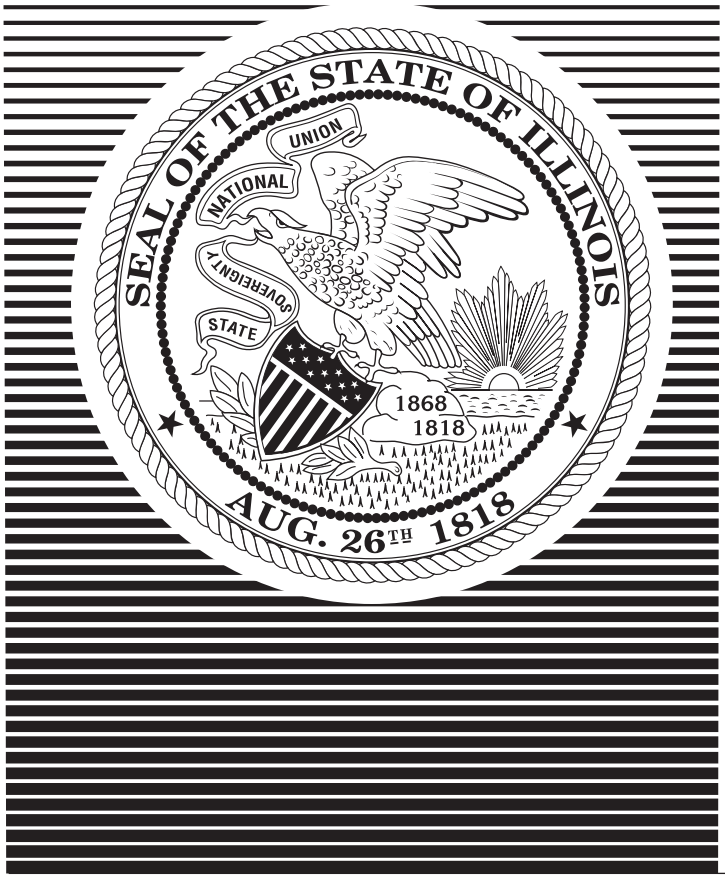
2018

ILLINOIS

REGISTER

Rules of
Governmental Agencies



Volume 42, Issue 32

August 10, 2018

Pages 14,468 - 15,515

Index Department
Administrative Code Division
111 E. Monroe St.
Springfield, IL 62756
217-782-7017

Printed by authority of the State of Illinois. August --- 70

PUBLISHED BY JESSE WHITE • SECRETARY OF STATE

TABLE OF CONTENTS

August 10, 2018 Volume 42, Issue 32

PROPOSED RULES

POLLUTION CONTROL BOARD

Water Use Designations and Site-Specific Water Quality Standards
35 Ill. Adm. Code 303.....14468

Introduction
35 Ill. Adm. Code 601.....14474

Permits
35 Ill. Adm. Code 602.....14494

Design, Operation and Maintenance Criteria
35 Ill. Adm. Code 604.....14523

Primary Drinking Water Standards
35 Ill. Adm. Code 611.....14663

STATE POLICE, DEPARTMENT OF

Testing of Breath, Blood and Urine for Alcohol, Other Drugs, and Intoxicating Compounds
20 Ill. Adm. Code 1286.....15020

TRANSPORTATION, DEPARTMENT OF

Minimum Safety Standards for Construction of Type I School Buses (Repealer)
92 Ill. Adm. Code 440.....15029

Construction Standards for School Buses (New Part)
92 Ill. Adm. Code 440.....15079

Minimum Safety Standards for Construction of Type II School Buses (Repealer)
92 Ill. Adm. Code 442.....15117

ADOPTED RULES

FINANCIAL AND PROFESSIONAL REGULATION, DEPARTMENT OF

The Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985
68 Ill. Adm. Code 1175.....15159

HUMAN SERVICES, DEPARTMENT OF

Office of Inspector General Investigations of Alleged Abuse or Neglect in State-Operated Facilities and Community Agencies
59 Ill. Adm. Code 50….....15437

REVENUE, DEPARTMENT OF

Use Tax
86 Ill. Adm. Code 150.....15446

BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

Program Content and Guidelines for the Division of Specialized Care for Children (Repealer)
89 Ill. Adm. Code 1200.....15458

Program Content and Guidelines for the Division of Specialized Care for Children (New Part)
89 Ill. Adm. Code 1200.....15460
JOINT COMMITTEE ON ADMINISTRATIVE RULES AGENDA
JOINT COMMITTEE ON ADMINISTRATIVE RULES
August Agenda.....15494
SECOND NOTICES RECEIVED
JOINT COMMITTEE ON ADMINISTRATIVE RULES
Second Notices Received.....15498
EXECUTIVE ORDERS AND PROCLAMATIONS
PROCLAMATIONS
Summer Learning Day
18-142.....15499
Illinois Speed Awareness Day
18-143.....15499
Kathy Brock Day
18-144.....15500
Breastfeeding Promotion Month
18-145.....15501
First Responder Appreciation Day
18-146.....15502
Chiropractic Health Care Month
18-147.....15503
Muscular Dystrophy Awareness and 'Light It Up Green For MD' Month
18-148.....15503
Blood Drive Coordinator Month
18-149.....15504
Great Flood of 1993
18-150.....15505
Helping Citizens with Intellectual Disabilities Days
18-151.....15506
Manufacturing Month
18-152.....15507
Concrete Pipe Week
18-153.....15508
Transition-Age Youth With Disabilities Career Development Day
18-154.....15509
Korean War Veterans Armistice Day
18-155.....15510
Malaysian Independence Day
18-156.....15510
National Health Center Week
18-157.....15511
Payroll Week

18-158…….....15512
Stevens-Johnson Syndrome Awareness Month
18-159…….....15513
American Wind Week
18-160…….....15514

INTRODUCTION

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

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

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

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

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2018

Issue#	Rules Due Date	Date of Issue
1	December 26, 2017	January 5, 2018
2	January 2, 2018	January 12, 2018
3	January 8, 2018	January 19, 2018
4	January 16, 2018	January 26, 2018
5	January 22, 2018	February 2, 2018
6	January 29, 2018	February 9, 2018
7	February 5, 2018	February 16, 2018
8	February 13, 2018	February 23, 2018
9	February 20, 2018	March 2, 2018
10	February 26, 2018	March 9, 2018
11	March 5, 2018	March 16, 2018
12	March 12, 2018	March 23, 2018
13	March 19, 2018	March 30, 2018
14	March 26, 2018	April 6, 2018
15	April 2, 2018	April 13, 2018
16	April 9, 2018	April 20, 2018
17	April 16, 2018	April 27, 2018
18	April 23, 2018	May 4, 2018
19	April 30, 2018	May 11, 2018
20	May 7, 2018	May 18, 2018
21	May 14, 2018	May 25, 2018
22	May 21, 2018	June 1, 2018
23	May 29, 2018	June 8, 2018
24	June 4, 2018	June 15, 2018
25	June 11, 2018	June 22, 2018

26	June 18, 2018	June 29, 2018
27	June 25, 2018	July 6, 2018
28	July 2, 2018	July 13, 2018
29	July 9, 2018	July 20, 2018
30	July 16, 2018	July 27, 2018
31	July 23, 2018	August 3, 2018
32	July 30, 2018	August 10, 2018
33	August 6, 2018	August 17, 2018
34	August 13, 2018	August 24, 2018
35	August 20, 2018	August 31, 2018
36	August 27, 2018	September 7, 2018
37	September 4, 2018	September 14, 2018
38	September 10, 2018	September 21, 2018
39	September 17, 2018	September 28, 2018
40	September 24, 2018	October 5, 2018
41	October 1, 2018	October 12, 2018
42	October 9, 2018	October 19, 2018
43	October 15, 2018	October 26, 2018
44	October 22, 2018	November 2, 2018
45	October 29, 2018	November 9, 2018
46	November 5, 2018	November 16, 2018
47	November 13, 2018	November 26, 2018
48	November 19, 2018	November 30, 2018
49	November 26, 2018	December 7, 2018
50	December 3, 2018	December 14, 2018
51	December 10, 2018	December 21, 2018
52	December 17, 2018	December 28, 2018

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

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

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

3)

Section Number:	Proposed Action:
303.410	New Section

4) Statutory Authority: Implementing Sections 9.8 and 13 and authorized by Sections 11(b), 27, and 28 of the Environmental Protection Act [415 ILCS 5/11(b), 13, 27, 28].

5) A Complete Description of the Subjects and Issues Involved: The Sanitary District of Decatur (District) treats wastewater for the City of Decatur, other municipalities, and industrial and commercial users. The District's discharge to the Sangamon River exceeds the water quality standard for nickel, and the District attributes this chiefly to a single industrial discharger. The District argues that there is no technically feasible and economically reasonable treatment available that would allow it to meet the nickel standard. The District proposed that the Board adopt a new Section 303.410 of its water pollution regulations providing a site-specific numeric standard based on the bioavailability of nickel to aquatic life in the Sangamon River.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: The District stated that reports prepared in support of its proposal are unpublished. As submitted to the Board, they are available to the public through the Clerk's Office On-Line (pcb.illinois.gov) under Board docket number R 14-24.

7) Will this rulemaking replace an emergency rule currently in effect? No

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

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other rulemakings pending on this Part? No

11) Statement of Statewide Policy Objective: This proposed rulemaking does not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)]

12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comments on this proposal for a period

of at least 45 days after the date of publication in the *Illinois Register*. Public comments should refer to docket R14-24 and be filed electronically through the Clerk's Office On-Line (COOL) on the Board's website at www.pcb.illinois.gov. Comments may be filed with the Clerk of the Board and be addressed to:

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

Interested persons may request copies of the Board's opinion and order in R14-24 by calling the Clerk's office at 312/814-3620, or may download copies from the Board's Web site at www.pcb.illinois.gov.

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: The Sanitary District of Decatur proposed this site-specific rule to apply to itself.

B) Reporting, bookkeeping or other procedures required for compliance: None are required beyond those required to comply with the generally-applicable rule.

C) Types of Professional skills necessary for compliance: None are necessary beyond those to comply with the generally applicable rule.

14) Regulatory Agenda on which this rulemaking was summarized: January 2017

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD

PART 303
WATER USE DESIGNATIONS AND SITE-SPECIFIC WATER QUALITY STANDARDS

SUBPART A: GENERAL PROVISIONS

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

SUBPART B: NONSPECIFIC WATER USE DESIGNATIONS

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

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

Section
303.300 Scope and Applicability
303.301 Organization
303.311 Ohio River Temperature

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

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

SUBPART D: THERMAL DISCHARGES

Section
303.500 Scope and Applicability
303.502 Lake Sangchris Thermal Discharges

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

AUTHORITY: Implementing Section 13 and authorized by Sections 11(b), 27, and 28 of the Environmental Protection Act [415 ILCS 5/11(b), 13, 27, and 28].

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

SOURCE: Filed with the Secretary of State January 1, 1978; amended at 2 Ill. Reg. 27, p. 221, effective July 5, 1978; amended at 3 Ill. Reg. 20, p. 95, effective May 17, 1979; amended at 5 Ill. Reg. 11592, effective October 19, 1981; codified at 6 Ill. Reg. 7818; amended at 6 Ill. Reg. 11161, effective September 7, 1982; amended at 7 Ill. Reg. 8111, effective June 23, 1983; amended in R87-27 at 12 Ill. Reg. 9917, effective May 27, 1988; amended in R87-2 at 13 Ill. Reg. 15649, effective September 22, 1989; amended in R87-36 at 14 Ill. Reg. 9460, effective May 31, 1990; amended in R86-14 at 14 Ill. Reg. 20724, effective December 18, 1990; amended in R89-14(C) at 16 Ill. Reg. 14684, effective September 10, 1992; amended in R92-17 at 18 Ill. Reg. 2981, effective February 14, 1994; amended in R91-23 at 18 Ill. Reg. 13457, effective August 19, 1994; amended in R93-13 at 19 Ill. Reg. 1310, effective January 30, 1995; amended in R95-14 at 20 Ill. Reg. 3534, effective February 8, 1996; amended in R97-25 at 22 Ill. Reg. 1403, effective December 24, 1997; amended in R01-13 at 26 Ill. Reg. 3517, effective February 22, 2002; amended in R03-11 at 28 Ill. Reg. 3071, effective February 4, 2004; amended in R06-24 at 31 Ill. Reg. 4440, effective February 27, 2007; amended in R09-8 at 33 Ill. Reg. 7903, effective May 29, 2009; amended in R09-11 at 33 Ill. Reg. 12258, effective August 11, 2009; amended in R08-9(A) at 35 Ill. Reg. 15078, effective August 23, 2011; amended in R11-18 at 36 Ill. Reg. 18898, effective December 12, 2012; amended in R08-9(C) at 38 Ill. Reg. 5517, effective February 13, 2014; amended in R08-09(D) at 39 Ill. Reg. 9423, effective July 1, 2015; amended at 42 Ill. Reg. _____, effective _____.

Section 303.410 Chronic Nickel Water Quality Standard for Segment of the Sangamon River

The general use chronic water quality standard for dissolved nickel contained in Section 302.208(e) shall not apply to the segment of the Sangamon River that receives discharges from the Sanitary District of Decatur's Main Sewage Treatment Plant, from that facility's Outfall 001 located at 39° 49' 56" North Latitude, 89° 0' 7" West Longitude, to the point of the confluence of the Sangamon River with the South Fork of the Sangamon River near Riverton. Instead, waters in this segment of the Sangamon River must meet a chronic water quality standard for dissolved nickel as follows:

Chronic Dissolved Nickel Standard (µg/L) = exp[A+Bln(H)] x 0.997* x WER

where:

A = -2.286,

B = 0.8460,

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

ln(H) = natural logarithm of Hardness, and

WER (Water Effect Ratio) = 2.50.

* conversion factor multiplier for dissolved metals

(Source: Added at 42 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Introduction

2) Code Citation: 35 Ill. Adm. Code 601

3)

Section Numbers:	Proposed Actions:
601.101	Amendment
601.105	Amendment
601.115	Amendment

4) Statutory Authority: Implementing Section 17 and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/17, 27, 28].

5) A Complete Description of the Subjects and Issues Involved: The Illinois Environmental Protection Agency (IEPA) proposed that the Board adopt a new Part 604 entitled "Design, Operation and Maintenance Criteria." IEPA proposes to amend Part 601 with new and amended definitions, incorporations by reference, and other amendments resulting from proposed new Part 604.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: In the Statement of Reasons filed with its proposed rules, IEPA stated that it "did not consult with a published study or research report when developing this proposal." IEPA added that it "did not perform any new studies, nor did the Agency contract with any outside entities to perform any studies for the development of this rulemaking proposal."

7) Will this rulemaking replace an emergency rule currently in effect? No

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

9) Does this rulemaking contain incorporations by reference?

ASME. American Society of Mechanical Engineers, Two Park Avenue, New York NY 10016, (800) 843-2763, www.asme.org.

ASME BPVC-VIII-1-2015, Boiler & Pressure Vessel Code (BPVC), Section VIII—Rules for Construction of Pressure Vessels, Division 1: Rules for Construction and Pressure Vessels, 2015.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

ASTM. American Society for Testing and Materials, 100 Barr Harbor Drive, PO Box C700, West Conshohocken PA 19428-2959, (610)832-9500.

ASTM C 76-16 Standard Specification for Reinforced Concrete Culvert, Storm Drain, and Sewer Pipe, approved November 1, 2016.

ASTM C361-16 Standard Specification for Reinforced Concrete Low-Head Pressure Pipe, approved September 1, 2016.

ASTM C443-12 Standard Specification for Joints for Concrete Pipe and Manholes, Using Rubber Gaskets, approved September 1, 2012.

ASTM D 1784-11, Standard Specification for Rigid Poly(Vinyl Chloride) (PVC) Compounds and Chlorinated Poly(Vinyl Chloride) (CPVC) Compounds, approved May 1, 2011.

ASTM D 1785-15 Standard Specification for Poly(Vinyl Chloride) (PVC) Plastic Pipe, Schedules 40, 80, and 120, approved August 1, 2015.

ASTM D 2464-15 Standard Specification for Threaded Poly(Vinyl Chloride) (PVC) Plastic Pipe Fittings, Schedule 80, approved March 1, 2015.

ASTM D 2466-15 Standard Specification for Poly(Vinyl Chloride) (PVC) Plastic Pipe Fittings, Schedule 40, approved March 1, 2015.

ASTM D 2467-15 Standard Specification for Poly(Vinyl Chloride) (PVC) Plastic Pipe Fittings, Schedule 80, approved March 1, 2015.

ASTM D 2564-12 Standard Specification for Solvent Cements for Poly(Vinyl Chloride) (PVC) Plastic Piping Systems, approved August 1, 2012.

