson, another licensed broker, or a leasing agent.

There shall be only one sponsoring broker for any one real estate company. According to the definition herein, the sponsoring broker is the entity holding the company real estate license, whether the entity is an individual who operates as a sole proprietorship, a partnership, limited liability company, corporation or registered limited liability partnership.

The entity that is the sponsoring broker for the real estate company may delegate its duties in accordance with company policy to appropriate company personnel, authorized to act and sign on behalf of the sponsoring broker.

Some examples include but are not limited to:

- the sponsoring broker could authorize a managing broker for the company to sign sponsor cards in the name of the sponsoring broker;
- the sponsoring broker could authorize a qualified company employee or independent contractor to oversee bookkeeping duties relative to the sponsoring broker's escrow account;
- the sponsoring broker may delegate authorized signers for the escrow account to sign on behalf of the sponsoring broker; and
- the sponsoring broker may delegate to authorized company personnel, the ability to sign contracts entered into by the sponsoring broker in accordance with the sponsoring broker's company policy.

(Source: Amended at 27 Ill. Reg. 12018, effective July 9, 2003)
OFFICE OF BANKS AND REAL ESTATE
NOTICE OF ADOPTED AMENDMENTS
SUBPART C: LICENSING AND EDUCATION

Section 1450.95  Fees

a) License of a Leasing Agent.
   1) The application fee for an initial leasing agent license shall be $50.
   2) The application fee to renew a leasing agent license shall be $25 per year.
   3) The late renewal fee for leasing agent licenses renewed after the expiration date of the license shall be $50.
   4) The fee for issuing a 120 day leasing agent permit shall be $25.

b) License of Real Estate Salesperson.
   1) The fee for an initial license as a salesperson is $100. The fee must accompany the application to determine the applicant's fitness to receive a license.
   2) The fee for renewal of a salesperson's license which has not expired shall be calculated at the rate of $25 per year.
   3) The fee for the renewal of a salesperson's license which has been expired for not more than 2 years, as provided for in Section 5-55 of the Act, is the sum of all lapsed renewal fees plus $50.

c) License of Broker.
   1) The fee for an initial license as a broker is $100. The fee must accompany the application to determine an applicant's fitness to receive a license.
   2) The fee for the renewal of a broker's license which has not expired shall be calculated at the rate of $50 per year.
   3) The fee for the renewal of a broker's license which has been expired for not more than 2 years, as provided for in Section 5-55 of the Act, is the sum of all lapsed renewal fees plus $50.

d) License of Partnership, Limited Liability Company, or Corporation.
OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

1) The fee for an initial license for a partnership, limited liability company, or corporation is $100. The fee must accompany the application to determine an applicant's fitness to receive a license.

2) The fee for the renewal of a license for a partnership, limited liability company, or corporation shall be calculated at the rate of $50 per year.

3) The fee for the renewal of a license for a partnership, limited liability company or corporation which has been expired is the sum of all lapsed renewal fees plus $50.

e) License for Branch Office.

1) The fee for an initial license for a branch office is $100. The fee must accompany the application to determine an applicant's fitness to receive a license.

2) The fee for the renewal of a branch office license shall be calculated at the rate of $50 per year.

3) The fee for the renewal of a branch office license which has been expired is the sum of all lapsed renewal fees plus $50.

f) Pre-License School, Instructor, and Course Fees.

1) The fee for an application for initial approval of a pre-license school is $1,000. The fee must accompany the application to determine an applicant's fitness to receive a license.

2) The fee for renewal of approval of a pre-license school shall be calculated at the rate of $500 per year.

3) The fee for the renewal of approval of a pre-license school which has been expired is the sum of all lapsed renewal fees plus $50.

4) The fee for an application for initial approval of a branch for a pre-license school is $150 per branch. The fee must accompany the application to determine an applicant's fitness to receive approval.

5) The fee for renewal of approval of a branch for a pre-license school shall be calculated at the rate of $100 per branch per year.
OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

6) The fee for the renewal of approval of a branch for a pre-license school which has been expired is the sum of all lapsed renewal fees plus $50.

7) The fee for transferring a branch location shall be $25 per transfer.

8) The fee for application for initial approval of a pre-license instructor is $100. The fee must accompany the application to determine the applicant's fitness for approval.

9) The fee for renewal of approval of a pre-license instructor shall be calculated at the rate of $100 per year.

10) The fee for the renewal of approval of a pre-license instructor which has been expired is the sum of all lapsed renewal fees plus $50.

11) The fee for application for initial approval of a pre-license course is $100. The fee must accompany the application for approval.

12) The fee for renewal of approval of a pre-license course shall be calculated at the rate of $25 per year.

13) The fee for the renewal of approval of a pre-license course which has been expired is the sum of all lapsed renewal fees plus $50.

g) Continuing Education School, Instructor, and Course Fees.

1) The fee for an application for initial approval as a continuing education (CE) school shall be $2,000. The fee must accompany the application to determine an applicant's fitness for approval.

2) The fee for renewal of approval as a CE school shall be $2,000 per year.

3) The fee for renewal of approval as a CE school which has expired shall be all lapsed renewal fees plus $50.

4) The fee for an application for initial approval as a CE instructor shall be $50. The fee must accompany the application to determine an applicant's fitness to receive approval.

5) The fee for renewal of approval as a CE instructor shall be $50 per year.

6) The fee for the renewal of approval as a CE instructor which has been
OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

expired shall be all lapsed renewal fees plus $50.

7) The fee for an application for initial approval of a CE course shall be $100. The fee must accompany the application for approval.

8) The fee for renewal of approval of a CE course shall be $25 per year.

9) The fee for renewal of approval of a CE course which has expired shall be all lapsed renewal fees plus $50.

h) General.

1) All fees paid pursuant to the Act and this Section are non-refundable.

2) The fee for the issuance of a duplicate license or pocket card, for the issuance of a replacement license or pocket card for a license or pocket card which has been lost or destroyed, for the issuance of a license with a change of name or address other than during the renewal period, or for the issuance of a license with a change of location of business, is $25.

3) The fee for a certification of a licensee's record for any purpose is $25.

4) The fee for a wall license showing registration shall be the cost of producing the license.

5) The fee for a roster of persons licensed under the Act or for a list of licensees sponsored by the sponsoring broker shall be the cost of producing the roster.

6) Applicants for an examination as a leasing agent, broker, salesperson, or instructor shall be required to pay a fee covering the cost of providing the examination. If a designated testing service is utilized for the examination, the fee shall be paid directly to the designated testing service. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged, shall result in the forfeiture of the examination fee.

7) The fee for requesting a waiver of continuing education requirements pursuant to Section 5-70 of the Act shall be $25.
8) The fee for processing a sponsor card other than at the time of original licensure is $25.

9) The fee for a copy of a transcript of the proceedings under Section 20-60(h) of the Act shall be the cost of a copy of the transcript. A copy of the balance of the record will be provided at OBRE's cost for producing the record.

10) The fee for certifying the record referred to in Section 20-75 of the Act is $1 per page of the record.

11) OBRE may charge an administrative fee not to exceed $500, as a part of a compliance agreement issued with an administrative warning letter pursuant to Section 1450.250(d)(2).

12) Each university, college, community college or school supported by public funds shall be exempt from the school licensure fees provided each university, college, community college or school meets the following criteria:

   A) the facility is supported by public funds;
   
   B) the instructors are considered full-time faculty and are supported by public funds or if the administrator of the real estate school/program/curricula is considered full-time with exclusive responsibility for the administration of the real estate school/program/curricula and is supported by public funds;
   
   C) the program, pre-license and/or continuing education, revenues are deposited into the general fund of the university, college, community college or school as are other appropriated public funds; and
   
   D) the program, pre-license and/or continuing education, is not a for-profit division of the university, college, community college or school.

(Source: Amended at 27 Ill. Reg. 12018, effective July 9, 2003)

Section 1450.105 Renewals
OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

a) Every leasing agent license issued under the Act shall expire on July 31 of each even numbered year.

b) Every salesperson's license issued under the Act shall expire on April 30 of each odd numbered year. All salespersons licenses which expire on March 31, 2001, pursuant to the Real Estate License Act of 1983 shall be extended to April 30, 2001.

c) Every broker's license issued under the Act shall expire on April 30 of each even numbered year. All broker's licenses which expire on January 31, 2000, pursuant to the Real Estate License Act of 1983 shall be extended to April 30, 2000. Sponsoring brokers shall also submit a properly completed consent to audit and examine special accounts form.

d) Every license issued to a corporation, limited liability company, partnership, limited partnership, or branch office under the Act shall expire on October 31 of each even numbered year. The holder of the license shall submit the following:

1) A properly completed consent to audit and examine special accounts form; and

2) A properly completed change of business information form as provided for in Section 1450.110 of this Part.

e) Renewal applications shall be submitted on forms provided by OBRE. All renewals shall include the name and license number of the sponsoring broker. Failure to receive a renewal form from OBRE shall not constitute an excuse for failure to pay the renewal fee or to renew one's license.

f) Practicing or offering to practice on an expired or inoperative license shall constitute unlicensed or unauthorized practice and shall be grounds for discipline pursuant to Section 20-20 of the Act.

g) Any leasing agent, salesperson, or broker whose license under the Act has expired is eligible to renew the license without paying any lapsed renewal fees or reinstatement fee provided that the license expired while the licensee was:

1) on active duty with the United States Army, United States Navy, United States Marine Corps, United States Air Force, United States Coast Guard, the State Militia called into the service or training of the United States, or
OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

2) engaged in training or education under the supervision of the United States prior to induction into military service, or

3) serving as the Director or Deputy Director of Real Estate in the State of Illinois, or as an employee of OBRE. A licensee renewing his or her license in accordance with this subsection may renew the license within a period of two years following the termination of service and are not required to take a refresher course or a retest.

h) In accordance with Section 5-55 of the Act, any licensee whose license under this Act has expired for more than 2 years shall not be eligible for renewal of that license. Any licensee whose license has been expired for less than 2 years may renew the license at any time by complying with the requirements of this Part Section, by paying the fees required by Section 1450.95 of this Part and by providing OBRE with evidence that the licensee has satisfactorily completed the required continuing education courses, including six hours per year while the license was expired.

i) In accordance with Section 5-50 of the Act, upon request, OBRE shall prepare and mail to the sponsoring real estate broker a listing of licensees who, according to the records of OBRE, are sponsored by that broker. The sponsoring broker shall notify OBRE concerning any inaccuracies in the listing within 30 days after its receipt.

(Source: Amended at 27 Ill. Reg. 12018, effective July 9, 2003)

Section 1450.110 Change of Information

a) It is the responsibility of each licensee to immediately notify OBRE of any change of name, address, or office location. For example, if the licensee has had a name change either by court order or due to a change in marital status, the licensee shall notify OBRE of the name change together with a certified copy of the marriage certificate or portions of the court order relating to the name change, and indicate under which name the license shall issue. If the licensee regularly practices under a diminutive of their first name (e.g., Meg for Margaret or Mark for Mariusz or Sam for Shamim), last name or a middle name instead of the licensee's full legal name, the licensee shall notify OBRE of the alternate name. To help ensure proper credit, the licensee shall ensure that all continuing education certificates are issued under the name of licensure.

b) It is the responsibility of each sponsoring broker to immediately notify OBRE of
any change of business information.

1) When a licensee acquires or transfers any interest in a corporation, limited liability company, partnership, or limited partnership licensed under the Act, the sponsoring broker shall submit to OBRE a properly completed change of business information form.

2) When a licensee becomes an officer or manager of a corporation, limited liability company, partnership, or limited partnership licensed under the Act, the sponsoring broker shall submit to OBRE a properly completed change of business information form. Any changes in managing brokers, branch or principal offices shall be reported in writing to OBRE within 15 days after the change.

(Source: Amended at 27 Ill. Reg. 12018, effective July 9, 2003)

Section 1450.115 Continuing Education

a) Continuing Education Hour Requirements

1) Pursuant to Article 5 of the Act, each licensee who is required to take continuing education (CE) shall complete 6 hours of CE for each year of the prerenewal period in courses approved by the Advisory Council. Licensees who complete CE after the expiration of a license are eligible for approval of CE only upon payment of all fees required by this Part and completion of the necessary forms.

2) Pursuant to Section 5-70 of the Act, CE requirements apply to those licensees who obtained initial licensure in Illinois on or after January 1, 1977 and those licensees who did not have a license for 15 years as of January 1, 1992. Continuous licensure is not required to be eligible for this exemption. However, if a license has been nonrenewed or expired for a period of 2 years or more, the date of initial licensure, for purposes of this Section, shall be the date of licensure after that nonrenewed period.

3) A renewal applicant is not required to comply with the complete CE requirements for the first renewal following original licensure if:

A) the initial salesperson's license was issued less than one year prior to the expiration date; or
OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

B) the initial broker's license was issued to a person, not already licensed as a salesperson, less than one year prior to the expiration date.

4) A renewal applicant is required to complete 6 hours of continuing education if:

A) the licensee's initial salesperson license was issued more than one year prior to that licensee's first expiration date and less than two years prior to that licensee's first expiration date.

B) a broker's license was issued to a person, not already licensed as a salesperson, more than one year prior to that licensee's first broker expiration date and less than two years prior to that licensee's first broker expiration date.

5) Salespersons and brokers licensed in Illinois but residing and practicing in other states shall comply with the CE requirements set forth in this Section, unless they are exempt pursuant to Section 5-70(a) of the Act or subsections (a)(2) or (a)(3) above.

6) OBRE shall conduct random audits to verify compliance with this Section.

b) Approved Continuing Education

1) CE credit may be earned for verified attendance at or participation in a course which is offered by an approved CE school that meets the requirements set forth in Section 1450.285 of this Part.

2) CE credit may also be earned for completion of a self-study course that is offered by an approved CE school that meets the requirements set forth in Section 1450.295 of this Part.

3) Pursuant to Section 5-70 of the Act, the CE in a curriculum approved by the Education Advisory Council requirement shall be satisfied by successful completion of the following:

A) Core category. A minimum of 6 hours of CE in a curriculum approved by the Education Advisory Council.
OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

B) Elective category. A maximum of 6 hours of CE in the following elective courses:

i) Appraisal;

ii) Property management;

iii) Residential brokerage;

iv) Farm property management;

v) Rights and duties of sellers, buyers and brokers;

vi) Commercial brokerage and leasing;

vii) Real estate financing; and

viii) Other CE courses approved by the Advisory Council (e.g., real estate tax laws).

4) One hour of approved CE shall include at least 50 minutes of classroom instruction and shall be exclusive of any time devoted to taking the examination as set forth in subsection (b)(6) below.

5) Each CE course shall include one or more subjects from either the core category or elective category set forth in subsection (b)(3)(A) or (b)(3)(B), where the individual is in actual attendance, or participates in, or completes self-study. All CE courses shall be a minimum of three hours and shall be offered in three-hour increments. Each three-hour increment shall be from topics in the core or elective category. In no case shall topics from the core and elective category be combined within the same three-hour period. The CE school shall clearly indicate on the certificate of completion the number of hours earned from each CE course and identify whether the completed course was from the core or elective category.

6) Each CE course shall include the successful completion of an examination which measures the attendee's understanding of the course material. A score of at least 70% is required on the examination for successful completion of any CE course.
OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

A) The examination shall be given on-site immediately following any CE course. When a sequence of courses is offered, the examination may be given either at the end of each individual course or it may be given at the end of the sequence of courses so long as the examination covers all aspects of the course material.

B) All examinations, including self-study examinations and retake examinations, shall be proctored by a representative of the approved CE school and shall include at least 25 questions for each three-hour increment of CE earned.

C) No credit for CE shall be given to any licensee unless the examination is successfully completed. The CE school shall allow the attendee one retake within 30 days after a failed examination in order to receive credit for CE. No more than one retake shall be allowed. A licensee failing a retake shall not receive credit for that CE course unless the entire course is retaken and the examination is successfully completed.

7) Self-study CE shall comply with all of the requirements of this Section, except that:

A) Verified attendance is only required for taking the examination.

B) Classroom instruction is not required for self-study CE, as the intent is for the licensees to review and learn the material on their own.

C) Acceptable self-study materials include, but are not limited to, reading material and audio/video cassettes.

D) The examination site for self-study CE shall be determined by the CE school, and it shall be proctored by a representative of the approved sponsor. An approved instructor is not required to proctor the examination.

8) All CE courses shall:

A) Contribute to the advancement, integrity, extension and enhancement of professional skills and knowledge in the practice of real estate;
B) Provide experiences (e.g., role playing, lectures, films) which contain subject matter and course materials relevant to that set forth in Section 5-70 of the Act; and

C) Be developed and presented by persons with education and/or experience in the subject matter of the CE course.

9) Nothing shall prohibit an approved CE school and its instructors from utilizing audio-visual aides or satellite communications with two-way voice interaction in assisting in the presentation of CE courses.

10) Pursuant to Section 5-70(f) of the Act, CE credit may be earned by an approved instructor for teaching an approved CE course or pre-license course also approved for CE. Credit for teaching an approved CE course may only be earned one time per course during a prerenewal period. One hour of teaching is equal to one hour of CE.

11) As provided for in Section 5-75 of the Act, if licensees have earned CE hours offered in another state or territory for which they will be claiming credit toward full compliance in Illinois, each applicant shall submit an application along with a $25 processing fee within 90 days after completion of the CE course and prior to expiration of the license. The Advisory Council shall review and recommend approval or disapproval of the CE course provided the CE school and CE course are substantially equivalent to those approved in Illinois and provided that the course included the successful completion of a proctored examination. In determining whether the CE school and CE course are substantially equivalent the Advisory Council shall use the criteria in Sections 5-70 through 5-85 of the Act and this Section.

12) CE credit shall not be given for CE courses taken in Illinois from schools not pre-approved by OBRE.

13) Except for self-study CE courses, no more than 6 hours of CE may be taken in any calendar day.

c) Certification of Compliance with CE Requirements

1) Each licensee shall certify on the renewal application full compliance with the CE requirements set forth in subsections (a) and (b) of this Section.
2) OBRE may require additional evidence demonstrating compliance with the CE requirements (e.g., certificate of completion, transcript, etc.). It is the responsibility of each renewal applicant as proof of CE completed.

3) When during an audit or compliance review, OBRE determines that a licensee may be deficient in complying with CE requirements, OBRE will notify the licensee, and the sponsoring broker of the licensee, by certified or registered mail, return receipt requested, or other signature restricted delivery service, of the possible deficiency. The licensee shall have 60 days from the date the deficiency notification is mailed to submit to OBRE evidence of compliance with CE requirements.

A) If satisfactory evidence of compliance with CE requirement (as set forth in subsection (c)(2) of this Section) is submitted, OBRE shall notify the licensee by first class mail, that the licensee is in compliance.

B) If the licensee has certified compliance with CE requirements on the licensee's most recent renewal application pursuant to subsection (c)(1) of this Section but cannot submit evidence of having been in compliance on the date the licensee made the certification, the licensee may during the 60 days notice period submit evidence of having attained compliance with CE requirements after the date the certification was made. The submission of evidence of post-certification completion must be accompanied by a non-refundable administrative fee of $25 per course credit hour completed after the date the licensee originally certified compliance. The submission of evidence will not be reviewed or considered if the proper fee does not accompany the submission. Upon submission of the evidence and appropriate fee, the evidence will be reviewed. If the evidence is found to be satisfactory, OBRE shall notify the licensee and the sponsoring broker of the licensee that the licensee is in compliance. Any credit hours submitted for post-certification course completion and found satisfactory may not be used as credit for the next renewal requirements.

C) If the licensee fails to submit within the 60 day notice period satisfactory evidence of compliance with CE requirements, the failure shall be evidence of a violation of Section 20-20(a) of the
OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

Act regarding false or fraudulent representation to obtain a license and the continuing education requirements of Article 5 of the Act. OBRE shall send notice pursuant to Section 20-60 of the Act indicating the commencement of disciplinary proceedings. A copy of this notice shall be sent to the sponsoring broker of the licensee.

(Source: Amended at 27 Ill. Reg. 12018, effective July 9, 2003)

SUBPART D: COMPENSATION AND BUSINESS PRACTICES

Section 1450.140 Advertising

a) Deceptive and misleading advertising includes, but is not limited to, the following:

1) advertising a property that is subject to an exclusive listing agreement with a sponsoring broker other than the licensee's own without the permission of and identifying that listing broker; and

2) failing to remove advertising of a listed property within a reasonable time, given the nature of the advertising, after the earlier of the closing of a sale on the listed property or the expiration or termination of the listing agreement; and.

3) advertising a property at auction as an absolute auction or auction without reserve, when there is a minimum bid or opening bid required.

b) For the purposes of this Section and Section 1450.145 on Internet Advertising, listing information available on a sponsoring broker's or licensee's website, extranet or similar site but behind a firewall or similar device requiring a password, registration or other type of security clearance to access that information shall not be considered advertising.

c) For the purposes of this Section and Section 1450.145 on Internet Advertising, unsolicited marketing of a licensee's real estate brokerage services and farming (prospecting) shall be considered advertising.

d) Nothing in Section 10-30 of the Act shall require a sponsoring broker to include the name of one of its sponsored licensees on signs or other general advertising of the sponsoring broker.
Section 1450.160 Employment Agreements

Every sponsoring broker shall have a written employment agreement with every sponsored licensee they sponsor. This agreement shall be dated and signed by the parties. The agreement shall include, at a minimum, the employment or independent contractor relationship terms, including but not limited to, supervision, duties, compensation, duration, and termination. The term "duration", as used in this Section, is not intended to require a specific termination date, but rather to allow the parties to negotiate the term of the agreement, such as "at will", or a specific length of time, and how the agreement is renewed or terminated, and that these provisions be included in the agreement. The employing broker shall give to every employee and independent contractor a copy of the employment agreement and any modifications.

Section 1450.165 Unlicensed Assistants

a) Licensees under the Act may employ, or otherwise utilize the services of, unlicensed assistants to assist them with administrative, clerical, or personal activities for which a license under the Act is not required.

b) An unlicensed assistant, on behalf of and under the direction of a licensee, may engage in the following administrative, clerical, or personal activities without being in violation of the licensing requirements of the Act. The following list is intended to be illustrative and declarative of the Act and is not intended to increase or decrease the scope of activities for which a license is required under the Act. An unlicensed assistant of a licensee may:

1) answer the telephone, take messages, and forward calls to a licensee;
2) submit listings and changes to a multiple listing service;
3) follow up on a transaction after a contract has been signed;
4) assemble documents for a closing;
5) secure public information from a courthouse, sewer district, water district, or other repository of public information;
6) have keys made for a company listing;
OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

7) draft advertising copy and promotional materials for approval by a licensee;

8) place advertising;

9) record and deposit earnest money, security deposits, and rents;

10) complete contract forms with business and factual information at the direction of and with approval by a licensee;

11) monitor licenses and personnel files;

12) compute commission checks and perform bookkeeping activities;

13) place signs on property;

14) order items of routine repair as directed by a licensee;

15) prepare and distribute flyers and promotional information under the direction of and with approval by a licensee;

16) act as a courier to deliver documents, pick up keys, etc.;

17) place routine telephone calls on late rent payments;

18) schedule appointments for the licensee (this does not include making phone calls, telemarketing, or performing other activities to solicit business on behalf of the licensee);

19) respond to questions by quoting directly from published information;

20) sit at a property for a broker tour which is not open to the public;

21) gather feedback on showings;

22) perform maintenance, engineering, operations or other building trades work and answer questions about such work;

23) provide security;

24) provide concierge services and other similar amenities to existing tenants;
OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

25) manage or supervise maintenance, engineering, operations, building trades and security; and

26) perform other administrative, clerical, and personal activities for which a license under the Act is not required.

c) An unlicensed assistant of a licensee may not perform the following activities for which a license under the Act is required. The following list is intended to be illustrative and declarative of the Act and is not intended to increase or decrease the scope of activities for which a license is required under the Act. An unlicensed assistant of a licensee may not:

1) host open houses, kiosks, or home show booths or fairs;

2) show property;

3) interpret information on listings, titles, financing, contracts, closings, or other information relating to a transaction;

4) explain or interpret a contract, listing, lease agreement, or other real estate document with anyone outside the licensee's company;

5) negotiate or agree to any commission, commission split, management fee, or referral fee on behalf of a licensee; or

6) perform any other activity for which a license under the Act is required.

d) Any licensee who employs an unlicensed assistant shall be responsible for the actions of the unlicensed assistant taken while under the supervision of or at the direction of the licensee.

e) Any licensee who is responsible for the actions of an unlicensed assistant by statute, regulation, contract, or office policy and who permits, aids, assists, or allows an unlicensed assistant to perform any activity for which a license under the Act is required shall be in violation of the Act.

f) Stenographic, clerical, maintenance, engineering, building trades, security, or office personnel not directly engaged in the practice of real estate brokerage as defined in Section 1-10 of the Act are not required to be licensed.

g) A licensee is prohibited from acting as an unlicensed assistant for any licensee.
OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

other than his or her sponsoring broker or a licensee sponsored by the sponsoring broker.

(Source: Amended at 27 Ill. Reg. 12018, effective July 9, 2003)

Section 1450.175 Special Accounts

a) Escrow Moneys Defined.

1) "Escrow moneys" means all moneys, promissory notes or any other type or manner of legal tender or financial consideration deposited with any person for the benefit of the parties to the transaction. A transaction exists once an accepted real estate contract is signed or lease agreed to by the parties. Escrow moneys include without limitation earnest moneys and security deposits, except those security deposits in which the person holding the security deposit is also the sole owner of the property being leased or sold and for which the security deposit is being held.

2) Pursuant to the terms of a written agreement between a licensee and a client, such as a property management agreement, rent moneys paid to a licensee for transmittal to the licensee's client (e.g., the owner) shall not be considered to be "escrow moneys". In addition, other moneys held in a custodial account by a licensee for transmittal to licensee's client, pursuant to the terms of a written agreement, such as a contract for deed, shall not be subject to these escrow rules.

3) Earnest money constitutes escrow moneys whether in the form of personal checks, cashier's checks, money orders, cash, or any other forms of legal tender.

b) Escrow Accounts. Pursuant to Section 20-20(h)(8) of the Act, sponsoring brokers who accept escrow moneys shall maintain and deposit in a special account (hereinafter referred to as an escrow account), separate and apart from personal or other business accounts, all escrow moneys entrusted to them while acting as the real estate brokers, escrow agents, or as the temporary custodians of the funds of others.

1) Such escrow account shall be non-interest bearing, unless the character of the deposit is such that payment of interest thereon is otherwise required by law or unless the principals to the transaction specifically require, in writing, that the deposit be placed in an interest bearing account.
2) If an interest bearing account is required, the recipient of the interest shall be specifically indicated, in writing, by the principals of the transaction.

3) A sponsoring broker may maintain more than one escrow account.

4) An escrow account need not be maintained by a sponsoring broker who does not receive escrow moneys entrusted to him or her while acting as a real estate broker, or as escrow agent, or as temporary custodian of the funds of others.

5) Every escrow account, whether interest bearing or non-interest bearing, shall be maintained at a federally insured depository.