ASTM D 3139-11 Standard Specification for Joints for Plastic Pressure Pipes Using Flexible Elastomeric Seals, February 1, 2011.

ASTM F 437-15 Standard Specification for Threaded Chlorinated Poly(Vinyl Chloride) (CPVC) Plastic Pipe Fittings, Schedule 80, approved March 1, 2015.

ASTM F 438-15 Standard Specification for Socket-Type Chlorinated Poly(Vinyl Chloride) (CPVC) Plastic Pipe Fittings, Schedule 40, approved March 1, 2015.

ASTM F 439-13 Standard Specification for Chlorinated Poly (Vinyl Chloride) (CPVC) Plastic Pipe Fittings, Schedule 80, approved August 2013.

ASTM F 441/F 441M–15 Standard Specification for Chlorinated Poly(Vinyl Chloride) (CPVC) Plastic Pipe, Schedules 40 and 80, approved August 1, 2015.

ASTM F 442/F 442M-13 Standard Specification for Chlorinated Poly(Vinyl Chloride) (CPVC) Plastic Pipe (SDR–PR), approved June 1, 2013.

ASTM F 477-14 Standard Specification for Elastomeric Seals (Gaskets) for Joining Plastic Pipe, approved September 15, 2014.

ASTM F 493-14 Standard Specification for Solvent Cements for Chlorinated Poly(Vinyl Chloride) (CPVC) Plastic Pipe and Fittings, approved November 1, 2014.

ASTM F 1216-16 Standard Practice for Rehabilitation of Existing Pipelines and Conduits by the Inversion and Curing of a Resin-Impregnated Tube, approved August 1, 2016.

AWWA. American Water Works Association et al., 6666 West Quincy Ave., Denver CO 80235, (303)794-7711.

AWWA C907-12 Injection-Molded Polyvinyl Chloride (PVC) Pressure Fittings, 4 In. Through 12 In. (100 mm Through 300 mm), for Water, Wastewater, and Reclaimed Water Service, effective March 1, 2012.

AWWA C909 -09 Molecularly Oriented Polyvinyl Chloride (PVCO) Pressure Pipe, 4 In. through 24 In. (100 mm through 600 mm) for Water, Wastewater, and Reclaimed Water Service, effective March 1, 2010.

"Improving Clearwell Design for CT Compliance" (1999).

The Chlorine Institute, 1300 Wilson Boulevard, Suite 525, Arlington VA, 22209, (703) 894-4140, pubs@CL2.com.

Pamphlet 6: Piping Systems for Dry Chlorine, Edition 16, March 2013.

NSF. National Sanitation Foundation International, 3475 Plymouth Road, PO Box 130140, Ann Arbor MI 48113-0140, (734)769-8010.

NSF/ANSI 14-2012 Plastics Piping System Components and Related Materials, March 2013.

NSF/ANSI 372-2011 Drinking Water System Components—Lead Content, July 2013

USEPA, NSCEP. United States Environmental Protection Agency, National Service Center for Environmental Publications, P.O. Box 42419, Cincinnati, OH 45242-0419 (accessible on-line and available by download from http://www.epa.gov/nscep/)

Disinfection Profiling and Benchmarking Guidance Manual, August 1999, EPA 815-R-99-013

Optimal Corrosion Control Treatment Evaluation Technical Recommendations for Primacy Agencies and Public Water Systems, March 2016, EPA 816-B-16-003

10) Are there any other rulemaking pending on this Part? No

11) Statement of Statewide Policy Objective: This proposed rulemaking does not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comments on this proposal for a period of at least 45 days after the date of publication in the *Illinois Register*. Public comments must be filed with the Clerk of the Board.

Public comments must be filed electronically through the Clerk's Office On-Line (COOL) on the Board's website (pcb.illinois.gov). Public comments should refer to docket R18-17. Comments may also be submitted to:

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

Interested persons may obtain copies of the Board's opinion and order in R18-17 from the Board's website (pcb.illinois.gov) and may also call the Clerk's office at 312/814-3620.

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: The proposal may affect any entity that owns, operates, or serves as official custodian for a community water supply.

B) Reporting, bookkeeping or other procedures required for compliance: None proposed in introductory provisions of Part 601

C) Types of professional skills necessary for compliance: Equivalent to skills required to comply with current regulations.

14) Regulatory Agenda on which this rulemaking was summarized: July 2017

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE F: PUBLIC WATER SUPPLIES
CHAPTER I: POLLUTION CONTROL BOARD

PART 601
INTRODUCTION

Section
601.101 General Requirements
601.102 Applicability and Organization of this Chapter
601.103 Severability
601.104 Analytical Testing
601.105 Definitions
601.115 Incorporation by Reference

601.APPENDIX A References to Former Rules

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

SOURCE: Filed with Secretary of State January 1, 1978; amended at 2 Ill. Reg. 36, p. 72, effective August 29, 1978; amended at 3 Ill. Reg. 13, p. 236, effective March 30, 1979; amended and codified at 6 Ill. Reg. 11497, effective September 14, 1982; amended at 6 Ill. Reg. 14344, effective November 3, 1982; amended in R84-12 at 14 Ill. Reg. 1379, effective January 8, 1990; amended in R89-5 at 16 Ill. Reg. 1585, effective January 10, 1992; amended in R96-18 at 21 Ill. Reg. 6537, effective May 8, 1997; amended in R15-22 at 40 Ill. Reg. 6784, effective April 15, 2016; amended in R18-17 at 42 Ill. Reg. _____, effective _____.

Section 601.101 General Requirements

a) Owners and official custodians of a public water supply in the State of Illinois mustshall provide, underpursuant to the Act, Board Rules, and the Safe Drinking Water Act (42 USC 300f et seq.), continuous operation and maintenance of public water supply facilities to assureso that the water isshall be assuredly safe in quality, clean, adequate in quantity, and of satisfactory mineral characteristics for ordinary domestic consumption.

b) Finished Water Quality

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

1) The finished water delivered to any user at any point in the distribution system 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 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, must not be used in a manner that would permit it to reach the consumer.

3) Concentrations of constituents listed in the following chart should not be exceeded in the finished water.

Contaminant	**Secondary MCL**	**Noticeable Effects above the Secondary MCL**
Aluminum	0.2 mg/L	colored water
Chloride	250 mg/L	salty taste
Color	15 color units	visible tint
Copper	1 mg/L	metallic taste; blue-green staining
Fluoride	2.0 mg/L	tooth discoloration
Foaming Agents	0.5 mg/L	frothy, cloudy; bitter taste; odor
Iron	0.3 mg/L	rusty color; sediment; metallic taste; reddish or orange staining
Manganese	0.05 mg/L	black to brown color; black staining; bitter metallic taste

Odor	3 T.O.N. (Threshold Odor Number)	"rotten-egg", musty or chemical smell
Silver	0.1 mg/L	skin discoloration; graying of the white part of the eye
Sulfate	250 mg/L	salty taste
Total Dissolved Solids	500 mg/L	hardness; deposits; colored water; staining; salty taste

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 601.105 Definitions

a) For purposes of 35 Ill. Adm. Code 601, 602, 603 and 604~~607~~, unless a different meaning of a word or term is clear from the context:

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

"Agency" means the Illinois Environmental Protection Agency.

"Air Gap" means the unobstructed vertical distance through the free atmosphere between the water discharge point and the flood level rim of the receptacle

"Atmospheric Vacuum Breaker" means a device designed to admit atmospheric pressure into a piping system whenever a vacuum is caused on the upstream side of the receptacle.

"Aquifer Property Data" means the porosity, hydraulic conductivity, transmissivity and storage coefficient of an aquifer, head and hydraulic gradient.

"Board" means the Illinois Pollution Control Board.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

"Boil Order" means a notice to boil all drinking and culinary water for at least five minutes before use, issued by the proper authorities to the consumers of a public water supply affected, whenever the water being supplied may have become microbiologically contaminated.

"Certified Laboratory" means any laboratory certified underpursuant to Section 4(o) of the Act, or certified by USEPA for the specific parameters to be examined.

"Chlorine"

"Chlorine Demand" means the difference between the amount of chlorine applied to a given water and the amount of total available chlorine remaining at the end of the contact period. All test conditions (contact time, pH and temperature) must be given, expressing the chlorine demand in a given water.

"Combined Chlorine" means the reaction product formed when chlorine has reacted with ammonia to form chloramines.

"Free Chlorine" means the residual chlorine existing in water as the sum of hypochlorous acid and hypochlorite ion.

"Total Chlorine" means the sum of the free chlorine and the combined chlorine.

"Community Water Supply" or "CWS" *means a public water supply which serves or is intended to serve at least 15 service connections used by residents or regularly serves at least 25 residents*. (Section 3.145 of the Act)

"Confined Geologic Formations" are geologic water bearing formations protected against the entrance of contamination by other geologic formations.

"Conventional Filtration Treatment" means a series of processes, including coagulation, flocculation, sedimentation, and filtration resulting in substantial particulate removal.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

"Cross-connection"~~"Cross-connection"~~ means any physical connection or arrangement between two otherwise separate piping systems where flow from one system to the other is possible~~, one of which contains potable water that contains water of unknown or questionable safety, steam, or one or more gases; chemicals or other substances when flow from one system to the other is possible~~.

~~"Direct Cross-connection" means a cross-connection formed when a piping system containing potable water is physically joined to another piping system containing water of unknown or questionable safety, steam, or one or more gases, chemicals or other substances.~~

~~"Indirect Cross-connection" means a cross-connection formed when water of unknown or questionable safety, steam or one or more gases, chemicals or other substances from one piping system can be forced, drawn by vacuum or otherwise introduced into another piping system containing potable water.~~

"CT" or "CT_{calc}" 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.

"Disinfectant" means any agent, 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.

"DPD Method" means an analytical method for determining chlorine residual utilizing the reagent DPD (n-diethyl-p-phenylenylenediamine).

"Effective External Linkage" is the ability of a water system to communicate and exchange information with water customers, regulators,

technical and financial assistance organizations, and other entities that routinely interact with the water system.

"Groundwater" means underground water which occurs within the saturated zone and geologic materials where the fluid pressure in the pore space is equal to or greater than atmospheric pressure. (Section 3.210 of the Act)

"Head" means the sum of the elevation head, pressure head and velocity head at a given point in an aquifer.

"Hydraulic Conductivity" means the rate of flow in gallons per day (gpd) through a cross section of one square foot (ft^2) under a unit hydraulic gradient (gpd/ft^2).

"Hydraulic Gradient" means the rate of change of total head per unit distance of flow in a given direction.

"Infrastructure" means all mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended to be used for the purpose of furnishing water for drinking or general domestic use.

"Interconnection" means a physical connection between two or more community water supply systems.

"Maximum Average Daily Demand" or "Maximum Demand" means highest average daily production over seven consecutive days~~the maximum consecutive seven day production period~~.

"New Community Water Supply" means, beginning after October 1, 1999, all new community water supplies and those water supplies that expand their infrastructure to serve or intend to serve at least 15 service connections used by residents or regularly serves at least 25 residents. Any water supply not currently a community water supply that adds residents so that the total served is 25 residents or more without constructing additional infrastructure will become a community water supply, but will not be required to

demonstrate capacity under 35 Ill. Adm. Code 602.103 unless the community water supply is on restricted status as required by 35 Ill. Adm. Code 602.106.

"Non-community Water Supply" means *a public water supply that is not a community water supply*. (Section 3.145 of the Act)

"Official Custodian" means *an individual who is an* officer of an *entity that* is the owner of a *community* water supply *and acts as the owner's agent in matters concerning the community water supply*. [415 ILCS 45/9.4]

"Porosity" means the percentage of the bulk volume of a rock or soil that is occupied by interstices, whether isolated or connected, as defined by the ratio of the pore volume to the total volume of a representative sample of the medium.

"Public Water Supply" ~~or "PWS"~~ *means all mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use and which serve at least 15 service connections or which regularly serve at least 25 persons at least 60 days per year.* (Section 3.365~~28~~ of the Act)

"Responsible Operator in Charge" *means an individual who is designated as a Responsible Operator in Charge of a community water supply* under~~pursuant to~~ Section 1 of the Public Water Supply Operations Act [415 ILCS 45/1] and 35 Ill. Adm. Code 603. [415 ILCS 45/9.6]

"Satellite Supply" means any community water supply that:

purchases all finished water from another community water supply;

does not provide any treatment other than chlorination or corrosion control; and

distributes finished water to the consumers.

"Sell Water" means to deliver or provide potable water, obtained from a public water supply subject to these regulations, to the consumer, who is then individually or specifically billed for water service, or where any monetary assessment is levied or required and specifically used for water service. Water supply facilities owned or operated by political subdivisions, homeowners' associations, and not-for-profit associations, as well as privately owned utilities regulated by the Illinois Commerce Commission, are considered to sell water whether or not a charge is specifically made for water.

"SEP" means special exception permit.

"Service Connection" is the opening, including all fittings and appurtenances, at the water main through which water is supplied to the user through a water service line.

"Storage Coefficient" means the volume of water an aquifer releases from or takes into storage per unit surface area of the aquifer per unit change in head.

"Surface Water" means all tributary streams and drainage basins, including natural lakes and artificial reservoirs, which may affect a specific water supply above the point of water supply intake.

"Surface Water Supply Source" means any surface water used as a water source for a public water supply.

"Supply" means a community water supply.

"Transmissivity" means the rate in gallons per minute (gpm), at which water is transmitted horizontally through a unit width by the total saturated thickness of an aquifer, in feet (ft), under a unit hydraulic gradient (gpm/ft).

"Water Main" means any pipe for the purpose of distributing potable water that serves or is accessible to more than one property, dwelling or rental unit and is exterior to buildings.

"Water Service Line" means any pipe from the water main or source of potable water supply that serves or is accessible to not more than one property, dwelling or rental unit of the user.

"Well Hydraulics" means equations that are applied to understand the effect that a pumping well structure has on inducing the movement of water through permeable rock formations and certain aquifer properties to determine the rate of withdrawal of the well. This term is inclusive of equations that quantify wellbore skin effects/well loss.

"Wellhead Protection Area" or "WHPA" means the surface and subsurface recharge area surrounding a community water supply well or well field, delineated outside of any applicable setback zones (underpursuant to Section 17.1 of the Act) established underpursuant to Illinois' Wellhead Protection Program, through which contaminants are reasonably likely to move toward the well or well field.

"Wellhead Protection Measures" means management practices needed to mitigate existing and future threats to the water quality within the delineated WHPA.

"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).

b) Terms not specifically defined in subsection (a), will have the meanings ascribed in 35 Ill. Adm. Code 611.

c) Terms not specifically defined in subsectionsubsections (a) or (b) will have the meanings specified in The Water Dictionary, incorporated by reference in Section 601.115.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 601.115 Incorporations by Reference

a) Abbreviations and Short-name Listing of References. The following names and abbreviated names are used in this Chapter I to refer to materials incorporated by reference:

"ANSI" means those standards published by American National Standards Institute (ANSI).

"ASME" means the American Society of Mechanical Engineers (ASME).

"ASTM" means those standards published by American Society for Testing and Materials ~~(ASTM)~~.

"AWWA" means those standards published by the American Water Works Association.

"NSF" means those standards published by the National Science Foundation International.

"Recommended Standards" means "Recommended Standards for Water Works − Policies for the Review and Approval of Plans and Specifications for Public Water Supplies".

b) The Agency incorporates the following materials by reference:

ASME. American Society of Mechanical Engineers, Two Park Avenue, New York NY 10016, (800)843-2763, www.asme.org.

ASME BPVC-VIII-1-2015, Boiler & Pressure Vessel Code (BPVC), Section VIII − Rules for Construction of Pressure Vessels, Division 1: Rules for Construction and Pressure Vessels, 2015.

ASTM. American Society for Testing and Materials, 100 Barr Harbor Drive, PO Box C700, West Conshohocken PA 19428-2959, (610)832-9500.

ASTM C 76-16 Standard Specification for Reinforced Concrete Culvert, Storm Drain, and Sewer Pipe, approved November 1, 2016.

ASTM C361-16 Standard Specification for Reinforced Concrete Low-Head Pressure Pipe, approved September 1, 2016.

ASTM C443-12 Standard Specification for Joints for Concrete Pipe and Manholes, Using Rubber Gaskets, approved September 1, 2012.

ASTM D 1784-11, Standard Specification for Rigid Poly(Vinyl Chloride) (PVC) Compounds and Chlorinated Poly(Vinyl Chloride) (CPVC) Compounds, approved May 1, 2011.

ASTM D 1785-15 Standard Specification for Poly(Vinyl Chloride) (PVC) Plastic Pipe, Schedules 40, 80, and 120, approved August 1, 2015.

ASTM D 2241-09, Standard Specification for Poly(Vinyl Chloride) (PVC) Pressure-Rated Pipe (SDR Series), approved December 1, 2009.

ASTM D 2464-15 Standard Specification for Threaded Poly(Vinyl Chloride) (PVC) Plastic Pipe Fittings, Schedule 80, approved March 1, 2015.

ASTM D 2466-15 Standard Specification for Poly(Vinyl Chloride) (PVC) Plastic Pipe Fittings, Schedule 40, approved March 1, 2015.

ASTM D 2467-15 Standard Specification for Poly(Vinyl Chloride) (PVC) Plastic Pipe Fittings, Schedule 80, approved March 1, 2015.

ASTM D 2564-12 Standard Specification for Solvent Cements for Poly(Vinyl Chloride) (PVC) Plastic Piping Systems, approved August 1, 2012.

ASTM D 3139-11 Standard Specification for Joints for Plastic Pressure Pipes Using Flexible Elastomeric Seals, February 1, 2011.

ASTM F 437-15 Standard Specification for Threaded Chlorinated Poly(Vinyl Chloride) (CPVC) Plastic Pipe Fittings, Schedule 80, approved March 1, 2015.

ASTM F 438-15 Standard Specification for Socket-Type Chlorinated Poly(Vinyl Chloride) (CPVC) Plastic Pipe Fittings, Schedule 40, approved March 1, 2015.

ASTM F 439-13 Standard Specification for Chlorinated Poly (Vinyl Chloride) (CPVC) Plastic Pipe Fittings, Schedule 80, approved August 2013.

ASTM F 441/F 441M-15 Standard Specification for Chlorinated Poly(Vinyl Chloride) (CPVC) Plastic Pipe, Schedules 40 and 80, approved August 1, 2015.

ASTM F 442/F 442M-13 Standard Specification for Chlorinated Poly(Vinyl Chloride) (CPVC) Plastic Pipe (SDR–PR), approved June 1, 2013.

ASTM F 477-14 Standard Specification for Elastomeric Seals (Gaskets) for Joining Plastic Pipe, approved September 15, 2014.

ASTM F 493-14 Standard Specification for Solvent Cements for Chlorinated Poly(Vinyl Chloride) (CPVC) Plastic Pipe and Fittings, approved November 1, 2014.

ASTM F 1216-16 Standard Practice for Rehabilitation of Existing Pipelines and Conduits by the Inversion and Curing of a Resin-Impregnated Tube, approved August 1, 2016.

AWWA. American Water Works Association et al., 6666 West Quincy Ave., Denver CO 80235, (303)794-7711.

~~ANSI/~~AWWA A100-06, Water Wells, approved February 2, 2006, effective August 1, 2006.

~~ANSI/~~AWWA B100-09, Granular Filter Material, approved January 25, 2009, effective March 1, 2010.

~~ANSI/~~AWWA C151/A21.51-09, Ductile-Iron Pipe, Centrifugally Cast, approved January 25, 2009, effective September 1, 2009.

~~ANSI/~~AWWA C200-12, Steel Water Pipe, 6 In. (150 mm) and Larger, approved June 10, 2012, effective September 1, 2012.

~~ANSI/~~AWWA C301-07, Prestressed Concrete Pressure Pipe, Steel-Cylinder Type, approved January 21, 2007, effective June 1, 2007.

~~ANSI/~~AWWA C651-05, Disinfecting Water Mains, approved January 16, 2005, effective June 1, 2005.

~~ANSI/~~AWWA C652-11, Disinfection of Water Storage Facilities, approved June 12, 2011, effective October 1, 2011.

~~ANSI/~~AWWA C653-03, Disinfection of Water Treatment Plants, approved January 19, 2003, effective June 1, 2003.

~~ANSI/~~AWWA C654-03, Disinfection of Wells, approved January 19, 2003, effective November 1, 2003.

AWWA C900-07 Polyvinyl Chloride (PVC) Pressure Pipe and Fabricated Fittings, 4 In. Through 12 In. (100 mm Through 300 mm), for Water Transmission and Distribution, 2007.

~~ANSI/~~AWWA C905-10, Polyvinyl Chloride (PVC) Pressure Pipe and Fabricated Fittings, 14 In. Through 48 In. (350 mm Through 1,200 mm), approved January 17, 2010, effective April 1, 2010.

AWWA C906-07 Polyethylene (PE) Pressure Pipe and Fittings, 4 In. (100 mm) Through 63 In. (1,600 mm) for Water Distribution and Transmission, 2007.

AWWA C907-12 Injection-Molded Polyvinyl Chloride (PVC) Pressure Fittings, 4 In. Through 12 In. (100 mm Through 300 mm), for Water, Wastewater, and Reclaimed Water Service, effective March 1, 2012.

AWWA C909-09 Molecularly Oriented Polyvinyl Chloride (PVCO) Pressure Pipe, 4 In. through 24 In. (100 mm through 600

mm) for Water, Wastewater, and Reclaimed Water Service, effective March 1, 2010.

~~ANSI/~~AWWA D100-11, Welded Carbon Steel Tanks for Storage, approved January 23, 2011, effective July 1, 2011.

~~ANSI/~~AWWA D103-09, Factory Coated Bolted Carbon Steel Tanks for Water Storage, approved January 25, 2009, effective November 1, 2009.

~~ANSI/~~AWWA D107-10, Composite Elevated Tanks for Water Storage, approved January 17, 2010, effective December 1, 2010.

"Improving Clearwell Design for CT Compliance" (1999).

"The Water Dictionary", 2nd Edition, 2010.

The Chlorine Institute, 1300 Wilson Boulevard, Suite 525, Arlington VA 22209, (703)894-4140, pubs@CL2.com.

Pamphlet 6: Piping Systems for Dry Chlorine, Edition 16, March 2013.

NSF. National Sanitation Foundation International, 3475 Plymouth Road, PO Box 130140, Ann Arbor MI 48113-0140, (734)769-8010.

NSF/ANSI 14-2012 Plastics Piping System Components and Related Materials, March 2013.

NFS/ANSI 60-2013 Drinking Water Treatment Chemicals − Health Effects, April 2014.

NSF/ANSI 61-2013 Drinking Water System Components − Health Effects, March 2014.

NSF/ANSI 372-2011 Drinking Water System Components − Lead Content, July 2013.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

"Recommended Standards for Water Works – Policies for the Review and Approval of Plans and Specifications for Public Water Supplies", 2012 Edition, Great Lakes − Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers, Health Research Inc., Health Education Services Division, PO Box 7126, Albany NY 12224, (518) 439-7286.

"Standard Specifications for Water and Sewer Main Construction in Illinois", 7th Edition, 2014, Illinois Society of Professional Engineers, 100 East Washington Street, Springfield IL 62701, (217)544-7424.

USEPA, NSCEP. United States Environmental Protection Agency, National Service Center for Environmental Publications, P.O. Box 42419, Cincinnati, OH 45242-0419 (accessible on-line and available by download from http://www.epa.gov/nscep/).

Disinfection Profiling and Benchmarking Guidance Manual, August 1999, EPA 815-R-99-013.

Optimal Corrosion Control Treatment Evaluation Technical Recommendations for Primacy Agencies and Public Water Systems, March 2016, EPA 816-B-16-003.

c) No later amendments to or editions of the materials listed in subsection (b) are incorporated.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Permits

2) Code Citation: 35 Ill. Adm. Code 602

3)

Section Numbers:	Proposed Actions:
602.102	Amendment
602.105	Amendment
602.106	Amendment
602.115	Repealed
602.200	Amendment
602.210	Amendment
602.220	Amendment
602.245	Amendment
602.250	Amendment
602.255	Amendment
602.260	Amendment
602.300	Amendment
602.305	Amendment
602.310	Amendment
602.325	New Section
602.600	New Section

4) Statutory Authority: Implementing Section 17 and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/17, 27, 28].

5) A Complete Description of the Subjects and Issues Involved: The Illinois Environmental Protection Agency (IEPA) proposed that the Board adopt a new Part 604 entitled "Design, Operation and Maintenance Criteria." IEPA proposes to amend Part 602 by revising permitting and disinfection requirements to implement the new Part 604. IEPA also proposes operating permits-by-rule for certain construction projects.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: In the Statement of Reasons filed with its proposed rules, IEPA stated that it "did not consult with a published study or research report when developing this proposal." IEPA added that it "did not perform any new studies, nor did the Agency contract with any outside entities to perform any studies for the development of this rulemaking proposal."

7) Will this rulemaking replace an emergency rule currently in effect? No

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other rulemakings pending on this Part? No

11) Statement of Statewide Policy Objective: This proposed rulemaking does not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comments on this proposal for a period of at least 45 days after the date of publication in the *Illinois Register*. Public comments must be filed with the Clerk of the Board.

Public comments must be filed electronically through the Clerk's Office On-Line (COOL) on the Board's website (pcb.illinois.gov). Public comments should refer to docket R18-17. Comments may also be submitted to:

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

Interested persons may obtain copies of the Board's opinion and order in R18-17 from the Board's website (pcb.illinois.gov) and may also call the Clerk's office at 312/814-3620.

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: The proposal may affect any entity that owns, operates, or serves as official custodian for a community water supply.

B) Reporting, bookkeeping or other procedures required for compliance: Equivalent to procedures required under current permitting requirements. Operating permits-by-rule may reduce these procedures for eligible entities.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

C) Types of professional skills necessary for compliance: Equivalent to skills needed to comply with current regulations.

14) Regulatory Agenda on which this rulemaking was summarized: July 2017

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 602
PERMITS

SUBPART A: GENERAL PERMIT PROVISIONS

Section
602.101 Purpose
602.102 Community Water Supply Permits
602.103 Public Water Supply Capacity Development
602.104 Emergency Permits
602.105 Standards for Issuance
602.106 Restricted Status
602.107 Critical Review
602.108 Right of Inspection
602.109 Fees
602.110 Signatory Requirement for Permit Applications
602.111 Application Forms and Additional Information
602.112 Filing and Final Action by Agency on Permit Applications
602.113 Duration
602.114 Conditions (Repealed)
602.115 Design, Operation and Maintenance Criteria (Repealed)
602.116 Requirement for As-Built Plans
602.117 Existence of Permit No Defense
602.118 Appeal of Final Agency Action on a Permit Application
602.119 Revocations
602.120 Limitations

SUBPART B: CONSTRUCTION PERMITS

Section
602.200 Construction Permit Requirement
602.205 Preliminary Plans
602.210 Construction Permit Applications
602.215 Submission of Applications, Plans and Specifications
602.220 Alterations

602.225 Engineer's Report
602.230 Design Criteria
602.235 Specifications
602.240 Plans
602.245 Source Construction Applications
602.250 Treatment Construction Applications
602.255 Storage Construction Applications
602.260 Water Main Construction Applications

SUBPART C: OPERATING PERMITS

Section
602.300 Operating Permit Requirement
602.305 Operating Permit Applications
602.310 Projects Requiring Disinfection
602.315 Projects Not Requiring Disinfection
602.320 Partial Operating Permits
602.325 Operating Permit-by-Rule

SUBPART D: ALGICIDE PERMITS

Section
602.400 Algicide Permit Requirement
602.405 Algicide Permit Applications
602.410 Sampling
602.415 Required Permit Modification

SUBPART E: OTHER AQUATIC PESTICIDE PERMITS

Section
602.500 Other Aquatic Pesticide Permit Requirement
602.505 Other Aquatic Pesticide Permit Application Contents
602.510 Permits Under Public Health Related Emergencies
602.515 State Agency Programs
602.520 Extension of Permit Duration

SUBPART F: SPECIAL EXCEPTION PERMITS

Section

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

602.600 Special Exception Permits

602.APPENDIX A References to Former Rules

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

SOURCE: Filed with Secretary of State January 1, 1978; amended and codified at 6 Ill. Reg. 11497, effective September 14, 1982; amended at 8 Ill. Reg. 2157, effective February 7, 1984; emergency amendment at 9 Ill. Reg. 13371, effective August 16, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 7337, effective April 22, 1986; amended in R96-18 at 21 Ill. Reg. 6562, effective May 8, 1997; amended in R03-21 at 27 Ill. Reg. 18030, effective November 12, 2003; amended in R15-22 at 40 Ill. Reg. 6799, effective April 15, 2016; amended in R18-17 at 42 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PERMIT PROVISIONS

Section 602.102 Community Water Supply Permits

A community water supply may seek the following types of permits issued by the Agency:

a) Construction Permit, underpursuant to Subpart B of this Part;

b) Operating Permit, underpursuant to Subpart C of this Part;

c) Algicide Permit, underpursuant to Subpart D of this Part; or

d) Aquatic Pesticide Permit, underpursuant to Subpart E; or of this Part.

e) A special exception permit, under Subpart F.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 602.105 Standards for Issuance

a) Construction Permits and Operating Permits

1) The Agency willshall not issue any construction or operating permit required by this Part unless the applicant submits adequate proof that the

community water supply will be constructed, modified or operated so as not to cause a violation of the Act or Board rules.

2) Except as provided in subsection (a)(3), the Agency willshall not issue any construction or operating permit required by this Part unless the applicant submits adequate proof that the community water supply facility conforms to the following design criteria. When the design criteria in the documents listed in this subsection (a)(2) conflict, the applicant must comply with the design criteria listed in subsection (a)(2)(A).

A) Criteria promulgated by the BoardAgency under 35 Ill. Adm. Code 604Section 39(a) of the Act or Section 602.115;

B) Recommended Standards for Water Works, incorporated by reference at 35 Ill. Adm. Code 601.115; and

C) AWWA, ASTM, ANSI or NSF standards incorporated by reference at 35 Ill. Adm. Code 601.115.

3) When the documents listed in subsection (a)(2) do not provide design criteria for the proposed community water supply facility, the Agency willmust not issue the construction or operating permit unless the applicant submits adequate proof that the community water supply facility conforms to other design criteria that the applicant proves will produce consistently satisfactory results. The Agency may require a pilot study.

4) The Agency willshall not issue any construction permit required by this Part unless the applicant submits proof that all plan and specification documents required by this Section and Subpart B of this Part have been prepared by a person licensed under the Illinois Architecture Practice Act [225 ILCS 305], the Illinois Professional Engineering Practice Act [225 ILCS 325], the Illinois Structural Engineering Licensing Act [225 ILCS 340], or, for site and groundwater conditions, under the Professional Geologist Licensing Act [225 ILCS 745], or any required combination of these Acts.

5) The Agency willmust not issue a construction permit unless the community water supply has filed a notification of ownership underpursuant to 35 Ill. Adm. Code 603.101.

6) The existence of a violation of the Act, Board regulation, or Agency regulation will not prevent the issuance of a construction permit if:

A) the applicant has been granted a variance or an adjusted standard from the regulation by the Board;

B) the permit application is for construction or installation of equipment to alleviate or correct a violation;

C) the permit application is for a water main extension to serve existing residences or commercial facilities when the permit applicant can show that those residences or commercial facilities are being served by a source of water of a quality or quantity that violates the primary drinking water standards of 35 Ill. Adm. Code 611; or

D) the Agency determines the permit application is for construction or installation of equipment necessary to produce water that is assuredly safe, as required by 35 Ill. Adm. Code 601.101.

b) Algicide or Aquatic Pesticide Permit
The Agency will~~must~~ not issue an algicide or pesticide permit required by this Part unless the applicant submits adequate proof that the application of the algicide or aquatic pesticide will not cause a violation of the Act, Board regulation, or Agency regulation.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 602.106 Restricted Status

a) Restricted status is~~shall be~~ defined as the Agency determination, under~~pursuant to~~ Section 39(a) of the Act and Section 602.105, that a community water supply facility, or portion thereof, may no longer be issued a construction permit without causing a violation of the Act or Board or Agency rules. Violations of Board rules that can result in a restricted status determination include, but are not limited to, regulations establishing maximum contaminant levels, treatment techniques, source water quantity requirements, treatment unit loading rates, storage volume requirements, and minimum pressure for a distribution system.

1) When the Agency cannot issue a construction permit to a community water supply because that issuance would extend an existing violation of the Act or Board or Agency rules, the Agency must place the community water supply on restricted status.