6) Commingling Prohibited. Each sponsoring broker shall deposit only escrow moneys received in connection with any real estate transaction in an escrow account. The sponsoring broker shall not deposit personal funds in an escrow account, except he or she may deposit from his or her own personal funds, and keep in any escrow account, an amount sufficient to avoid incurring service charges relating to the escrow account. The sum shall be specifically documented as being for service charges and the sponsoring broker shall have proof available that the amount of his or her own funds in the escrow account does not exceed the minimum amount required by the depository to maintain the account without incurring service charges. Transfer of funds as provided for in subsection (i)(4) of this Section shall not constitute commingling.

c) The sponsoring broker shall provide a receipt to the payor of any cash constituting escrow funds and shall retain a copy of the receipt.

d) Time of Deposit of Escrow Moneys. All escrow moneys accepted by a sponsoring broker shall be placed in the sponsoring broker's escrow account not later than the next business day following the transaction. A transaction exists once an accepted real estate contract is signed or lease agreed to by the parties. If such funds are received on a day prior to a bank holiday or any other day on which the bank or savings and loan association is closed, such funds shall then be deposited on the next business day upon which the depository is open.

e) A sponsoring broker serving as escrow agent shall notify all principals in writing if a principal fails to tender escrow moneys, when a principal's payment as escrow moneys is dishonored by the financial institution on which it was drawn, or when there appears on the face of the governing contract to be a deficiency in the
amount on deposit.

f) Maintenance of Escrow Moneys on Deposit in Escrow Account. The sponsoring broker shall keep all escrow moneys on deposit in an escrow account until a transaction is consummated or terminated, except to the extent that such escrow moneys, or any part thereof, shall be disbursed according to the provisions set forth in subsection (g).

g) Disbursement of Escrow Moneys. Pursuant to Section 20-20(h)(8) of the Act, the sponsoring broker shall disburse escrow moneys according to the following requirements, however, a sponsoring broker may not disburse funds until they have been honored by the payor's depository.

1) The sponsoring broker must disburse escrow moneys upon consummation or termination of the transaction. Such disbursement must be according to the terms of the contract and must be made not earlier than the day the transaction is consummated or terminated and not later than the next business day following the sponsoring broker's receipt of notice of the consummation or termination, or otherwise in accordance with the written direction of all principals to the transaction or their duly authorized agents.

   A) Commissions and/or fees earned by a sponsoring broker in any transaction shall be disbursed by that broker from the funds deposited in an escrow account no earlier than the day the transaction is consummated or terminated and not later than the next business day after the transaction is consummated or terminated, or otherwise in accordance with the written direction of all principals to the transaction or their duly authorized agents.

   B) Authorized disbursements are those which are made on behalf of, and at the written direction of, all principals to the transaction or their duly authorized agents.

   C) A sponsoring broker shall not withhold, for any period of time, an authorized disbursement of escrow moneys due to any claim for a commission or compensation to any licensee.

2) Pursuant to Section 20-20(h)(8)(i) of the Act, if prior to the consummation or termination of the transaction, the sponsoring broker receives written direction from all of the principals to the transaction or their duly authorized agents agreeing to a disbursement of the escrow moneys, that
broker must disburse the escrow moneys according to the written directions. Such disbursement must be made not later than the next business day following the sponsoring broker's receipt of the last required written direction.

3) The sponsoring broker may release escrow moneys pursuant to Section 20-20(h)(8)(ii) of the Act which allows a sponsoring broker to disburse escrow moneys prior to the consummation or termination of the transaction in accordance with directions providing for the release, payment, or distribution of escrow moneys contained in any written contract signed by the principals to the transaction or their duly authorized agents. In any such case the terms of the contract concerning the release of the escrow moneys shall be adhered to by the sponsoring broker.

4) Pursuant to Section 20-20(h)(8)(iii) of the Act and notwithstanding any other requirements or responsibilities in this Part, if the sponsoring broker receives an order from a court of competent jurisdiction providing for the disbursement of the escrow moneys, that broker must disburse the escrow moneys according to the terms of the order.

5) For the purposes of this Section, "duly authorized agent" shall mean an attorney-in-fact, an attorney-at-law who represents that he or she is acting on behalf of one of the principals to the transaction, or any other person the licensee can prove was authorized to act on behalf of a principal to the transaction.

h) Disputes Regarding Escrow Moneys. In the event of a dispute over the return or forfeiture of any escrow moneys held by the sponsoring broker or if a sponsoring broker has knowledge that any party to a transaction contests or disagrees with an anticipated disbursement of escrow moneys held by that broker, he or she shall continue to hold the deposit in his or her escrow account:

1) until he or she has a written release from all parties or their duly authorized agents consenting to the disposition, in which case the escrow moneys must be disbursed according to the terms of the written direction no later than the next business day after the sponsoring broker's receipt of the last required written release;

2) until a civil action is filed, by either the sponsoring broker or one of the parties, to determine its disposition, at which time payment may be made into court;
OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

3) until the funds are turned over to the State Treasurer or such other appropriate State agency or officer designated pursuant to the Act or the Uniform Disposition of Unclaimed Property Act [765 ILCS 1025], because of inactivity of the account or inability to locate the parties, or inability of the parties to reach a resolution.

If an interpleader action is filed by the sponsoring broker, and the broker is authorized by real estate contract to withdraw from the escrow account those amounts as may be necessary to reimburse the sponsoring broker for costs and reasonable attorney's fees associated with that action, excluding costs and attorney's fees associated with that broker's attempt to collect a commission or fee.

i) Escrow Records. Each sponsoring broker who accepts earnest money shall maintain, in his or her office or place of business, a bookkeeping system in accordance with sound accounting principles, and without limiting the foregoing, such system shall consist of at least the following escrow records as further described below:

1) Journal. A journal shall be maintained for each escrow account. Such journal shall show the chronological sequence in which funds are received and disbursed by the sponsoring broker.

   A) For funds received, such journal shall include the date, the funds were received, the name of the party who delivers such funds to the sponsoring broker, the name of the person on whose behalf the such funds are delivered to that broker and the amount of the such funds so delivered.

   B) For fund disbursement, the such journal shall include the date, the payee, the check number and the amount disbursed.

   C) A running balance shall be shown after each entry (receipt or disbursement).

2) Ledger. A ledger shall be maintained for each transaction. The ledger shall show the receipt and the disbursement of funds affecting a single particular transaction such as between buyer and seller, or landlord and tenant, or the respective parties to any other relationship. The ledger shall include the names of all parties to a transaction, the amount of such funds received by the sponsoring broker and the date of such receipt. The ledger
shall show, in connection with the disbursements of such funds, the date thereof, the payee, the check number and the amount disbursed. The ledger shall segregate one transaction from another transaction. There shall be a separate ledger or separate section of each ledger, as the broker shall elect, for each of the various kinds of real estate transactions (e.g., lease). If the ledger is computer generated from the same data entry from which the journal is generated, the sponsoring broker must maintain copies of the bank deposit slips, bank disbursement slips, or other bank receipts, to account for the data on the ledger.

3) Monthly Reconciliation Statement. Each sponsoring broker shall reconcile, within ten days after receipt of the monthly bank statement, each escrow account maintained by such broker except where there has been no transactional activity during the previous month. Such reconciliation shall include a written work sheet comparing the balances as shown on the bank or savings and loan association statement, the journal and the ledger, respectively, in order to insure agreement between the escrow account and the journal and the ledger entries with respect to such escrow account. Each such reconciliation shall be kept for at least 5 years from the last day of the month covered by such reconciliation.

4) If escrow moneys are transferred from an escrow account to another account for disbursement, the sponsoring broker must maintain a copy of all records reflecting a disbursement from the other account.

5) Master Escrow Account Log. Each sponsoring broker shall maintain a Master Escrow Account Log identifying all escrow bank account numbers, and the name and address of the bank where the escrow accounts are located. The Master Escrow Account Log must specifically include all bank account numbers opened for individual transactions, even if such account numbers fall under another umbrella account number.

6) A sponsoring broker may employ a more sophisticated bookkeeping system based on sound accounting principles, including a system of electronic data processing equipment. However, any such system must contain or produce printed records containing the information required by this Section, although it need not be in the same format as provided for in this Section.

7) OBRE shall have available for distribution, on request, samples of an
OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

approved journal, ledger, monthly reconciliation statement, and Master Escrow Account Log.

8) Pursuant to Section 20-20(h)(9) of the Act, the sponsoring broker shall make available to the real estate enforcement personnel of the OBRE during normal business hours all escrow records and related documents maintained in connection with the practice of real estate within 24 hours after a request.

9) Copies of all Escrow Money Instruments. Except as otherwise provided by law, the broker shall retain copies of all escrow money instruments received from a principal as part of a transaction, including copies of all personal checks, cashier's checks, certified checks, money orders, promissory notes, or other financial instruments. The broker shall also retain copies and/or documentation of all disbursements or transfers into or out of an escrow account.

10) Escrow records shall be retained for 5 years. The escrow records for the immediate prior 2 years shall be maintained in the office location and the balance of the records can be maintained at another location.

11) If escrow records are lost, stolen, or destroyed due to fire, flood or any other circumstances, the broker must report such loss to the OBRE enforcement division within 30 days by signature restricted delivery. The broker must also immediately obtain copies of monthly bank statements, deposit and disbursement receipts, and any other available records, to reconstruct such loss of escrow records.

12) A sponsoring broker may delegate the bookkeeping duties under this Part to another person, including a managing broker, a bookkeeper, certified public accountant, unlicensed assistant, licensed assistant, or sponsored licensee. However, compliance with the bookkeeping duties remain the responsibility of the sponsoring broker. The sponsoring broker is ultimately responsible for the proper administration of the escrow account pursuant to this Part.

j) Sponsored Licensees. Sponsoring brokers shall institute office policies to ensure that the sponsored licensees tender escrow moneys received in compliance with this Part. Sponsored licensees, whether salespersons, brokers, or leasing agents, may not maintain their own escrow accounts.
OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

k) Branch Offices. Branch offices may maintain escrow accounts in compliance with this Part or may transmit all escrow moneys received to the main office, but not to another branch office, for compliance with this Part.

1) If the branch office does maintain escrow accounts, all of the requirements of this Part apply, including maintaining all required escrow records, and submitting to OBRE all required escrow forms.

2) If the branch office does not maintain escrow accounts but instead transmits all escrow moneys received to the main office, all escrow moneys must be transmitted by the branch office to the main office not later than the next business day following the transaction. A transaction exists once an agreement has been reached and an accepted real estate contract signed or lease agreed to by the parties. Even if the branch office transmits all escrow moneys received to the main office, the branch office must maintain records showing the date the escrow moneys were transferred to the main office. The funds received at the main office from a branch office shall be placed in the sponsoring broker's escrow account not later than the next business day following receipt of such funds from the branch office.

l) Escrow Requirements for Property Management Activities. Security deposits shall be maintained in an escrow account for the duration of the lease, unless the tenant waives this requirement in writing. Such waiver, if included in the lease, shall appear in bold print.

m) Notification to OBRE of Identity of Escrow Accounts. Consent to Audit All Accounts.

1) Each sponsoring broker shall, at the time of the original application for licensure and at the time of renewal of licensure, on forms provided by OBRE, file with OBRE the name of the banks, savings and loan associations, or other recognized depositories in which each escrow account is maintained, and the name of each account, and the names of the persons authorized to withdraw funds from such accounts, and shall, as a condition of licensure, consent on such form to the examination and audit of all escrow accounts, notwithstanding whether the account is identified on the form, by OBRE.

2) A new form shall be executed by the sponsoring broker and filed with OBRE within 10 days after the time of a change of depository, method of
OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

doing business, or persons authorized to make withdrawal. A new form shall also be executed each time a new escrow account is opened. However, a new form shall not be required each time a new escrow account is opened for an individual transaction and where such account falls under an umbrella account which has already been identified in a prior form. The identity of each of these individual escrow accounts, however, must be included in the Master Escrow Account Log pursuant to subsection (i)(5) of this Section.

n) Violations. Any licensee who violates any of the provisions of this Part may be deemed to have endangered the public interest pursuant to Section 20(h)(12) of the Act and may be subject to a temporary suspension pursuant to Section 20-65 of the Act.

(Source: Amended at 27 Ill. Reg. 12018 effective July 9, 2003)

Section 1450.200 Written Agreements

a) No licensee shall solicit, accept or execute any contract or other document relating to a real estate transaction which shall contain any blanks with the intention of filling them in after signing or initialing the contract or other document.

b) No licensee shall make any addition to, deletion from or alteration of any signed contract or other document relating to a real estate transaction without the written, telefax or telegraphic consent or direction from all signatories. No licensee shall process any contract or other document that has been altered after being signed, unless each addition, deletion or alteration is signed or initialed by all signatories at the time of the addition, deletion or alteration.

c) A true copy of the original or corrected contract or other document relating to a real estate transaction shall be hand-delivered or mailed within 24 hours of the time of signing or initialing the original or correction to the person signing or initialing the contract or other document.

d) All forms used by licensees intended to become binding real estate contracts shall clearly state this in the heading in large bold type. No licensee shall use a form designated Offer to Purchase when it is intended that the form shall be a binding real estate contract.

(Source: Amended at 27 Ill. Reg. 12018, effective July 9, 2003)
Section 1450.205  Referral Fees and Affinity Relationships

a) No licensee may pay a referral fee to an unlicensed person who is not a principal to the transaction. In order to meet the license requirement, the person receiving the referral fee may be duly licensed as a real estate broker in either Illinois or the person's another state or country of domicile. If the person’s country of domicile does not have a licensing statute for real estate agents, then in order to receive a referral fee the person must comply with the laws, if any of his or her country concerning the practice of real estate brokerage business.

b) No licensee may request a referral fee unless reasonable cause for payment of the referral fee exists. Reasonable cause for payment of a referral fee means that:

1) an actual introduction of a client has been made to a licensee; or
2) a contractual referral fee relationship exists with the licensee.

The fact that reasonable cause to demand a referral fee exists does not necessarily mean that a legal right to the referral fee exists.

c) A licensee is prohibited from interfering with the agency relationship of another licensee or attempting to induce a client to break a listing or an exclusive representation agreement with another licensee for the purpose of replacing that agreement with a new listing or representation agreement in order to obtain a referral fee. For purposes of this Section, an agency relationship shall be deemed to exist when a written, exclusive agency agreement (either a listing or buyer representation agreement) is entered into. Interfering with the agency relationship of another licensee includes, but is not limited to:

1) demanding a referral fee from another licensee without reasonable cause;
2) threatening to take harmful action against the client of another licensee because of their existing agency relationship and in order to obtain a referral fee; or
3) counseling the client of another licensee on how to terminate or amend an existing agency contract in order to obtain a referral fee.

Any activities that involve the communication of corporate relocation policies or benefits to a transferring employee, as long as that communication does not involve advice or encouragement on how to terminate or amend an existing
agency contract shall not be considered interference.

(Source: Amended at 27 Ill. Reg. 12018, effective July 9, 2003)

SUBPART F: DISCIPLINE RULES AND PROCEDURES

Section 1450.220 Unprofessional Conduct

OBRE may suspend, revoke, or take other disciplinary action based upon its finding that the licensee or applicant has engaged in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public. The following descriptions are illustrative of the types of conduct that would constitute "dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public."

a) Failure to act in the best interests of a client.

b) Deliberately misleading a client as to the market value of the property.

c) Failing to advertise the property as obligated by the listing agreement.

d) Deliberately misrepresenting to prospective purchasers or their agents the condition of the property or the availability of access to show the property.

e) Purchasing or transferring of the property through an intermediary in order to conceal the purchase by the licensee.

f) Inducing a seller to list the property through false representations.

g) Inducing a seller through false representations or false promises to transfer the property to the licensee.

h) Taking unfair advantage of a client's or customer's age, disability, or lack of understanding of the English language.

i) Engaging in conduct with the public or other real estate licensees in the practice of real estate in a manner that is abusive, harassing, or lewd.

j) Representing oneself as a sponsoring broker or managing broker without providing the actual supervision and management of the real estate business.

k) Failing to reasonably safeguard confidential information or improperly using confidential information.
Illinois Register
Office of Banks and Real Estate
Notice of Adopted Amendments

1) Obstructing an inspection, audit, investigation, examination, or a disciplinary proceeding by falsifying or wilfully destroying a document which is required to be kept.

m) Any violation of Section 1450.175, Special Accounts, shall be deemed unprofessional conduct.

n) Assisting or inducing a licensee to violate the Act or this Part.

(Source: Amended at 27 Ill. Reg. 12018, effective July 9, 2003)

Section 1450.225 Discipline Suspension or Denial for Failure to Comply with Illinois Tax Acts, Child Support Order or Default on Any Illinois Guaranteed Student Loan

a) If OBRE receives certification that a licensee is in violation of Section 20-35, 20-40, or 20-45 of the Act, OBRE shall notify the licensee, by certified or registered mail, return receipt requested, or other signature restricted delivery, that the licensee may be disciplined unless the licensee provides to OBRE certification that the licensee has complied with all applicable Illinois tax Acts, eliminated the delinquency, eliminated the arrearage or has arranged for payment of the obligations in a manner satisfactory to the appropriate administering agency.

b) If OBRE receives certification that an applicant is in violation of Section 20-35, 20-40, or 20-45 of the Act, OBRE shall notify such applicant, by certified or registered mail, return receipt requested, or other signature restricted delivery, of its intent to deny the applicant a license under the Act, unless the applicant provides to OBRE certification proof that the applicant has complied with all applicable Illinois tax Acts, eliminated the delinquency, eliminated the arrearage or has arranged for payment of the obligations in a manner satisfactory to the appropriate administering agency.

c) For the purposes of this Section "certification Certification" shall mean:

\[1\) a verified statement by the licensee or applicant on an application or renewal form of such delinquency or failure to pay; \]

\[1\)\(2\) a verified statement by the appropriate administering agency of such delinquency, failure to file, or failure to pay or default or satisfaction thereof; or \]
OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

2) a finding by an administrative body, or a finding by a court of competent jurisdiction that the licensee or applicant is delinquent in child support or is liable to pay a certain amount for Illinois taxes or is delinquent or has defaulted on an Illinois guaranteed student loan obligation.

d) A licensee or applicant may participate in a request for a hearing, but the basis for the hearing shall only be for the purpose of proving that the petitioner is not the person for which such failure to pay or delinquency arrearage information was received, that the petitioner has executed a formal, written payment plan with the appropriate administering agency, signed and approved by both parties, or that the petitioner has satisfied the outstanding debt; collateral attack of the certification is not permitted in its entirety.

e) A licensee will be eligible for reinstatement, renewal or issuance upon a showing that the certified failure to file, failure to pay, default arrearage or delinquency has been satisfied and by completing the appropriate application and paying any fees as established by this Part.

(Source: Amended at 27 Ill. Reg. 12018, effective July 9, 2003)

Section 1450.246 Audits of Special Funds by Outside Auditors

a) General Rule. OBRE may cause audits of special accounts of sponsoring brokers to be conducted by licensed certified public accountants under the circumstances and as provided for in this Section.

b) Basis for Audit. Upon receipt of:

1) a complaint from one or more members of the public;

2) information from another regulatory or law enforcement agency; or

3) evidence developed by OBRE;

which causes OBRE to reasonably believe that escrow moneys required to be kept in a special account have been misappropriated, OBRE may contract with a licensed certified public accountant for the purpose of auditing the special accounts of the sponsoring broker responsible for the accounts in question.

c) Definitions. The following terms shall have the meanings set forth in this Section:
OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

1) Reasonable belief. The complaints, information or evidence available to OBRE are of such a nature or have sufficient credibility that a prudent person in the exercise of good judgment would reasonably rely or act upon that information or evidence.

2) Misappropriated or Misappropriation. The use of escrow moneys for a purpose other than that for which the escrow moneys were deposited or that is permitted by the Real Estate License Act of 2000, this Part, or the agreements providing for the handling of the escrow moneys. The mere failure to follow the provisions of Section 1450.175 dealing with the deposit and accounting for escrow moneys shall not constitute misappropriation.

3) Escrow Moneys. Shall have the same definition as set forth in Section 1-10 of the Act.

d) Notice of Audit. OBRE shall notify in writing the sponsoring broker responsible for the special accounts to be audited that an auditor has been retained to audit those special accounts, the identity of the auditor or auditing firm, and the fact that the sponsoring broker shall submit all pertinent records for audit within 30 days after receipt of the written notice.

e) Procedures for Audit. The auditor or OBRE shall contact the sponsoring broker responsible for the special accounts for the purpose of scheduling the audit of the special accounts. The sponsoring broker shall provide the records requested at the scheduled time and location or as otherwise agreed by the sponsoring broker and the auditor or OBRE.

f) Written Report. Any licensed certified public accountant performing an audit for OBRE under the provisions of this Section and the Act shall provide a written report to OBRE, with a copy to the sponsoring broker, detailing the findings of the auditor with specific reference to compliance with the special account requirements of the Act and this Part.

g) Noncompliance and Cost of Audit. The sponsoring broker shall be liable for the cost of the audit if an order is issued by the Commissioner, pursuant to Section 20-60 of the Act, finding that escrow moneys were misappropriated by the sponsoring broker or his, her, or its employees, independent contractors, agents or designees.

(Source: Added at 27 Ill. Reg. 12018, effective July 9, 2003)
Section 1450.266  Advisory Letters

a) OBRE may issue advisory letters on issues dealing with the interpretation and application of the Real Estate License Act of 2000 and this Part.

b) A licensee is entitled to rely upon an advisory letter from OBRE and will not be disciplined by OBRE for actions taken in reliance on the advisory letter. An advisory letter may only be relied upon by the licensee seeking the advisory letter. However, OBRE may change its position prospectively, at which time the licensee who sought the advisory letter will have to meet the new position or policy of OBRE.

c) Although not binding on OBRE, licensees other than the licensee who sought the advisory letter may refer to an advisory letter issued by OBRE as the reason for a licensee’s acts or omissions that result in OBRE considering disciplinary action against the licensee. OBRE will consider such arguments but will not be bound by the advisory letter except as to the licensee who actually sought the advisory letter from OBRE.

d) Requests for advisory letters shall be submitted in writing to OBRE. The request shall include at a minimum the following:

1) the name of the licensee on whose behalf the advisory letter is sought;

2) the factual situation or hypothetical factual situation on which the advisory letter is sought;

3) citations to any provisions of the Act, rules or cases that the licensee or the licensee’s advisor believes is relevant to the issue as well as a discussion of the relevance of the cited material to the issue on which advice is sought; and

4) a statement of the issue or issues on which advice is sought.

e) Because advisory letters will be available through the Freedom of Information Act and may also be published by OBRE, the party requesting the advisory letter should indicate whether the name of the licensee should be disclosed in the advisory letter. If the request for the advisory letter includes a request to keep the name of the licensee or other parties in the letter confidential, then the person requesting the advisory letter shall submit along with the request a second letter using generic business names, for example Licensee A, Company B, for the names to be kept confidential. If OBRE receives such a request, then the published response will only use the generic names.

f) OBRE shall respond to the licensee requesting the advisory letter within 60 days after
receipt of the request by OBRE. The response may be the advisory letter, an estimated time for providing an advisory letter, a request for clarification or additional information, or a statement that OBRE declines to issue an advisory letter as requested with an indication of the reason for declining to issue the advisory letter. OBRE shall provide a copy of all correspondence concerning a request for an advisory letter to the sponsoring broker, if any, of the licensee requesting the advisory letter.

(Source: Added at 27 Ill. Reg. 12018, effective July 9, 2003)

SUBPART G: PRE-LICENSE AND CONTINUING EDUCATION SCHOOL RULES

Section 1450.270 Definition of Schools and School Branch (Repealed)

"Schools", when used in this Part, refer to pre-license schools or continuing education schools as defined in Section 1-10 of the Act. Pre-license schools are those schools licensed by OBRE offering courses in subjects related to real estate transactions, including subjects upon which an applicant is examined in determining fitness to receive a license. Continuing education school refers to any school licensed by OBRE for continuing education in accordance with Section 30-15 of the Act.

A "school branch" means a pre-license or continuing education school other than the sponsoring schools' principal location.

(Source: Repealed at 27 Ill. Reg. 12018, effective July 9, 2003)

Section 1450.275 Pre-License Schools and Instructors

a) In accordance with Section 30-5(a) of the Act, any person or entity seeking approval to provide pre-license education shall submit an application on forms provided by OBRE along with the appropriate fee required by this Part. OBRE shall, after review by the Advisory Council, upon the recommendation of the Advisory Council, approve a pre-license school if it meets certain minimum requirements and pays the required fee as provided described in the Act and this Part, this Section.

b) An approved pre-license school could be:

1) A college or university chartered by its state education authority;

2) A private real estate school, whether operated by a corporation, community organization or any other entity to meet the education
OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

requirements of an applicant for a real estate broker or salesperson license under the Act; or

3) A public real estate school approved by the state education authority, and supported by public taxes.

The program of education for a pre-license school shall:

1) Be approved by the school's governing and/or supervising body;

2) Use instructors who have a valid license as a pre-license instructor as set forth in the Act and Section 1450.278; Have a faculty all of whom meet the qualifications of subsection (f) below;

3) Have a curriculum that conforms to the standards of Section 1450.276 subsection (g) below;

4) Administer a minimum 100 question final course examination as outlined in Section 1450.276 subsection (g)(6) below.

Facilities

1) A pre-license school must provide an office in Illinois or a bordering state for the maintenance of all records, office equipment and office space necessary for customer service.

2) A pre-license school seeking approval of any classroom site shall furnish to OBRE an affidavit setting forth the name of the owner of the premises to be utilized and a copy of the lease, if applicable.

3) The premises, equipment and facilities of the pre-license school shall comply with all applicable community fire codes, building codes, and health and safety standards.

4) The pre-license school is subject to inspection prior to approval or at any time thereafter by authorized representatives of OBRE. The inspection shall be during regular business hours, with at least 24 hours' advance notice of the inspection.

5) No pre-license school shall be maintained in a private residence.
Whenever an approved pre-license school intends to operate a branch location, an application shall be submitted to OBRE filed for each branch location. Each application shall be accompanied by the fee as required by this Part.

No approved pre-license school shall allow the school premises or classrooms to be used during class time by anyone to directly or indirectly recruit students to become affiliated with a licensee for any company. Instructors and school administrators shall promptly report to OBRE any efforts to recruit students.

Administration

1) Pre-License schools shall use only licensed pre-license instructors. Instructors within an adult education, community education or vocational education program at any approved pre-license school shall meet the criteria for approval as set forth in subsection (f) of this Section.

2) No licensed approved pre-license school shall advertise that it is endorsed, recommended, or accredited by OBRE. The pre-license school, however, may indicate that the school is licensed by and the course of study has been approved by OBRE.

3) Before each approved real estate course is to begin, an approved pre-license school shall submit to OBRE, upon its request, a schedule of all courses to be taught and when and where they will be taught. OBRE shall be notified of any changes to that schedule. Submit notice to OBRE where the class is to be taught, title of the course, who is to instruct the class, date and time of the class and estimated class enrollment.

4) The pre-license school shall provide a prospective student prior to enrollment with information that specifies the course of study to be offered, the tuition to be charged, the school's policy regarding refund of unearned tuition when a student is dismissed or withdraws voluntarily or through hardship, any additional fee to be charged for supplies, materials or books that become the property of the student upon payment, and other matters that are material to the relationship between the school and the student (for example: cost of retaking a course, current status of licensure, if any, any disciplinary action taken by OBRE, attendance requirements).
OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

5) Each pre-license school shall maintain for each student a record which shall include the course of instruction undertaken, dates of attendance, and areas of study completed satisfactorily. Each student's record shall be maintained by the pre-license school for a period of 5 years and shall be available for inspection by the student or by OBRE or its designee during regular business hours.

6) Total tuition for any course of instruction offered by the pre-license school shall be the same for all students at any given time.

6)(7) A licensed pre-license school shall upon request give evidence of the financial resources available to equip and maintain the school, as documented by, e.g., a current balance sheet or an income statement.