2) Except as specified in Section 602.105(a)(6)~~602.105(a)(5)~~, the Agency must not issue a permit for water main extension construction when the water main would extend an existing violation of the Act or Board or Agency rules.

b) The Agency must publish on its website and in the Environmental Register and update, at intervals of not more than three months, a comprehensive list of community water supplies subject to restrictive status. This list will be entitled the "Restricted Status List".

c) The Agency must~~shall~~ notify the owners or official custodian and Responsible Operator in Charge of a community water supply when the community water supply is initially placed on restricted status by the Agency.

d) The restricted status list must include a statement of the potential or existing violation of the Act or Board regulations that caused the community water supply's inclusion on the list.

e) Owners or official custodians of community water supplies that have been placed on restricted status must notify any person requesting construction of a water main extension of this status.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 602.115 Design, Operation, and Maintenance Criteria (Repealed)

~~a) The Agency may adopt criteria in rules for the design, operation, and maintenance of community water supply facilities as necessary to insure safe, adequate, and clean water. These criteria shall be revised from time to time to reflect current engineering judgment and advances in the state of the art.~~

~~b) Before adopting new criteria or making substantive changes to any of its rules for community water supplies, the Agency shall comply with the provisions of the~~

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

~~Administrative Procedure Act [5 ILCS 100].~~

(Source: Repealed at 42 Ill. Reg. _____, effective _____)

SUBPART B: CONSTRUCTION PERMITS

Section 602.200 Construction Permit Requirement

a) No person may~~shall~~ cause or allow the construction of any new community water supply installation, or cause or allow the change of or addition to any existing community water supply, without a construction permit issued by the Agency.

b) Construction permits must be obtained by the owner or official custodian of a community water supply:

1) prior to beginning construction of any proposed community water supply;

2) prior to all alterations, changes or additions to an existing community water supply that may affect the sanitary quality, mineral quality or adequacy of the community water supply; ~~and~~

3) prior to adding new chemicals to the treatment process or changing the points of chemical application; and~~.~~

4) prior to rehabilitating a water main using a liner.

c) Except as required by subsection (b), a~~A~~ construction permit is not needed for normal work items such as:

1) installation of customer service connections to distribution system water mains;

2) installation or replacement of hydrants and valves in the distribution system;

3) repair of water mains, including replacement of existing water mains with mains of equivalent size pipe in the same location;

4) routine maintenance of equipment, such as painting, reconditioning or servicing;

5) replacement of chemical feeders, pumps, controls, filter media, softener resins, pipes and appurtenances that have the same rated capacity and specification as existing facilities previously permitted by the Agency; or

6) installation or replacement of meters.

d) All work performed on a community water supply must be in accordance with accepted engineering practices.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 602.210 Construction Permit Applications

All applications for construction permits required under this Part must contain, when appropriate, the following information and documents:

a) General information, including, but not limited to:

1) name of the community water supply;

2) community water supply identification number;

3) the name and mailing address of the owner or official custodian of the community water supply; and

4) name, scope and location of the project;

b) Engineer's report as specified in Section 602.225;

c) A summary of the design criteria as specified in Section 602.230;

d) Specifications as specified in Section 602.235~~602.635~~;

e) Plans as specified in Section 602.240;

f) Specific information for the type of construction, as follows:

1) For source construction, information specified in Section 602.245;

2) For the construction of treatment facilities, information specified in Section 602.250;

3) For the construction of storage facilities, information specified in Section 602.255;

4) For the construction of water mains, information specified in Section 602.260;

g) Water purchase contracts between water supplies and/or inter-municipal agreements, when applicable;

h) Evaluation of technical, managerial and financial capacity as specified in Section 602.103 for new community water supplies;

i) Certification by each person signing the application that the information in the application is complete and accurate, and that the text of the application has not been changed from the Agency's official construction permit application form; and

j) Any other information required by the Agency for proper consideration of the permit.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 602.220 Alterations

a) Before any deviations from plans and specifications approved by the Agency are made, the owner or official custodian, or an authorized delegate, must make a written request for a supplemental permit. The written request must document all of the changes made to the previously approved plans and specifications. Only those changes identified will be considered for a supplemental permit.

b) Revised plans or specifications must be submitted to and approved by the Agency with the supplemental permit request.

c) The Agency must approve supplemental permit requests if those requests comply with Section 602.105 and this Subpart.

d) A supplemental permit is not required for minor changes that will not affect the location, capacity, hydraulic conditions, water treatment processes or sanitary or mineral quality of the water to be delivered.

e) A supplemental permit will not be granted to add water main after construction has begun, except for additional water main necessary due to a change in the connection point to the existing water distribution system or due to a change in route or alignment. A new application for construction permit must be submitted for water main to serve additional users.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 602.245 Source Construction Applications

~~Construction permit applications for the construction of a new, or the modification of an existing, well or surface water intake must include the information specified by this Section.~~

a) Construction permit applications for the construction of a new, or the modification of an existing, well or surface water intake or the construction of a water main to transport water purchased from another community water supply must include the following:

1) Existing and proposed finished water quality, including:

A) Hardness;

B) Calcium;

C) Alkalinity:

D) pH;

E) Orthophosphate;

F) Silicate;

G) Total Dissolved Solids;

H) Oxidation-reduction potential (ORP);

I) Temperature;

J) Chloride;

K) Sulfate;

L) Iron;

M) Manganese;

N) Chlorine residual (total); and

O) Chlorine residual (free).

2) A recommendation of the treatment necessary to reduce corrosion in household plumbing.

b) Well construction permit applications must specify the following:

1) the latitude and longitude of the well location;

2) the location and nature of all potential routes, potential primary sources, and potential secondary sources of contamination within 2,500 feet of the well location;

3) for sites subject to flooding, the well casing heights and maximum flood level based upon best available information, which includes, but is not limited to, the flood of record or the 100-year or 500-year flood projections;

4) a general aquifer description;

5) the total well depth;

6) the well casing diameter, material, depth, weight, height above ground, and thickness;

7) the grout type, thickness and depth;

8) the screen diameter, material, slot size and length, if applicable;

9) temporary capping and security measures during well construction;

10) proposed pump test procedures;

11) sampling procedures, if necessary under 35 Ill. Adm. Code 611.212, for wells that may be subject to surface water influences;

12) the type, design capacity, head rating, and depth of pump setting;

13) the column pipe diameter, length, material and joint;

14) the discharge pipe diameter, depth of cover, material and valving;

15) the casing vent diameter;

16) the airline length;

17) the location of the raw water sample tap;

18) a description of how the top of the well casing is sealed;

19) a description of access to the well site; and

20) well hydraulics and aquifer property data.

c)~~b)~~ The following information must be submitted on plans for well construction permit applications:

1) the well location with the following information:~~and~~

A) a 2,500-foot radius showing the location of potential routes, potential primary sources, and potential secondary sources of contamination;

B) cleanup sites within 2,500 feet of the proposed well site with any of the following:

i) No Further Remediation (NFR) letter;

ii) Groundwater Management Zone (GMZ);

iii) Environmental Land Use Covenant (ELUC); or

iv) an ordinance that restricts the use of groundwater; and

C)~~2)~~ ~~the well location and~~ a 400-foot radius showing the location of the sources of pollution listed in ~~Table A of~~ 35 Ill. Adm. Code 604.150(a)~~653.118~~;

2)~~3)~~ a cross-section of the well showing finished grade, natural ground surface, vent, casing, column pipe, screen, well depth, pump depth, grout, gravel pack and discharge piping;

3)~~4)~~ all discharge piping, including pressure gauge, meter, sample tap, check valve, shut-off valve and vacuum/air release valve, if applicable;

4)~~5)~~ well house construction, if provided;

5)~~6)~~ the locations of all electrical junction boxes;

6)~~7)~~ the locations of all observation wells; and

7)~~8)~~ piping showing the ability to pump to waste.

d)~~c)~~ The following information must be submitted on plans for surface water intake construction permit applications:

1) plan and profile views of the intake structure showing the location, elevation of intake ports, fish screens, valves, piping and pumps, if applicable;

2) for sites subject to flooding, maximum flood level based upon best available information, which includes, but is not limited to, the flood or record or the 100-year or 500-year flood projections;

3) location of inspection manholes, if applicable; and

4)~~3)~~ location of chemical treatment, if applicable.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 602.250 Treatment Construction Applications

The following information must be submitted on plans for the construction of treatment facilities:

a) all appurtenances, specific structures or equipment having any connection with the planned water treatment improvements;

b) detailed hydraulic profiles of water flowing through treatment systems;

c) schematic plumbing for all structures and equipment;

d) location of feeders, piping layout and points of application;

e) locations of the sources of pollution listed in ~~Table A of~~ 35 Ill. Adm. Code 604.150(a)~~653.118~~;

f) for sites subject to flooding, the maximum flood level based upon best available information, including, but not limited to, the flood of record or the 100-year or 500-year flood projections;~~and~~

g) security provisions; and~~.~~

h) stability and corrosion control:

1) existing and proposed finished water quality, including but not limited to:

A) Hardness;

B) Calcium;

C) Alkalinity:

D) pH;

E) Orthophosphate;

F) Silicate;

G) Total Dissolved Solids;

H) Oxidation-reduction potential (ORP);

I) Temperature;

J) Chloride;

K) Sulfate;

L) Iron;

M) Manganese;

N) Chlorine residual (total);

O) Chlorine residual (free); and

2) a recommendation of the treatment necessary to reduce corrosion in household plumbing.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 602.255 Storage Construction Applications

The following information must be submitted on plans for the construction of storage facilities:

a) storage capacity;

b) plan and profile views showing the location, elevation, piping, access hatches, vents, overflows, safety appurtenances and sample taps;

c) for below ground or partially below ground storage tanks, locations of the sources of pollution listed in ~~Table A of~~ 35 Ill. Adm. Code 604.150(a)~~653.118~~ within a 400-foot radius of the storage structure;

d) security provisions;

e) baffling arrangement, if applicable;

f) for sites subject to flooding, the maximum flood level based upon best available information, including, but not limited to, the flood of record or the 100-year or 500-year flood projections;~~ and~~

g) for hydropneumatic tanks, the bypass piping, access manhole, drain, sight glass, pressure gauge, pressure relief valve, air compressor and housing;

h) mixing systems, if applicable; and

i) the ability to drain a storage tank without causing the pressure in the distribution system to drop below 20 psi.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 602.260 Water Main Construction Applications

a) Water main construction permit applications must specify the following:

1) the existing population served by the present supply, and the population to be served by the water main extension;

2) the average daily pumpage for the community water supply on an annual basis;

3) the maximum daily pumpage;

4) the capacity of the community water supply;

5) the capacity of the raw water source;

6) the capacity of the proposed water main;

7) the normal expected operating pressure on the proposed water main;

8) the minimum expected operating pressure on the proposed water main;

9) the pressure at the point of connection at present maximum demand;

10) the calculated pressure at the point of connection under maximum demand after installation of the water main;

11) the size of the pipe and total feet of the water main;

12) the pipe material and type of joint;

13) the proposed depth below ground surface of the water main;

14) sewer and water separation:

A) an indication of whether the minimum horizontal and vertical separation requirements in 35 Ill. Adm. Code 604.1440~~653.119~~ have been met; and

B) an explanation of other measures taken to protect the water main if the separation requirements are not met;

15) a disinfection plan that details the chemical to be used, initial disinfectant concentration, final disinfectant concentration and retention time in hours; and

16) a water sampling plan to meet the requirements of Section 602.310.

b) The following information must be submitted on plans with water main construction permit applications:

1) the border lines of the municipality, water district or area to be served;

2) the size, length and identity of proposed water mains and water system structures;

3) the elevation of water mains where necessary to show proper separation from sewers and the elevation of other water system structures;

4) the location of existing or proposed streets;

5) the location of storm, sanitary, combined and house sewers, septic tanks, disposal fields and cesspools;

6) the location of pipelines and other sources containing hydrocarbons;

7) the distance between the community water supply structures and the sources of pollution listed in ~~Table A of~~ 35 Ill. Adm. Code 604.150(a)~~653.118~~;

8) stream crossings with elevations of the stream bed shown, including the normal, extreme high and extreme low water levels of the stream; and

9) all appurtenances, specific structures or equipment having any connection with planned water mains and water system structures.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

SUBPART C: OPERATING PERMITS

Section 602.300 Operating Permit Requirement

a) No person may~~shall~~ cause or allow the use or operation of any new community water supply, or any new addition to an existing community water supply, for which a construction permit is required under this Part, without an operating permit issued by the Agency, or obtaining an operating permit-by-rule under Section 602.325.

b) When a ocmmunity water supply's construction project is not eligible for an operating permit-by-rule under Section 602.325, an~~The~~ operating permit application must be filed with the Agency when construction is complete. ~~c)~~ The operating permit must be obtained before the project is placed in service.

c) Community water supplies projects identified in Section 602.325 may be placed into operation upon submission of the permit-by-rule certification to the Agency.

d) Partial operating permits may be obtained under~~pursuant to~~ Section 602.320 or Section 602.325.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 602.305 Operating Permit Applications

a) All applications for operating permits must be on forms prescribed by the Agency and must contain:

1) ~~the name, signature and identification number of the Responsible Operator in Charge (see 35 Ill. Adm. Code 603);~~

~~2)~~ the community water supply's name, address, identification number and project name;

2)~~3)~~ the construction permit number, type of construction permit, and date the construction permit was issued;

3)~~4)~~ an explanation of the status of the construction project. If the project is only partially completed, the applicant must provide the information set forth in Section 602.320; and

4)~~5)~~ any other information required by the Agency for proper consideration of the permit, including, but not limited to, the submission of the water sample results ~~pursuant to~~ Section 602.310.

b) If the operating permit application is for the operation of a well, the operating permit application must include the following information in addition to the information required by subsection (a):

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) final geologic well log;

2) aquifer property data;

3) lateral area of influence, as calculated underpursuant to 35 Ill. Adm. Code 671.Subpart B;

4) delineated well head protection area; and

5) pump test data:

A) the latitude and longitude of the observation well;

B) test pump capacity head characteristics;

C) static water level;

D) depth of pump settings; and

E) time of starting and ending each test cycle;

6) static water level in the production well and observation wells;

7) pumping water level in the production well;

8) transmissivity in gallons per day per foot of drawdown (GPD/ft);

9) hydraulic conductivity in gallons per day per square feet (GPD/ft^2) or feet per day (ft/day);

10) saturated thickness of the aquifer (ft);

11) storage coefficient or specific yield (dimensionless);

12) recording and graphic evaluation of the following, at one-hour intervals or less:

A) pumping rate;

B) pumping water level;

C) drawdown;

D) water recovery rate and levels; and

E) specific capacity, measured in gallons per minute per foot (GPM/ft) of drawdown;

13) a determination of the regional groundwater gradient and flow direction:

A) if the groundwater gradient and flow direction was estimated, provide the data, and the source of that data;

B) if the groundwater gradient and flow direction was not estimated, provide the longitude and latitude of the wells used, well logs and the water elevations observed in the wells during the pump test;

C) provide the compass direction clockwise from north in degrees; and

D) provide the gradient;

14) geological data:

A) a driller's log determined from samples collected at 5-foot intervals and at each pronounced change in formation;

B) accurate geographical location such as latitude and longitude or GIS coordinates;

C) records of drill hole diameters and depths;

D) order of size and length of casing, screens and liners;

E) grouting depths;

F) formations penetrated;

G) water levels; and

H) location of any blast charges; and

15)~~5)~~ analyses of water samples for the constituents listed in 35 Ill. Adm. Code 620.410(a) and (b).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 602.310 Projects Requiring Disinfection

a) Wells, water storage tanks, water treatment plants, and water mains must be disinfected in accordance with AWWA C651, C652, C653 or C654, incorporated by reference in 35 Ill. Adm. Code 601.115.~~Satisfactory disinfection as specified in this Section must be demonstrated before the issuance of an operating permit for completed construction projects when facilities produce, contain, treat or carry water that must be bacteriologically safe. This includes, but is not limited to, water mains, filters, finished water storage tanks and wells.~~

b) Disinfection of a filter with granular activated carbon (GAC) must be completed prior to adding the GAC. Disinfection of an ion exchange unit must be completed prior to adding a resin with a low chlorine tolerance. Disinfection of a membrane unit must be completed prior to adding membrane material with a low chlorine tolerance. Care should be taken when handling the GAC, resin or membrane to keep the material as clean as possible.

c) Except as provided in Section 602.315~~specified in subsection (d)~~, the permit applicant must verify disinfection before seeking an operating permit-by-rule under Section 602.235 or the issuance of an operating permit by the Agency for completed construction projects. Disinfection~~satisfactory disinfection~~ is verified~~demonstrated~~ when two consecutive water sample sets collected from the completed project at least 24 hours apart show the absence of coliform bacteria and the presence of a chlorine residual as required by 35 Ill. Adm. Code 604.725~~indicate no bacterial growths as measured by the membrane filter technique or no tubes testing positive as measured by the presumptive test, fermentation tube method, as set forth in 35 Ill. Adm. Code 611~~. A sample set consists of the following:

1) For water mains, representative water samples must be collected from every 1,200 feet of new main along each branch and from the end of the line. The Agency may approve a different sampling plan on a site-specific basis.

2) For water treatment plants, representative water samples must be collected from each aerator, detention tank, filter, ion exchange unit and clearwell, from all other treatment components other than those not requiring disinfection under Section 602.315, and from the entry point to the distribution system.