7)(8) OBRE shall be reimbursed by any out-of-state pre-license school for all reasonable expenses incurred by the inspector to inspect its facilities, in the course of inspection.

e) OBRE shall notify administrative officials of the applicant in writing within 15 days after its approval or disapproval. In the event the applicant is disapproved, the reasons will be detailed and the applicant advised that the applicant may request a hearing as provided for in Section 30-5 of the Act.

f) OBRE shall be notified of all proposed changes in ownership of a pre-license school on forms provided by OBRE 30 days prior to the change in ownership.

f) Qualifications of Pre-License Instructors in Approved Pre-License Schools

The approved pre-license school shall employ only pre-license instructors who have been approved by OBRE and meet the following:

1) Except as provided in subsection (f)(7) below, pass an examination approved by OBRE with a minimum score of 70; and

2) Holds a real estate broker's license for at least the last 3 years and has been engaged in active practice as an Illinois real estate broker; or

3) Is currently admitted to practice law by the Supreme Court of Illinois and for at least 3 years has been engaged in the active practice of law in Illinois; or
OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

4) Is a properly credentialed pre-license instructor of real estate courses who is or has been engaged in the practice of teaching for at least 3 years; or as evidenced by a professional designation such as but not limited to, a designated real estate instructor (DREI); or approved by a college or university's governing body to teach in a real estate degree program; or

5) Is properly licensed or certificated to engage in the business of appraisal, finance and/or related real estate occupations and who is a member of a nationally recognized association in that field, and for at least 3 years has been engaged in that practice; or

6) In the judgment of the Director, is qualified by experience or education, or both, to supervise a course of study pursuant to the provisions of this Section. In determining whether a person is qualified to supervise a course of study under this Section, the Director shall consider:

   A) The individual's teaching experience;
   B) The individual's real estate experience;
   C) Any real estate, business or legal education of the individual;
   D) The results of a personal interview with the individual. The personal interview may be conducted via telephone if it would be overly burdensome and unreasonable for the applicant to personally appear for the interview (e.g., applicant living out of state). Any applicant who the Director has determined does not meet the requirements of this subsection (f)(6)(D) shall be evaluated by the Advisory Council. The Advisory Council shall evaluate the application and make a recommendation to the Commissioner for approval or disapproval of the applicant as a pre-license instructor. OBRE shall issue approval to the applicant or notify the applicant in writing why approval cannot be issued.

7) Previously approved pre-license instructors are exempt from taking the examination as long as they maintain an active instructor's certificate and have no break in active status greater than 2 years.
OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

8) A pre-license school seeking the approval of OBRE for pre-license instructors shall submit an application on forms provided by OBRE and the appropriate fee.

9) No approved pre-license instructor shall be seated for either the salesperson or broker licensure examination except for the purpose of securing a salesperson or brokers license.

g) Curriculum for Pre-License Schools

1) The pre-license school shall offer classroom instruction in the following subjects:

   A) Real Estate Transactions as outlined in subsection (g)(3)(A) below;
   
   B) Brokerage Administration and Contracts and Conveyances as outlined in subsections (g)(3)(B) and (C) below; and
   
   C) In addition to those listed in subsections (g)(1)(A) and (B) above, at least 3 optional courses as outlined in subsection (g)(3) below shall be offered.

2) The application of the pre-license school requesting approval shall include an outline of the content of the courses to be offered. Each outline shall make reference to the textbook used and other material related to the course or subject matter, and shall conform to the approved curriculum outlines prepared by OBRE.

3) Approved courses shall meet the minimum criteria set forth below:

   A) Real Estate Transactions shall include a minimum of 45 class hours. The course shall include instruction in real estate law, types of interest and ownership in real estate, home ownership, legal descriptions, titles, liens, taxes, encumbrances, listing, advertising, appraisal, finance, closings, and professional code of ethics.
   
   B) Brokerage Administration shall consist of a minimum of 15 class hours and shall be mandatory for all broker candidates. The course shall include instruction in Illinois
real estate law and licensure, listings, title search, forms for closing, contract forms, and the broker-salesperson relationship.

C) Contracts and Conveyances shall consist of a minimum of 15 class hours and shall be mandatory for all broker candidates. The course shall include instruction in deeds, fixtures, contracts, real estate closings, foreclosure and redemption, land use controls, landlord/tenant relationship, cooperatives and condominiums.

D) A mandatory course consisting of 15 class hours, which shall include agency, disclosure, environmental issues, license law and other topics in a curriculum approved by the EAC and OBRE.

E) Appraisal shall consist of a minimum of 15 class hours. The course shall include instruction in the appraisal process, real property and value, economic trends, depreciation, land value.

F) Property Management shall consist of a minimum of 15 class hours. The course shall include instruction in fundamentals of tenant-management relationship, property modernization, property maintenance, leases, insurance, commercial property, industrial property, advertising.

G) Financing shall consist of a minimum of 15 class hours. The course shall include instruction in types of financing, sources of financing, mortgages, mortgage documents, closing a mortgage, interest, liens, foreclosure, insurance, mortgage risk, principles of property value, mortgage credit, mortgage analysis, construction loans.

H) Sales and Brokerage shall consist of a minimum of 15 class hours. The course shall include instruction in qualifications and functions of a real estate broker; land utilization; appraisal principles and methods; office organization; selection, training and supervision of salespersons and office personnel; compensation of salesperson listings;
OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

prospects; real estate markets; financial control; and government regulations.

1) Farm Property Management shall include a minimum of 15 class hours. The course shall include instruction in inventorying assets, determining method of operation, tenants, budgeting, crop and livestock production, marketing, tax planning and depreciation, government programs and regulations, insurance and ethics.

2) Real Property Insurance shall include a minimum of 15 class hours. The course shall include instruction in risk, functions of insurance, insurance contracts, types and purposes of insurance.

4) OBRE shall make available to the public upon request copies of the curriculum of any of the courses specified above.

5) If additional elective courses are developed, they shall be approved by OBRE prior to implementation. The courses shall be approved upon determination that the course is at least 15 clock hours in length and constitutes real estate related material.

6) Examinations. Each course shall end in a mandatory final examination for which the minimum pass rate shall be no less than 75%.

7) Changes in ownership, management and curriculum occurring subsequent to the approval of a program shall be approved by OBRE prior to implementation in order for approval to continue uninterrupted.

h) OBRE shall notify officials of the school in writing within 15 days after its approval or disapproval. In the event the pre-license school is disapproved, the reasons thereof will be detailed and the officials advised that the disapproval may be appealed by notifying OBRE, in writing, within 10 days after the receipt of the disapproval.

(Source: Amended at 27 Ill. Reg. 12018, effective July 9, 2003)

Section 1450.276 Curriculum for Pre-License Schools

a) Pre-license schools shall offer, at a minimum, the courses provided for in this
The application for licensure as a pre-license school shall include a list of courses to be offered, an outline and course description for each course along with an examination and answer key. Each outline shall make reference to the textbook used and other material related to the course or subject matter, and shall conform to the approved curriculum outlines prepared by OBRE.

Pre-license schools must provide the following courses:

1) Real Estate Transactions shall include a minimum of 45 class hours. The course shall include instruction in real estate law, types of interest and ownership in real estate, home ownership, legal descriptions, titles, liens, taxes, encumbrances, listing, advertising, appraisal, finance, closings, and professional code of ethics. This course will be required for those wishing to obtain a salesperson’s license.

2) Brokerage Administration shall consist of a minimum of 15 class hours and shall be mandatory for all broker candidates. The course shall include instruction in Illinois real estate law and licensure, listings, title search, forms for closing, contract forms, and the broker-salesperson relationship.

3) Contracts and Conveyances shall consist of a minimum of 15 class hours and shall be mandatory for all broker candidates. The course shall include instruction in deeds, fixtures, contracts, real estate closings, foreclosure and redemption, land use controls, landlord/tenant relationship, cooperatives and condominiums.

4) Advanced Principles 2000 shall consist of a minimum of 15 class hours and shall be mandatory for all broker candidates and shall include agency, disclosure, environmental issues, escrow, license law and other topics approved by the EAC and OBRE.

Pre-license schools shall provide two or more of the following courses:

1) Appraisal shall consist of a minimum of 15 class hours. The course shall include instruction in the appraisal process, real property and value, economic trends, depreciation and land value.

2) Property Management shall consist of a minimum of 15 class hours. The course shall include, but not be limited to, instruction in fundamentals of
OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

tenant-management relationship, property modernization, property maintenance, leases, real property insurance, commercial property, industrial property and advertising.

3) Financing shall consist of a minimum of 15 class hours. The course shall include instruction in types of financing, sources of financing, mortgages, mortgage documents, closing a mortgage, interest, liens, foreclosure, real property insurance, mortgage risk, principles of property value for mortgage credit, mortgage analysis and construction loans.

4) Sales and Brokerage shall consist of a minimum of 15 class hours. The course shall include instruction in qualifications and functions of a real estate broker; land utilization; appraisal principles and methods; office organization; selection, training and supervision of salespersons and office personnel; compensation of salesperson listings; prospects; real estate markets; financial control; and government regulations.

5) Farm Property Management shall include a minimum of 15 class hours. The course shall include instruction in inventorying assets, determining method of operation, tenants, budgeting, crop and livestock production, marketing, tax planning and depreciation, government programs and regulations, insurance and ethics.

6) Real Property Insurance shall include a minimum of 15 class hours. The course shall include instruction in risk, functions of insurance, insurance contracts, types and purposes of insurance.

7) Other courses as approved from time to time by OBRE. If additional elective courses are developed, they shall be approved by OBRE prior to implementation. The courses shall be approved upon determination that the course is at least 15 clock hours (one clock hour equals 50 minutes) in length and constitutes real estate related material.

e) Examinations. Each course shall end in a mandatory proctored final examination consisting of 50 questions for each 15 classroom hours for which the minimum passing score shall be no less than 75%.

f) Attendance at all classes is mandatory; however, credit for absences not to exceed 10% of the class hours may be made up by attendance at make-up classes as provided in subsection (g). Missing any class hours after having the opportunity to make up class hours as provided in subsection (g) shall result in failure of the
OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

g) Each school shall provide time and facilities for conducting make-up classes for students who were absent from the regularly scheduled class period.

(Source: Amended at 27 Ill. Reg. 12018, effective July 9, 2003)

Section 1450.277 Expiration Date and Renewal Period for Pre-License Schools

a) Every pre-license school and school branch license as well as their course approvals shall expire on June 30 of each odd numbered year.

b) Each pre-license school shall be responsible for submitting an application for renewal of the license on forms provided by OBRE. Failure to receive a renewal form shall not constitute a valid reason for failure to submit a renewal application or pay the renewal fee or to renew the appropriate license.

c) The applicable fees shall be those set forth in Section 1450.95 of this Part.

d) As part of the renewal application each pre-license school shall submit a list of courses, an outline, course description and examination answer key for each course to be taught.

e) Operation of a pre-license school on an expired or inoperative license shall constitute the unlicensed or unauthorized practice and may be grounds for discipline.

f) Any pre-license school or school branch whose license under the Act has expired for more than two years shall not be eligible for renewal of that license.

Any pre-license school whose license has been expired for less than two years may renew the license only after providing OBRE with evidence that all qualifications of Section 1450.275 have been met and the required fees have been paid.

(Source: Amended at 27 Ill. Reg. 12018, effective July 9, 2003)

Section 1450.278 Pre-License Instructors

a) An applicant for a license as a pre-license instructor must be approved by OBRE and meet the following criteria:
OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

1) Except as provided in subsection (b), pass an examination approved by OBRE with a minimum score of 75 percent, make application for the license within one year after receiving the necessary minimum score, have a real estate broker's license and been active as a real estate broker for at least the last 3 years; and

2) Be currently admitted to practice law by the Supreme Court of Illinois, and for at least 3 years have been engaged in the active practice of law in Illinois; or

3) Be a properly credentialed pre-license instructor of real estate courses who is or has been engaged in the practice of teaching for at least 3 years; or as evidenced by a professional designation such as, but not limited to, a designated real estate instructor (DREI), or approved by a college’s or university's governing body to teach in a real estate degree program; or

4) Be properly licensed or certified to engage in the business of appraisal, finance and/or related real estate occupations and be a member of a nationally recognized association in that field, and for at least 3 years have been engaged in that practice; or

5) In the judgment of the Director of Real Estate, after receipt of a recommendation from the Advisory Council, the person is qualified by experience or education, or both, to supervise a course of study pursuant to the provisions of this Section. In determining whether a person is qualified to supervise a course of study under this Section, the Director shall consider:

   A) The individual's teaching experience;

   B) The individual's real estate experience;

   C) Any real estate, business or legal education of the individual;

   D) The results of a personal interview with the individual. The personal interview may be conducted via telephone if it would be overly burdensome and unreasonable for the applicant to personally appear for the interview (e.g., applicant living out-of-state); and
OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

E) The recommendation of the Advisory Council. The Advisory Council shall evaluate the application and make a recommendation to the Director of Real Estate for approval or disapproval of the applicant as a pre-license instructor.

OBRE shall issue approval to the applicant or notify the applicant in writing why approval cannot be issued.

b) Previously approved pre-license instructors are exempt from taking the examination as long as they have maintained a valid instructor's license, and have no lapse in licensure greater than 2 years.

c) No approved pre-license instructor shall be seated for either the salesperson or broker licensure examination except for the purpose of securing a salesperson’s or broker’s license. Nothing in this provision shall prevent OBRE from using pre-license instructors to monitor and evaluate the examination.

(Source: Amended at 27 Ill. Reg. 12018, effective July 9, 2003)

Section 1450.280 Expiration Date and Renewal Period for Pre-License Schools and Pre-License Instructors

a) Every pre-license school or school branch license shall expire on June 30 of each odd numbered year.

a)b) Pre-license Every pre-license instructor licenses license and every registration of a pre-license course shall expire on June 30 of each odd numbered year.

b)e) Each licensed pre-license school and pre-license instructor shall be responsible for submitting an application for renewal of the license on forms provided by OBRE verifying that a pre-license course was taught during the pre-renewal period by the applicant or the applicant attended an OBRE approved instructor training program during the pre-renewal period. Failure to receive a renewal form shall not constitute a valid reason for failure to submit the renewal form or pay the required renewal fee, or to renew the appropriate license.

c)d) The applicable fees shall be those set forth in Section 1450.95 of this Part.

e) Each pre-license school and pre license instructor shall submit a list of courses to be taught as part of the renewal application.
OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

d) Instructing Operation of a pre-license school or instructing courses on an expired or inoperative license shall constitute the unlicensed or unauthorized practice and may be grounds for discipline, pursuant to Section 20-20 of the Act.

e) Any licensed pre-license instructor whose license under the Act has expired is eligible to renew the license without paying any lapsed renewal fees or reinstatement fees provided that the license expired while the instructor was:

1) on active duty with the United States Army, United States Navy, United States Marine Corps, United States Air Force, United States Coast Guard, the State Militia called into the service or training of the United States; or

2) engaged in training or education under the supervision of the United States prior to induction into military service; or

3) serving as the Director of Real Estate in the State of Illinois, or as an employee of OBRE.

A pre-license instructor renewing his or her license in accordance with this subsection (e) may renew the license within a period of two years following the termination of service and is not required to retest or reapply.

f) Except as otherwise provided in this Section In accordance with Section 30-5 of the Act, any pre-license school or school branch, or pre-license instructor whose license under the Act has expired for more than two years shall not be eligible for renewal of that license, licensure.

1) Any pre-license school or pre-license instructor whose license has expired for less than two years may renew the license at any time by complying with the requirements of this Section and by paying the fees required.

2) Any pre-license school or pre-license instructor whose license has been expired for less than two years may renew the license only after providing OBRE with evidence that, in the case of a school, all qualifications of Section 1450.275 have been met. In the case of a pre-license instructor, that instructor must show he or she has taught at least one course within the period of licensure or has completed an OBRE approved instructor training program.

g) Any pre-license instructor whose license has been expired for less than two years may renew the license only after providing OBRE with evidence that all
OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

Qualifications of Section 1450.278 have been met, that the instructor taught at least one course within the period of licensure or has completed an OBRE approved instructor training program and the required fee is paid.

(Source: Amended at 27 Ill. Reg. 12018, effective July 9, 2003)

Section 1450.285 Continuing Education Schools and Instructors

a) Approval of continuing education (CE) Schools. Those entities seeking approval as CE schools shall maintain an office in Illinois for maintenance of all records, office equipment and office space necessary for customer service.

1) The CE school's office may be subject to inspection by authorized representatives of OBRE during regular working hours and upon at least 24 hours' notice when OBRE has reason to believe that there is not full compliance with the Act or this Part and that this inspection is necessary to ensure full compliance.

2) OBRE shall be reimbursed by any out-of-state CE school for all reasonable expenses incurred by the inspector to inspect its facilities in the course of the inspection.

3) Entities seeking licensure approval as CE schools shall file a CE school application, on forms provided by OBRE, along with the required fee. The application shall include the following:

A) A list of all CE courses that the CE school is planning to offer during the 12 month period following approval and a list of all instructors the school plans to utilize in the offering of the CE courses. The list shall include the instructor's name, address, and approval number as provided in Section 30-15(f) of the Act. An approved CE school shall not be precluded from offering CE courses or from utilizing instructors not listed in the initial application or subsequent annual renewals if written notice of the CE course and the instructor to be utilized is submitted 30 days prior to the CE course date pursuant to subsection (a)(3)(C)(v) below;

B) An agreement by the applicant that the applicant shall provide to OBRE, upon request, a schedule including the description,
OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

location, date, and time, and name of instructor of each CE course to be offered;

B) The CE school's certification:

i) that the content areas of all CE courses offered by the CE school for CE credit will conform to those listed in Section 5-70(e) of the Act and that CE schools shall not offer for approved credit any of the courses set forth in Section 5-85 of the Act;

ii) that all CE courses offered by the CE school for CE credit will comply with the criteria in the Act and this Part; this Section;

iii) that the CE school will be responsible for verifying attendance at each CE course and providing a certificate of completion signed by the CE school; on forms provided by OBRE.

iv) that Further, that the CE school will maintain its these records for not less than 5 years and shall make these records available for inspection by the licensee or OBRE or its designee during regular business hours;

v) that upon request by OBRE, the CE school will submit evidence as is necessary to establish compliance with this Section and Sections 30-15 through 30-25 of the Act—The evidence shall be required when OBRE has reason to believe that there is not full compliance with the Act and this Part and that this information is necessary to ensure compliance;

vi) that the CE school will submit to OBRE a written notice of a CE course 30 days prior to the CE course date if the program was not listed in the application or any subsequent renewal application. The notice shall include the description, location date and time of the CE course to be offered;

vii) that the CE schools will only offer CE, other than distance
OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

education self-study CE, in an environment that which is conducive to learning (i.e., adequate lighting, seating) and does not jeopardize the health, safety, and welfare of the attendees; and

vi) that financial resources are available to equip and maintain its office in a manner necessary to enable the CE school to comply with Article 30 of the Act, this Section and this Part, documented by a current balance sheet, an income statement or any similar evidence as requested by OBRE;

and.

vii) that upon request the CE school will make available to a licensee who has taken one or more of the CE school’s courses the records dealing with the licensee’s participation in those courses.

D) Evidence of the CE school’s ability to provide the certificates required by Section 30-15(b)(5) of the Act.

4) Validly licensed pre-license CE schools seeking approved to offer CE the courses qualify for a continuing education school license required by Article 5 of the Act shall be deemed to be approved to offer CE programs upon completion of the required an application for approval and the submission of the fee required fee, by Section 1450.95.

5) Within 30 days after the action by the Advisory Council,

5) OBRE shall issue approval to the CE school or notify the CE school, in writing, why approval cannot be issued.

b) Licensed Approved CE schools shall comply with the following:

1) No licensed approved CE school shall allow the premises or classrooms utilized during CE courses to be used by anyone to directly or indirectly recruit students, new affiliates for any company. CE schools and CE instructors shall report to OBRE any efforts to recruit students, licensees.

2) No licensed approved CE school shall advertise that it is endorsed, recommended, or accredited by OBRE. The CE school, however, may indicate that the school and the CE course have been approved by OBRE.
OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

3)\(\text{Licensed Approved}\) CE schools shall utilize in the teaching of approved CE courses only CE instructors who have been licensed approved by OBRE.

4)\(\text{Licensed Approved}\) CE schools shall specify in any advertising promoting CE courses the number of CE hours that may be credited toward Illinois CE requirements for license renewal. Further, licensed approved CE schools shall specify the number of core or elective CE course hours that may be earned by successfully completing the course.

5)\(\text{Licensed Approved}\) All CE courses given by licensed approved CE schools shall be open to all licensees and not be limited to members of a single organization or group.

c) Administration

1) All CE schools shall seek a certificate of registration for all CE courses they plan to offer and shall not offer any CE course until OBRE has issued a certificate of registration for that course. All requests for registration of courses shall include a course description, course outline, examination and answer key.

2) Upon request all CE schools shall also notify OBRE as to all CE instructors they plan to use.

3) The CE school shall be responsible for assuring verified attendance at each CE course or self-study examination. No renewal applicant shall receive CE credit for time not actually spent attending the CE course or when a passing score of 70% on the examination was not achieved.

8) To maintain approved CE school status, each CE school shall submit annually during the 30 days preceding April 1 a school renewal application along with the required fee. The CE school shall be required to submit to OBRE with the renewal application the following:

A) A list of those CE courses planned to be offered in the 12 month period immediately following the renewal period. This list shall include a description, location, date and time the course is planned to be offered.
OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

B) A list of those instructors the school plans to utilize. This list shall include the name, address, and instructor approval number for each.

4)(9) Each licensed approved CE school shall submit to OBRE, on or before the 15th of each month, a graduation report of those licensees passing approved CE courses offered by it during the preceding calendar month.

A) The monthly graduation reports shall, at a minimum, include the following information for each licensee:

i) the licensee's name, address, social security number, and license number;

ii) the CE course school's name and license number; and

iii) the CE course name, course license identification number, course category (core or elective), and credit hours; and, the date and time classes were held.

iv) such other information as may be required by OBRE.

B) If no courses were given by a CE school during the preceding calendar month, that CE school shall report in writing that no courses were given.

C) The monthly graduation reports shall be submitted on forms or in a computer readable format provided by OBRE.

D) There is no processing fee for a monthly graduation report submitted in the computer readable format specified by OBRE. Each monthly graduation report submitted on paper or in a format other than that specified by OBRE shall be accompanied by a processing fee of $.50 per licensee, per course, listed on the report, payable by check to OBRE.

E) A monthly graduation report received by OBRE with a postmark after the day it is due (the 15th day of the month) shall be accompanied by an administrative fee of $200 in addition to the fees set forth in subsection (c)(4)(D) above.
OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

F) If a CE school fails to file monthly graduation reports or a statement saying that no CE courses were given, or fails to pay the required fees, if any, as set forth in subsections (a)(9)(D) and (E) of this Section for three successive months, then the courses offered by that school may be disqualified pursuant to procedures set forth in Section 30-15(d) of the Act until all delinquent graduation reports, processing fees, and administrative fees as set forth in subsections (a)(9)(D) and (E) of this Section have been submitted to and are received by OBRE. OBRE shall send notice to the school of an informal conference before the Advisory Council and of pending disqualification pursuant to Section 30-15(d) of the Act by certified or registered mail, return receipt requested, or by other signature restricted delivery service.

b) Continuing Education Instructors

1) An applicant seeking approval from OBRE to become an approved CE instructor shall submit a completed application, on forms provided by OBRE, along with the required fee as provided for in Section 1450.95 of this Part.

2) An individual applying to become an approved CE instructor shall meet at least one of the following criteria:

A) Licensed and active in practice as a real estate broker for at least the last three years; or

B) Is currently admitted to practice law and for three years has been engaged in real estate related work as part of his or her active practice of law or has taught pre-licensure real estate courses; or

C) Is a properly credentialed instructor of real estate courses who is or has been engaged in the practice of teaching for at least three years; or as evidenced by a professional designation, such as but not limited to a designated real estate instructor (DREI); or approved by a college or university’s governing body to teach in a real estate degree program; or

D) Is properly licensed or certified to engage in the business of appraisal, finance and/or related real estate occupations (not
OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

including real estate salespersons or leasing agents) and for at least three years has been engaged in that practice; or

E) Is qualified by experience or education, or both, to teach CE pursuant to the provisions of Section 30-15(b)(9)(a) of the Act. In determining whether a person is qualified to teach CE under that Section, the Director of Real Estate shall consider the following:

i) The individual's teaching experience;

ii) The individual's real estate experience;

iii) Any real estate, business or legal education of the individual; and

iv) The results of a personal interview with the individual. The personal interview may be conducted via telephone if it would be overly burdensome and unreasonable for the applicant to personally appear for the interview (e.g., applicant living out-of-state). Any applicant who the Director has determined does not meet the requirements of this subsection (d)(b)(2)(E) shall be evaluated by the Advisory Council. The Advisory Council shall evaluate the application and make a recommendation to the Commissioner for approval or disapproval of the applicant as a CE instructor. OBRE shall issue approval to the applicant or notify the applicant in writing why approval cannot be issued.

3) CE instructors approved to teach salesperson and broker pre-license courses, pursuant to Section 1450.275 of this Part, are deemed approved as CE instructors as long as they maintain their approval under Section 1450.275 of this Part, submit an application to OBRE for approval as a CE instructor and pay the required fee.

4) Within 30 days after receipt of an application, OBRE shall issue approval to the applicant or notify the applicant in writing why approval cannot be issued.

(Source: Amended at 27 Ill. Reg. 12018, effective July 9, 2003)
Section 1450.286  Curriculum for Continuing Education Schools and Course Registration Process

a) The following are the subject matters for core (mandatory) courses subject to change by OBRE, through its Advisory Council:

1) license law and escrow
2) fair housing
3) agency.

The following are the subject matters for elective courses subject to change by OBRE, through its Advisory Council:

1) antitrust
2) appraisal
3) property management
4) residential brokerage
5) farm property management
6) rights and duties of sellers, buyers and brokers
7) commercial brokerage and leasing
8) real estate financing
9) environmental
10) technology.

c) Credit hours may be earned for self-study programs approved by the Advisory Council.

d) A broker or salesperson may earn credit for a specific continuing education course only once during the prerenewal period.

e) OBRE shall issue certificates of registration for approved CE courses upon
successful completion of the following process:

1) The person or entity seeking approval for the CE course shall complete and submit the application approved by OBRE for a certificate of registration;

2) The CE course shall be identified as either “core” or “elective” by the applicant;

3) The CE course description, outline, examination and answer key is submitted along with the application;

4) The required fee as provided for in Section 1450.95 of this Part is submitted; and

5) The Advisory Council approves the application for registration of the CE course.

f) CE credit, which shall be limited to 3 hours, may be granted for pre-license courses but only after issuance of a certificate of registration by OBRE following the process provided for in subsection (e) of this Section.

(Source: Added at 27 Ill. Reg. 12018, effective July 9, 2003)

Section 1450.287 Expiration Date and Renewal Period for Continuing Education Schools

a) Every continuing education school license shall expire on June 30 of each even numbered year.

b) Every certificate of registration of a CE course shall expire on June 30 of each even numbered year.

c) Each licensed CE school shall be responsible for renewal of the license on forms provided by OBRE. Failure to receive a renewal form shall not constitute a valid reason for failure to submit the proper application for renewal.

d) The applicable fees shall be those set forth in Section 1450.95 of this Part.

e) Each CE school shall submit the renewal application along with the proper fee and a list of courses to be taught, course descriptions, course outlines.
examinations and answer keys.

**f)** Operation of a CE school on an expired or inoperative license shall constitute the unlicensed or unauthorized practice and shall be grounds for discipline under the Act.

**g)** Any continuing education school whose license under the Act has expired for more than two years shall not be eligible for renewal of that license. Any CE school whose license has been expired for less than two years may renew the license after providing OBRE with evidence that all qualifications of Section 1450.285 have been met and the proper renewal fees have been paid.

(Source: Added at 27 Ill. Reg. 12018, effective July 9, 2003)

**Section 1450.288  Continuing Education Instructors**

**a)** An applicant seeking approval from OBRE to become a licensed CE instructor shall submit a completed application, on forms provided by OBRE, along with the required fee as provided for in Section 1450.95 of this Part.