~~d) For water main construction projects at existing community water supplies practicing chlorination in accordance with 35 Ill. Adm. Code 611.240, satisfactory disinfection is demonstrated when:~~

~~1) one water sample set from the completed project collected in accordance with subsection (c)(1) indicates no bacterial growths as measured by the membrane filter technique or no tubes testing positive as measured by the presumptive test, fermentation tube method as set forth in 35 Ill. Adm. Code 611; and~~

~~2) Adequate chlorine residual is present at the point of connection. Adequate chlorine residuals exist in a distribution system when there is a minimum of 0.2 mg/l free chlorine residual for water supplies practicing free chlorination or 0.5 mg/l combined chlorine residual for water supplies practicing combined chlorination.~~

~~e) If the analyses performed pursuant to subsection (d) indicate the presence of bacterial growth, the community water supply must do the following to demonstrate satisfactory disinfection:~~

~~1) resample at the sampling point indicating contamination and at every sampling point downstream of the point indicating contamination;~~

~~2) submit a general layout sheet of the project indicating the location of all water mains to be operating; and~~

~~3) submit evidence to the Agency that two consecutive water sample sets collected as specified in subsection (e)(1) indicated no bacterial growths as~~

~~measured by the membrane filter technique or no tubes testing positive as measured by the presumptive test, fermentation tube method as set forth in 35 Ill. Adm. Code 611.~~

d)~~f)~~ Analyses conducted under~~pursuant to~~ this Section must be performed by a certified laboratory.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 602.325 Operating Permit-by-Rule

a) The purpose of this Section is to implement the permit-by-rule program provided for in Section 39.12 of the Act for classes of community water supply operating permits. By fulfilling all of the requirements of this Section, a community water supply is considered to have met the requirements for obtaining an operating permit under Section 18(a)(3) of the Act and Section 602.300.

b) A community water supply is eligible to obtain an operating permit-by-rule if the construction project for which the Agency granted a construction permit is for any of the following projects:

1) Water main extensions; or

2) Projects not requiring disinfection specified in Section 602.315.

c) A community water supply is not eligible to obtain an operating permit-by-rule if the construction project involves a water main that connects two or more community water supplies.

d) Upon issuance of a construction permit, the Agency may notify an eligible community water supply that it may not seek a permit-by-rule if the community water supply has failed to submit information required by Agency or Board rules in the two years preceding the Agency's notification.

e) For construction projects that contain both permit-by-rule eligible and non-eligible components, a community water supply may obtain a partial operating permit-by-rule for the eligible portions of the project.

f) A community water supply eligible for a permit-by-rule under subsection (b) that does not elect to obtain a permit-by-rule must obtain an operating permit issued by the Agency before commencing operations.

g) Permit-by-Rule Certification. Any community water supply seeking to obtain an operating permit-by-rule must submit a certification, on forms prescribed by the Agency, specifying the following:

1) the community water supply's name, address, identification number and project name;

2) the construction permit number, type of construction permit, and date the construction permit was issued;

3) an explanation of the status of the construction project and, if the project is only partially completed, the information set forth in Section 602.320;

4) a statement attesting to compliance with Section 602.310, if disinfection is required; and

5) the submission of the water sample results required by Section 602.310.

h) The community water supply may begin operation of a permit-by-rule eligible construction project immediately after it files the certification required by subsection (g).

(Source: Added at 42 Ill. Reg. _____, effective _____)

SUBPART F: SPECIAL EXCEPTION PERMITS

Section 602.600 Special Exception Permits

a) Unless contained in a construction or operating permit, each Agency determination in 35 Ill. Adm. Code 604 and 611 is to be made by way of a written special exception permit (SEP) pursuant to Section 39(a) of the Act.

b) No person may cause or allow the violation of any condition of a SEP.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

c) The community water supply 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 a written request from the community water supply; or

2) by the Agency, when authorized by Board regulations.

BOARD NOTE: The Board does not intend by any provision of this Part to require that the Agency exercise its discretion and initiate a SEP under subsection (d)(2). Rather, the Board intends to clarify by subsection (d)(2) that the Agency may initiate a SEP without receiving a request from the supplier.

(Source: Added at 42 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

1) Heading of the Part: Design, Operation and Maintenance Criteria

2) Code Citation: 35 Ill. Adm. Code 604

3)

Section Numbers:	Proposed Actions:
604.100	New Section
604.105	New Section
604.110	New Section
604.115	New Section
604.120	New Section
604.125	New Section
604.130	New Section
604.135	New Section
604.140	New Section
605.145	New Section
604.150	New Section
604.155	New Section
604.160	New Section
604.165	New Section
604.170	New Section
604.200	New Section
604.205	New Section
604.210	New Section
604.215	New Section
604.220	New Section
604.225	New Section
604.230	New Section
604.235	New Section
604.240	New Section
604.245	New Section
604.250	New Section
604.255	New Section
604.300	New Section
604.305	New Section
604.310	New Section
604.315	New Section
604.320	New Section
604.325	New Section
604.330	New Section

604.335	New Section
604.340	New Section
604.400	New Section
604.405	New Section
604.410	New Section
604.415	New Section
604.420	New Section
604.425	New Section
604.500	New Section
604.505	New Section
604.510	New Section
604.515	New Section
604.520	New Section
604.525	New Section
604.530	New Section
604.600	New Section
604.605	New Section
604.610	New Section
604.615	New Section
604.620	New Section
604.700	New Section
604.705	New Section
604.710	New Section
604.715	New Section
604.720	New Section
604.725	New Section
604.730	New Section
604.735	New Section
604.800	New Section
604.805	New Section
604.900	New Section
604.905	New Section
604.910	New Section
604.915	New Section
604.1000	New Section
604.1005	New Section
604.1010	New Section
604.1015	New Section
604.1020	New Section

604.1100	New Section
604.1105	New Section
604.1110	New Section
604.1115	New Section
604.1120	New Section
604.1125	New Section
604.1130	New Section
604.1135	New Section
604.1140	New Section
604.1145	New Section
604.1150	New Section
604.1200	New Section
604.1205	New Section
604.1210	New Section
604.1215	New Section
604.1220	New Section
604.1225	New Section
604.1300	New Section
604.1305	New Section
604.1310	New Section
604.1315	New Section
604.1320	New Section
604.1325	New Section
604.1330	New Section
604.1335	New Section
604.1340	New Section
604.1345	New Section
604.1350	New Section
604.1400	New Section
604.1405	New Section
604.1410	New Section
604.1415	New Section
604.1420	New Section
604.1425	New Section
604.1430	New Section
604.1435	New Section
604.1440	New Section
604.1445	New Section
604.1450	New Section

604.1455	New Section
604.1460	New Section
604.1500	New Section
604.1505	New Section
604.1510	New Section
604.1515	New Section
604.Table A	New Section

4) Statutory Authority: Implementing Sections 14-19 and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/14-19, 27, 28].

5) A Complete Description of the Subjects and Issues Involved: The Illinois Environmental Protection Agency (IEPA) proposed that the Board adopt a new Part 604 entitled "Design, Operation and Maintenance Criteria". IEPA adopted rules for design, operation, and maintenance of community water supplies at 35 Ill. Adm. Code 653 and last updated Part 653 in 1985. IEPA now proposes that the Board adopt these rules as Part 604, after which IEPA intends to repeal Parts 651, 653, and 654 of its own rules. IEPA argues that its proposal updates these requirements and clarifies them by consolidating them into a single comprehensive Board rule.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: In the Statement of Reasons filed with its proposed rules, IEPA stated that it "did not consult with a published study or research report when developing this proposal". IEPA added that it "did not perform any new studies, nor did the Agency contract with any outside entities to perform any studies for the development of this rulemaking proposal".

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

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

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other rulemaking pending on this Part? No

11) Statement of Statewide Policy Objective: This proposed rulemaking does not create or enlarge a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comments on this proposal for a period of at least 45 days after the date of publication in the *Illinois Register*. Public comments must be filed with the Clerk of the Board.

Public comments must be filed electronically through the Clerk's Office On-Line (COOL) on the Board's website (pcb.illinois.gov). Public comments should refer to docket R18-17. Comments may also be submitted to:

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

Interested persons may obtain copies of the Board's opinion and order in R18-17 from the Board's website (pcb.illinois.gov) and may also call the Clerk's office at 312/814-3620.

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: The proposal may affect any entity that owns, operates, or serves as official custodian for a community water supply.

B) Reporting, bookkeeping or other procedures required for compliance: The proposal includes a monthly operating report based on current IEPA rules. The proposal addresses records of cross connections based on current rules. The proposal also requires records regarding wells and water main breaks, backflow prevention devices, and inspection of cross connection control devices.

C) Types of professional skills necessary for compliance: Equivalent skills needed to comply with current regulations are required.

14) Regulatory Agenda on which this rulemaking was summarized: July 2017

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE F: PUBLIC WATER SUPPLIES
CHAPTER I: POLLUTION CONTROL BOARD

PART 604
DESIGN, OPERATION AND MAINTENANCE CRITERIA

SUBPART A: GENERAL PROVISIONS

Section
604.100 Purpose
604.105 General Requirements
604.110 Location
604.115 Usage
604.120 Piping Identification
604.125 Automatic Equipment
604.130 Operational Testing Equipment
604.135 Repair Work and Emergency Operation
604.140 Nitrification Action Plan
604.145 Exceptions for Community Water Supplies
604.150 Protection of Community Water Supply Structures
604.155 Electrical Controls and Standby Power
604.160 Safety
604.165 Monthly Operating Report
604.170 Security

SUBPART B: SOURCE DEVELOPMENT

Section
604.200 General Requirements
604.205 Surface Water Quantity
604.210 Surface Water Quality
604.215 Surface Water Structures
604.220 Invasive Mussel Control
604.225 Reservoirs
604.230 Groundwater Quantity
604.235 Groundwater Quality
604.240 General Well Construction
604.245 Well Testing and Records

604.250 Aquifer Types and Construction Methods
604.255 Well Pumps, Discharge Piping and Appurtenances

SUBPART C: SOURCE WATER PROTECTION PLAN

Section
604.300 Purpose
604.305 Source Water Protection Plan Requirement and Contents
604.310 Vision Statement
604.315 Source Water Assessment
604.320 Source Water Protection Plan Objectives
604.325 Action Plan
604.330 Submission
604.335 Agency Approval
604.340 Evaluation and Revision

SUBPART D: AERATION

Section
604.400 General Requirements for Aeration
604.405 Forced or Induced Draft Aeration
604.410 Spray Aeration
604.415 Pressure Aeration
604.420 Packed Tower Aeration
604.425 Other Methods of Aeration

SUBPART E: CLARIFICATION

Section
604.500 General Clarification Requirements
604.505 Coagulation
604.510 Flocculation
604.515 Sedimentation
604.520 Solids Contact Unit
604.525 Tube or Plate Settlers
604.530 Other High Rate Clarification Processes

SUBPART F: FILTRATION

Section
604.600 Filtration
604.605 Rapid Rate Gravity Filters
604.610 Rapid Rate Pressure Filters
604.615 Deep Bed Rapid Rate Gravity Filters
604.620 Biologically Active Filtration

SUBPART G: DISINFECTION

Section
604.700 Disinfection Requirement
604.705 Chlorination Equipment
604.710 Points of Application
604.715 Contact Time
604.720 Inactivation of Pathogens
604.725 Residual Chlorine
604.730 Continuous Chlorine Analyzers
604.735 Chlorinator Piping

SUBPART H: SOFTENING

Section
604.800 Lime or Lime-soda Process
604.805 Cation Exchange Process

SUBPART I: STABILIZATION

Section
604.900 General Stabilization Requirements
604.905 Carbon Dioxide Addition
604.910 Phosphates
604.915 Split Treatment

SUBPART J: OTHER TREATMENT

Section
604.1000 Presedimentation
604.1005 Anion Exchange
604.1010 Iron and Manganese Control

604.1015 Taste and Odor Control
604.1020 Powdered Activated Carbon

SUBPART K: CHEMICAL APPLICATION

604.1100 General Chemical Application Requirements
604.1105 Feed Equipment and Chemical Storage
604.1110 Protective Equipment
604.1115 Chlorine Gas
604.1120 Acids and Caustics
604.1125 Chlorine Dioxide
604.1130 Sodium Chlorite
604.1135 Sodium Hypochlorite
604.1140 Ammonia
604.1145 Potassium Permanganate
604.1150 Fluoride

SUBPART L: PUMPING FACILITIES

604.1200 General
604.1205 Pumping Stations
604.1210 Pumps
604.1215 Booster Pumps
604.1220 Automatic and Remote-Controlled Stations
604.1225 Appurtenances

SUBPART M: STORAGE

604.1300 General Storage Requirements
604.1305 Overflow
604.1310 Access to Water Storage Structures
604.1315 Vents
604.1320 Level Controls
604.1325 Roof and Sidewalls
604.1330 Painting and Cathodic Protection
604.1335 Treatment Plant Storage
604.1340 Elevated Storage
604.1345 Hydropneumatic Storage
604.1350 Combination Pressure Tanks and Ground Storage

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

SUBPART N: DISTRIBUTION

604.1400 General Distribution System Requirements
604.1405 Installation of Water Mains
604.1410 Materials
604.1415 System Design
604.1420 Valves
604.1425 Hydrants
604.1430 Air Relief Valves
604.1435 Valve, Meter and Blow Off Chambers
604.1440 Sanitary Separation for Finished Water Mains
604.1445 Sanitary Separation for Raw Water Mains
604.1450 Surface Water Crossings
604.1455 Water Service Line
604.1460 Water Loading Stations

SUBPART O: CROSS CONNECTIONS

Section
604.1500 Cross Connections
604.1505 Cross Connection Control Program
604.1510 Cross Connection Control Device Inspectors
604.1515 Agency Approved Connection Control Measures

604.TABLE A Steel Pipe

AUTHORITY: Implementing Section 14-19 and authorized by Section 27 of the Illinois Environmental Protection Act [415 ILCS 5].

SOURCE: Adopted in R18-17 at 42 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 604.100 Purpose

This Part includes the design, operational, and maintenance criteria for owners, operators and official custodians of community water supplies.

Section 604.105 General Requirements

a) The community water supply must be designed to produce at least 20 percent greater than the maximum average daily demand, as defined in 35 Ill. Adm. Code 601.105.

b) The criteria for design of community water supply facilities must be the standards under this Part or other criteria under 35 Ill. Adm. Code 602 that the applicant demonstrates will produce a finished water that meets requirements of 35 Ill. Adm. Code 611 under all operating conditions.

c) Water must be treated to meet the national primary drinking water standards in 35 Ill. Adm. Code 611.

d) Duplicate units for water treatment facilities must be provided in the following situations:

1) The treatment is installed to comply with any microbial requirements in 35 Ill. Adm. Code 611;

2) The treatment unit is installed to comply with the maximum contaminant level for nitrite or nitrate in 35 Ill. Adm. Code 611.301; and

3) The treatment unit is installed to comply with Section 17.10 of the Act regarding the removal of carcinogenic volatile organic compounds.

e) Duplicate units are not required under subsection (d) if an adequate supply of finished water can be provided to meet the maximum daily demand to the community water supply and comply with the requirements of 35 Ill. Adm. Code 611 with the water treatment facility out of service for any period of time.

f) Unless otherwise approved by the Agency under Section 604.145(b), products that come in contact with water, including protective barrier materials, joining and sealing materials, mechanical devices, pipes and related products, plumbing devices, process media and non-metallic potable water materials, or components that comprise chemical feed systems in a community water supply, must be certified to comply with NSF/ANSI Standard 61 and NSF/ANSI Standard 372, incorporated by reference in 35 Ill. Adm. Code 601.115.

g) Water treatment chemicals must be certified to comply with NSF/ANSI Standard 60, incorporated by reference in 35 Ill. Adm. Code 601.115.

Section 604.110 Location

a) All community water supplies must select construction sites after completing an evaluation of risk from earthquakes, land subsidence, floods, fires or other disasters that could result in breakdown of any part of the system. If a site is subject to an identified risk, the community water supply must submit a complete statement describing reasons for site selection and identify construction measures that will be taken to protect the community water supply.

b) All community water supply facilities must be located outside the flood plain or must be at least two feet above the 100-year flood elevation or maximum flood of record, whichever is higher.

c) All access roads, except roads to wells, must be protected to at least the 100-year flood elevation or maximum flood of record.

Section 604.115 Usage

a) Average daily usage must be based on finished water pumpage records. When records are not available or when a new supply is proposed, average daily usage must be based on at least 75 gallons per person per day based on the current or projected population to be served.

b) The average daily usage estimate must be increased when large uses such as irrigation, filling swimming pools, and service to commercial or industrial establishments are known or anticipated.

c) When records are not available, maximum demand must be calculated as 1.5 times the average daily usage.

d) For Sections 604.1345 and 604.1350, peak hourly flow must be calculated using six times the average daily usage and converted into units of gallons per minute.

Section 604.120 Piping Identification

a) Piping in a community water supply treatment facility must be identified clearly by legends or the use of nametag labels identifying the contents of individual pipes, spaced at intervals to allow convenient identification of individual pipes. A consistent standard must be used throughout the system.

b) The following color scheme or a similar consistent scheme must be used to identify piping in plants and pumping stations:

1) Water Lines

A) Raw or Recycle: Olive Green

B) Settled or Clarified: Aqua

C) Finished or Potable: Dark Blue

2) Chemical Lines

A) Alum or Primary Coagulant: Orange

B) Ammonia: White

C) Carbon Slurry: Black

D) Caustic: Yellow with Green Band

E) Chlorine (Gas and Solution): Yellow

F) Chlorine Dioxide: Yellow with Violet Band

G) Fluoride: Light Blue with Red Band

H) Lime Slurry: Light Green

I) Ozone: Yellow with Orange Band

J) Phosphate Compounds: Light Green with Red Band

K) Polymers or Coagulant Aids: Orange with Green Band

L) Potassium Permanganate: Violet

M) Soda Ash: Light Green with Orange Band

N) Sulfuric Acid: Yellow with Red Band

O) Sulfur Dioxide: Light Green with Yellow Band

3) Waste Lines

A) Backwash waste: Light Brown

B) Sludge: Dark Brown

C) Sewer (sanitary or other): Dark Grey

4) Other Lines

A) Compressed Air: Dark Green

B) Gas: Red

C) Other line: Light Grey

c) Potable water lines must be clearly and permanently identified where dual water lines or pressure sewer systems exist.

Section 604.125 Automatic Equipment

a) Equipment that will automatically shut down a water treatment process is acceptable, provided restart procedures are manual.

b) Automatic startup must be allowed for treatment plants that treat only groundwater and have only unit processes not exposed to contamination. Examples include iron removal by protected aeration, enclosed retention and pressure sand filtration or ion exchange softening in a pressure vessel operated in a downflow mode.

Section 604.130 Operational Testing Equipment

a) Monitoring Equipment. Community water supplies must have equipment to monitor the water as follows:

1) Plants treating surface water and groundwater under the direct influence of surface water must have the capability to monitor and record the following:

A) chlorine residual, water temperature and pH at locations necessary to evaluate adequate CT disinfection; and

B) turbidity.

2) Plants treating groundwater using iron removal or ion exchange softening must have the capability to monitor and record chlorine residual.

3) Ion exchange plants for nitrate removal must continuously monitor and record the finished water nitrate level.

b) Sampling Taps

1) Smooth-nosed sampling taps must be provided for collecting representative samples of treated and untreated water.

2) When fluoride is added, the sample tap for the finished water must be located after the fluoride solution is added and has thoroughly mixed with the water being fluoridated.

3) Smooth-nosed sample taps for untreated water must be provided at each well or source.

c) For measuring chlorine residual, DPD test equipment or other means approved in "Standard Methods for the Examination of Water and Wastewater", incorporated by reference in 35 Ill. Adm. Code 611.102, must be used.

d) Testing equipment must be available to plants with specific treatment processes, which include:

1) fluoride adjustment − test equipment for measuring levels of fluoride ion;

2) iron removal − test equipment for measuring ferrous and total iron levels;

3) cation exchange softening − equipment for measuring hardness, and chloride concentration;

4) coagulation and filtration − jar testing equipment for determining chemical dosages and equipment for measuring pH, hardness, total and phenolphthalein ("P") alkalinity, nitrate, and nitrite;

5) lime softening − equipment for measuring pH, hardness, and total and phenolphthalein alkalinity forms;

6) reverse osmosis − equipment for measuring total dissolved solids, chlorides and monitoring sulfates;

7) phosphate addition − equipment for measuring both orthophosphates and total phosphates;

8) anion exchange − equipment for continuous monitoring of nitrate concentration must be provided for treated water and finished water after blending;

9) stabilization − equipment for determining the effectiveness of stabilization treatment for parameters that may include temperature, pH, alkalinity, total dissolved solids, chloride, sulfate, calcium hardness and total hardness, expressed as calcium carbonate;

10) chloramination − equipment to measure free chlorine residual, total chlorine residual, monochloramine residual, and free ammonia-N;

11) coagulation using coagulants that contain aluminum – in addition to the equipment described in subsection (d)(4), equipment to measure total and insoluble aluminum;

12) manganese removal − equipment for measuring the concentration of total manganese and soluble manganese; and

13) chlorine dioxide treatment − equipment for measuring chlorine dioxide residual and chlorite ion concentration.

Section 604.135 Repair Work and Emergency Operation

a) The community water supply must be protected from contamination when any part of the system is out of service for repair, construction, alteration or replacement.

b) Disinfection Following Repair

1) Any part of a community water system that has direct contact with finished water and has been out of service for repair, alteration or replacement must be disinfected and sampled as required by 35 Ill. Adm. Code 602.310 before being returned to service.

2) Equipment that does not come in contact with finished water, such as raw surface water pumps, raw surface water transmission lines, chemical mixing tanks and clarifiers, need only be flushed before being returned to service.

3) Filters must be disinfected.

4) Wells, water storage tanks, water treatment plants, and water mains must be disinfected in accordance with AWWA C651, C652, C653 or C654, incorporated by reference in 35 Ill. Adm. Code 601.115.

c) Emergency Operation

1) Boil Order

A) Whenever microbiological contamination is determined to persist in a community water supply, as demonstrated by microbiological analysis results, the owners or official custodians of the supply must notify all consumers as required by subsection (c)(2) to boil for five minutes all water used for consumption or culinary purposes.

B) This boil order will remain in effect until appropriate corrective action approved by the Agency is taken and microbiological samples demonstrate that the water is safe for domestic use.

C) If the owner or official custodian of the supply fails to take the required action, the Agency may issue a boil order directly to the consumers affected.

D) Issuance of a boil order does not relieve the water supply from making public notification in accordance with 35 Ill. Adm. Code 611.Subpart V.

2) Required Notification

A) Owners and operators of community water supplies must immediately notify the Agency at the appropriate Regional Office, in accordance with 35 Ill. Adm. Code 602.104(f), when there is knowledge or suspicion that a water supply has become contaminated or the community water supply's finished water quality is negatively impacted due to water treatment equipment malfunction.

B) Whenever the safety of a supply is endangered for any reason, including spillage of hazardous substances, the community water supply owner, official custodian, or Responsible Operator in Charge must take appropriate action to protect the community water supply, and immediately notify the Agency.

C) The Agency will require the community water supply to notify all consumers of appropriate actions to protect themselves if the water supply has become contaminated or the consumers' safety may be endangered. If the community water supply fails to make these notifications, the Agency must notify directly the consumers affected.

D) On weekends, holidays and after office hours, the Agency must be notified through the Illinois Emergency Management Agency at 1-800-782-7860.

3) When the water pressure falls below 20 pounds per square inch on any portion of the distribution system for any amount of time, the owner or official custodian of the community water supply must issue a boil order as required by subsection (c)(2) to those consumers affected unless the Agency has issued a SEP and:

A) There is a historical record of adequate chlorine residual as required by Section 604.725(a) and approved turbidity levels in the general area affected covering at least 12 monthly readings;

B) Samples for bacteriological examination are taken in the affected area immediately and approximately 12 hours later; and

C) Tests for residual chlorine and turbidity taken at not more than hourly intervals in the affected area for several hours do not vary significantly from the historical record. If significant decrease in chlorine residual or increase in turbidity occurs, a boil order as required by subsection (c)(2) must be issued.

d) Emergency Operations Plan

1) Each community water supply must develop an emergency operations plan for the provision of water under emergency circumstances, including earthquakes, floods, tornados, and other disasters. The emergency operations plan must include a review of the methods and means by which alternative supplies of drinking water could be provided in the event of destruction, impairment or contamination of community water supply.

2) The community water supply must review its emergency operations plan at least every three years and revise the plan as necessary. The community water supply must maintain the emergency operations plan on site and make it available to the Agency, upon request.

Section 604.140 Nitrification Action Plan

Any community water supply distributing water without a free chlorine residual must create a Nitrification Action Plan (NAP). The NAP must:

a) contain a plan for monitoring total ammonia-N, free ammonia-N, nitrite-N, nitrate-N, monochloramine residual, dichloramine residual, and total chlorine residual;

b) contain system specific levels of the chemicals in subsection (a) when action must be taken;

c) contain specific corrective actions to be taken if the levels in subsection (b) are exceeded; and

d) be maintained on site and made available to the Agency, upon request.

Section 604.145 Exceptions for Community Water Supplies

a) A community water supply operating before the effective date of this Part must not be required to modify or replace components to meet the requirements of this Part if:

1) the requirements of 35 Ill. Adm. Code 611 are met;

2) the requirements of Sections 604.205, 604.230 and 604.1210 are met;

3) water pressure meets the standards of Section 604.1415(a)(1); and

4) the components were permitted or no permits were required at the time of construction.

b) Alternate Design, Maintenance and Operation Requirements

1) As specified in this Part, the Agency may approve design, maintenance or operation requirements different from those contained in this Part so long as the alternative produces water meeting the requirements of 35 Ill. Adm. Code 601.101 and 35 Ill. Adm. Code 611.

2) When approving alternate design, maintenance or operation requirements, the Agency must issue a construction permit, operating permit or special exception permit.

3) The Agency must approve alternate design, maintenance or operation requirements when the community water supply demonstrates that compliance with this Part is economically unreasonable or technically impossible.

Section 604.150 Protection of Community Water Supply Structures

a) Each community water supply must protect its wells, clear water reservoirs, suction lines, gravity filters, iron removal, chlorine reaction and wet salt storage basins from sources of contamination by maintaining the following minimum distances:

Source of Contamination	**Distance for Clay or Loam Soils**	**Distances for Soils with Higher Permeability than Clay or Loam**
Cesspools, leaching sewage disposal pits	150'	300'
Privies	150'	300'
Septic tanks and subsurface septic tanks effluent disposal tile	75'	150'
Livestock, grazing areas or feedlots	50'	100'
Sewers (non-watertight)	50'	50'
Sewers (cast iron pipe, with leaded or mechanical joints)	25'	25'
Sewers (extra-heavy cast iron pipe, asbestos-cement pressure pipe, prestressed concrete pipe, or PVC pipe meeting water main standards, with pressure tested, leaded, mechanical or slip-on joints	10'	10'

Washwater sumps of reinforced concrete construction	10'	10'
Flood waters – A horizontal distance must be maintained by natural earth or fill. In addition, wells must meet the requirements of Section 604.240(k).	15'*	15'*
Flood waters – A vertical distance must be maintained to which structure and earth protection must be carried above maximum high water elevation. In addition, wells must meet the requirements of Section 604.240(k).	2'	2'
Fuel storage tanks above ground	25'**	25'**
* The Agency must consider special structural arrangements equivalent to earthen construction for protection of the well when horizontal earth protection is impractical.		
** unless otherwise approved by the Agency under Section 604.145(b)		

b) Wells must meet the setback requirements of the Act.

c) Fuel storage tanks located at a community water supply facility must be above ground and must have secondary containment.

Section 604.155 Electrical Controls and Standby Power

a) Electrical controls must be located above grade, in areas not subject to flooding.

b) Each community water supply must provide on site, dedicated standby power capable of maintaining continued operation of its water system during power outages to meet the average daily usage determined under Section 604.115.

Section 604.160 Safety

a) All community water supplies whose treatment involves chemical application must have and maintain a chemical safety plan.

b) All community water supply personnel involved in the use and maintenance of chemicals must have periodic safety training.

Section 604.165 Monthly Operating Report

a) The community water supply must prepare an operating report on a form approved by the Agency as specified in a construction, operating or special exception permit.

b) An individual set of operating reports must be maintained for each installation when more than one source of water with separate chemical addition equipment is used.

c) The operating report must be signed by the Responsible Operator in Charge and submitted to the Agency within 30 days after the last day of the month.

d) A copy of the operating report records must be maintained by the official custodian of the community water supply.

Section 604.170 Security

a) Each community water supply well, well house, raw water intake structure, pumping stations, treatment plant buildings, and treated water storage reservoirs must be protected to prevent vandalism and entrance by animals or unauthorized persons.

b) Fencing, locks on tank access hatches, or other necessary precautions must be provided to prevent trespassing, vandalism, and sabotage.

SUBPART B: SOURCE DEVELOPMENT

Section 604.200 General Requirements

a) Each water supply must take its raw water from the best available source that is economically reasonable and technically possible.

b) In selecting the source of water to be developed, the community water supply must prove the following:

1) an adequate quantity of water will be available; and

2) the water that is to be delivered to the consumers will meet the current requirements of the Board and Act with respect to microbiological, physical, chemical and radiological qualities.

c) A surface water source includes tributary streams and drainage basins, natural lakes and artificial reservoirs or impoundments above the point of water supply intake.

d) A groundwater source includes all water obtained from wells.

e) The Agency will approve surface water, groundwater under the direct influence of surface water, or groundwater as a community water supply source only if treatment produces water that meets the primary drinking water standards of 35 Ill. Adm. Code 611 and the following conditions are met:

1) The design of the water treatment plant must consider the worst conditions that may exist during the life of the system.

2) Sampling must be performed to determine treatment requirements. The Agency may require samples be taken at least once a month over a 12-consecutive month period. Representative samples must be submitted to the Agency to determine raw water quality.

3) More frequent sampling must be required to obtain a true representation of raw water quality. Raw water characteristics must be determined after heavy rainfall and runoff or low stream flow, and at other times when unusual factors pertaining to physical and chemical quality, treatability, tastes and odors exist.

4) Auxiliary treatment must be provided for waters when the geometric mean of fecal coliform exceeds 2000 per 100 ml. Examples of auxiliary treatment are presedimentation, prechlorination and storage of raw water for 30 days or more.

Section 604.205 Surface Water Quantity

The quantity of surface water at the source must:

a) be adequate to meet the maximum projected water demand of the service area as shown by calculations based on a one in 50-year drought or the extreme drought of record, and should include consideration of multiple year droughts;

b) provide a 20% surplus unless otherwise approved by the Agency under Section 604.145(b); and

c) be adequate to compensate for all losses, including silting, evaporation, seepage and required water releases.

Section 604.210 Surface Water Quality

a) For all surface water, community water supplies must provide conventional filtration treatment or filtration treatment using technologies approved by the Agency under 35 Ill. Adm. Code 611.250(d) and disinfection.

b) For all groundwater under the direct influence of surface water, community water supplies must provide filtration treatment using technologies approved by the Agency under 35 Ill. Adm. Code 611.250 and disinfection.

c) A source water assessment under Section 604.315 must be completed, considering factors, both natural and manmade, that may affect water quality in the water supply stream, river, lake or reservoir, or groundwater under direct influence of surface water.

Section 604.215 Surface Water Structures

a) Design of intake structures must provide for:

1) withdrawal of water from more than one level if quality varies with depth;

2) separate facilities for release of less desirable water held in storage;

3) where frazil ice may be a problem, holding the velocity of flow into the intake structure to a minimum, generally not to exceed 0.5 feet per second;

4) inspection manholes every 1000 feet for pipe sizes large enough to permit visual inspection;

5) cleaning of the inlet line;

6) protection against rupture by dragging anchors, ice and other factors;

7) ports located above the bottom of the stream, lake or impoundment, but at sufficient depth to be kept submerged at low water levels;

8) where shore wells are not provided, a diversion device capable of keeping large quantities of fish or debris from entering an intake structure; and

9) when buried surface water collectors are used, sufficient intake opening area must be provided to minimize inlet head loss. Particular attention should be given to the selection of backfill material in relation to the collector pipe slot size and gradation of the native material over the collector system.

b) Raw water pumping station must:

1) be protected from flooding and, when feasible, located above grade;

2) be accessible;

3) be designed against flotation;

4) be equipped with a screen before the pump suction well;

5) provide for introduction of chlorine or other chemicals in the raw water transmission line if necessary for quality control;

6) have intake valves and provisions for backflushing or cleaning by a mechanical device and testing for leaks, where practical;

7) have provisions for withstanding surges when necessary; and

8) be constructed to prevent intrusion of contaminants.

c) Side Channel Raw Water Storage Reservoir

1) A side channel water storage reservoir is a facility into which water is pumped during periods of good quality and high stream flow for future release to treatment facilities.

2) Side channel raw water storage reservoirs must be constructed to assure that:

A) water quality is protected by controlling runoff into the reservoir;

B) dikes are structurally sound and protected against wave action and erosion;

C) intake structures and devices meet requirements of subsection (a);

D) point of influent flow is separated from the point of withdrawal;

E) separate pipes are provided for influent to and effluent from the reservoir; and

F) a bypass line is provided around the reservoir to allow direct pumping to the treatment facilities.