**b)** An individual applying to become a licensed CE instructor shall meet at least one of the following criteria:

1) Licensed and active in practice as a real estate broker for at least the last three years; or

2) Is currently admitted to practice law and for three years has been engaged in real estate related work as part of his or her active practice of law or has taught pre-licensure real estate courses; or

3) Is a properly credentialed instructor of real estate courses who is or has been engaged in the practice of teaching for at least three years; or as evidenced by a professional designation, such as, but not limited to, a designated real estate instructor (DREI); or approved by a college's or university's governing body to teach in a real estate degree program; or

4) Is properly licensed or certified to engage in the business of appraisal, finance and/or related real estate occupations (not including real estate salespersons or leasing agents) and for at least three years has been engaged in that practice; or
OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

5) Is qualified by experience or education as outlined in Section 30-15(b)(9) of the Act. In determining whether a person is qualified to teach CE under that Section, the Director of Real Estate shall consider the following:

A) The individual's teaching experience;
B) The individual's real estate experience;
C) Any real estate, business or legal education of the individual;
D) The results of a personal interview with the individual. The personal interview may be conducted via telephone if it would be overly burdensome and unreasonable for the applicant to personally appear for the interview (e.g., applicant living out-of-state); and
E) The recommendation of the Advisory Council. The Advisory Council shall make a recommendation to the Director of Real Estate for approval or disapproval of the applicant as a CE instructor.

c) Individuals validly licensed to teach salesperson and broker pre-license courses, pursuant to Section 1450.278 of this Part, are qualified as CE instructors as long as they submit an application to OBRE for licensure as a CE instructor and pay the required fee.

d) OBRE shall notify the applicant in writing within 15 days after its approval or disapproval. In the event the applicant is disapproved, the reasons will be detailed and the applicant advised that the applicant may request a hearing as provided for in Section 30-5 of the Act.

(Source: Added at 27 Ill. Reg. 12018, effective July 9, 2003)

Section 1450.290 Expiration Date and Renewal Period for Continuing Education Schools and Continuing Education Instructors

a) Every continuing education school license shall expire on June 30 of each even numbered year.

a, b) Every continuing education instructor license and registration of a CE course shall expire on June 30 of each even numbered year.
b) Each licensed CE school and CE instructor shall be responsible for renewal of the license on forms provided by OBRE. Failure to receive a renewal form shall not constitute a valid reason to submit the proper application for renewal and for failure to pay the proper renewal fee, or to renew the appropriate license.

c) The applicable fees shall be those set forth in Section 1450.95 of this Part.

e) Each CE school and CE instructor shall submit a list of courses to be taught as part of the renewal application.

d) Teaching Operation of a CE school; or instructing CE courses on an expired or inoperative license shall constitute the unlicensed or unauthorized practice and shall be grounds for discipline pursuant to Section 20-20 of the Act.

e) Any licensed CE instructor whose license under the Act has expired is eligible to renew the license without paying any lapsed renewal fees or reinstatement fees provided that the license expired while the instructor was:

1) on active duty with the United States Army, United States Navy, United States Marine Corps, United States Air Force, United States Coast Guard, or the State Militia called into the service or training of the United States; or

2) engaged in training or education under the supervision of the United States prior to induction into military service; or

3) serving as the Director of Real Estate in the State of Illinois, or as an employee of OBRE.

A CE instructor renewing his or her license in accordance with this subsection may renew the license within a period of two years following the termination of service and is not required to retest or reapply.

f) Any in accordance with Sections 30-20 and 30-25 of the Act, any continuing education school or continuing education instructor whose license under the Act has expired for more than two years shall not be eligible for renewal of that license licensure. 1) Any CE school or CE instructor whose license has expired for less than two years may renew the license at any time by complying with the requirements of this Section and by paying the fees required. 2) Any CE school or CE instructor whose license has been expired for less than two years may renew the license only after providing OBRE with evidence that, in the case of a
CE school, all qualifications of Section 1450.288 1450.285 have been met and the proper renewal fee is paid.

g) Any in the case of a CE instructor, that CE instructor applying for renewal must verify show he or she has taught at least one course within the period of licensure or has completed an OBRE approved instructor training program.

(Source: Amended at 27 Ill. Reg. 12018, effective July 9, 2003)

Section 1450.295 Distance Education Courses Learning Programs

Distance education courses are courses in which instruction does not take place in a traditional face to face classroom situation but rather when instruction takes place through other media. Distance education programs include but are not limited to those that are presented through online courses, interactive classrooms, video conferencing, audio tape, print media, video tape, compact disks and interactive computer.

Distance education courses learning programs shall be affiliated with a licensed pre-license or CE an approved school and meet the curriculum requirements set forth in Section 1450.276 1450.275 and/or Section 1450.286 1450.285 of this Part, as applicable. Distance learning programs mean those courses designed to be taken by means other than attendance in a classroom, e.g., Internet courses or correspondence/home study type courses.

a) Distance education courses must meet all requirements for pre-license or CE courses, whichever is applicable, and any additional requirements established by the Act and this Part.

1) Be approved by OBRE in accordance with Section 30-5 of the Act;

2) Maintain a brief description of each lesson;

3) Maintain a list of approved instructors who prepare each specific lesson;

4) Maintain a list of titles, authors, publishers, and copyright dates of all instructional materials;

5) Require minimum passing scores for all examinations of no less than 75%;

6) Consist of at least 5 lessons and examinations plus one additional final examination of at least 100 questions.
NOTICE OF ADOPTED AMENDMENTS

b) Distance education courses shall be submitted to OBRE for review and approval as provided for in Section 1450.276 or Section 1450.286, whichever is applicable. The program shall develop a written statement of teaching methods to be employed and materials and equipment needed for each course of instruction.

c) Pre-license or CE schools providing distance education courses The program shall establish written policies and procedures for grading examinations and lessons, which shall include provisions for instructor comments, suggestions and written correction of errors. There shall also be written procedures for the prompt return of materials. Copies of these policies shall be provided to OBRE upon request.

d) Schools providing distance education courses The program shall establish performance objectives for each specific course of study.

e) Pre-license schools offering distance education courses The program shall maintain an average passing rate of at least 40% for all students who take the licensure examination for the first time over a 6 month period, either January through June or July through December.

f) Schools providing distance education courses shall provide for a valid licensed instructor to be available during normal business hours to answer student questions.

g) Students shall be allowed to attend the school's regularly scheduled pre-license or CE courses.

h) Each school offering distance education courses shall submit for approval by OBRE the general plans for proctoring exams for distance education courses and each school shall be responsible for the security and integrity of course final examinations and the suitability of the sites and proctors utilized by the school.

(Source: Amended at 27 Ill. Reg. 12018, effective July 9, 2003)

Section 1450.300 Class Attendance Requirements (Repealed)

a) Attendance at all classes is mandatory; however, credit for absences not to exceed 10% of the class hours may be made up by attendance at make-up classes as provided in subsection (b) below. Absences in excess of 10% of class hours shall
result in failure of the course.

b) Each school shall provide time and facilities for conducting make-up classes for students who were absent from the regularly scheduled class period.

(Source: Repealed at 27 Ill. Reg. 12018, effective July 9, 2003)

Section 1450.305 Recruitment at Test Center

Recruitment of test takers to become affiliated with a licensee at test facilities where the Illinois Real Estate Licensing Examination is being conducted is not permitted before, during, or after the examination.

(Source: Repealed at 27 Ill. Reg. 12018, effective July 9, 2003)

Section 1450.310 Withdrawal of Approval of Schools (Repealed)

a) Upon written recommendation of the Board, OBRE shall withdraw, suspend or place on probation the approval of the pre-license school or a continuing education school when the quality of the program fails to continue to meet the established criteria as set forth in this Part or if approval of the school or program was based upon false or deceptive information.

b) If the Board has reason to believe there has been any fraud, dishonesty, or lack of integrity in the furnishing of any documentation for the evaluation of a school or program, it shall refer the matter to the appropriate personnel for investigation and any disciplinary action which might be appropriate under the Act.

c) An approved pre-license school which does not maintain an average passing rate of at least 40% for all students who take the licensure examination for the first time over a 6 month period, either January through June or July through December, shall at the recommendation of the Board, receive a written warning of nonecompliance from OBRE. Approval may be suspended, withdrawn or other disciplinary action taken in accordance with this Part if the school fails to maintain an average passing rate of at least 40% of all students who take the licensure examination for the first time over the next 6 month period.

d) A probation period shall be further defined as a time during which an approved school cannot receive approval for any course additions or changes.

e) A real estate program whose approval is being reconsidered shall be given at least
OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

30 days written notice prior to any reconsideration by the Board. The officials in charge may either submit written comments or request a hearing before the Board.

f) In the event the real estate license of the administrator of an approved school is suspended or revoked, the school approval shall automatically be rescinded.

(Source: Repealed at 27 Ill. Reg. 12018, effective July 9, 2003)

Section 1450.315 Discipline of Schools or Instructors

a) The Advisory Council, after notice, can conduct an informal conference for the purpose of reviewing a school's or instructor's compliance with this Act and this Part. The Advisory Council may make a recommendation to the Board based upon its findings and conclusions resulting from that conference.

b) Upon written recommendation of the Board to the Commissioner, OBRE may refuse to issue or renew a license or certificate of registration, reprimand, fine, withdraw approval, place on probation, suspend, or revoke any license or otherwise discipline any license or certificate of registration, of any real estate pre-license school, pre-license instructor, approved CE school, approved CE instructor, course, or applicant for the license or certificate of registration when, at any time:

1) The quality of the course, instruction or program fails to meet the established criteria as set forth in the Act and this Part.

2) If the license approval was based upon false or deceptive information.

3) If any other professional license, accreditation, certification of the instructor or school is suspended, revoked or otherwise disciplined.

4) When the applicant or licensee has:

   A) subverted or attempted to subvert the integrity of any exam or course, including through improper reproduction of an exam, providing an answer key to an exam, cheating, bribery or otherwise, or aids and abets an applicant or licensee to subvert the integrity of any exam or course;

   B) made any substantial misrepresentation, misleading or untruthful advertising, including without limitation guaranteeing success or a
OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

"pass score" on any exam or in any course or using any trade name or insignia of membership in any educational or any real estate organization of which the applicant or licensee is not a member;

C) taught real estate courses without being qualified, including, but not limited to, being unapproved by OBRE, being unlicensed, having a nonrenewed license or being uncertified, or aids and abets an unqualified individual to teach a real estate course;

D) failed to provide information to OBRE as required under any provision of the Act or this Part; or

E) disregarded or violated any provision of the Act or this Part.

5 If any approved pre-license school fails to maintain an average passing rate of at least 40% for all students who take the licensure examination for the first time over a 6 month period, either January through June or July through December.

c) Disciplinary proceedings shall be conducted by the Board as provided for in the Act and Subpart F of this Part.

d) OBRE may temporarily suspend without hearing the certificate of registration approval for a licensed CE school's courses for failure to comply with the Act or these Rules upon recommendation of the Advisory Council. No CE credit shall be granted to any licensee for completing a CE course for which the certificate of registration approval of OBRE has been temporarily suspended.

(Source: Amended at 27 Ill. Reg. 12018, effective July 9, 2003)
1) Heading of the Part: Child Care
2) Code Citation: 89 Ill. Adm. Code 50
3) Section Numbers: 
   | Adopted Action: |
   | 50.110 | Amendment |
   | 50.610 | New Section |
   | 50.620 | New Section |
   | 50.630 | New Section |
   | 50.640 | New Section |
   | 50.650 | New Section |
4) Statutory Authority: 
   Implementing Article I through IX and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IX and 12-13].
5) Effective Date of Amendments: July 14, 2003
6) Does this rulemaking contain an automatic repeal date? No
7) Do these amendments contain incorporations by reference? No
8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency’s principal office and is available for public inspection.
9) Notice of Proposal Published in Illinois Register:
   February 14, 2003 (27 Ill. Reg. 2522)
10) Has JCAR Issued a Statement of Objections to this Rule? No
11) Difference(s) between proposal and final version:
   The following changes were made in the text of the proposed amendments:
DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Throughout the rule, references to “Illinois State Board of Education (ISBE) Early Childhood Block Grant” were changed to “Illinois State Board of Education (ISBE) pre-kindergarten”.

In Section 50.610(d)(2), “classroom, or home” was deleted after “location”.

Section 50.610(d)(5) was changed to read as follows: “the provider is qualified and eligible to receive child care reimbursement (see Sections 50.240 and 50.410) and is a profit or non-profit early childhood center or licensed family child care home; and”

Section 50.610(e) was changed to read as follows: “If the conditions of eligibility in subsection (d) of this Section are met and the collaboration is approved by the Department, eligibility will be determined in accordance with all current Child Care Rules (see Sections 50.230 and 50.235), as specified by 89 Ill. Adm. Code 50, with the following three exceptions:”

In Section 50.620(a)(1), “or classroom” was deleted.

In Section 50.620(a)(2), “or family child care home” was deleted.

In Section 50.620(a)(3), “classroom or home” was deleted.

In Section 50.620(b), “compliance with” was added after “Department”.

In Section 50.620©(1), ‘collaborative, site, classroom, or home” were deleted.

In Section 50.630(a)(2), “the hours of care allocated to each funding source as well as” was replaced with “how the collaboration has extended service and”. In this Section, “both” was deleted.

In Section 50.630(b), “,if appropriate,” was added after “approving”.

In Section 50.650©, “Collaboration” was added after “Child Care:”

In Section 60.650©(2), “,to report data such as number of children in the Child Care Collaboration Program, cost per child, outcomes, per the items on the form.” was deleted.

No other substantive changes were made to the text of the proposed amendments.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
Will these amendments replace an emergency amendments currently in effect? No

Are there any amendments pending on this Part: No

Summary and Purpose of Rule:

These amendments implement the Child Care Collaboration Program. This rulemaking defines and provides the provisions for this program. These amendments include the following regarding the Child Care Collaboration Program:

Approvable Models of Collaboration;
Requirements for Approval in the Child Care Collaboration Program;
Notification of Eligibility; and
Rules and Reporting for the Child Care Collaboration Program.

In addition, this rulemaking also changes the reference for child care hearings from 89 Ill. Adm. Code 104 to 89 Ill. Adm. Code 14.

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

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
Telephone number: (217) 785-9772

The full text of Adopted Amendments begins on the next page:
DEPARTMENT OF HUMAN SERVICES
NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER IV: DEPARTMENT OF HUMAN SERVICES

SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

PART 50

CHILD CARE

SUBPART A: GENERAL PROVISIONS

Section
50.101 Incorporation by Reference
50.110 Participant Rights and Responsibilities
50.120 Notification of Available Services
50.130 Child Care Overpayments and Recoveries

SUBPART B: APPLICABILITY

Section
50.210 Child Care
50.220 Method of Providing Child Care
50.230 Child Care Eligibility
50.235 Income Eligibility Criteria
50.240 Qualified Provider
50.250 Additional Service to Secure or Maintain Child Care

SUBPART C: PAYMENT FEES
DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section

50.310 Fees for Child Care Services

50.320 Maximum Annual Income and Parent Fee by Family Size, Income Level and Number of Children Receiving Care

SUBPART D: CHILD CARE ABUSE AND NEGLECT

Section

50.410 Provider Eligibility

50.420 Payment for Child Care Services

SUBPART E: GREAT START PROGRAM

Section

50.510 Great START Program

50.520 Method of Providing the Wage Supplement

50.530 Eligibility

50.540 Employer Responsibility

50.550 Notification of Eligibility

50.560 Phase-in of Wage Supplement Scale

50.570 Wage Supplement Scale

50.580 Evaluation

SUBPART F: CHILD CARE COLLABORATION PROGRAM

Section

50.610 Child Care Collaboration Program

50.620 Approvable Models of Collaboration
DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

50.630 Requirements for Approval in the Child Care Collaboration Program

50.640 Notification of Eligibility

50.650 Rules and Reporting for the Child Care Collaboration Program

AUTHORITY: Implementing Articles I through IX and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Apts. I through IX and 12-13].


SUBPART A: GENERAL PROVISIONS

Section 50.110 Participant Rights and Responsibilities

a) Hearings

1) Persons receiving child care services can request hearings, as provided at 89 Ill. Adm. Code 104 14, Subpart A, as appropriate, on issues concerning the appropriateness of, denial of, prompt issuance of, or intended actions to discontinue, terminate, suspend or reduce, child care assistance under this Part.

2) Assistance under this Part will not be continued at the previous level pending a hearing.

b) Child care services received by a family must be reasonably related to the hours of training or employment including the transportation needs of the family.
DEPARTMENT OF HUMAN SERVICES
NOTICE OF ADOPTED AMENDMENTS

c) Parents may choose their child care arrangements, but payments will be subject to all appropriate rules.

d) Parents are responsible for providing income verification and all other information required by the Department in order to determine eligibility for child care services.

e) Parents are responsible for reporting to the Department or its agents all changes in income, employment, family size, number of children receiving care or any other factor that would affect eligibility for child care services. The Department or its agents may schedule a redetermination at any time upon receiving information that could affect eligibility for child care services.

f) Parents must avail themselves of all other available child care services including child care appropriate and available from the Department of Children and Family Services offered to particular categories of caregivers, such as foster parents who are employed and need child care to be foster parents.

(Source: Amended at 27 Ill. Reg. 12090, effective July 14, 2003)

SUBPART F: CHILD CARE COLLABORATION PROGRAM

Section 50.610 Child Care Collaboration Program

a) A Child Care Collaboration is defined as any braiding of Illinois child care subsidy funds or programs with other early childhood funds or programs to create higher quality full day, full year services for eligible families with young children. The purposes of the Department’s Child Care Collaboration Program are:

1) to facilitate collaboration between Illinois child care and other early childhood programs; and

2) to increase the quality and quantity of early care and education for families in Illinois, who are working and/or participating in an approved training/education program, through collaboration.

b) Child care collaborative arrangements approved by the Department under this Section will benefit participating early childhood programs, children, and families by providing a higher quality of care. Head Start, Illinois State Board of Education (ISBE) pre-kindergarten, and child care providers eligible under this Section must be able to demonstrate this increased quality of care.
DEPARTMENT OF HUMAN SERVICES
NOTICE OF ADOPTED AMENDMENTS

c) All Illinois early childhood programs using child care subsidy funds in collaboration with other funding, for example, Head Start or ISBE pre-kindergarten, must comply with this Section.

d) The Department will approve child care collaborative arrangements under this Section provided:

1) the provider can demonstrate how the collaboration improves the quality of care;

2) children are served in one location for their full day of care;

3) parent co-payments are collected and documented according to existing Child Care Rules (see Sections 50.310 and 50.320);

4) the provider can demonstrate how the collaboration is coordinated with the broader local early childhood community and is based on community need;

5) the provider is qualified and eligible to receive child care reimbursement (see Sections 50.240 and 50.410) and is a profit or non-profit early childhood center or licensed family child care home; and

6) the provider is using a child care contract or a child care certificate.

e) If the conditions of eligibility in subsection (d) of this Section are met and the collaboration is approved by the Department, eligibility will be determined in accordance with all current Child Care Rules (see Sections 50.230 and 50.235), as specified by 89 Ill. Adm. Code 50, with the following three exceptions:

1) approved Child Care Collaboration Programs will determine child and/or family eligibility annually;

2) approved Child Care Collaboration Programs will use a 90-day job loss grace period; and

3) children and/or families in approved Child Care Collaboration Programs will maintain indefinite eligibility for child care when the child’s or family’s participation in the collaboration is part of their current TANF
DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Responsibility and Services Plan.

(Source: Added at 27 Ill. Reg. 12094, effective July 14, 2003)

Section 50.620 Approvable Models of Collaboration

a) Approvable models of collaboration for the Child Care Collaboration Program include the following:

1) Two or more center-based agencies. Collaborative arrangements between child care and Head Start or ISBE pre-kindergarten centers in which services are provided and children receive their care in one location.

2) Early childhood providers and family child care homes or networks. Collaborative arrangements between child care and Head Start or ISBE pre-kindergarten programs using family child care homes and/or home networks in which services are provided and children receive their care in one location.

3) One early childhood provider, two types of funding. Child care and Head Start or ISBE pre-kindergarten programs that receive the other type of funding to provide services and children receive their care in one location.

4) Use of child care certificates. Collaborative arrangements in which Head Start or ISBE pre-kindergarten programs use the child care certificate system in which services are provided and children receive their care in one location.

b) Approvable/Approved Child Care Collaboration Programs must demonstrate to the Department compliance with the qualifications outlined in Section 50.630(a) to be approved.

c) Models of Child Care Collaboration that are not approvable under this Section include the following:

1) any arrangements using child care subsidy funding in which children move during the day and are served in more than one location; or

2) any collaborative arrangement using child care subsidy funding in which the provider cannot demonstrate the quality factors listed in Section 50.630(a).
Section 50.630 Requirements for Approval in the Child Care Collaboration Program

a) To be approved by the Department as a Child Care Collaboration Program, providers must demonstrate all four of the following quality items to the Department.

1) Programming Enhancements. Providers must detail exactly how the collaboration improves or will improve the quality of early care and education including, but not limited to: group size; improvements in staff qualifications, salary, and/or retention; enhanced curriculum, educational experiences, and outcomes for children; and comprehensive services, such as family support and health.

2) Extended Service/Continuity of Care. Providers must detail how the collaboration has extended service and how children have stability and continuity of care in location and staffing.

3) Parent Share/Self-Sufficiency. Providers must demonstrate that parent co-payments are being collected and documented, according to Department rule (see Sections 50.310 and 50.320), and how the funds are being used to enhance and/or supplement the collaboration program.

4) Community Collaboration. Providers must demonstrate how the collaboration is coordinated with the larger local early childhood community and how the collaboration is based on community need, including, but not limited to, how the slots are needed in the area, what other services are available, and how the collaboration coordinates or will coordinate positively with other providers. This is especially critical in cases where one agency is collaborating both types of funding.

b) The Department and/or its agents and/or staff will determine eligibility for participation in the Child Care Collaboration Program by reviewing and approving, if appropriate, all requests from providers.

(Source: Added at 27 Ill. Reg. 12094, effective July 14, 2003)
The Department or its agents will notify applicants, in writing, of their acceptance into the Child Care Collaboration Program, and subsequent eligibility to use the accompanying policies detailed in Section 50.610(e), within 60 days after receipt of the provider’s application. Providers that disagree with the eligibility determination may apply for reconsideration by writing to the Chief of the Department’s Bureau of Child Care and Development at the Illinois Department of Human Services Child Care Bureau, 300 Iles Park Place, 2nd Floor, Springfield, Illinois 62764 within 60 days after notification of the original determination. The Chief of the Department’s Bureau of Child Care and Development will make the final decision on eligibility for the program.

(Source: Added at 27 Ill. Reg. 12094, effective July 14, 2003)

Section 50.650 Rules and Reporting for the Child Care Collaboration Program

a) All approved Child Care Collaboration Programs will adhere to all Department rules governing the Illinois Child Care Subsidy Program with the following exceptions:

1) Eligibility for families in an approved Child Care Collaboration Program will be determined annually;

2) Families participating in an approved Child Care Collaboration Program will have a grace period of 90 days subsequent to loss of employment; and

3) Eligibility for care in an approved Child Care Collaboration Program will be indefinite when the child’s or family’s participation in the collaboration is part of their current TANF Responsibility and Services Plan.

b) Approved Child Care Collaboration Programs must maintain their quality standards as specified in Sections 50.610(a) and 50.630(a).

c) All Department-approved Illinois Child Care Collaboration Programs will comply with the following reporting and documentation items:

1) Accurate completion of the Department’s current Child Care Application for each collaboration family, with the appropriate place marked that indicates the family’s participation in an approved collaboration; and

2) Submittal of an annual report to the Department, using a form to be specified by the Department.
DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 27 Ill. Reg. 12094, effective July 14, 2003)
POLLUTIO N CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1) **Heading of the Part:** Sulfur Limitations
2) **Code Citation:** 35 Ill. Adm. Code 214
3) **Section Numbers:**
   - **Adopted Action:**
     - 214.561 Amend
4) **Statutory Authority:** 415 ILCS 5/10 and 27
5) **Effective Date of Amendments:** July 11, 2003
6) **Does this rulemaking contain an automatic repeal date?** No
7) **Do these amendments contain incorporations by reference?** No
8) The adopted amendments, including any material incorporated by reference, are on file in the Board’s Chicago office and are available for public inspection.
9) **Notice(s) of Proposal Published in Illinois Register:**
   - 27 Ill. Reg. 2578; February 14, 2003
10) **Has JCAR issued a Statement of Objections to these amendments?** No
11) **Differences between proposal and final version:**
    - The Board made only minor, nonsubstantive changes to the text published at first notice.
12) **Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR?** 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:**
    A full description of this rulemaking is contained in the Board’s final opinion and order in R02-21; Petition of Central Illinois Light Company (E. D. Edwards Generating Station) for a Site Specific Air Regulation: 35 Ill. Adm. Code 214.561 (June 5, 2003), which is available from the address listed below. The rulemaking was initiated by a
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

proposal filed by Central Illinois Light Company (E.D. Edwards Generating Station) to amend Section 214.561. A hearing was held in Peoria on October 11, 2002. In summary, the adopted amendment makes permanent relief granted to the petitioner in a Board variance order issued on April 15, 1999, PCB 99-80. The rule amends 35 Ill. Adm. Code 214.561 with respect to the requirements for the operation of Boiler 2 at petitioner’s facility near Peoria in Peoria County. The adopted amendments grant an average station-wide SO₂ emission limit of 4.71 lbs/mmBtu over all three boilers with a maximum SO₂ limit of 6.6 lbs/mmBtu for each boiler.

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

John Knittle
1717 Philo Road, Suite 25
Urbana, Il. 61802
217/278-3111

Copies of the Board's opinions and orders in R02-21 may be requested from Dorothy M. Gunn the Clerk of the Board at; Illinois Pollution Control Board, James R. Thompson Center, 100 W. Randolph St., Suite 11-500, Chicago, IL 60601. Please refer to the Docket number R02-21 in your request. The June 5, 2003 Board order is also available from the Board’s Web site (www.ipcb.state.il.us)

The full text of the adopted amendments begins on the next page:
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE B: AIR POLLUTION

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER c: EMISSION STANDARDS AND LIMITATIONS FOR STATIONARY SOURCES

PART 214

SULFUR LIMITATIONS

SUBPART A: GENERAL PROVISIONS

Section
214.100 Scope and Organization
214.101 Measurement Methods
214.102 Abbreviations and Units
214.103 Definitions
214.104 Incorporations by Reference

SUBPART B: NEW FUEL COMBUSTION EMISSION SOURCES

Section
214.120 Scope
214.121 Large Sources
214.122 Small Sources

SUBPART C: EXISTING SOLID FUEL COMBUSTION EMISSION SOURCES

Section
214.140 Scope
214.141 Sources Located in Metropolitan Areas
214.142 Small Sources Located Outside Metropolitan Areas
214.143 Large Sources Located Outside Metropolitan Areas

SUBPART D: EXISTING LIQUID OR MIXED FUEL COMBUSTION EMISSION SOURCES
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 214.161 Liquid Fuel Burned Exclusively
214.162 Combination of Fuels

SUBPART E: AGGREGATION OF SOURCES OUTSIDE METROPOLITAN AREAS

Section 214.181 Dispersion Enhancement Techniques
214.182 Prohibition
214.183 General Formula
214.184 Special Formula
214.185 Alternative Emission Rate
214.186 New Operating Permits

SUBPART F: ALTERNATIVE STANDARDS FOR SOURCES INSIDE METROPOLITAN AREAS

Section 214.201 Alternative Standards for Sources in Metropolitan Areas
214.202 Dispersion Enhancement Techniques

SUBPART K: PROCESS EMISSION SOURCES

Section 214.300 Scope
214.301 General Limitation
214.302 Exception for Air Pollution Control Equipment
214.303 Use of Sulfuric Acid
214.304 Fuel Burning Process Emission Source

SUBPART O: PETROLEUM REFINING, PETROCHEMICAL AND CHEMICAL MANUFACTURING

Section 214.380 Scope
214.381 Sulfuric Acid Manufacturing
214.382 Petroleum and Petrochemical Processes
214.383 Chemical Manufacturing
214.384 Sulfate and Sulfite Manufacturing
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

SUBPART P: STONE, CLAY, GLASS AND CONCRETE PRODUCTS

Section
214.400 Scope
214.401 Glass Melting and Heat Treating
214.402 Lime Kilns

SUBPART Q: PRIMARY AND SECONDARY METAL MANUFACTURING

Section
214.420 Scope
214.421 Combination of Fuels at Steel Mills in Metropolitan Areas
214.422 Secondary Lead Smelting in Metropolitan Areas
214.423 Slab Reheat Furnaces in St. Louis Area

SUBPART V: ELECTRIC POWER PLANTS

Section
214.521 Winnetka Power Plant

SUBPART X: UTILITIES

Section
214.560 Scope
214.561 E. D. Edwards Electric Generating Station
214.562 Coffeen Generating Station

Appendix A Rule into Section Table
Appendix B Section into Rule Table
Appendix C Method used to Determine Average Actual Stack Height and Effective
Height of Effluent Release
Appendix D Past Compliance Dates

AUTHORITY: Implementing Section 10 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 1010 and 1027) [415 ILCS 5/10 and 27].

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS


SUBPART X: UTILITIES

Section 214.561  E. D. Edwards Electric Generating Station

Sulfur dioxide emissions from Boiler Nos. 1, 2, and 3 at the Edwards Station may not exceed the limits listed in this Section. CILCO must determine compliance with these limits on a daily basis using the sulfur dioxide methodology of the Phase II Acid Rain Program set forth in 40 CFR 75.

a) The average sulfur dioxide emissions from Boiler Nos. 1, 2, and 3, as a group may not exceed 4.71 pounds per million British thermal units (lb/mmBtu) of actual heat input;

b) The average sulfur dioxide emissions from any one boiler may not exceed 6.6 lb/mmBtu of actual heat input; and

c) Sulfur dioxide emissions for all three boilers, as a group, may not exceed 34,613 pounds per hour, on a 24-hour average basis.

Units 1 and 3 at the E. D. Edwards Electric Generating Station shall not exceed 6.6 pounds of sulfur dioxide per mmBtu of actual heat input (2,838 nanograms per joule). Aggregate emissions from the E. D. Edwards Electric Generating Station on a 24-hour average basis shall not exceed 34,613 pounds of sulfur dioxide per hour.

(Source: Amended at 12101, effective July 11, 2003)
DEPARTMENT OF AGRICULTURE

NOTICE OF EMERGENCY AMENDMENT

1) **Heading of Part:** Livestock Management Facilities Regulations

2) **Code Citation:** 8 Ill. Adm. Code 900

3) **Section Number:** Emergency Action:
   900.407 Amend

4) **Statutory Authority:** 510 ILCS 77

5) **Effective Date of Amendment:** July 1, 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:** None

7) **Date Filed with the Index Department:** July 1, 2003

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) **Reason for Emergency:** A review of Department decisions pursuant to the Administrative Review Law has been found to be improper by circuit courts. This rulemaking therefore deletes reference to Administrative Review Law.

10) **A Complete Description of the Subjects and Issues Involved:** Reference to appeals being taken of Department decisions pursuant to the Administrative Procedure Act is being removed as this provision has been found to be invalid since the Livestock Management Facilities Act does not reference the Administrative Procedure Act.

11) **Are there any proposed amendments to this Part pending?** No

12) **Statement of Statewide Policy Objectives:** Rulemaking does not affect units of local governments.

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

   Warren D. Goetsch, P.E.

   Illinois Department of Agriculture

   State Fairgrounds, P.O. Box 19281
DEPARTMENT OF AGRICULTURE

NOTICE OF EMERGENCY AMENDMENT

Springfield, Illinois 62794-9281

Telephone: 217/785-2427

Facsimile: 217/524-4882

The full text of the emergency amendment begins on the next page:
DEPARTMENT OF AGRICULTURE

NOTICE OF EMERGENCY AMENDMENT

TITLE 8: AGRICULTURE AND ANIMALS

CHAPTER I: DEPARTMENT OF AGRICULTURE

SUBCHAPTER t: WASTE MANAGEMENT

PART 900

LIVESTOCK MANAGEMENT FACILITY REGULATIONS

SUBPART A: GENERAL PROVISIONS

Section
900.101 Applicability
900.102 Severability
900.103 Definitions
900.104 Incorporations by Reference
900.105 Recordkeeping

SUBPART B: SETBACKS

Section
900.201 Applicability
900.202 Procedures
900.203 Penalties

SUBPART C: NOTICE OF INTENT TO CONSTRUCT

Section
900.301 Applicability
DEPARTMENT OF AGRICULTURE

NOTICE OF EMERGENCY AMENDMENT

900.302 Filing
900.303 Procedures
900.304 Establishment of Base Date and Setback Period
900.305 Penalties

SUBPART D: PUBLIC INFORMATIONAL MEETING

Section
900.401 Applicability
900.402 Notice
900.403 Request for Informational Meeting
900.404 Notice of Informational Meeting
900.405 Conduct of Informational Meeting
900.406 County Board Recommendation
900.407 Final Determination

EMERGENCY

900.408 Amendment to Plans
900.409 Construction

SUBPART E: LIVESTOCK WASTE HANDLING FACILITIES OTHER THAN LAGOONS

Section
900.501 Applicability
900.502 Siting Restrictions and Additional Construction Requirements
900.503 Livestock Waste Handling Facilities Not Subject to the Public Informational Meeting Process
DEPARTMENT OF AGRICULTURE

NOTICE OF EMERGENCY AMENDMENT

900.504 Livestock Waste Handling Facilities Subject to the Public Informational Meeting Process

900.505 Inspections

900.506 Certification of Compliance

900.507 Failure to Register or File Construction Plans

900.508 Removal from Service

900.509 Return to Service

900.510 Odor Control

900.511 Perimeter Drainage Tubing Sampling, Analysis and Reporting Procedures

SUBPART F: LAGOON LIVESTOCK WASTE HANDLING FACILITIES

Section

900.601 Applicability

900.602 Lagoon Siting Restrictions and Additional Construction Requirements

900.603 Registration

900.604 Lagoon Construction, Registration, and Certification Inspections

900.605 Certification of Construction

900.606 Failure to Register or Construct in Accordance with Standards

900.607 Lagoon Operational Inspections

900.608 Lagoon Closure

900.609 Odor Control

900.610 Ownership Transfer

900.611 Perimeter Drainage Tubing Sampling, Analysis and Reporting Procedures
ILLINOIS REGISTER

DEPARTMENT OF AGRICULTURE

NOTICE OF EMERGENCY AMENDMENT

SUBPART G:  LAGOON FINANCIAL RESPONSIBILITY

Section

900.701  Scope, Applicability, and Definitions
900.702  Mechanisms for Providing Evidence of Financial Responsibility
900.703  Level of Surety
900.704  Upgrading Surety Instrument
900.705  Release of Lagoon Owner and Financial Institution
900.706  Financial Responsibility Proceeds
900.707  Use of Multiple Surety Instruments
900.708  Use of a Single Surety Instrument for Multiple Lagoons
900.709  Commercial or Private Insurance
900.710  Guarantee
900.711  Surety Bond
900.712  Letter of Credit
900.713  Certificate of Deposit or Designated Savings Account
900.714  Participation in a Livestock Waste Lagoon Closure Fund
900.720  Penalties

SUBPART H:  WASTE MANAGEMENT PLAN

Section

900.801  Purpose
900.802  Scope and Applicability
NOTICE OF EMERGENCY AMENDMENT

DEPARTMENT OF AGRICULTURE

900.803 Waste Management Plan Contents
900.804 Livestock Waste Volumes
900.805 Nutrient Value of Livestock Waste
900.806 Adjustments to Nitrogen Availability
900.807 Targeted Crop Yield Goal
900.808 Nitrogen Credits
900.809 Records of Waste Disposal
900.810 Approval of Waste Management Plans
900.811 Sludge Removal
900.812 Soil Phosphorus Testing
900.813 Phosphorus Based Application
900.814 Plan Updates
900.815 Penalties
900.816 Odor Control

SUBPART I: CERTIFIED LIVESTOCK MANAGER

Section

900.901 Applicability

AUTHORITY: Authorized by Section 55 of the Livestock Management Facilities Act and implementing the Livestock Management Facilities Act [510 ILCS 77] (see P.A. 91-0110, effective July 13, 1999).
DEPARTMENT OF AGRICULTURE

NOTICE OF EMERGENCY AMENDMENT

SOURCE: Adopted at 24 Ill. Reg. 17963, effective January 1, 2001; emergency amendment at 27 Ill. Reg. 12107, effective July 1, 2003, for a maximum of 150 days.

AGENCY NOTE: For chemical designations, in this Part, unless the context clearly indicates otherwise, brackets indicate subscript and parentheses indicate superscript.

SUBPART D: PUBLIC INFORMATIONAL MEETING

Section 900.407 Final Determination

a) Within 15 calendar days after the close of the comment period under Section 900.406 of this Subpart, the Department shall determine:

1) That, more likely than not, the provisions of the Livestock Management Facilities Act [510 ILCS 77] have been met [510 ILCS 77/12.1(a)];

2) That, more likely than not, the provisions of the Livestock Management Facilities Act [510 ILCS 77] have not been met; or

3) That additional information or specific changes are needed in order to assist the Department in making the determination.

b) If the Department determines after an informational meeting that, more likely than not, the provisions of the Livestock Management Facilities Act have been met, the Department shall send written notice by certified mail, return receipt requested, to the applicant and the county board indicating that construction may proceed provided the other applicable provisions of the Livestock Management Facilities Act have been met. [510 ILCS 77/12.1(a)]

c) If the Department determines after an informational meeting that, more likely than not, the provisions of the Livestock Management Facilities Act have not been met, the Department shall send written notice by certified mail, return receipt requested, to the applicant and the county board that construction is prohibited. [510 ILCS 77/12.1(a)] The notice shall also indicate the reasons for the construction prohibition.

d) If the Department finds, after an informational meeting, that additional information or that specific changes are needed in order to assist the Department in making the determination, the Department may request such information or changes from the owner or operator of the new livestock waste handling facility or livestock management facility. [510 ILCS 77/12.1(a-5)] No later than 10
DEPARTMENT OF AGRICULTURE

NOTICE OF EMERGENCY AMENDMENT

working days after the receipt of the clarification information, the Department shall notify the applicant and the county board in writing by certified mail, return receipt requested, whether, more likely than not, the provisions of the Livestock Management Facilities Act have been met and construction may proceed, whether additional information is required, or whether construction is prohibited.

e) If no informational meeting is held, the Department shall, within 15 calendar days following the end of the period for the county board to request an informational meeting, notify in writing by certified mail, return receipt requested, the owner or operator that construction may begin, provided the other applicable provisions of the Livestock Management Facilities Act have been met, is prohibited or that clarification is needed. [510 ILCS 77/12.1(b)] No later than 10 working days after the receipt of the clarification information, the Department shall notify the applicant and the county board in writing by certified mail whether the provisions of the Livestock Management Facilities Act have been met and whether construction may proceed or is prohibited.

f) Final decisions of the Department are subject to judicial review pursuant to the Administrative Review Law [735 ILCS 5/Art. III]. For purposes of judicial review, the Department’s decision becomes final as of the date of the decision. The procedure for stay or reconsideration of any final Department decision by the Department shall be as provided for in the Department’s administrative rules at 8 Ill. Adm. Code 1.

(Source: Emergency amendment at 27 Ill. Reg.12107, effective July 1, 2003, for a maximum of 150 days)
DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF EMERGENCY AMENDMENTS

1) **Heading of the Part:** The Structural Engineering Licensing Act of 1989

2) **Code Citation:** 68 Ill. Adm. Code 1480

3) **Section Numbers:**
   - 1480.150 Amendment
   - 1480.175 Amendment

4) **Statutory Authority:** Structural Engineering Practice Act [225 ILCS 340]

5) **Effective Date of Amendments:** July 14, 2003

6) If these emergency amendments are to expire before the end of the 150-day period, please specify the date on which they will expire: These emergency rules are to expire when the proposed rules are adopted.

7) **Date Filed in Index Department:** July 14, 2003

8) A copy of the emergency amendments, 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 National Council of Examiners for Engineering and Surveying (NCEEES) has changed the format for the Structural II Examination. Effective with the April 2004 examination, the Structural II examination will be scored as a composite. Therefore, notification of this change in exam structure must be provided to candidates who have not passed both portions of the Structural II examination. Various other technical changes are also included.

10) **A Complete Description of the Subjects and Issues Involved:** The National Council of Examiners for Engineering and Surveying (NCEEES) has changed the format for the Structural II Examination. Previously the exam for licensure as a structural engineer was divided into 4 parts. Effective with the April 2004 administration, it will consist of 3 parts. Therefore, the October, 2003 administration of the exam will be the last time individuals can receive credit for passing either Structural II AM or Structural II PM of this examination. Various other technical changes are also included.

11) **Are there any proposed Amendments to this Part pending:** No

12) **Statement of Statewide Policy Objectives (if applicable):** This rulemaking has no impact on local government.
13) Information and questions regarding this Amendment shall be directed to:

Department of Professional Regulation

Attention: Barb Smith

320 West Washington, 3rd Floor

Springfield, IL  62786

217/785-0813; Fax #: 217/782-7645

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

The full text of the Emergency Amendment begins on the next page:
NOTICE OF EMERGENCY AMENDMENTS

PART 1480

THE STRUCTURAL ENGINEERING PRACTICE ACT OF 1989

Section
1480.10 Statutory Authority (Repealed)
1480.20 Licensure (Repealed)
1480.30 Approved Education Qualifications (Repealed)
1480.40 Approved Experience Qualifications (Repealed)
1480.45 Renewals (Renumbered)
1480.50 Restoration of Expired Certificate (Repealed)
1480.60 Granting Variances (Renumbered)
1480.110 Approved Structural Engineering Curriculum
1480.120 Definition of Degree in Related Science
1480.130 Approved Experience
1480.135 Application for Enrollment as a Structural Engineer Intern by Examination
1480.140 Application for Licensure by Examination
1480.150 Examination

EMERGENCY

1480.160 Restoration
DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF EMERGENCY AMENDMENTS

1480.170 Endorsement
1480.175 Seismic Design Requirement

EMERGENCY

1480.180 Inactive Status
1480.185 Continuing Education
1480.90 Renewals
1480.195 Fees
1480.200 Professional Design Firm
1480.205 Acts Constituting the Practice of Structural Engineering Pursuant to Section 5 of the Act
1480.210 Standards of Professional Conduct
1480.215 Structural Engineer Complaint Committee
1480.220 Granting Variances (Renumbered)


DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF EMERGENCY AMENDMENTS


Section 1480.150 Examination

EMERGENCY

a) The examination for licensure as a structural engineer shall be divided into 3 parts.

1) Fundamentals of Engineering. This examination shall be 8 hours in duration and shall consist of problems or other examining techniques designed to evaluate the applicant's knowledge of the basic and engineering sciences and related subjects normally considered as the fundamentals of engineering.

2) Structural I Examination. This examination shall be 8 hours in duration and shall consist of problems or other examining techniques relating to designs in or to the practice of structural engineering as described in Section 5 of the Act.

3) Structural II AM Examination. This examination shall be 8 hours in duration and shall consist of problems or other examining techniques relating to designs in structural engineering including seismic design. Such problems may include, but not be limited to bridges, buildings, foundations, seismic and lateral forces. All applicants shall be required to successfully complete the solution of the specified seismic design problem contained in II of the structures examination.

4) Structural II PM Examination. This examination shall be 4 hours in duration and shall consist of problems or other examining techniques relating to designs in structural engineering and shall include seismic content.

b) The examination administered by the Department shall be provided by the National Council of Examiners for Engineering and Surveying (NCEES). The specific examination content shall be as determined by periodic evaluations of the test specifications by NCEES.

c) The scoring of the examinations and determination of scores shall be as approved by NCEES.
Separate scores shall be given for the Fundamentals of Engineering, Structural I, Structural II AM, and Structural II PM. All scores shall be graded as pass or fail. Once an applicant fails a Part(s) of the examination, that Part(s) shall not be waived.

Candidates who fail an examination may not review their examination booklet or the associated answer sheets. Rescoring of the examination or any individual problem is not permitted; however, a retabulation of the numerical score will be permitted.

Retake of Examination.

1) Applicants shall be required to retake only the Part(s) on which a passing score was not achieved.

2) If an applicant neglects, fails without an approved excuse (illness, military service, motor vehicle accident occurring on date of examination, etc.), or refuses to take the next available examination offered for licensure under this Act, the fee paid by the applicant shall be forfeited and the application denied. If an applicant fails to pass an examination for licensure under this Act within 3 years after filing the application, the application shall be denied. However, such applicant may thereafter make a new application for examination, accompanied by the required fee (Section 10 of the Act). New applications shall include proof of meeting the qualifications for examination in effect at the time of such new application except as provided for in subsection (f).

Successful scores of previously passed Parts of the examination shall be accepted for the purpose of licensure provided the applicant has met all other requirements for licensure as outlined in the Act. For such purposes the most recent score on a Part(s) shall be the score of record. In no circumstances shall the Department accept a previous passing score on a Part(s) for an applicant whose score of record is a failing score.

(Source: Amended by emergency rulemaking at 27 Ill. Reg.12114, effective July 14, 2003, for a maximum of 150 days)

Section 1480.175 Seismic Design Requirement

EMERGENCY

All restoration or endorsement applicants applying for licensure pursuant to Sections 1480.160
DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF EMERGENCY AMENDMENTS

and 1480.170 must submit satisfactory evidence of knowledge in seismic design at the time of application or at the first renewal of the license.

a) The seismic design requirement can be satisfied by passage any one of one of the following:

1) The NCEES Structural II examination beginning with the April 2004 administration. Passage of the NCEES Structural II PM Examination administered by Illinois effective with the April 1991 administration or passage of the Western States Structural Examination or the NCEES Structural II PM Examination administered by all other jurisdictions beginning with the spring 1993 administrations. Evidence of passage of one of the above-identified examinations shall be submitted by the licensee and may be a copy of the licensee’s pass notice;

2) The NCEES Structural II PM examination administered by Illinois from April 1991 through October 2003;

3) The NCEES Structural II PM examination administered by all other jurisdictions from April 1993 through October 2003;

4) The Western States Structural Examination.

Evidence of passage of one of the above identified examinations shall be submitted by the licensee and may be a copy of the licensee’s pass notice;

5) Satisfactory completion of a Board approved course of instruction dealing with seismic design that is part of an approved engineering curriculum. The licensee shall submit the course title and catalog course description to the Board for approval prior to taking the course. Evidence of completion shall be a college transcript. Audited courses are not acceptable;

6) Satisfactory completion of a Board approved professional seminar dealing with seismic design and involving a minimum of 16 contact hours (1.6 continuing education units or 1 semester hour of university credit) of lectures. Evidence of completion shall be by means of a valid certificate of completion signed by the providers of the seminar or an official transcript from the university. Audited courses are not acceptable; or

7) Evidence that the licensee has taught a Board approved professional seminar or course dealing with seismic design that is part of an approved
DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF EMERGENCY AMENDMENTS

engineering curriculum or has conducted significant research into the problems of seismic resistance of structures and published the results of the significant research.

b) The Board shall utilize, but not be limited to, the following standards when approving a course or seminar in subsections (a)(1), (2), (3), (4), (5), (6) and (7) (B), (C), and (D) above:

1) Effects of earthquakes on buildings or bridges;

2) Structural standards and specifications for buildings or bridges;

3) Concepts in structural dynamics;

4) Seismic loading, including seismicity;

5) Seismic response analysis; and

6) Seismic design concepts, including concrete, steel, other structural materials and foundations.

(Source: Amended by emergency rulemaking at 27 Ill. Reg.12114, effective July 14, 2003 for a maximum of 150 days)
DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

1) Heading of the Part: Hospital Services

2) Code Citation: 89 Ill. Adm. Code 148

3) Section Number: Emergency Action:
   148.295 Amendment


5) Effective Date of amendment: July 10, 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: This emergency amendment repeals an emergency rulemaking currently in effect.

7) Date Filed with the Index Department: July 10, 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 emergency amendment that provided certain changes regarding reimbursement changes for Direct Hospital Adjustments (DHA) under Critical Hospital Adjustment Payments (CHAP) for eligible high volume Medicaid hospital providers of obstetrical care, effective April 28, 2003, is being superseded by new emergency provisions for fiscal year 2004, effective July 1, 2003. In order to avoid any conflict between the texts of the two emergency rulemakings, the earlier emergency amendment is being repealed by this emergency rulemaking. Emergency rulemaking for budget implementation during fiscal year 2004 is authorized by Section 5-54 of Public Act 93-020.

10) A Complete Description of the Subjects and Issues Involved: The Department's administrative rule concerning Critical Hospital Payment Adjustments (CHAP) (89 Ill. Adm. Code 148.295) was amended by emergency action, effective April 28, 2003, to provide reimbursement increases related to Direct Hospital Adjustments (DHA) for high volume Medicaid hospital providers of obstetrical care for medical assistance clients. Subsequently, the fiscal year 2004 budget implementation plan called for additional rate changes affecting DHA rates under CHAP. A new emergency rulemaking concerning Section 148.295, which reflects all currently applicable changes, was adopted by emergency action on July 1, 2003. Therefore, the earlier emergency amendment that
DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

became effective on April 28, 2003, is being repealed by this emergency rulemaking.

11) Are there any proposed amendments to this Part pending? Yes

<table>
<thead>
<tr>
<th>Section Numbers</th>
<th>Proposed Action</th>
<th>Illinois Register Citation</th>
</tr>
</thead>
<tbody>
<tr>
<td>148.160</td>
<td>Amendment</td>
<td>June 27, 2003 (27 Ill. Reg. 9549)</td>
</tr>
<tr>
<td>148.170</td>
<td>Amendment</td>
<td>June 27, 2003 (27 Ill. Reg. 9549)</td>
</tr>
<tr>
<td>148.190</td>
<td>Amendment</td>
<td>June 27, 2003 (27 Ill. Reg. 9549)</td>
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<tr>
<td>148.290</td>
<td>Amendment</td>
<td>June 27, 2003 (27 Ill. Reg. 9549)</td>
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12) Statement of Statewide Policy Objectives: This emergency amendment neither creates nor expands any State mandate 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 Ave East, Third Floor
   Springfield, Illinois  62763-0002
   217/524-0081

The full text of the emergency amendment begins on the next page:
DEPARTMENT OF PUBLIC AID
NOTICE OF EMERGENCY AMENDMENT
TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 148
HOSPITAL SERVICES

SUBPART A: GENERAL PROVISIONS

Section
148.10 Hospital Services
148.20 Participation
148.25 Definitions and Applicability
148.30 General Requirements
148.40 Special Requirements
148.50 Covered Hospital Services
148.60 Services Not Covered as Hospital Services
148.70 Limitation On Hospital Services

SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS

Section
148.80 Organ Transplants Services Covered Under Medicaid (Repealed)
148.82 Organ Transplant Services
148.90 Heart Transplants (Repealed)
DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

148.100 Liver Transplants (Repealed)
148.105 Psychiatric Adjustment Payments
148.110 Bone Marrow Transplants (Repealed)
148.115 Rural Adjustment Payments
148.120 Disproportionate Share Hospital (DSH) Adjustments
148.126 Safety Net Adjustment Payments
148.130 Outlier Adjustments for Exceptionally Costly Stays
148.140 Hospital Outpatient and Clinic Services

EMERGENCY

148.150 Public Law 103-66 Requirements
148.160 Payment Methodology for County-Owned Hospitals in an Illinois County with a Population of Over Three Million

EMERGENCY

148.170 Payment Methodology for Hospitals Organized Under the University of Illinois Hospital Act
148.175 Supplemental Disproportionate Share Payment Methodology for Hospitals Organized Under the Town Hospital Act
148.180 Payment for Pre-operative Days, Patient Specific Orders, and Services Which Can Be Performed in an Outpatient Setting
148.190 Copayments
148.200 Alternate Reimbursement Systems
148.210 Filing Cost Reports
148.220 Pre September 1, 1991, Admissions
DEPARTMENT OF PUBLIC AID
NOTICE OF EMERGENCY AMENDMENT

148.230 Admissions Occurring on or after September 1, 1991
148.240 Utilization Review and Furnishing of Inpatient Hospital Services Directly or Under Arrangements
148.250 Determination of Alternate Payment Rates to Certain Exempt Hospitals
148.260 Calculation and Definitions of Inpatient Per Diem Rates
148.270 Determination of Alternate Cost Per Diem Rates For All Hospitals; Payment Rates for Certain Exempt Hospital Units; and Payment Rates for Certain Other Hospitals
148.280 Reimbursement Methodologies for Children's Hospitals and Hospitals Reimbursed Under Special Arrangements
148.285 Excellence in Academic Medicine Payments
148.290 Adjustments and Reductions to Total Payments
148.295 Critical Hospital Adjustment Payments (CHAP)

EMERGENCY

148.296 Tertiary Care Adjustment Payments
148.297 Pediatric Outpatient Adjustment Payments
148.298 Pediatric Inpatient Adjustment Payments
148.300 Payment
148.310 Review Procedure
148.320 Alternatives
148.330 Exemptions
148.340 Subacute Alcoholism and Substance Abuse Treatment Services
148.350 Definitions (Repealed)
NOTICE OF EMERGENCY AMENDMENT

148.360 Types of Subacute Alcoholism and Substance Abuse Treatment Services (Repealed)

148.368 Volume Adjustment (Repealed)

148.370 Payment for Subacute Alcoholism and Substance Abuse Treatment Services

148.380 Rate Appeals for Subacute Alcoholism and Substance Abuse Treatment Services (Repealed)

148.390 Hearings

148.400 Special Hospital Reporting Requirements

SUBPART C: SEXUAL ASSAULT EMERGENCY TREATMENT PROGRAM

Section

148.500 Definitions

148.510 Reimbursement

SUBPART D: STATE CHRONIC RENAL DISEASE PROGRAM

Section

148.600 Definitions

148.610 Scope of the Program

148.620 Assistance Level and Reimbursement

148.630 Criteria and Information Required to Establish Eligibility

148.640 Covered Services

148.TABLE A Renal Participation Fee Worksheet

148.TABLE B Bureau of Labor Statistics Equivalence

148.TABLE C List of Metropolitan Counties by SMSA Definition

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.

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.
DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

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, 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
Illinois Register

Department of Public Aid

Notice of Emergency Amendment

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.
DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

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 (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.
DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

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.

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 $262.00 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 $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 $1400 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.
DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

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.

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 AdjustmentsEach 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.
DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

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 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) "Combined 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 database, 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 database, with an ICD-9-CM principal diagnosis code of: 054.3, 310.1 through 310.2,
NOTICE OF EMERGENCY AMENDMENT

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.
DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

10) "RCHAP 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) "RCHAP 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) "Total 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) "Total 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) "Total 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: Amended by emergency rulemaking at 27 Ill. Reg. 8320, effective April 28, 2003, for a maximum of 150 days; emergency amendment repealed at 27 Ill. Reg. 12121, effective July 10, 2003 for a maximum of 150 days)
DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

1) **Heading of the Part:** Child Support Enforcement

2) **Code Citation:** 89 Ill. Adm. Code 160

3) **Section Numbers:** Emergency Action:
   - 160.60 Amendment

4) **Statutory Authority:** Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Public Act 93-148

5) **Effective Date:** July 11, 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: None

7) **Date Filed with the Index Department:** July 11, 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 are being filed pursuant to Public Act 93-148 regarding child support amounts that are due from supporting parties. In accordance with the Act, the minimum amount for the support of two children shall increase from 25 percent to 28 percent of the supporting party's net income.