Section 604.220 Invasive Mussel Control

a) When chemical treatment for the control of invasive mussels is permitted by the Agency:

1) chemical treatment must be in accordance with Subpart K;

2) plant safety items, including ventilation, operator protective equipment, eyewashes/showers, and cross connection control must be provided;

3) solution piping and diffusers must be installed within the intake pipe or in a suitable carrier pipe. Provisions must be made to prevent dispersal of

chemicals into the water environment outside the intake. Diffusers must be located and designed to protect all intake structure components; and

4) The chemicals feeder must be interlocked with plant system controls to shut down automatically when the raw water flow stops.

b) When alternative control methods are proposed for the control of invasive mussels, appropriate piloting or demonstration studies must be provided to the Agency for approval.

Section 604.225 Reservoirs

Reservoirs must provide, where applicable, for:

a) removal of brush and trees to high water elevation;

b) protection from floods during construction; and

c) abandonment of all wells that will be inundated.

Section 604.230 Groundwater Quantity

a) A community water supply must determine groundwater source adequacy by the amount of water produced by each well pumping within its calculated safe yield.

b) Multiple Well Systems: When multiple wells are used, the combined delivery must equal or exceed the maximum average daily demand under Section 604.105(a) with the largest producing well out of service.

c) Single Well Systems: No community water supply, the construction or modification of which commences after the effective date of this Section, may rely only on a single well for its water source. A community water supply, the construction of which commenced before and that is not modified after the effective date of this Section, may rely on a single well for its water source, but must be placed on the critical review list under 35 Ill. Adm. Code 602.107. For the purposes of this subsection, "modified" means when the fixed capital costs of the new components constructed within a 2-year period exceed 50% of the fixed capital cost of a comparable entirely new facility.

d) The well location must be selected to minimize the impact on other wells and other water resources.

Section 604.235 Groundwater Quality

a) Each community water supply using groundwater must collect and analyze one sample per well per month for total coliform bacteria. The analysis must be performed by a certified laboratory.

1) If a routine sample result is total coliform-positive, the community water supply must collect and analyze another sample within 24 hours after being notified of the positive result. The sample must be submitted to a certified laboratory for analysis.

2) Results that show the presence of coliform and have been confirmed by a sample taken under subsection (a)(1) must be reported to the Agency within 24 hours after being notified of the positive result of the sample taken under subsection (a)(1).

b) The Agency must require multiple barrier treatment to achieve at least 99.99 percent (4-log) removal or inactivation of viruses for all groundwater sources subject to bacteriological contamination.

c) When maintenance or equipment replacement on a well occurs that does not require a construction or operating permit under 35 Ill. Adm. Code 602, one sample from the well must be submitted to a certified laboratory for analysis for total coliform bacteria.

1) If the sample result is satisfactory, the well may be placed into service.

2) If the sample result is unsatisfactory, the well may not be placed into service until samples collected from the well on two consecutive days and tested by a certified laboratory have satisfactory results.

d) A source water assessment under Section 604.315 must be completed considering factors, both natural and manmade, that may affect water quality in the groundwater.

Section 604.240 General Well Construction

a) Drilling fluids and additives must not impart any toxic substance to the water or promote bacterial contamination.

b) Minimum protected depths of drilled wells must provide watertight construction to exclude contamination and seal off formations that are, or may be, contaminated or yield undesirable water.

c) Surface or temporary steel casing used for construction must be capable of withstanding the structural load imposed during its installation and removal. Surface or temporary casing must be removed during or prior to grouting or it must be grouted in place when set according to subsection (i).

d) The well casing material must be steel. Permanent steel casing pipe must:

1) be new single steel casing pipe meeting AWWA A100, incorporated by reference in 35 Ill. Adm. Code 601.115, for water well construction;

2) have a minimum weight and thickness indicated in Table A;

3) be equipped with a drive shoe when driven; and

4) have full circumferential welds or threaded coupling joints.

e) All wells during construction must be protected against the entrance of water, contaminants and tampering. Methods for capping a well include a welded metal plate and a threaded cap.

f) Packers must be of material that will not impart taste, odor, toxic substances or bacterial contamination to the well water. Lead packers must not be used.

g) Screens must:

1) be constructed of materials resistant to damage by chemical action of groundwater or cleaning operations;

2) have size of openings based on sieve analysis of formation and/or gravel pack materials;

3) have sufficient length and diameter to provide adequate specific capacity and low aperture entrance velocity;

4) be installed so that pumping water level remains above the screen under all operating conditions; and

5) be provided with a bottom plate or washdown bottom fitting of the same material as the screen.

h) Grouting Requirements. The annulus of all permanent well casings must be grouted from the original ground surface or pitless unit to a minimum depth of 10 feet utilizing a minimum thickness of 1½ inches of grout.

1) Neat Cement Grout. Cement conforming to AWWA A100 and water, with not more than six gallons of water per 94 pounds of cement, must be used for 1½ inch openings.

2) Concrete Grout. Equal parts of cement conforming to AWWA A100 and sand, with not more than six gallons of water per 94 pounds of cement, may be used for annular openings larger than 1½ inches. For annular openings greater than four inches, gravel added to the concrete must not exceed ½ inch.

3) Application

A) A minimum thickness of 1½ inches of grout around permanent casings, including couplings, must be provided.

B) Prior to grouting through creviced or fractured formations, bentonite or similar materials may be added to the annular opening, in the manner indicated for grouting.

C) When the annular opening is less than four inches, grout must be installed under pressure by means of a grout pump from the bottom of the annular opening upward in one continuous operation until the annular opening is filled.

D) When the annular opening is four inches or greater and extends less than 100 feet, and concrete grout is used, it may be placed by

gravity through a grout pipe installed to the bottom of the annular opening in one continuous operation until the annular opening is filled.

E) Grout must be allowed to overflow from the annular opening until the proper density or percent solids has been achieved.

F) Standby grouting equipment for grouting annular openings, including a backup grout pump and tremie pipe, must be on site during the grouting of all wells.

G) The conductor pipe must be completely withdrawn from the well prior to flushing excess grout from the conductor pipe when grouting down the annular space or must be disconnected from the grout shoe or street elbow prior to flushing excess grout when grouting within the casing.

H) After cement grouting is applied, work on the well must be discontinued until the cement or concrete grout has properly set.

I) Grout placement must be sufficient to achieve proper density or percent solids throughout the annular space.

4) Guides. The casing must be provided with sufficient guides welded to the casing to center the casing in the drill hole, prevent displacement of the casing and still permit unobstructed flow and uniform thickness of grout.

i) Upper Terminal Well Construction

1) Permanent casing for all groundwater sources must project at least 12 inches above the pumphouse, well platform floor or concrete apron surface and at least 18 inches above final ground surface.

2) Where a well house is constructed, the floor surface must be at least six inches above the final ground elevation.

3) Protection from physical damage must be provided.

4) The upper terminal must be constructed to prevent contamination from entering the well.

5) Where well appurtenances protrude through the upper terminal, the connections to the upper terminus must be mechanical or welded connections that are watertight.

j) Upper Terminal Well Construction in the Flood Plain of a 100-year Flood or Flood of Record

1) Sites subject to flooding must be provided with an earth mound to raise the well house floor to an elevation at least two feet above the highest known flood elevation, or other suitable protection as determined by the Agency. A 15-foot horizontal distance must be maintained.

2) The top of the well casing at sites subject to flooding must terminate at least three feet above the 100-year flood level or the highest known flood elevation, whichever is higher, or as otherwise approved by the Agency under Section 604.145(b).

3) Wells must have a six-inch concrete envelope completely surrounding the regular casing and extending at least 10 feet below original ground surface.

k) Development

1) Every well must be developed to remove the native silts and clays, drilling mud or finer fraction of the gravel pack.

2) Development must continue until the maximum specific capacity is obtained from the completed well.

3) Where chemical conditioning is required, specifications submitted to the Agency under 35 Ill. Adm. Code 602 must include provisions for the method, equipment, chemicals, testing for residual chemicals, and disposal of waste.

4) Where blasting procedures are used, specifications submitted to the Agency under 35 Ill. Adm. Code 602 must include the provisions for

blasting and cleaning. The grouting and casing must not be damaged by the blasting.

l) When an operating permit is not required under 35 Ill. Adm. Code 602, disinfection of modified or reconditioned wells must be provided, and a record of microbiological sample results must be maintained for five years.

m) Test wells and groundwater sources that are not in use must be sealed in accordance with 77 Ill. Adm. Code 920.120. The sealing form specified in 77 Ill. Adm. Code 920.120(e)(2) must be submitted to the Agency not more than 30 days after the well is sealed.

Section 604.245 Well Testing and Records

a) The specific capacity of the production well must be determined by a drawdown test before the well is placed in service.

b) Aquifer property data must be:

1) determined by using published values of transmissivity and hydraulic conductivity;

2) estimated by using specific capacity; or

3) determined by using a pump test with an observation well.

c) Pump Test

1) A pump test must be performed on every production well after construction and prior to placement of the permanent pump.

2) A pump test must have a capacity of at least 1.5 times the flow anticipated at the maximum anticipated drawdown.

3) The test must provide, as a minimum, for continuous pumping for at least 24 hours at the design pumping rate or until stabilized drawdown has continued for at least six hours when test pumped at 1.5 times the design pumping rate.

d) The following information must be submitted to the Agency before the Agency will issue an operating permit:

1) pump test data:

A) the latitude and longitude of the observation well;

B) test pump capacity head characteristics;

C) static water level;

D) depth of test pump settings; and

E) time of starting and ending each test cycle;

2) static water level in the production well and observation wells;

3) pumping water level in the production well;

4) transmissivity in gallons per day per foot of drawdown (GPD/ft);

5) hydraulic conductivity in gallons per day per square foot (GPD/ft^2) or feet per day (ft/day);

6) saturated thickness of the aquifer;

7) storage coefficient or specific yield (dimensionless); and

8) lateral area of influence calculated under 35 Ill. Adm. Code 671.

9) recording and graphic evaluation of the following, at one-hour intervals or less:

A) pumping rate;

B) pumping water level;

C) drawdown;

D) water recovery rate and levels; and

E) specific capacity, measured in gallons per minute per foot (GPM/ft) of drawdown.

10) a determination of the regional groundwater gradient and flow direction:

A) if the groundwater gradient and flow direction was estimated, provide the data and the source of the data;

B) if the groundwater gradient and flow direction was not estimated, provide the longitude and latitude of the wells used, well logs and the water elevations observed in the wells during the pump test;

C) provide the compass direction clockwise from north in degrees; and

D) provide the gradient.

11) geological data:

A) a driller's log determined from samples collected at 5-foot intervals and at each pronounced change in formation;

B) accurate geographical location, such as latitude and longitude or GIS coordinates;

C) records of drill hole diameters and depths;

D) order of size and length of casing, screens and liners;

E) grouting depths;

F) formations penetrated;

G) water levels; and

H) location of any blast charges.

e) Every well must be tested in accordance with AWWA A100, incorporated by reference in 35 Ill. Adm. Code 601.115, for plumbness and alignment. The test method and allowable tolerance must be clearly stated in the specifications submitted to the Agency.

f) The owner of each well must retain all records pertaining to each well's construction, maintenance and operation.

Section 604.250 Aquifer Types and Construction Methods

a) Sand or Gravel Wells

1) Unless otherwise approved by the Agency under Section 604.145(b), the permanent casing and grout must extend at least 25 feet below the original ground elevation.

2) If a temporary or a surface casing is used, it must be completely withdrawn.

b) Gravel Pack Material

1) Gravel pack materials must:

A) be sized based on sieve analysis of the formation; and

B) be well-rounded particles of 95 percent siliceous material that are smooth and uniform, free of foreign material, properly sized, and washed and then disinfected immediately prior to or during placement.

2) Gravel Pack

A) Gravel pack must be placed in one continuous operation.

B) Gravel pack must be placed in a manner that prevents segregation and gradation during placement.

C) The annular space between the well screen and the hole must allow for proper placement of gravel pack.

D) Gravel pack must extend above the highest well screen with an allowance for settling.

E) Protection from leakage of grout into the gravel pack or screen must be provided.

F) Permanent inner casing and outer casings must meet the requirements of Section 604.240(d).

3) Unless otherwise approved by the Agency under Section 604.145(b), minimum permanent casing and grouted depth must be at least 25 feet below the original ground elevation.

c) Radial Water Collector

1) Locations of all caisson construction joints and porthole assemblies must be indicated on plans submitted to the Agency.

2) Provisions must be made to assure that radial collectors are essentially horizontal.

3) Caisson Construction

A) The caisson wall must be reinforced to withstand the forces to which it will be subjected.

B) The top of the caisson must be extended at least above the flood plain of a 100-year flood or flood of record and covered with a watertight floor.

C) All openings in the floor must be curbed and protected from entrance of foreign material.

D) The pump discharge piping must not be placed through the caisson walls.

d) Fractured or Highly Permeable Bedrock Aquifer Wells

1) Where the depth of unconsolidated formations is more than 50 feet over fractured or highly permeable bedrock, the permanent casing must be firmly seated in rock.

2) Where the depth of unconsolidated formations is less than 50 feet, the depth of casing and grout must be at least 50 feet.

Section 604.255 Well Pumps, Discharge Piping and Appurtenances

a) Where line shaft pumps are used:

1) the casing must be firmly connected to the pump structure or have the casing inserted into a recess extending at least one-half inch into the pump base;

2) the pump foundation and base must be at least six inches above the finished floor elevation; and

3) lubricants must comply with Section 604.105(f).

b) Where a submersible pump is used:

1) the top of the casing must be effectively sealed to prohibit the entrance of water under all conditions of vibration or movement of conductors or cables;

2) the electrical cable must be firmly attached to the riser pipe at 20-foot intervals or less; and

3) mercury seals must not be used when an existing submersible pump is replaced or a new submersible pump is installed.

c) Discharge Piping

1) The discharge piping for each well must:

A) be designed to minimize friction loss;

B) be equipped with a check valve in or at the well, a shutoff valve, a pressure gauge, and a means of measuring flow;

C) be protected from the entrance of contamination;

D) have control valves and appurtenances located above the pumphouse floor when an above-ground discharge is provided;

E) be equipped with a smooth nosed sampling tap at least 18-inches above the floor to facilitate sample collection, located at a point where positive pressure is maintained, but before any treatment chemicals are applied;

F) when necessary to remove entrapped air from the well, be equipped with an air release-vacuum relief valve located upstream from the check valve, with exhaust/relief piping terminating in a down-turned position at least 18 inches above the floor and covered with a 24 mesh, corrosion resistant screen;

G) be valved to permit test pumping and control of each well;

H) have all exposed piping, valves and appurtenances protected against physical damage and freezing;

I) be anchored to prevent movement and be supported to prevent excessive bending forces;

J) be protected against surge or water hammer; and

K) be constructed so that it can be disconnected from the well or well pump to allow the well pump to be pulled.

2) The well must have a means of pumping to waste that is not directly connected to a sewer.

3) The discharge, drop or column piping inside the well for submersible, submersible jet and submersible line shaft pumps must:

A) be capable of supporting the weight of the submersible pump, piping, water and appurtenances, and of withstanding the thrust, torque, torque fatigue and other reaction loads created during pumping; and

B) use lubricants, fittings, brackets, tape or other appurtenances that comply with Section 604.105(f).

d) Pitless Well Units

1) Pitless units must:

A) be shop-fabricated from the point of connection with the well casing to the unit cap or cover;

B) be threaded or welded to the well casing;

C) be of watertight construction throughout;

D) be of materials and weight at least equivalent and compatible to the casing;

E) have field connection to the lateral discharge from the pitless unit of threaded, flanged or mechanical joint connection; and

F) terminate at least 18 inches above final ground elevation or three feet above the 100-year flood level or the highest known flood elevation, whichever is higher.

2) The design of the pitless unit must make provision for:

A) access to disinfect the well;

B) a properly constructed casing vent meeting the requirements of subsection (e);

C) facilities to measure water levels in the well, under subsection (f);

D) a cover at the upper terminal of the well that will prevent the entrance of contamination;

E) a contamination-proof entrance connection for electrical cable;

F) an inside diameter as great as that of the well casing to facilitate work and repair on the well, pump, or well screen; and

G) at least one check valve within the well casing.

3) If the connection to the casing is by field weld, the shop-assembled unit must be designed specifically for field welding to the casing. The only field welding permitted will be that needed to connect a pitless unit to the casing.

e) Casing Vent

1) Well casing must be vented to the atmosphere.

2) The vent must terminate in a downturned position, at or above the top of the casing or pitless unit, no less than 12 inches above grade or floor, in a minimum 1½ inch diameter opening covered with a 24 mesh, corrosion resistant screen.

3) The pipe connecting the casing to the vent must be of adequate size to provide rapid venting of the casing.

4) Where vertical turbine pumps are used, vents may be placed into the side of the casing.

f) Water Level Measurement

1) Each well must be equipped with a means for taking water level measurements.