10) **Complete Description of the Subjects and Issues Involved:** The emergency amendments respond to Public Act 93-148 concerning child support amounts that are due from supporting parties. In accordance with the Act, courts shall determine the minimum support amount for two children on the basis of guidelines which increase the amount from 25 percent to 28 percent of the supporting party's net income.

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

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
NOTICE OF EMERGENCY AMENDMENT

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:
DEPARTMENT OF PUBLIC AID
NOTICE OF EMERGENCY AMENDMENT
TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER f: COLLECTIONS

PART 160
CHILD SUPPORT ENFORCEMENT

SUBPART A: GENERAL PROVISIONS

Section
160.1 Incorporation by Reference
160.5 Definitions
160.10 Child Support Enforcement Program
160.12 Administrative Accountability Process
160.15 Application Fee for IV-D Non-TANF Cases
160.20 Assignment of Rights to Support
160.25 Recoupment

SUBPART B: COOPERATION WITH CHILD SUPPORT ENFORCEMENT

Section
160.30 Cooperation With Support Enforcement Program
160.35 Good Cause for Failure to Cooperate with Support Enforcement
160.40 Proof of Good Cause For Failure to Cooperate With Support Enforcement
160.45 Suspension of Child Support Enforcement Upon a Claim of Good Cause
DEPARTMENT OF PUBLIC AID
NOTICE OF EMERGENCY AMENDMENT

SUBPART C: ESTABLISHMENT AND MODIFICATION OF CHILD SUPPORT ORDERS

Section
160.60 Establishment of Support Obligations

EMERGENCY

160.61 Uncontested and Contested Administrative Paternity and Support Establishment
160.62 Cooperation with Paternity Establishment and Continued Eligibility Demonstration Program (Repealed)
160.65 Modification of Support Obligations

SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS

Section
160.70 Enforcement of Support Orders
160.71 Credit for Payments Made Directly to the Title IV-D Client
160.75 Withholding of Income to Secure Payment of Support
160.77 Certifying Past-Due Support Information or Failure to Comply with a Subpoena or Warrant to State Licensing Agencies
160.80 Amnesty - 20% Charge (Repealed)
160.85 Diligent Efforts to Serve Process
160.88 State Case Registry

SUBPART E: EARMARKING CHILD SUPPORT PAYMENTS

Section
160.90 Earmarking Child Support Payments

SUBPART F: DISTRIBUTION OF SUPPORT COLLECTIONS
DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

160.95  State Disbursement Unit
160.100  Distribution of Child Support for TANF Recipients
160.110  Distribution of Child Support for Former AFDC or TANF Recipients Who Continue to Receive Child Support Enforcement Services
160.120  Distribution of Child Support Collected While the Client Was an AFDC or TANF Recipient, But Not Yet Distributed at the Time the AFDC or TANF Case Is Cancelled
160.130  Distribution of Intercepted Federal Income Tax Refunds
160.132  Distribution of Child Support for Non-TANF Clients
160.134  Distribution of Child Support For Interstate Cases
160.136  Distribution of Support Collected in IV-E Foster Care Maintenance Cases
160.138  Distribution of Child Support for Medical Assistance No Grant Cases

SUBPART G: STATEMENT OF CHILD SUPPORT ACCOUNT ACTIVITY

Section
160.140  Statement of Child Support Account Activity

SUBPART H: DEPARTMENT REVIEW OF DISTRIBUTION OF CHILD SUPPORT

Section
160.150  Department Review of Distribution of Child Support for TANF Recipients
160.160  Department Review of Distribution of Child Support for Former AFDC or TANF Recipients


DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT


NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART C: ESTABLISHMENT AND MODIFICATION OF CHILD SUPPORT ORDERS

Section 160.60 Establishment of Support Obligations
ILLINOIS REGISTER

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

EMERGENCY

a) Definitions

1) "FSS" means any Family Support Specialist performing assigned duties, his supervisory staff and any other person assigned responsibility by the Director of the Department.

2) "Service" or "Served" means notice given by personal service, certified mail, restricted delivery, return receipt requested, or by any method provided by law for service of summons. (See Sections 2-203 and 2-206 of the Code of Civil Procedure [735 ILCS 5/2-203 and 2-206].)

3) "Support Statutes" means the following:
   A) Article X of The Illinois Public Aid Code [305 ILCS 5/Art. X];
   B) The Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5];
   C) The Non-Support Punishment Act [750 ILCS 16];
   D) The Uniform Interstate Family Support Act [750 ILCS 22];
   E) The Illinois Parentage Act of 1984 [750 ILCS 45]; and
   F) Any other statute in another state which provides for child support.

4) "Retroactive support" means support for a period prior to the date a court or administrative support order is entered.

5) "Child's needs" means the cost of raising a child as detailed by either:
   A) the custodial parent's statement of the associated costs, including, but not limited to, providing a child with: food, shelter, clothing, schooling, recreation, transportation and medical care; or
   B) the Department's standard for the costs of raising a child taking into account average actual costs of providing a child with: food, shelter, clothing, schooling, recreation, transportation and medical care in a manner consistent with health and well being as set forth in this Part.
b) Responsible Relative Contact

1) Timing and Purpose of Contact

A) The Department shall contact and interview responsible relatives in Title IV-D cases to establish support obligations, following the IV-D client interview.

B) The purpose of contact and interview shall be to obtain relevant facts, including income information (for example, paycheck stubs, income tax returns) necessary to determine the financial ability of such relatives for use in obtaining stipulated, consent and other court orders for support and in entering administrative support orders, pursuant to the support statutes.

2) At least ten working days in advance of the interview, the Department shall notify each responsible relative contacted of his support obligation, by ordinary mail, which notice shall contain the following:

A) the Title IV-D case name and identification number;

B) the names and birthdates of the persons for whom support is sought or other information identifying such persons, such as a prior court number;

C) that the responsible relative has a legal obligation to support the named persons;

D) the date, time, place and purpose of the interview and that the responsible relative may be represented by counsel; and

E) that the responsible relative should bring specified information regarding his income and resources to the interview.

3) The Department shall notify each Title IV-D client of the date, time and place of the responsible relative interview and that the client may attend if he or she chooses.

c) Determination of Financial Ability

1) In cases handled under subsection (d) of this Section, the Family Support
DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

Specialist shall determine the amount of child support and enter an administrative support order on the following basis:

<table>
<thead>
<tr>
<th>Number of Children</th>
<th>Percent of Responsible Relative's Net Income</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>20%</td>
</tr>
<tr>
<td>2</td>
<td>28% 25%</td>
</tr>
<tr>
<td>3</td>
<td>32%</td>
</tr>
<tr>
<td>4</td>
<td>40%</td>
</tr>
<tr>
<td>5</td>
<td>45%</td>
</tr>
<tr>
<td>6 or more</td>
<td>50%</td>
</tr>
</tbody>
</table>

A) "Net Income" is the total of all income from all sources, minus the following deductions:

i) Federal income tax (properly calculated withholding or estimated payments);

ii) State income tax (properly calculated withholding or estimated payments);

iii) Social Security (FICA payments);

iv) Mandatory retirement contributions required by law or as a condition of employment;

v) Union dues;

vi) Dependent and individual health/hospitalization insurance premiums;

vii) Prior obligations of support or maintenance actually paid pursuant to a court order or administrative support order;

viii) Expenditures for repayment of debts that represent reasonable and necessary expenses for the production of income;

ix) Medical expenditures necessary to preserve life or health; and
A) "Net Income" is the total of all income from all sources, minus the following deductions:

i) Federal income tax (properly calculated withholding or estimated payments);

ii) State income tax (properly calculated withholding or estimated payments);

iii) Social Security (FICA payments);

iv) Mandatory retirement contributions required by law or as a condition of employment;

v) Union dues;

vi) Dependent and individual health/hospitalization insurance premiums;
DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

vii) Prior obligations of support or maintenance actually paid pursuant to a court order or administrative support order;

viii) Expenditures for repayment of debts that represent reasonable and necessary expenses for the production of income;

ix) Medical expenditures necessary to preserve life or health; and

x) Reasonable expenditures for the benefit of the child and the other parent, exclusive of gifts.

B) The deductions in subsections (c)(2)(A)(viii), (ix) and (x) of this Section shall be allowed only for the period that such payments are due. The Department shall enter administrative support orders that contain provisions for an automatic increase in the support obligation upon termination of such payment period.

C) The above guidelines shall be applied in each case unless the Department finds that application of the guidelines would be inappropriate after considering the best interests of the child in light of evidence including but not limited to one or more of the following relevant factors:

i) the financial resources and needs of the child;

ii) the financial resources and needs of the custodial parent;

iii) the standard of living the child would have enjoyed had the marriage not been dissolved, the separation not occurred or the parties married;

iv) the physical and emotional condition of the child, and his educational needs; and

v) the financial resources and needs of the non-custodial parent.

D) Each order requiring support that deviates from the guidelines shall state the amount of support that would have been required under
DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

the guidelines. The reason or reasons for the variance from the guidelines shall be included in the order.

3) In cases referred for judicial action under subsection (e) of this Section, the Department's legal representative shall ask the court to determine the amount of child support due in accord with Section 505 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/505].

4) All orders for support shall include a provision for the health care coverage of the child. In all cases where health insurance coverage is not being furnished by the responsible relative to a child to be covered by a support order, the Department shall enter administrative, or request the court to enter support orders requiring the relative to provide such coverage when a child can be added to an existing insurance policy at reasonable cost or indicating what alternative arrangement for health insurance coverage is being provided. Net income shall be reduced by the cost thereof in determining the minimum amount of support to be ordered.

5) When proceeding under subsection (d) of this Section, the Department shall, in any event, notwithstanding other provisions of this subsection (c) and regardless of the amount of the responsible relative's net income, order the responsible relative to pay child support of at least $10.00 per month.

6) In cases where the net income of the responsible relative cannot be determined because of default or any other reason, the Department shall order or request the court to order the responsible relative to pay retroactive support for the prior period in the amount of the child's needs as defined by subsection (a)(5)(A) or (B) of this Section.

7) The final order in all cases shall state the support level in dollar amounts.

8) If there is no net income because of the unemployment of a responsible relative who resides in Illinois and is not receiving General Assistance in the City of Chicago and has children receiving cash assistance in Illinois, the Department, when proceeding under subsection (d) of this Section, shall order, or, when proceeding under subsection (e) of this Section, shall request the court to order the relative to report for participation in job search, training or work programs established for such relatives. In TANF cases, the Department shall order, when proceeding under subsection (d) of this Section, or, when proceeding under subsection (e) of this Section,
DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

shall request the court to order payment of past-due support pursuant to a plan and, if the responsible relative is unemployed, subject to a payment plan and not incapacitated, that the responsible relative participate in job search, training and work programs established under Section 9-6 and Article IXA of the Illinois Public Aid Code [305 ILCS 5/9-6 and Art. IXA].

9) The Department shall enter administrative support orders, or request the court to enter support orders, that include a provision requiring the responsible relative to notify the Department, within seven days:

A) of any new address of the responsible relative;

B) of the name and address of any new employer or source of income of the responsible relative;

C) of any change in the responsible relative's Social Security Number;

D) whether the responsible relative has access to health insurance coverage through the employer or other group coverage; and

E) if so, the policy name and number and the names of persons covered under the policy.

10) The Department shall enter administrative support orders, or request the court to enter support orders, that include a date on which the current support obligation terminates. The termination date shall be no earlier than the date on which the child covered by the order will attain the age of majority or is otherwise emancipated. The order for support shall state that the termination date does not apply to any arrearage that may remain unpaid on that date. The provision of a termination date in the order shall not prevent the order from being modified.

11) The Department shall enter administrative support orders, or request the court to enter support orders, that include provisions for retroactive support when appropriate.

A) In cases handled under subsection (d) of this Section, the Department shall order the period of retroactive support to begin with the later of two years prior to the date of entry of the administrative support order or the date of the married parties’
DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

separation (or the date of birth of the child for whom support is ordered, if the child was born out of wedlock).

B) In de novo hearings provided for in subsection (d)(5)(H) of this Section and 89 Ill. Adm. Code 104.102, the Department's hearing officer shall order the period of retroactive support to begin with the later of two years prior to the date of entry of the administrative support order or the date of the married parties separation (or the date of birth of the child for whom support is ordered, if the child was born out of wedlock), unless, in cases where the child was born out of wedlock, the hearing officer, after having examined the factors set forth in Section 14(b) of the Illinois Parentage Act of 1984 [750 ILCS 45/14] and Section 505 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/505] decides that another date is more appropriate.

C) In cases referred for judicial action under subsection (e) of this Section, the Department's legal representative shall ask the court to determine the date retroactive support is to commence in accord with Article X of the Illinois Public Aid Code [305 ILCS 5/Art. X], Sections 510 and 505 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/510 and 505], and Section 14(b) of the Illinois Parentage Act of 1984 [750 ILCS 45/14].

d) Administrative Process

1) Use of Administrative Process

A) Unless otherwise directed by the Department, the FSS shall establish support obligations of responsible relatives through the administrative process set forth in this subsection (d), in Title IV-D cases, wherein the court has not acquired jurisdiction previously, in matters involving:

i) presumed paternity as set forth in Section 5 of the Illinois Parentage Act of 1984 [750 ILCS 45/5] and support is sought from one or both parents;

ii) alleged paternity and support is sought from the mother;

iii) an administrative paternity order entered under Section
DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

160.61 and support is sought from the man determined to be the child's father, or from the mother, or both;

iv) an establishment of parentage in accordance with Section 6 of the Illinois Parentage Act of 1984 [750 ILCS 45/6]; and

v) an establishment of parentage under the laws of another state, and support is sought from the child's father, or from the mother, or both.

B) In addition to those items specified in subsection (b)(2) of this Section, the notice of support obligation shall inform the responsible relative of the following:

i) that the responsible relative may be required to pay retroactive support as well as current support; and

ii) that in its initial determination of child support under subsection (c) of this Section, the Department will only consider factors listed in subsections (c)(1)(A)(i) through (x) of this Section; and

iii) that the Department will enter an administrative support order based only on those factors listed in subsections (c)(1)(A)(i) through (x) of this Section; and

iv) that in order for the Department to consider other factors listed in subsection (c)(2)(C) of this Section, Section 14(b) of the Illinois Parentage Act of 1984 [750 ILCS 45/14], and Section 505 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/505], either the responsible relative or the client must request a de novo hearing within 30 days after mailing or delivery of the administrative support order; and

v) that both the client and the responsible relative have a right to request a de novo hearing within 30 days after the mailing or delivery of an administrative support order, at which time a Department hearing officer may consider other factors listed in subsection (c)(2)(C) of this Section, Section 14(b) of the Illinois Parentage Act of 1984 [750
DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

ILCS 45/14], and Section 505 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/505]; and

vi) that unless the client and/or the responsible relative requests a de novo hearing within 30 days after the order's mailing or delivery, the administrative support order will become a final enforceable order of the Department; and

vii) that upon failure of the responsible relative to appear for the interview or to provide necessary information to determine net income, an administrative support order may be entered by default or the Department may seek court determination of financial ability based upon the guidelines.

2) The FSS shall determine the ability of each responsible relative to provide support in accordance with subsection (c) of this Section when such relative appears in response to the notice of support obligation and provides necessary information to determine net income. An administrative support order shall be entered which shall incorporate the resulting support amount therein. The FSS shall also determine (and incorporate in the administrative support order) the amount of retroactive support the responsible relative shall be required to pay by applying the relative's current net income (unless the relative provides necessary information to determine net income for the prior period) to the support guidelines in accordance with subsection (c) of this Section.

3) Failure to Appear

A) In instances in which the responsible relative fails to appear in response to the notice of support obligation or fails to provide necessary information to determine net income, the FSS shall enter an administrative support order by default, except as provided in subsection (d)(3)(D) of this Section. The terms of the order shall be based upon the needs of the child for whom support is sought, as defined by subsection (a)(5) of this Section. No default order shall be entered when a responsible relative fails to appear at the interview unless the relative shall have been served as provided by law with a notice of support obligation.
DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

B) The FSS may issue a subpoena to a responsible relative who fails to appear for interview, or who appears and furnishes income information, when the FSS has information from the Title IV-D client, the relative's employer or any other reliable source indicating that:

i) financial ability, as determined from the guidelines contained in subsection (c) of this Section, exceeds the amount indicated in case of default, as indicated in subsection (d)(3)(A) of this Section; or

ii) income exceeds that reported by the relative.

C) The FSS will not issue a subpoena under subsection (d)(3)(B) of this Section where the information from the Title IV-D client, the responsible relative's employer or other source concerning the relative's financial ability is verified through documentation such as payroll records, paycheck stubs or income tax returns.

D) In instances in which the relative fails or refuses to accept or fully respond to a Department subpoena issued to him pursuant to subsection (d)(3)(B) of this Section, the FSS may enter a temporary administrative support order by default, in accordance with subsection (d)(3)(A) of this Section, and may then, after investigation and determination of the responsible relative's financial ability to support, utilizing existing State and federal sources (for example, Illinois Department of Employment Security), client statements, employer statements, or the use of the Department's subpoena powers, enter a support order in accord with subsection (c)(1) of this Section.

4) The Department shall register, enforce or modify an order entered by a court or administrative body of another state, and make determinations of controlling order where appropriate, in accordance with the provisions of the Uniform Interstate Family Support Act [750 ILCS 22].

5) An administrative support order shall include the following:

A) the Title IV-D case name and identification number;
DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

B) the names and birthdates of the persons for whom support is ordered;

C) the beginning date, amount and frequency of support;

D) any provision for health insurance coverage ordered under subsection (c)(4) of this Section;

E) the total retroactive support obligation and the beginning date, amount (which shall not be less than 20 percent of the current support amount) and frequency of payments to be made until the retroactive support obligation is paid in full;

F) the amount of any arrearage that has accrued under a prior support order and the beginning date, amount (which shall not be less than 20 percent of the support order) and frequency of payments to be made until the arrearage is paid in full;

G) a provision requiring that support payments be made to the State Disbursement Unit;

H) a statement informing the client and the responsible relative that they have 30 days from the date of mailing of the administrative support order in which to petition the Department for a release from or modification of the order and receive a hearing in accordance with 89 Ill. Adm. Code 104.102 and subsection (c)(2) of this Section, except that for orders entered as a result of a de novo hearing, the statement shall inform the client and the responsible relative that the order is a final administrative decision of the Department and that review is available only in accord with provisions of the Administrative Review Law [735 ILCS 5/Art III];

I) except where the order was entered as a result of a de novo hearing, a statement that the order was based upon the factors listed in subsection (c)(1)(A) of this Section and that in order to have the Department consider other factors listed in subsection (c)(2)(C) of this Section, Section 14(b) of the Illinois Parentage Act of 1984 [750 ILCS 45/14] and Section 505 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/505], either the responsible relative or the client must request a
DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

de novo hearing within 30 days after mailing or delivery of the administrative support order; and

J) in each administrative support order entered or modified on or after January 1, 2002, a statement that a support obligation required under the order, or any portion of a support obligation required under the order, that becomes due and remains unpaid for 30 days or more shall accrue simple interest at the rate of nine percent per annum.

6) Every administrative support order entered on or after July 1, 1997, shall include income withholding provisions based upon and containing the same information as prescribed in Section 160.75. The Department shall also prepare and serve income withholding notices after entry of an administrative support order and effect income withholding in the same manner as prescribed in Section 160.75.

7) The Department shall provide to each client and each responsible relative a copy of each administrative support order entered, no later than 14 days after entry of such order, by:

A) delivery at the conclusion of an interview where financial ability to support was determined. An acknowledgment of receipt signed by the client or relative or an affidavit of delivery signed by the Department’s representative shall be sufficient for purposes of notice to that person.

B) regular mail to the party not receiving personal delivery where the relative fails or refuses to accept delivery, where either party does not attend the interview, or the orders are entered by default.

8) In any case where the administrative support process has been initiated for the custodial parent and the non-marital child, and the custodial parent and the non-marital child move outside the original county, the administrative support case shall remain in the original county unless a transfer to the other county in which the custodial parent and the non-marital child reside is requested by either party or the Department and the hearing officer assigned to the original county finds that a change of venue would be equitable and not unduly hamper the administrative support process.

9) In any case in which an administrative support order is entered to establish
DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

and enforce an arrearage only, and the responsible relative’s current support obligation has been terminated, the administrative support order shall require the responsible relative to pay a periodic amount equal to the terminated current support amount until the arrearage is paid in full.

e) Judicial Process

1) The Department shall refer Title IV-D cases for court action to establish support obligations of responsible relatives, pursuant to the support statutes (see subsection (a)(3) of this Section) in matters requiring the determination of parentage (except when paternity is to be determined administratively under Section 160.61), when the court has acquired jurisdiction previously and in instances described in subsection (d)(3)(D) of this Section, and as otherwise determined by the Department.

2) The Department shall prepare and transmit pleadings and obtain or affix appropriate signature thereto, which pleadings shall include, but not be limited to, petitions to:

A) intervene;
B) modify;
C) change payment path;
D) establish an order for support;
E) establish retroactive support;
F) establish past-due support;
G) establish parentage;
H) obtain a rule to show cause;
I) enforce judicial and administrative support orders; and
J) combinations of the above.

3) Department legal representatives shall request that judicial orders for support require payments to be made to the State Disbursement Unit in accordance with Section 10-10.4 of the Illinois Public Aid Code [305
DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT


(Source: Emergency amended at 27 Ill. Reg. 12139, effective July 11, 2003, for a maximum of 150 days)
The following second notices were received by the Joint Committee on Administrative Rules during the period of July 8, 2003 through July 14, 2003 and have been scheduled for review by the Committee at its August 12, 2003 meeting in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<table>
<thead>
<tr>
<th>Second Notice Expires</th>
<th>Agency and Rule</th>
<th>Start Of First Notice</th>
<th>JCAR Meeting</th>
</tr>
</thead>
<tbody>
<tr>
<td>8/21/03</td>
<td>Department of Public Aid, Medical Payment (89 Ill. Adm. Code 140)</td>
<td>3/14/03 27 Ill. Reg. 4470</td>
<td>8/12/03</td>
</tr>
<tr>
<td>8/21/03</td>
<td>Department of Public Aid, Medical Payment (89 Ill. Adm. Code 140)</td>
<td>3/21/03 27 Ill. Reg. 4888</td>
<td>8/12/03</td>
</tr>
</tbody>
</table>
Part(s) (Heading and Code Citation): Agrichemical Facility Response Action Program, 8 Ill. Adm. Code 259

1) Rulemaking:

A) Description: Retail agrichemical facilities conducting remediation activities of soil or groundwater contamination from fertilizer releases may opt to request a written approval from the Department of Agriculture for the voluntary site assessment and corrective action. The owner or operator of the facility can apply for Department review and approval for plans and reports detailing the scope and implementation of the environmental response actions. Upon successful completion of the fertilizer release cleanup and remediation, the Department shall issue a notice of closure indicating that site specific cleanup objectives have been met and no further remedial action is required to remedy the fertilizer release pursuant to the Illinois Pesticide Act [415 ILCS 60/19.3].

B) Statutory Authority: Illinois Pesticide Act [415 ILCS 60/19]

C) Schedule meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the Illinois Register. A public hearing will be held near the end of the public comment period.

D) Date Agency anticipates First Notice: September 2003

E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will have no effect on municipalities, small businesses, or not for profit corporations. Small businesses, such as some types of agrichemical facilities, will benefit from the remediation potion allowed by the proposed rules.

F) Agency contact person for information:

Warren D. Goetsch, P.E.
Illinois Department of Agriculture
P. O. Box 19281
DEPARTMENT OF AGRICULTURE

JULY 2003 REGULATORY AGENDA

Springfield, IL 62794-9281
217/785-2427
217/524-4882 (fax)

G) Related rulemakings and other pertinent information: The rules for the Land Application Authorization Program, 8 Ill. Adm. Code 258, are related to this rulemaking.

b) Part(s) (Heading and Code Citation): Livestock Management Facility Regulations, 8 Ill. Adm. Code 900

1) Rulemaking:

A) Description: The current regulations require owners of livestock facilities to mail copies of the Notice of Intent to Construct form to owners of property located within the setback distances, depending on the type of facility. The procedures and timeframes are very prescriptive and have caused the cessation of projects. The proposed amendments would include an opportunity for the owner to correct any deficiencies prior to the rescission of the setback compliance acknowledgment or the imposition of further enforcement action.

B) Statutory Authority: Livestock Management Facilities Act [510 ILCS 77]

C) Schedule meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the Illinois Register. A public hearing will be held near the end of the public comment period.

D) Date Agency anticipates First Notice: September 2003

E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will have no effect on municipalities or not-for-profit corporations. Small businesses, such as some types of livestock facilities, may benefit from the additional time period prior to an enforcement action.
The sale of large quantity packages of non-restricted use pesticides at retail stores which also sell food and other feedstuffs and that are frequented by the general public is increasing. Currently such establishments do not require a pesticide dealer license. Pursuant to Section 60/13 of the Illinois Pesticide Act, the Director may prescribe, by rule, requirements for the registration and testing of any pesticide dealer selling other than restricted use pesticides. The proposed rule will expand certification requirements for pesticide dealers including training for the safe handling, storage and sale of such products from these types of retail establishments.

**Statutory Authority:** Illinois Pesticide Act [415 ILCS 60]

Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the Illinois Register. A public hearing will be held near the end of the public comment period.

**Date Agency anticipates First Notice:** September 2003
DEPARTMENT OF AGRICULTURE

JULY 2003 REGULATORY AGENDA

E) **Effect on small businesses, small municipalities or not for profit corporations:** This rulemaking will have no effect on municipalities or not-for-profit corporations. The rulemaking will increase the licensure requirements of small retail businesses that handle large quantity packages of non-restricted use pesticides.

F) **Agency contact person for information:**

Warren D. Goetsch, P.E.
Illinois Department of Agriculture
P.O. Box 19281
Springfield, IL 62794-9281
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FAX: 217/524-4882

G) **Related rulemakings and other pertinent information:** None

**d) Part(s) (Heading and Code Citation):** Farmland Preservation Act, 8 Ill. Adm. Code 700

1) **Rulemaking:**

A) **Description:** The Farmland Preservation Act requires that state agency policy statements and working agreements on farmland preservation shall be updated by the state agency and reviewed and approved by the Department of Agriculture every three years. The purpose of the rulemaking activity is to update the policy statements and working agreements, as necessary, to protect Illinois’ agricultural land base from needless state agency farmland conversion impacts.

B) **Statutory Authority:** Farmland Preservation Act [505 ILCS 75/1-8]

C) **Schedule meeting/hearing date:** Written comments may be submitted during the 45-day public comment period following
DEPARTMENT OF AGRICULTURE

JULY 2003 REGULATORY AGENDA

publication of the proposed rule in the Illinois Register. A public hearing will be held near the end of the public comment period.

D) Date Agency anticipates First Notice: October 2003

E) Effect on small businesses, small municipalities or not for profit corporations: No impacts anticipated.

F) Agency contact person for information:

Steve Chard
Illinois Department of Agriculture
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Springfield, IL 62794-9281
217/785-2661
FAX: 217/5524-4882

G) Related rulemakings and other pertinent information: None

e) Part(s) (Heading and Code Citation): Soil and Water Conservation Districts Act, 8 Ill. Adm. Code 650

1) Rulemaking:

A) Description: The rules need to be amended to clarify terms and update references to present technology.

B) Statutory Authority: Soil and Water Conservation Districts Act [70 ILCS 405/1]

C) Schedule meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the Illinois Register.

D) Date Agency anticipates First Notice: October 2003
DEPARTMENT OF AGRICULTURE

JULY 2003 REGULATORY AGENDA

E) Effect on small businesses, small municipalities or not for profit corporations: No impacts anticipated.

F) Agency contact person for information:

Steve Frank

Illinois Department of Agriculture

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G) Related rulemakings and other pertinent information: None

f) Part(s) (Heading and Code Citation): Dead Animal Disposal Act, 8 Ill. Adm. Code 90

1) Rulemaking:

A) Description: Section 90.110 will be amended to add a requirement that all persons operating composting facilities for the disposal of dead animals must record the location of the composter with the Department and make the composter available for inspection.

B) Statutory Authority: Illinois Dead Animal Disposal Act [225 ILCS 610]

C) Schedule meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the Illinois Register. The Advisory Board of Livestock Commissioners is scheduled to meet in the Fall 2003.

D) Date Agency anticipates First Notice: August 2003

E) Effect on small businesses, small municipalities or not for profit corporations: Persons operating a composter for the disposal of
DEPARTMENT OF AGRICULTURE

JULY 2003 REGULATORY AGENDA

dead animals would be required to record the location of the composter with the Department and make the facility available for inspection.

F) Agency contact person for information:

Carroll Imig

Illinois Department of Agriculture

P.O. Box 19281

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217/782-6657

FAX: 217/524-7702

G) Related rulemakings and other pertinent information: None
g) Part(s) (Heading and Code Citation): Animal Welfare Act, 8 Ill. Adm. Code 25

1) Rulemaking:

   A) Description: Regulations will be developed governing boarding facilities known as “day care” centers for animals.

   A reference to the Illinois Diseased Animals Act will be included, stating that establishments must be in compliance with the provisions of that Act.

   Section 25.90 will be amended to require licensees maintain records regarding the origin and disposition of all animals changing ownership through their hands with the exception of fish. These records must be available for inspection during regular business hours by Department personnel. These records must include origin of animals, person purchasing (or being given) the animal, and copies of all health certificates and permits associated with the animals.

   If the licensee experiences unexplained death loss in more than 25% of a shipment of animals within 30 days of obtaining such animals, the loss must be reported immediately to the Department.

   The regulations will also be reviewed to see if any changes need to be made in reference to monkeypox or other diseases of an exotic nature that can be transmitted to humans.


   C) Schedule meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the Illinois Register. The Advisory Board of Livestock Commissioners is scheduled to meet in the Fall 2003.

   D) Date Agency anticipates First Notice: August 2003

   E) Effect on small businesses, small municipalities or not for profit corporations: Persons operating boarding facilities known as “day care” facilities for animals will be required to meet certain requirements to operate these types of facilities. Licensees will be required to maintain records on the sale of all animals with the exception of fish.
DEPARTMENT OF AGRICULTURE
JULY 2003 REGULATORY AGENDA

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None

h) Part(s) (Heading and Code Citation): Humane Care for Animals Act, 8 Ill. Adm. Code 35

1) Rulemaking:

A) Description: The role of the humane investigator is being clarified including the termination of a humane investigator.

B) Statutory Authority: Illinois Humane Care for Animals Act [510 ILCS 70/1]

C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the Illinois Register. The Advisory Board of Livestock Commissioners is scheduled to meet in the Fall 2003.

D) Date Agency anticipates First Notice: August 2003

E) Effect on small businesses, small municipalities or not for profit corporations: No adverse impact is anticipated.

F) Agency contact person for information:

Carroll Imig
animal Disease Laboratories Act, 8 Ill. Adm. Code 110

1) Rulemaking:

A) Description: Much of the fee schedule has been reviewed and prices increased to bring the Animal Diagnostic Laboratories in line with prices at the University of Illinois College of Veterinary Medicine Laboratory. Most of these fees had not been increased since the laboratory fee system was initiated in 1985. In most cases, these fees are equal or lower than those being charged by private laboratories.

B) Statutory Authority: Animal Disease Laboratory Act [510 ILCS 10/1]

C) Scheduled meeting/hearing dates: The Advisory Board of Livestock Commissioners will meet in the Fall 2003.

D) Date Agency anticipated First Notice: August 2003

E) Effect on small businesses, small municipalities or not for profit corporations: Veterinarians and persons using the diagnostic facilities at the animal diagnostic laboratories operated by the Illinois Department of Agriculture.

F) Agency contact person for information:

Dr. Lori Miser
DEPARTMENT OF AGRICULTURE

JULY 2003 REGULATORY AGENDA

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G) Related rulemakings and other pertinent information:  None

j) Part(s) (Heading and Code Citation): Illinois Bovidae and Cervidae Tuberculosis Eradication Act, 8 Ill. Adm. Code 80

1) Rulemaking:

   A) Description: Texas lost its accredited tuberculosis-free status on June 7, 2002. In light of this, and the fact that Michigan is continuing to have problems with this disease, the Department is reviewing all regulations pertaining to the importation of animals from non-accredited free areas to see if more stringent measures need to be adopted to protect the Illinois livestock industry. Canadian provinces that are not tuberculosis free will be included in the regulations pertaining to non-tuberculosis free states. Section 80.180 will be repealed.

   B) Statutory Authority: Illinois Bovidae and Cervidae Tuberculosis Eradication Act [510 ILCS 35]

   C) Scheduled meeting/hearing dates: The Advisory Board of Livestock Commissioners is scheduled to meet in the Fall 2003.

   D) Date Agency anticipated First Notice: August 2003

   E) Effect on small businesses, small municipalities or not for profit corporations: Any regulations changes would only affect persons bringing animals into Illinois from non-accredited free areas.

   F) Agency contact person for information:
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JULY 2003 REGULATORY AGENDA

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G) Related rulemakings and other pertinent information: None
DEPARTMENT OF AGRICULTURE

JULY 2003 REGULATORY AGENDA

k) Part(s) (Heading and Code Citation): Diseased Animals, 8 Ill. Adm. Code 85

1) Rulemaking:

A) Description: The United States Department of Agriculture (USDA) is in the process of revising the movement requirements for animals exposed to scrapie and adopting a Uniform Methods and Rules for Scrapie Eradication. The Department will revise Section 85.55 and 85.80 once the final wording is adopted. It is anticipated that the final wording will be available for the USDA this summer.

The situation regarding Chronic Wasting Disease (CWD) is changing daily, and the Department may need to review these regulations. The regulations regarding the submission of heads for CWD examination will be amended to specify head and/or retropharyngeal lymph nodes.

The emergency rulemaking of June 10, 2003, adding monkeypox virus will be finalized, along with adding monkeypox virus to the reportable disease list. Other sections of these regulations will be reviewed and updated as necessary to deal with monkeypox virus and other exotic diseases of companion animals that are not currently addressed.

Plague and tularemia will be added to the reportable and contagious/infectious diseases lists.

Swap meets handling any live mammals, reptiles or birds will be required to notify the department at least 30 days in advance of the date, location and anticipated species involved, and maintain records as to who the sellers/traders were and the species handled.

Entry permits and health certificates will be required for all mammals, reptiles and birds that are not native to Illinois.

Section 85.135(c) will be revised to modify the Uniform Program Standards for the Voluntary Bovine Johne’s Disease Control Program to allow the use of the culture test for any certification test. The current program specifies the use of the ELISA test only at specific times of the certification process.
DEPARTMENT OF AGRICULTURE

JULY 2003 REGULATORY AGENDA


C) Scheduled meeting/hearing dates: The Advisory Board of Livestock Commissions will meet in the Fall 2003.

D) Date Agency anticipated First Notice: August 2003

E) Effect on small businesses, small municipalities or not for profit corporations: It is anticipated that the Department will be able to ease the tagging and movement restrictions for goats and neutered sheep once the final ruling is received from the USDA.

Persons importing non-native animals will be required to obtain a permit prior to shipment and swap meets will be required to maintain records on animals changing ownership.

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None

I) Part(s) (Heading and Code Citation): Illinois Swine Disease Control and Eradication Act, 8 Ill. Adm. Code 115

1) Rulemaking:
DEPARTMENT OF AGRICULTURE

JULY 2003 REGULATORY AGENDA

A) **Description:** When Illinois achieved Pseudorabies Stage V status, under the Pseudorabies Eradication State-Federal-Industry Program Standards, all herds in the state are considered to be qualified pseudorabies negative herds. County and state fair regulations require swine being exhibited to be tested negative for pseudorabies or originate from a qualified pseudorabies negative herd. Section 105.110 will be amended to remove the option of originating from a qualified pseudorabies herd as these animals still need to be tested.

B) **Statutory Authority:** Illinois Swine Disease Control and Eradication Act [510 ILCS 100]

C) **Scheduled meeting/hearing dates:** The Advisory Board of Livestock Commissioners is scheduled to meet in the Fall 2003.

D) **Date Agency anticipated First Notice:** August 2003

E) **Effect on small businesses, small municipalities or not for profit corporations:** None. Animals originating from a herd that is enrolled in the qualification process are being tested either monthly or quarterly.

F) **Agency contact person for information:**

Dr. Lori Miser

Illinois Department of Agriculture

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G) **Related rulemakings and other pertinent information:** None

m) **Part(s) (Heading and Code Citation):** Motor Fuel Standards Act, 8 Ill. Adm. Code
1) Rulemaking:

A) **Description:** Each kerosene retail dispenser shall be labeled as K-1 kerosene or K-2 kerosene. In addition, K-2 dispensers shall display a warning label on it. The required label will inform consumers of the type of kerosene being offered for sale and warn them not to use K-2 kerosene in an unvented-type heater.

This Part will also be amended to delete procedures for charging consumers when motor fuel samples are analyzed to be consistent with changes made to the Act.

In Section 850.10 the requirements for a written complaint for motor fuel quality will be repealed.

In Section 850.40 the administrative and laboratory fees for sampling motor fuel will be revised. The breakdown of actual expenses incurred is inaccurate.

In Section 850.50 the requirements for the placement of ethanol labels will be clarified.

B) **Statutory Authority:** Motor Fuel Standards Act [815 ILCS 370]

C) **Scheduled meeting/hearing dates:** Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the Illinois Register.

D) **Date Agency anticipates First Notice:** August 2003

E) **Effect on small businesses, small municipalities or not for profit corporations:** No adverse impact is anticipated.

F) **Agency contact person for information:**

Thomas E. Jennings

Illinois Department of Agriculture

State Fairgrounds
DEPARTMENT OF AGRICULTURE

JULY 2003 REGULATORY AGENDA

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G) Related rulemakings and other pertinent information:  None

n) Part(s) (Heading and Code Citation):  Weights and Measures Act, 8 Ill. Adm. Code 600

1) Rulemaking:

A) Description:  In Section 600.300 the requirements for the installation of low profile pitless vehicle scales will be amended to allow the pad to be constructed of concrete or similar durable material. The clearance requirements will also be amended to clarify the provision for cleaning and servicing.

The rules for half-gallon pricing of motor fuel will be repealed in Sections 600.650, 600.660, 600.690, 600.700, 600.710, 600.720, 600.750 and 600.810. These rules were originally enacted in 1979 to provide procedures for gasoline pumps that were incapable of computing prices in excess of 99.9 cents per gallon. The requirement in Section 600.810 for the size of the fraction will also be repealed.

B) Statutory Authority:  Weights and Measures Act [225 ILCS 470]

C) Scheduled meeting/hearing dates:  Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the Illinois Register.

D) Date Agency anticipates First Notice:  August 2003

E) Effect on small businesses, small municipalities or not for profit corporations:  No adverse impact is anticipated.

F) Agency contact person for information:

Thomas E. Jennings
G) Related rulemakings and other pertinent information: None

o) Part(s) (Heading and Code Citation): Egg and Egg Products Act, 8 Ill. Adm. Code 65

1) Rulemaking:

A) Description: The United States Department of Agriculture (USDA) has issued a prohibition on the repackaging of eggs packed under USDA’s voluntary grading program. Amendments will be made relating to the enforcement of the Illinois Egg and Egg Products Act to follow USDA’s standards that eggs sold for human consumption cannot be repackaged. The rules will be amended to clarify that the 30-day expiration date should be marked on each carton of eggs.

In Section 65.210 an inspection fee increase will be amended from 5 cents per case (30 dozen equals a case) to 6 cents per case. The inspection fee is paid by the first handler in Illinois who packed and sold the eggs. For eggs shipped into Illinois, the fee is paid by the handler who invoiced the eggs to Illinois. The fee increase is necessary to cover the administrative and inspection costs of the egg program.

B) Statutory Authority: Illinois Egg and Egg Products Act [410 ILCS 615]

C) Schedule meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the Illinois Register.
DEPARTMENT OF AGRICULTURE

JULY 2003 REGULATORY AGENDA

D) Date Agency anticipates First Notice: July 2003

E) Effect on small businesses, small municipalities or not for profit corporations: Egg packagers and distributors will not be able to regrade and repackage older eggs. It is seldom that eggs are repackaged and resold to consumers. This amendment will insure that eggs being sold for human consumption are fresh. The inspection fee increase will impact egg handlers.

F) Agency contact person for information:

Thomas E. Jennings
Illinois Department of Agriculture
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Springfield, IL 62794-9281
217/785-4195
FAX: 217/524-7801

G) Related rulemakings and other pertinent information: None

p) Part(s) (Heading and Code Citation): Administrative Rules (Formal Administrative Proceedings; Contested Cases; Petitions; Public Disclosure), 8 Ill. Adm. Code 1

1) Rulemaking:

A) Description: The Department’s procedural rules will be updated, including adding a provision establishing a fee for any party requesting a copy of an administrative hearing transcript, and reorganized.

B) Statutory Authority: Sections 5-10, 5-145, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-40, 10-50, and 10-60 of the Illinois Administrative Procedure Act [5 ILCS 100/5-10, 5-145, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-40, 10-50, and 10-60] and the Freedom of Information Act [5 ILCS 140]
DEPARTMENT OF AGRICULTURE

JULY 2003 REGULATORY AGENDA

C) Schedule meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the Illinois Register.

D) Date Agency anticipates First Notice: September 2003

E) Effect on small businesses, small municipalities or not for profit corporations: Any party requesting a copy of an administrative hearing transcript will be responsible for the costs associated with the transcription.

F) Agency contact person for information:

Cynthia Ervin
Illinois Department of Agriculture
P. O. Box 19281
Springfield, IL 62794-9281
217/785-4507
FAX: 217/785-4505

G) Related rulemakings and other pertinent information: None

q) Part(s) (Heading and Code Citation): Freedom of Information Act, 2 Ill. Adm. Code 701

1) Rulemaking:

A) Description: Amendments to this Part will update these rules in accordance with statutory amendments. The fee schedule in Section 701.140 will also be amended and updated.

B) Statutory Authority: Freedom of Information Act [5 ILCS 140]

C) Schedule meeting/hearing date: None

D) Date Agency anticipates First Notice: First Notice publication is not required under this Part.
DEPARTMENT OF AGRICULTURE

JULY 2003 REGULATORY AGENDA

E) Effect on small businesses, small municipalities or not for profit corporations: There will be an increase in duplication costs for those requesting copies under the FOIA.

F) Agency contact person for information:

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Illinois Department of Agriculture
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G) Related rulemakings and other pertinent information: None

r) Part(s) (Heading and Code Citation): Illinois State Fair, and DuQuoin State Fair, Non-Fair Space Rental and the General Operation of the State Fairgrounds, 8 Ill. Adm. Code 270

1) Rulemaking:

A) Description: New regulations will be developed regarding advertising in State Fair publications [20 ILCS 210/6] and leasing buildings during the State Fair. Amendments to "Facility Availability" (Section 270.420) will be amended to facilitate additional rentals to maximize income throughout the non-fair season. A clarification is needed to further explain the Department's policy of allowing last year's lessees to have first right to the same dates in subsequent years in Section 270.380 concerning "Application for Space".

B) Statutory Authority: State Fair Act [20 ILCS 210] and Section 40.14 and Section 16 of the Civil Administrative code of Illinois [20 ILCS 5/16 and 40.14]
DEPARTMENT OF AGRICULTURE

JULY 2003 REGULATORY AGENDA

C) Schedule meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the Illinois Register.

D) Date Agency anticipates First Notice: October 2003

E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect those wishing to rent space/buildings on the fairgrounds and those advertising in fair publications.

F) Agency contact person for information:

Cynthia Ervin
Illinois Department of Agriculture
P. O. Box 19281
Springfield, IL 62794-9281
217/785-4507
FAX: 217/785-4505

G) Related rulemakings and other pertinent information: None

s) Part(s) (Heading and Code Citation): Meat and Poultry Inspection Act, 8 Ill. Adm. Code 125

1) Rulemaking:

A) Description: Expanding provisions for existing Section 125.141 by requiring all licensed plants, Type I and Type II, to operate and maintain Sanitation SOP at all times.

Update all cites to the Code of Federal Regulations (CFR).

B) Statutory Authority: Meat and Poultry Inspection Act [225 ILCS 650] and Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16]
DEPARTMENT OF AGRICULTURE

JULY 2003 REGULATORY AGENDA

C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the Illinois Register.

D) Date Agency anticipates First Notice: August 2003

E) Effect on small businesses, small municipalities or not for profit corporations: All Type I establishments are operating under provisions of Sanitation SOP since October 1, 1997. Currently the recordkeeping requirement is limited to operations conducted under inspection. Due to increase in numbers for operations conducted outside of official hours, but still involving meat and poultry products, becomes necessary to expand existing requirements for providing uniform sanitation procedures. Only 8% of very small businesses (Type II) will be required to adopt these rules. The Department will provide guidance and assistance during implementation process.

F) Agency contact person for information:

Dr. Kris Mazurczak
Illinois Department of Agriculture
State Fairgrounds
Springfield, IL 62794-9281
217/782-3817
FAX: 217/524-7801

G) Related rulemakings and other pertinent information: None

1) Part(s) (Heading and Code Citation): Standardbred, Thoroughbred and Quarter Horse Breeding and Racing Programs, Illinois, 8 Ill. Adm. Code 290

A) Description: The Department will amend Section 290.210(a) to change “registered Illinois conceived and foaled horses that were
DEPARTMENT OF AGRICULTURE

JULY 2003 REGULATORY AGENDA

conceived before May 30, 1995” to “registered Illinois conceived and foaled horses prior to May 30, 1995.”


C) Schedule meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the Illinois Register.

D) Date Agency anticipates First Notice: September 2003

E) Effect on small businesses, small municipalities or not for profit corporations: No impacts anticipated.

F) Agency contact person for information:

Tex Moats
Illinois Department of Agriculture
State Fairgrounds
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FAX: 217/524-6194

G) Related rulemakings and other pertinent information: None

u) Part(s) (Heading and Code Citation): Fairs Operating Under the Agricultural Fair Act, 8 Ill. Adm. Code 260

1) Rulemaking:

A) Description: As a result of the General Assembly passing Senate Bill 1281 in December 2000, county fair rules need to be revised.

B) Statutory Authority: Agricultural Fair Act [30 ILCS 120]
DEPARTMENT OF AGRICULTURE

JULY 2003 REGULATORY AGENDA

C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the Illinois Register.

D) Date Agency anticipates First Notice: September 2003

E) Effect on small businesses, small municipalities or not for profit corporations: No impacts anticipated.

F) Agency contact person for information:

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Illinois Department of Agriculture
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FAX: 217/785-4505

G) Related rulemakings and other pertinent information: None

v) Part(s) (Heading and Code Citation): Illinois Seed Law, 8 Ill. Adm. Code 230

1) Rulemaking:

A) Description: The rule changes will allow the Department to offer different tests that are currently available for seed products and allow the establishment of fees for these tests (i.e. TZ, seed count, etc.). These rules allow for the Department to update its services offered to those groups or individuals wishing to utilize them.

B) Statutory Authority: The Illinois Seed Law [505 ILCS 110]

C) Schedule meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the Illinois Register.

D) Date Agency anticipates First Notice: November 2003
DEPARTMENT OF AGRICULTURE

JULY 2003 REGULATORY AGENDA

E) Effect on small businesses, small municipalities or not for profit corporations: No adverse impact is expected.

F) Agency contact person for information:

Thomas E. Jennings
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FAX: 217/524-7801

G) Related rulemakings and other pertinent information: None

Part(s) (Heading and Code Citation): The Grain Code, 8 Ill. Adm. Code 281

1) Rulemaking:

A) Description: The Department intends to propose rules for the Grain Code as a result of the amendments enacted in HB1458.

B) Statutory Authority: 240 ILCS 40/1-1

C) Schedule meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the Illinois Register.

D) Date Agency anticipates First Notice: September 2003

E) Effect on small businesses, small municipalities or not for profit corporations: No effect anticipated.

F) Agency contact person for information:

Thomas E. Jennings
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G) Related rulemakings and other pertinent information: None

x) Part(s) (Heading and Code Citation): Illinois State Fair, and DuQuoin State Fair, Non-Fair Space Rental and the General Operation of the State Fairgrounds, 8 Ill. Adm. Code 270

1) Rulemaking:

A) Description: Amendments to “Non-Fair Space Rental, Payment Process, Camping, Facility Availability, Insurance, Concessions, Gambling, Raffles, Prizes, Beverages, Rate Schedules, Contract and General Stabling Rules will be amended to facilitate additional rentals to maximize income throughout the non-fair season. In addition, the amendments will bring the rules in line with new procedures on the DuQuoin and Illinois State Fairgrounds.

B) Statutory Authority: State Fair Act [20 ILCS 210]

C) Schedule meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the Illinois Register.

D) Date Agency anticipates First Notice: November 2003

E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect those wishing to rent space/buildings on the fairgrounds.

F) Agency contact person for information:

Jeff Dillman, Non-Fair Events Manager

Illinois Department of Agriculture
DEPARTMENT OF AGRICULTURE

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217/782-1698
FAX: 217/557-5729

John Rednour, Fair Manager
DuQuoin State Fair
655 Executive Drive
DuQuoin, IL 62832
618/542-1515
FAX: 618/542-1541

G) Related rulemakings and other pertinent information: None
DEPARTMENT OF HUMAN SERVICES

JULY 2003 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Medicaid Community Mental Health Services Program, 59 Ill. Adm. Code 132

1) Rulemaking: Amendment

A) Description: Amendments to this rule are being made throughout the entire Part. Services are being combined and clarified to comply with HIPAA code names. Services are being consolidated to eliminate most differences between DCFS and DHS.

B) Statutory Authority: Implementing and authorized by the Community Services Act [405 ILCS 30] and Section 15.3 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/15.3].

C) Schedule Meeting/Hearing Date: DHS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].

D) Date agency anticipates First Notice: 08/01/03

E) Effect small business, small municipalities or not for profit corporations? Positive affect on most community providers.

F) Agency contact person for information:

Tracie Drew, Bureau Chief

Bureau of Administrative Rules and Procedures

Department of Human Services

100 South Grand Avenue, East

Springfield, Illinois 62762

(217) 785-9772

G) Related rulemakings and other pertinent information: None

b) Part(s) (Heading and Code Citation): Impartial Hearing Officer Standards, 2 Ill.
DEPARTMENT OF HUMAN SERVICES

JULY 2003 REGULATORY AGENDA

Adm. Code 1177

1) Rulemaking: Amendments

   A) Description: This rulemaking will make changes regarding the hearing officer standards, such as specifying that the hearings are for the Department of Human Services – Office of Rehabilitation Services.

   B) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3a], authorized by Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/625], and Section 10-20 of the Illinois Administrative Procedure Act [5 ILCS 100/10-20]

   C) Schedule Meeting/Hearing Date: DHS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].

   D) Date agency anticipates First Notice: 08/01/03

   E) Effect small business, small municipalities or not for profit corporations? None

   F) Agency contact person for information:

       Tracie Drew, Bureau Chief

       Bureau of Administrative Rules and Procedures

       Department of Human Services

       100 South Grand Avenue, East

       Springfield, Illinois 62762

       (217) 785-9772

   G) Related rulemakings and other pertinent information: None

c) Part(s) (Heading and Code Citation): Appeals and Hearings, 89 Ill. Adm. Code
1) Rulemaking: Amendment

A) Description: An amendment is being proposed to reflect a change from 15 days to 30 days to request an appeal to be consistent with the effective date for a service change.

B) Statutory Authority: Implementing the Disabled Persons Rehabilitation Act [20 ILCS 2405], and authorized by Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625].

C) Schedule Meeting/Hearing Date: DHS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].

D) Date agency anticipates First Notice: 08/01/03

E) Effect small business, small municipalities or not for profit corporations? None

F) Agency contact person for information:

Tracie Drew, Bureau Chief

Bureau of Administrative Rules and Procedures

Department of Human Services

100 South Grand Avenue, East

Springfield, Illinois  62762

(217) 785-9772

G) Related rulemakings and other pertinent information: None

d) Part(s) (Heading and Code Citation): Reasonable Accommodation, 89 Ill. Adm. Code 000

1) Rulemaking: New Rule
A) **Description:** This rule will set out the specific criteria for requesting reasonable accommodations in DHS offices and facilities, definition of to whom rules apply and method of contacting the Department’s Bureau of Job Accommodation, references to the federal and State enforcement citations governing Reasonable Accommodation policy at the Department of Human Services for further information and application.

B) **Statutory Authority:** Implementing Section 3(k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(k)].

C) **Schedule Meeting/Hearing Date:** DHS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].

D) Date agency anticipates First Notice: 09/01/03

E) Effect small business, small municipalities or not for profit corporations? None

F) **Agency contact person for information:**

   Tracie Drew, Bureau Chief

   Bureau of Administrative Rules and Procedures

   Department of Human Services

   100 South Grand Avenue, East

   Springfield, Illinois  62762

   (217) 785-9772

G) Related rulemakings and other pertinent information: None

e) **Part(s) (Heading and Code Citation):** General Administrative Provisions, 89 Ill. Adm. Code 10

   1) **Rulemaking:** Amendment
DEPARTMENT OF HUMAN SERVICES

JULY 2003 REGULATORY AGENDA

A) **Description:** This rule will include marital status as a reason that an individual participating in any program or activity will not be discriminated against.

B) **Statutory Authority:** Implementing Articles I through IX and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IX and 12-13].

C) **Schedule Meeting/Hearing Date:** DHS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].

D) **Date agency anticipates First Notice:** 09/01/03

E) **Effect small business, small municipalities or not for profit corporations?** None

F) **Agency contact person for information:**

   Tracie Drew, Bureau Chief
   Bureau of Administrative Rules and Procedures
   Department of Human Services
   100 South Grand Avenue, East
   Springfield, Illinois  62762
   (217) 785-9772

G) **Related rulemakings and other pertinent information:** None

f) **Part(s) (Heading and Code Citation):** General Administrative Provisions, 89 Ill. Adm. Code 10

1) **Rulemaking:** Amendment

   A) **Description:** This rule will be amended to allow electronically filed applications to be accepted for assistance programs administered by the Department.

   B) **Statutory Authority:** Implementing Articles I through IX and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IX and 12-13].
DEPARTMENT OF HUMAN SERVICES

JULY 2003 REGULATORY AGENDA

C) Schedule Meeting/Hearing Date: DHS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].

D) Date agency anticipates First Notice: 11/01/03

E) Effect small business, small municipalities or not for profit corporations? None

F) Agency contact person for information:

Tracie Drew, Bureau Chief

Bureau of Administrative Rules and Procedures

Department of Human Services

100 South Grand Avenue, East

Springfield, Illinois  62762

(217) 785-9772

G) Related rulemakings and other pertinent information: None

g) Part(s) (Heading and Code Citation): Food Stamps, 89 Ill. Adm. Code 121

1) Rulemaking: Amendment

A) Description: This rule will be amended to allow electronically filed applications to be accepted for assistance programs administered by the Department.

B) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].

C) Schedule Meeting/Hearing Date: DHS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].
DEPARTMENT OF HUMAN SERVICES

JULY 2003 REGULATORY AGENDA

D) Date agency anticipates First Notice: 11/01/03

E) Effect small business, small municipalities or not for profit corporations? None

F) Agency contact person for information:

   Tracie Drew, Bureau Chief
   Bureau of Administrative Rules and Procedures
   Department of Human Services
   100 South Grand Avenue, East
   Springfield, Illinois  62762
   (217) 785-9772

G) Related rulemakings and other pertinent information: None

h) Part(s) (Heading and Code Citation): Aid To The Aged, Blind or Disabled, 89 Ill. Adm. Code 113

1) Rulemaking: Amendment

   A) Description: Annual increase to the grant adjustment allowance and the sheltered care rates by the amount of the January, 2004 SSA/SSI cost-of-living adjustment. The increase allows AABD cash clients to realize their Social Security benefit increase.


   C) Schedule Meeting/Hearing Date: DHS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].

   D) Date agency anticipates First Notice: 11/01/03

   E) Effect small business, small municipalities or not for profit corporations? None

   F) Agency contact person for information:
DEPARTMENT OF HUMAN SERVICES

JULY 2003 REGULATORY AGENDA

Tracie Drew, Bureau Chief

Bureau of Administrative Rules and Procedures

Department of Human Services

100 South Grand Avenue, East

Springfield, Illinois 62762

(217) 785-9772

G) Related rulemakings and other pertinent information:  None

i) Part(s) (Heading and Code Citation): Temporary Assistance for Needy Families, 89 Ill. Adm. Code 112

1) Rulemaking: Amendment

A) Description: This change is due to a revision in State law that allows for minor parents to receive TANF for up to six months before being required to meet the present specific criteria concerning whom they must live with to receive TANF.


C) Schedule Meeting/Hearing Date: DHS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].

D) Date agency anticipates First Notice: 07/01/03

E) Effect small business, small municipalities or not for profit corporations?  None

F) Agency contact person for information:

Tracie Drew, Bureau Chief
DEPARTMENT OF HUMAN SERVICES

JULY 2003 REGULATORY AGENDA

Bureau of Administrative Rules and Procedures

Department of Human Services

100 South Grand Avenue, East

Springfield, Illinois  62762

(217) 785-9772

G) Related rulemakings and other pertinent information: None

j) Part(s) (Heading and Code Citation): Temporary Assistance for Needy Families, 89 Ill. Adm. Code 112

1) Rulemaking: Amendment

A) Description: A cap of the TANF grant will no longer apply to children born on 01/01/04 or after. As resources permit, but no later than 07/01/07, the Department will cease applying the family cap provisions with respect to children born before 01/01/04.


C) Schedule Meeting/Hearing Date: DHS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].

D) Date agency anticipates First Notice: 09/01/03

E) Effect small business, small municipalities or not for profit corporations? None

F) Agency contact person for information:

Tracie Drew, Bureau Chief
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Department of Human Services
100 South Grand Avenue, East
DEPARTMENT OF HUMAN SERVICES

JULY 2003 REGULATORY AGENDA

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(217) 785-9772

G) Related rulemakings and other pertinent information:  None

k) Part(s) (Heading and Code Citation): Temporary Assistance for Needy Families, 89 Ill. Adm. Code 112

1) Rulemaking:  Amendment

A) Description:  Lump sum income will be treated as nonexempt unearned income for the month of receipt and as an asset for the following month/


C) Schedule Meeting/Hearing Date:  DHS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].

D) Date agency anticipates First Notice:  08/1/03

E) Effect small business, small municipalities or not for profit corporations?  None

F) Agency contact person for information:

Tracie Drew, Bureau Chief

Bureau of Administrative Rules and Procedures

Department of Human Services

100 South Grand Avenue, East

Springfield, Illinois  62762

G) Related rulemakings and other pertinent information:  None
DEPARTMENT OF HUMAN SERVICES

JULY 2003 REGULATORY AGENDA

1) Part(s) (Heading and Code Citation): General Assistance, 89 Ill. Adm. Code 114

1) Rulemaking: Amendment

A) Description: Lump sum income will be treated as nonexempt unearned income for the month of receipt and as an asset for the following month.


C) Schedule Meeting/Hearing Date: DHS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].

D) Date agency anticipates First Notice: 08/01/03

E) Effect small business, small municipalities or not for profit corporations? None

F) Agency contact person for information:

Tracie Drew, Bureau Chief

Bureau of Administrative Rules and Procedures
Department of Human Services

100 South Grand Avenue, East

Springfield, Illinois 62762

(217) 785-9772

G) Related rulemakings and other pertinent information: None

m) Part(s) (Heading and Code Citation): Temporary Assistance for Needy Families, 89 Ill. Adm. Code 112

1) Rulemaking: Amendment
DEPARTMENT OF HUMAN SERVICES

JULY 2003 REGULATORY AGENDA

A) **Description:** Revises current filing unit rule to exclude the mother from TANF benefits when the mother and newborn are participating in an alternative residential program and the mother’s needs are covered by the Department of Corrections.

B) **Statutory Authority:** Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].

C) **Schedule Meeting/Hearing Date:** DHS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].

D) **Date agency anticipates First Notice:** 11/01/03

E) **Effect small business, small municipalities or not for profit corporations?** None

F) **Agency contact person for information:**

   Tracie Drew, Bureau Chief
   Bureau of Administrative Rules and Procedures
   Department of Human Services
   100 South Grand Avenue, East
   Springfield, Illinois  62762

G) **Related rulemakings and other pertinent information:** None

n) **Part(s) (Heading and Code Citation):** Temporary Assistance for Needy Families, 89 Ill. Adm. Code 112

1) **Rulemaking:** Amendment

   A) **Description:** Changes include adding to the list of examples of good cause for not complying with TANF participation requirements, revising the language for requiring the client to provide evidence of good cause, and eliminating the requirement that the client provide documentation of non-receipt of notice of participation requirement.
DEPARTMENT OF HUMAN SERVICES

JULY 2003 REGULATORY AGENDA


C) Schedule Meeting/Hearing Date: DHS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].

D) Date agency anticipates First Notice: 08/01/03

E) Effect small business, small municipalities or not for profit corporations? None

F) Agency contact person for information:

Tracie Drew, Bureau Chief
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Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois 62762

G) Related rulemakings and other pertinent information: None

o) Part(s) (Heading and Code Citation): Temporary Assistance for Needy Families, 89 Ill. Adm. Code 112

1) Rulemaking: Amendment

A) Description: Include a statement that a client not be assigned to an activity without a Family Assessment and eliminate the provision that a client may be assigned up to 4 weeks of Job Search prior to the Family Assessment. Also include a provision for literacy testing with the Family Assessment.


C) Schedule Meeting/Hearing Date: DHS does not anticipate the need for public input over the First Notice Period. Hearings, etc.
DEPARTMENT OF HUMAN SERVICES

JULY 2003 REGULATORY AGENDA

will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].

D) Date agency anticipates First Notice: 09/01/03

E) Effect small business, small municipalities or not for profit corporations?  None

F) Agency contact person for information:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois  62762

G) Related rulemakings and other pertinent information:  None

p) Part(s) (Heading and Code Citation): Temporary Assistance for Needy Families, 89 Ill. Adm. Code 112

1) Rulemaking: Amendment – possibly Emergency

A) Description: Changes made necessary by TANF Reauthorization: specifics unknown.


C) Schedule Meeting/Hearing Date: DHS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].

D) Date agency anticipates First Notice: 10/01/03

E) Effect small business, small municipalities or not for profit corporations?  None

F) Agency contact person for information:
DEPARTMENT OF HUMAN SERVICES

JULY 2003 REGULATORY AGENDA

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois  62762

G)  Related rulemakings and other pertinent information:  None

q) Part(s) (Heading and Code Citation): Food Stamps, 89 Ill. Adm. Code 121

1) Rulemaking: Amendment

A) Description: Expands food stamp eligibility to persons under age 18 years of age who are qualified non-citizens, regardless of when they entered the United States. An eligible child will be exempt from all deeming requirements.

B) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].

C) Schedule Meeting/Hearing Date: DHS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].

D) Date agency anticipates First Notice: 08/01/03

E) Effect small business, small municipalities or not for profit corporations? None

F) Agency contact person for information:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois  62762
DEPARTMENT OF HUMAN SERVICES

JULY 2003 REGULATORY AGENDA

(217) 785-9772

G) Related rulemakings and other pertinent information: None
DEPARTMENT OF HUMAN SERVICES

JULY 2003 REGULATORY AGENDA

r) Part(s) (Heading and Code Citation): Food Stamps, 89 Ill. Adm. Code 121

1) Rulemaking: Amendment

A) Description: This rulemaking allows for consideration of court ordered child support payments as an income exclusion, in addition to considering as a deduction as in current policy.

B) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].

C) Schedule Meeting/Hearing Date: DHS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].

D) Date agency anticipates First Notice: 09/01/03

E) Effect small business, small municipalities or not for profit corporations? None

F) Agency contact person for information:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois 62762
(217) 785-9772

G) Related rulemakings and other pertinent information: None

s) Part(s) (Heading and Code Citation): Food Stamps, 89 Ill. Adm. Code 121

1) Rulemaking: Amendment
DEPARTMENT OF HUMAN SERVICES

JULY 2003 REGULATORY AGENDA

A) **Description**: Annual adjustments to the Maximum Allotment. Benefits amounts are adjusted annually based on 100% of USDA’s Thrifty Food Plan.

B) **Statutory Authority**: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].

C) **Schedule Meeting/Hearing Date**: DHS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].

D) **Date agency anticipates First Notice**: 08/01/03

E) **Effect small business, small municipalities or not for profit corporations?** None

F) **Agency contact person for information**:

   Tracie Drew, Bureau Chief
   Bureau of Administrative Rules and Procedures
   Department of Human Services
   100 South Grand Avenue, East
   Springfield, Illinois 62762
   (217) 785-9772

G) **Related rulemakings and other pertinent information**: None

t) **Part(s) (Heading and Code Citation)**: Food Stamps, 89 Ill. Adm. Code 121

1) **Rulemaking**: Amendment

A) **Description**: Annual increase in the maximum shelter costs deduction.
DEPARTMENT OF HUMAN SERVICES

JULY 2003 REGULATORY AGENDA

B) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].

C) Schedule Meeting/Hearing Date: DHS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].

D) Date agency anticipates First Notice: 08/01/03

E) Effect small business, small municipalities or not for profit corporations? None

F) Agency contact person for information:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois 62762
(217) 785-9772

G) Related rulemakings and other pertinent information: None

u) Part(s) (Heading and Code Citation): Food Stamps, 89 Ill. Adm. Code 121

1) Rulemaking: Amendment

A) Description: Annual increase in the gross and net income eligibility standards

B) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].
DEPARTMENT OF HUMAN SERVICES

JULY 2003 REGULATORY AGENDA

C) **Schedule Meeting/Hearing Date:** DHS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].

D) **Date agency anticipates First Notice:** 08/01/03

E) **Effect small business, small municipalities or not for profit corporations?** None

F) **Agency contact person for information:**

   Tracie Drew, Bureau Chief
   Bureau of Administrative Rules and Procedures
   Department of Human Services
   100 South Grand Avenue, East
   Springfield, Illinois 62762
   (217) 785-9772

G) **Related rulemakings and other pertinent information:** None

v) **Part(s) (Heading and Code Citation):** Child Care, 89 Ill. Adm. Code 50

1) **Rulemaking:** Amendment
   
   A) **Description:** This amendment will establish provider sanctions for failure to repay an overpayment.

   B) **Statutory Authority:** Implementing Articles I through IX and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IX and 12-13]

   C) **Schedule Meeting/Hearing Date:** DHS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].
DEPARTMENT OF HUMAN SERVICES

JULY 2003 REGULATORY AGENDA

D) Date agency anticipates First Notice: 08/01/03

E) Effect small business, small municipalities or not for profit corporations? None

F) Agency contact person for information:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois 62762
(217) 785-9772

G) Related rulemakings and other pertinent information: None

w) Part(s) (Heading and Code Citation): Child Care, 89 Ill. Adm. Code 50

1) Rulemaking: Amendment

A) Description: The proposed amendments are being implemented to reflect current Department policy on child care payments.

B) Statutory Authority: Implementing Articles I through IX and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IX and 12-13]

C) Schedule Meeting/Hearing Date: DHS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].

D) Date agency anticipates First Notice: 08/01/03

E) Effect small business, small municipalities or not for profit corporations? None
DEPARTMENT OF HUMAN SERVICES

JULY 2003 REGULATORY AGENDA

F) Agency contact person for information:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois  62762
(217) 785-9772

G) Related rulemakings and other pertinent information: None

x) Part(s) (Heading and Code Citation): Early Intervention, 89 Ill. Adm. Code 500

1) Rulemaking: Amendment

A) Description: As recommended by JCAR, the Department will incorporate guidelines for occupational therapy, physical therapy, speech therapy and developmental therapy into the Early Intervention rule.


C) Schedule Meeting/Hearing Date: DHS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].

D) Date agency anticipates First Notice: 08/01/03

E) Effect small business, small municipalities or not for profit corporations? None

F) Agency contact person for information:
DEPARTMENT OF HUMAN SERVICES

JULY 2003 REGULATORY AGENDA

Tracie Drew, Bureau Chief

Bureau of Administrative Rules and Procedures

Department of Human Services

100 South Grand Avenue, East

Springfield, Illinois  62762

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G) Related rulemakings and other pertinent information: None
a) Part(s) (Heading and Code Citation): The Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985 (68 Ill. Adm. Code 1175)

1) Rulemaking:
   A) Description: Various changes will be made in cosmetology, esthetics, and nail technology programs to reflect statutory changes and current practices.
   B) Statutory Authority: [225 ILCS 410]
   C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.
   D) Date agency anticipates First Notice: Summer 2003
   E) Effect on small businesses, small municipalities or not for profit corporations: Licensed barbers, cosmetologists, estheticians, nail technicians, shops and salons may be affected.
   F) Agency contact person for information:
      Department of Professional Regulation
      Attention: Barb Smith
      320 West Washington, 3rd Floor
      Springfield, IL  62786
      217/785-0813  Fax: 217/782-7645
   G) Related rulemakings and other pertinent information: None.

b) Part(s) (Heading and Code Citation): Collection Agency Act (68 Ill. Adm. Code 1210)

1) Rulemaking:
   A) Description: Ethical standards for this industry and a definition of "reasonable costs" will be proposed.
DEPARTMENT OF PROFESSIONAL REGULATION

JULY 2003 REGULATORY AGENDA

B) Statutory Authority: [225 ILCS 425]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed collection agencies will be affected.

F) Agency contact person for information:
Department of Professional Regulation
Attention: Barb Smith
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None.

c) Part(s) (Heading and Code Citation): Private Detective, Private Alarm, Private Security, and Locksmith Act of 1993 (68 Ill. Adm. Code 1240)

1) Rulemaking:

A) Description: Various sections will be amended as part of the sunset reauthorization of the professions regulated by this Act.

B) Statutory Authority: [225 ILCS 446]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed private detectives, security contractors, alarm contractors and locksmiths, their agencies and their
DEPARTMENT OF PROFESSIONAL REGULATION

JULY 2003 REGULATORY AGENDA

employees and applicants for licensure under this Act may be affected.

F) Agency contact person for information:

Department of Professional Regulation

Attention: Barb Smith

320 West Washington, 3rd Floor

Springfield, IL 62786

217/785-0813 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None.

d) Part(s) (Heading and Code Citation): Dietetic and Nutrition Services Practice Act (68 Ill. Adm. Code 1245)

1) Rulemaking:

A) Description: Various sections will be amended, including repealing language relating to licensure of nutrition counselors, to reflect changes made in the sunset reauthorization of the Act (PA 92-642).

B) Statutory Authority: [225 ILCS 30]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Fall 2003

E) Effect on small businesses, small municipalities or not for profit corporations: Dietitians and nutrition counselors and their education providers will be affected.

F) Agency contact person for information:

Department of Professional Regulation

Attention: Barb Smith
DEPARTMENT OF PROFESSIONAL REGULATION

JULY 2003 REGULATORY AGENDA

320 West Washington, 3rd Floor
Springfield, IL  62786
217/785-0813  Fax:  217/782-7645

G) Related rulemakings and other pertinent information:  None.

e) Part(s)  (Heading and Code Citation):  The Illinois Landscape Architecture Act of 1989 (68 Ill. Adm. Code 1275)

1) Rulemaking:

A) Description:  Technical amendments may be proposed.

B) Statutory Authority:  [225 ILCS 315]

C) Schedule meeting/hearing date:  No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice:  Unknown

E) Effect on small businesses, small municipalities or not for profit corporations:  Landscape architects may be affected.

F) Agency contact person for information:

Department of Professional Regulation
Attention: Barb Smith
320 West Washington, 3rd Floor
Springfield, IL  62786
217/785-0813  Fax:  217/782-7645

G) Related rulemakings and other pertinent information:  None.

f) Part(s)  (Heading and Code Citation):  Marriage and Family Therapy Licensing Act (68 Ill. Adm. Code 1283)
DEPARTMENT OF PROFESSIONAL REGULATION

JULY 2003 REGULATORY AGENDA

1) Rulemaking:

A) Description: Educational requirements may be revised to reflect changes nationally.

B) Statutory Authority: [225 ILCS 55]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Marriage and family therapist applicants may be affected.

F) Agency contact person for information:
   Department of Professional Regulation
   Attention: Barb Smith
   320 West Washington, 3rd Floor
   Springfield, IL  62786
   217/785-0813  Fax:  217/782-7645

G) Related rulemakings and other pertinent information: None.

Part(s) (Heading and Code Citation): Nursing and Advanced Practice Nursing Act (68 Ill. Adm. Code 1300 and 1305)

1) Rulemaking:

A) Description: Various sections may be amended to provide consistency between the Act and Rules.

B) Statutory Authority: [225 ILCS 65]

C) Schedule meeting/hearing date: No meetings or hearings have been scheduled.
DEPARTMENT OF PROFESSIONAL REGULATION

JULY 2003 REGULATORY AGENDA

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed practical nurses, registered nurses and APNs and applicants for licensure will be affected.

F) Agency contact person for information:

Department of Professional Regulation
Attention: Barb Smith
320 West Washington, 3rd Floor
Springfield, IL  62786
217/785-0813  Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None.

h) Part(s) (Heading and Code Citation): Pharmacy Practice Act of 1987 (68 Ill. Adm. Code 1330)

1) Rulemaking:

A) Description: A new section will be added to require a federally mandated report concerning the theft or loss of controlled substances to also be sent to the Department, and a definition of “unique identifier” contained in PA 92-880 will also be added to the rules.

B) Statutory Authority: [225 ILCS 85]

C) Schedule meeting/hearing date: No hearings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed pharmacists, pharmacy technicians, and pharmacies will be affected.

F) Agency contact person for information:
DEPARTMENT OF PROFESSIONAL REGULATION

JULY 2003 REGULATORY AGENDA

Department of Professional Regulation

Attention: Barb Smith

320 West Washington, 3rd Floor

Springfield, IL  62786

217/785-0813  Fax: 217/782-7645

G) Related rulemakings and other pertinent information:  None.

i) Part(s) (Heading and Code Citation):  Illinois Physical Therapy Act (68 Ill. Adm. Code 1340)

1) Rulemaking:

A) Description:  This Part will be modified to provide for credentialing of non-approved educational programs.

B) Statutory Authority:  [225 ILCS 90]

C) Schedule meeting/hearing date:  No hearings or meetings have been scheduled.

D) Effect on small businesses, small municipalities or not for profit corporations:  Physical therapist and physical therapist assistant applicants and their education providers may be affected.

E) Agency contact person for information:

Department of Professional Regulation

Attention: Barb Smith

320 West Washington, 3rd Floor

Springfield, IL  62786

217/785-0813  Fax: 217/782-7645

F) Related rulemakings and other pertinent information:  None.
Part(s) (Heading and Code Citation): The Structural Engineering Practice Act of 1989 (68 Ill. Adm. Code 1480)

1) Rulemaking:
   A) Description: Examination changes occurring nationally will be incorporated.
   B) Statutory Authority: [225 ILCS 340]
   C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.
   D) Date agency anticipates First Notice: July 2003
   E) Effect on small businesses, small municipalities or not for profit corporations: Structural engineering applicants will be affected.
   F) Agency contact person for information:
      Department of Professional Regulation
      Attention: Barb Smith
      320 West Washington, 3rd Floor
      Springfield, IL  62786
      217/785-0813  Fax: 217/782-7645
   G) Related rulemakings and other pertinent information: None.

Part(s) (Heading and Code Citation): Veterinary Medicine and Surgery Practice Act of 1994 (68 Ill. Adm. Code 1500 and 1505)

1) Rulemaking:
   A) Description: Technical clean-up changes will likely be made in these Parts to reflect sunset reauthorization of the Act.
   B) Statutory Authority: [225 ILCS 115]
DEPARTMENT OF PROFESSIONAL REGULATION

JULY 2003 REGULATORY AGENDA

C) Schedule meeting/hearing date: No meetings or hearings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed veterinarians and veterinary technicians and applicants for licensure may be affected.

F) Agency contact person for information:

Department of Professional Regulation
Attention: Barb Smith
320 West Washington, 3rd Floor
Springfield, IL  62786
217/785-0813  Fax:  217/782-7645

G) Related rulemakings and other pertinent information: None.

l) Part(s) (Heading and Code Citation): Wholesale Drug Distribution Licensing Act (68 Ill. Adm. Code 1510)

1) Rulemaking:

A) Description: This Part will be amended to provide for fee by rule and other statutory changes included in the sunset reauthorization of the Act (PA 92-586).

B) Statutory Authority: [225 ILCS 120]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed wholesale drug distributors and applicants for licensure will be affected.
DEPARTMENT OF PROFESSIONAL REGULATION

JULY 2003 REGULATORY AGENDA

F) Agency contact person for information:
Department of Professional Regulation
Attention: Barb Smith
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None.
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 Priority 1 Mortgage Corporation, License No. #4018 of Rosemont, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective June 16, 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 Provident Partners Mortgage Inc., License No. #6214 of Scottsdale, AZ, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective June 11, 2003.
DEPARTMENT OF REVENUE
NOTICE OF PUBLIC INFORMATION
2003 SECOND QUARTER SUNSHINE INDEX

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

Name of Act: Illinois Department of Revenue Sunshine Act
Citation: 20 ILCS 2515/1 et seq.

2. Summary of information:

Index of Department of Revenue income tax Private Letter Rulings and General Information Letters issued for the Second Quarter of 2003. Private letter rulings are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. Private letter rulings are binding on the Department only as to the taxpayer who is the subject of the request for ruling. (See 2 Ill. Adm. Code 1200.110) General information letters are issued by the Department in response to written inquiries from taxpayers, taxpayer representatives, business, trade, industrial associations or similar groups. General information letters contain general discussions of tax principles or applications. General information letters are designed to provide general background information on topics of interest to taxpayers. General information letters do not constitute statements of agency policy that apply, interpret, or prescribe tax laws administered by the Department. General information letters may not be relied upon by taxpayers in taking positions with reference to tax issues and create no rights for taxpayers under the Taxpayers' Bill of Rights Act. (See 2 Ill. Adm. Code 1200.120)

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

- Alternative Apportionment
- Apportionment – Financial Organizations
- Apportionment – Sales Factor
- Books and Records
- Credit – Foreign Tax
- Public Law 86-272/Nexus
- Returns – Requirements to File
- Withholding – Other Rulings

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of $1.00 per opinion plus 50 cents per page for each page over one.
DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

Copies of the ruling letters may be downloaded free of charge from the Department's World Wide Web site at www.revenue.state.il.us.


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

Linda Settle
Illinois Department of Revenue
Legal Services Office
101 West Jefferson Street
Springfield, Illinois 62794
Telephone: (217) 782-7055

ALTERNATIVE APPORTIONMENT

IT 03-0007-PLR 04/22/2003 Intercompany transactions between members of a unitary group and a unitary partnership wholly-owned by members of the unitary business group should be eliminated in computing income and the sales factor.

IT 03-0018-GIL 06/09/2003 Alternative apportionment petition cannot be granted when it evidences a misunderstanding of the statutory apportionment formula.

APPORTIONMENT – FINANCIAL ORGANIZATIONS

IT 03-0006-PLR 04/14/2003 REIT dividends are dividends within the meaning of IITA Section 304(c)(1)(C), and income from REIT dividends included in federal taxable income in years other than the year of receipt pursuant to a change in accounting procedure is also treated as dividend income under of IITA Section 304(c)(1)(C).

APPORTIONMENT – SALES FACTOR

IT 03-0015-GIL 04/28/2003 Directors, fees for attending board meetings are business income and are included in the numerator of the sales factor if received for
meetings in Illinois.

BOOKS AND RECORDS

IT 03-0013-GIL 04/08/2003 The IITA prescribes no maximum time for which a taxpayer must retain books and records substantiating its Illinois income tax liability.

CREDIT – FOREIGN TAX

IT 03-0016-GIL 05/06/2003 Illinois resident is subject to tax on federal adjusted gross income earned in Poland, and no credit is allowed for taxes paid to Poland on that income.

PUBLIC LAW 86-272/NEXUS

IT 03-0017-GIL 05/12/2003 Nexus determinations are very fact-specific and are not the proper subject of a letter ruling.

IT 03-0019-GIL 06/25/2003 Question of whether an entity must register to do business in Illinois must be asked of the Secretary of State.

RETURNS – REQUIREMENTS TO FILE

IT 03-0014-GIL 04/14/2003 A corporation qualified to do business in Illinois is required to file an Illinois income tax return for each taxable year for which it is required to file a federal income tax return.

WITHHOLDING – OTHER RULINGS

IT 03-0020-GIL 06/25/2003 If no federal income tax withholding is required for direct sellers pursuant to IRC Section 3508, no Illinois income tax withholding is required.
# ILLINOIS ADMINISTRATIVE CODE

## Issue Index

Rules acted upon in Volume 27, Issue 30 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.

## Proposed Rules

<table>
<thead>
<tr>
<th>Title</th>
<th>Volume</th>
<th>Issue</th>
<th>12184</th>
</tr>
</thead>
<tbody>
<tr>
<td>8 - 900</td>
<td>11326</td>
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<td>56 - 6000</td>
<td>11328</td>
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<td>89 - 10</td>
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<td>89 - 112</td>
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<td>17 - 635</td>
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<td>68 - 1480</td>
<td>12014</td>
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<td>89 - 160</td>
<td>12016</td>
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</table>

## Adopted Rules

<table>
<thead>
<tr>
<th>Title</th>
<th>Volume</th>
<th>Issue</th>
<th>12205</th>
</tr>
</thead>
<tbody>
<tr>
<td>68 - 1450</td>
<td>12018</td>
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<td>89 - 50</td>
<td>12090</td>
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<td>35 - 214</td>
<td>12101</td>
<td></td>
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</tr>
</tbody>
</table>

## Emergency Rules

<table>
<thead>
<tr>
<th>Title</th>
<th>Volume</th>
<th>Issue</th>
<th>12205</th>
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</thead>
<tbody>
<tr>
<td>8 - 900</td>
<td>12107</td>
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<td>68 - 1480</td>
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<td>89 - 148</td>
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<tr>
<td>89 - 160</td>
<td>12139</td>
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</table>

## Second Notices Received

<table>
<thead>
<tr>
<th>Title</th>
<th>Volume</th>
<th>Issue</th>
<th>12205</th>
</tr>
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<tbody>
<tr>
<td>89 - 140</td>
<td>12159</td>
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<tr>
<td>89 - 140</td>
<td>12159</td>
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## Regulatory Agenda

<table>
<thead>
<tr>
<th>Title</th>
<th>Volume</th>
<th>Issue</th>
<th>12205</th>
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</thead>
<tbody>
<tr>
<td>8 - 281</td>
<td>12160</td>
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</tbody>
</table>

Inquires about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.
## ORDER FORM

<table>
<thead>
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<th>Service</th>
<th>Price</th>
</tr>
</thead>
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</tr>
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<tr>
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<tr>
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(There is a $1.50 processing fee for credit card purchases.)

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Department of Index  
Administrative Code Division  
111 E. Monroe  
Springfield, IL 62756

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