2) Where pneumatic water level measuring equipment is used, it must be made using corrosion-resistant materials attached firmly to the drop pipe or pump column to prevent entrance of foreign materials.

g) Observation wells must meet the requirements in 77 Ill. Adm. Code 920.170.

SUBPART C: SOURCE WATER PROTECTION PLAN

Section 604.300 Purpose

The purpose of the following requirements is to facilitate protection of source water quality and quantity.

Section 604.305 Source Water Protection Plan Requirement and Contents

Each community water supply that treats surface or groundwater as a primary or emergency supply of water must develop a source water protection plan that contains the following minimum elements:

a) a vision statement as set forth in Section 604.310;

b) a source water assessment as set forth in Section 604.315;

c) the objectives set forth in Section 604.320; and

d) an action plan as set forth in Section 604.325.

Section 604.310 Vision Statement

The vision statement must include the following:

a) the community water supply's policy and commitment to protecting source water;

b) an explanation of the community water supply's resources to protect source water;

c) an explanation of the barriers to protecting source water; and

d) the names of the individuals who developed the vision statement.

Section 604.315 Source Water Assessment

a) The source water assessment must contain the following information:

1) statement of the importance of the source water;

2) a list of water supplies that obtain water from this community water supply;

3) delineation of all sources of water used by the community water supply, including:

A) for surface water, description of the watershed, map of the watershed, and intake locations;

B) for groundwater, the well identification number, well description, well status and well depth; a description of setback zones; and a description of the aquifer for each well;

4) a report on the quality of the source water for all sources of water delineated in subsection (a)(3), including:

A) when and where samples used to determine the quality of the source water were taken. These samples must be tested by a certified laboratory; and

B) the certified laboratory's results;

5) a report on the quality of the finished water;

6) identification of potential sources of contamination to the source water;

7) analysis of the source water's susceptibility to contamination; and

8) explanation of the community water supply's efforts to protect its source water.

b) Upon request, the Agency will provide technical assistance to a community water supply in conducting the source water assessment.

c) A community water supply may use a Source Water Assessment Program Fact Sheet prepared by the Agency to fulfill the requirements of this Section.

Section 604.320 Source Water Protection Plan Objectives

The source water protection plan must contain a list of the community water supply's objectives for protecting source water. These objectives can include meeting the requirements of any of the Sections in this Subpart, including developing a vision statement or performing a source water assessment. Objectives may also address the specific problems or issues identified in the source water assessment and should consider current and potential future issues.

Section 604.325 Action Plan

In the action plan, the community water supply must identify the actions needed to achieve the community water supply's objectives determined under Section 604.320. The action plan must include the following:

a) descriptions of all projects, programs, and activities developed by the community water supply to meet the objectives listed in Section 604.320;

b) the community water supply's schedule for implementing projects, programs and activities;

c) an identification of the necessary resources to implement the plan; and

d) an identification of the potential problems with and obstacles to implementing the plan.

Section 604.330 Submission

a) A community water supply that first commenced construction after the effective date must develop and submit a source water protection plan simultaneously with the construction permit application.

b) A community water supply in existence as of the effective date must develop and submit to the Agency for approval a source water protection plan within the following time frame after the effective date:

1) within 3 years, for a community water supply serving a population greater than 50,000 persons;

2) within 4 years, for a community water supply serving a population of greater than 3,000 but less than or equal to 49,999 persons; or

3) within 5 years, for a community water supply serving a population of less than or equal to 2,999 persons.

c) An existing community water supply that anticipates using a new source of water for its supply must develop and submit a revised source water protection plan simultaneously with the construction permit application.

Section 604.335 Agency Approval

The Agency, not later than 45 days after the receipt of the source water protection plan, will either approve or disapprove the plan. If the Agency takes no action within the 45 days, the community water supply may deem the plan approved. A community water supply may waive the requirement that the Agency take an action within the 45 days by so advising the Agency in writing.

Section 604.340 Evaluation and Revision

The community water supply must review, and revise as necessary, its source water protection plan no less frequently than every five years. If the community water supply revises its source water protection plan, it must submit the plan to the Agency for approval under Section 604.335.

SUBPART D: AERATION

Section 604.400 General Requirements for Aeration

a) All aerators, except those discharging to lime softening or clarification plants, must be protected from contamination by birds, insects, wind borne debris, rainfall and water draining off the exterior of the aerator. Screens must be 24 mesh.

b) A bypass must be provided when a single aeration unit is installed.

c) The stability of the water after aeration must be evaluated to determine the need for additional treatment under Subpart I.

Section 604.405 Forced or Induced Draft Aeration

Forced or induced draft aeration devices must be designed to:

a) include a blower with a weatherproof motor in a tight housing and screened enclosure;

b) insure adequate counter current of air through the enclosed aerator column;

c) exhaust air directly to the outside atmosphere;

d) include a down turned and 24 mesh screened air outlet and inlet;

e) be such that air introduced in the column must be as free from obnoxious fumes, dust, and dirt as possible;

f) be such that sections of the aerator can be reached or removed for maintenance of the interior or installed in a separate aerator room;

g) provide loading at a rate of 1 to 5 gallons per minute for each square foot of total tray area (2.5 to 12.5 m/hr);

h) ensure that the water outlet is sealed;

i) discharge through a series of five or more trays with separation of trays not less than six inches;

j) provide distribution of water uniformly over the top tray; and

k) be of durable material resistant to the aggressiveness of the water and dissolved gases.

Section 604.410 Spray Aeration

Spray aeration design must provide:

a) a hydraulic head of between 5 and 25 feet;

b) nozzles, with the size, number, and spacing of the nozzles being dependent on the flow rate, the space, and amount of head available;

c) nozzle diameters in the range of 1 to 1.5 inches to minimize clogging; and

d) an enclosed basin to contain the spray, with any openings protected by a 24-mesh screen.

Section 604.415 Pressure Aeration

a) Pressure aeration may be used for oxidation purposes only. This process is not acceptable for the removal of dissolved gases.

b) Filters following pressure aeration must allow for the release of air.

c) Pressure aeration must be designed to

1) thoroughly mix compressed air with water being treated; and

2) provide air free of obnoxious fumes, dust, dirt and other contaminants.

Section 604.420 Packed Tower Aeration

a) Packed tower aeration (PTA) may be used for removing compounds with a Henry's Constant greater than 100 atm mol/mol at 120^{o} C. Compounds with a Henry's Constant less than 10 may not be removed by PTA. For Henry's Constant values between 10 and 100, PTA may be used upon completion of a pilot study and approval by the Agency.

b) Process Design

1) Construction Permit Applications and Pilot Study

A) Before installing PTA, the community water supply must submit a construction permit application that includes Henry's Constant for the contaminant, the mass transfer coefficient, air pressure drop and stripping factor, height and diameter of unit, air to water ratio, packing depth, and surface loading rate.

B) Pilot testing is required for PTA used for compounds with Henry's Constant greater than 100 unless there is considerable past

performance data on the contaminant to be treated, there is a concentration level similar to previous projects, and the Agency has approved the process design based on use of appropriate calculations without pilot testing. Proposals of this type must be discussed with the Agency prior to submission of any construction permit applications.

C) When a pilot test is required, the pilot test must:

i) evaluate a variety of loading rates and air to water ratios at the peak contaminant concentration; and

ii) give special consideration to removal efficiencies when multiple contaminations occur.

2) The tower must be designed to reduce contaminants to below the maximum contaminant level (MCL) and to the lowest practical level.

3) The water loading rates are typically in the range from 15 gpm/ft^2 to 30 gpm/ft^2.

4) The ratio of the column diameter to packing diameter must be at least 10:1 for the full-scale tower. The pilot test can have a ratio of 7:1. The type and size of the packing used in the full-scale unit must be the same as that used in the pilot unit.

5) The minimum volumetric air to water ratio at peak water flow must be in the range of 25:1 and to 80:1, unless otherwise demonstrated by a pilot study and approved by the Agency under Section 604.145(b).

6) The design must consider providing pretreatment if potential fouling problems are likely to occur. Fouling problems can occur from calcium carbonate and iron precipitation and from bacterial growth.

7) Disinfection capability must be provided prior to and after PTA.

8) The effects of temperature must be considered since a drop in water temperature can result in a drop in contaminant removal efficiency.

c) Materials of Construction

1) The tower may be constructed of stainless steel, concrete, aluminum, fiberglass, or plastic, but the tower must not be constructed of uncoated carbon steel.

2) Towers must be protected against damage from wind.

3) Towers must have adequate structural support.

d) Water Flow System

1) Water must be distributed uniformly at the top of the tower when using spray nozzles or orifice type distributor trays that prevent short-circuiting.

2) A mist eliminator must be provided above the water distributor system.

3) A side wiper redistribution ring must be provided at least every 10 feet to prevent water channeling along the tower wall and short-circuiting.

4) Sample taps must be provided in the influent and effluent piping.

5) If an effluent sump is provided, it must be accessible to allow for cleaning and must be equipped with a drain valve in compliance with Section 604.1500.

6) The effluent piping must have a means to discharge to waste.

7) The design must prevent freezing of the influent riser and effluent piping when the unit is not operating.

8) If piping is buried, it must be maintained under positive pressure.

9) An overflow line must be provided that discharges 12 to 24 inches above the ground surface.

e) Air Flow System

1) The air inlet to the blower and the tower discharge vent must be down turned and protected with a noncorrodible 24 mesh screen to prevent contamination from extraneous matter.

2) A positive airflow sensing device and a pressure gauge must be installed on the air influent line. The positive airflow-sensing device must be a part of an automatic control system that will turn off the influent water if positive airflow is not detected. The pressure gauge will serve as an indicator of fouling buildup.

f) Other Required Features

1) Access ports with a minimum diameter of 24 inches to facilitate inspection, media replacement, media cleaning and maintenance of the interior must be provided.

2) Disinfection application points ahead of the tower must be provided.

3) Adequate packing support to allow free flow of water and to prevent deformation of the media with deep packing heights must be provided.

4) An access ladder must be provided.

5) The blower, disinfectant feeder and well pump must have an electrical interconnection.

Section 604.425 Other Methods of Aeration

Other methods of aeration may be used if applicable to the treatment needs. The treatment processes must be designed to meet the particular needs of the water to be treated and must be approved by the Agency. Such methods include:

a) spraying;

b) diffused air;

c) cascades;

d) mechanical aeration; or

e) natural draft aeration.

SUBPART E: CLARIFICATION

Section 604.500 General Clarification Requirements

a) All community water supplies designed to treat surface water must have a minimum of two clarification units. The clarifiers must be capable of meeting the plant design capacity with one clarifier removed from service.

b) For community water supplies treating groundwater under the direct influence of surface water, the community water supply must have a minimum of two clarification units if clarification is provided.

c) Community water supplies designed to treat groundwater will be required to have a minimum of two clarification units if clarification is provided.

d) Design of the clarification process must:

1) allow units to be taken out of service without disrupting operation;

2) start manually following shutdown;

3) minimize hydraulic head losses between units to allow future changes in processes without the need for repumping; and

4) if flow is split, provide a means of measuring and modifying the flow to each train or unit unless flow paths are equivalent and hydraulic controls are provided.

Section 604.505 Coagulation

a) For purposes of this Section, coagulation is a process using coagulant chemicals and mixing by which colloidal and suspended material are destabilized and agglomerated into settleable or filterable flocs, or both.

b) For community water supplies treating surface water using direct or conventional filtration, the use of a primary coagulant is required at all times.

c) The community water supply must submit with the construction permit application the design basis for the velocity gradient (G value) selected, considering the chemicals to be added and water temperature, color and other related water quality parameters.

d) Mixing – Mixing must be adequate to disperse chemicals in the basin. The detention period should be instantaneous, but not longer than 30 seconds, with mixing equipment capable of imparting a minimum G value of at least 750 fps/ft.

e) Equipment − Basins must be designed or equipped to produce adequate mixing for all treatment flow rates. Static mixing may be considered where the flow is relatively constant and will be high enough to maintain the necessary turbulence for complete chemical reactions.

f) Location − the coagulation and flocculation basin must be as close together as possible.

Section 604.510 Flocculation

a) For purposes of this Section, flocculation is a process to enhance agglomeration or collection of smaller floc particles into larger, more easily settleable or filterable particles through gentle stirring by hydraulic or mechanical means.

b) Basin Design − Inlet and outlet design must minimize short-circuiting and destruction of floc. Series compartments are recommended to further minimize short-circuiting and to provide decreasing mixing energy with time. Basins must be designed so that individual basins may be isolated without disrupting plant operation. A drain and/or pumps must be provided to handle dewatering and sludge removal.

c) Detention – The detention time must be adequate for floc formation. A detention time of at least 30 minutes with consideration to using tapered (i.e., diminishing velocity gradient) flocculation is recommended. The flow-through velocity should be not less than 0.5 nor greater than 1.5 feet per minute.

d) Equipment − Agitators must be driven by variable speed drives, with the peripheral speed of paddles ranging from 0.5 to 3.0 feet per second. External, non-submerged motors are preferred.

e) Other Designs − Baffling may be used to provide for flocculation in small plants only after Agency approval. The design should be such that the velocities and flows recommended in subsection (c) will be maintained.

f) Superstructure − A superstructure over the flocculation basins may be required.

g) Piping − Flocculation and sedimentation basins must be as close together as possible. The velocity of flocculated water through pipes or conduits to settling basins must be no less than 0.5 nor greater than 1.5 feet per second. Allowances must be made to minimize turbulence at bends and changes in direction.

h) Consideration should be given to the need for additional chemical feed in the future.

Section 604.515 Sedimentation

For purpose of this Section, sedimentation is a process that allows particles to settle by gravity and typically precedes filtration. The detention time for effective clarification is dependent upon a number of factors related to basin design and the nature of the raw water. The following criteria apply to conventional sedimentation units:

a) A minimum of four hours of settling time must be provided. This may be reduced to two hours for lime-soda softening facilities treating only groundwater. The Agency may approve reduced detention time when equivalent effective settling is demonstrated or when the overflow rate is not more than 0.5 gpm per square foot.

b) Inlet Devices − Inlets must be designed to distribute the water equally and at uniform velocities by using open ports, submerged ports, and similar entrance arrangements. A baffle should be constructed across the basin close to the inlet end and should project several feet below the water surface to dissipate inlet velocities and provide uniform flows across the basin.

c) Velocity − The velocity through a sedimentation basin must not exceed 0.5 feet per minute. The basins must be designed to minimize short-circuiting. Fixed or adjustable baffles must be provided as necessary to achieve the maximum potential for clarification.

d) Outlet Devices − Outlet weirs or submerged orifices must maintain velocities suitable for settling in the basin and minimize short-circuiting. Submerged orifices must be used if necessary to provide a volume above the orifices for storage when there are fluctuations in flow. Outlet weirs and submerged orifices must be designed as follows:

1) The rate of flow over the outlet weirs or through the submerged orifices must not exceed 20,000 gallons per day per foot of the outlet launder or orifice circumference;

2) Submerged orifices should not be located lower than 3 feet below the flow line; and

3) The entrance velocity through the submerged orifices must not exceed 0.5 feet per second.

e) Overflow − An overflow weir or pipe designed to establish the maximum water level desired on top of the filters should be provided. The overflow must discharge by gravity with a free fall at a location where the discharge can be observed.

f) Drainage – Sedimentation basins must be provided with a means for dewatering. Basin bottoms should slope toward the drain not less than one foot in 12 feet where mechanical sludge collection equipment is not required.

g) Flushing lines − Flushing lines or hydrants must be provided and must be equipped with backflow prevention devices approved by the Agency.

h) Mechanical sludge removal equipment must be provided in the sedimentation basin.

i) Sludge removal design must provide that:

1) sludge pipes will not be less than 3 inches in diameter and so arranged as to facilitate cleaning;

2) entrance to sludge withdrawal piping must prevent clogging;

3) valves must be located outside the tank for accessibility; and

4) the operator may observe and sample sludge being withdrawn from the unit.

Section 604.520 Solids Contact Unit

a) Adequate piping with sampling taps must be provided to allow for the collection of samples from various depths of the units.

b) Chemical Feed. Chemicals must be satisfactorily mixed in accordance with Section 604.1100(b).

c) The Agency may require a rapid mix device or chamber ahead of solids contact units to assure proper mixing of the chemicals applied. If required by the Agency, the mixing devices must be constructed to:

1) provide good mixing of the raw water with previously formed sludge particles; and

2) prevent deposition of solids in the mixing zone.

d) Flocculation equipment:

1) must be adjustable (speed and/or pitch);

2) must provide for coagulation in a separate chamber or baffled zone within the unit; and

3) should provide that the flocculation and mixing period will not be less than 30 minutes.

e) Sludge removal design must:

1) require sludge pipes be not less than 3 inches in diameter and arranged to facilitate cleaning;

2) prevent clogging at the entrance to sludge withdrawal piping;

3) locate valves outside the tank for accessibility; and

4) allow the operator to observe and sample sludge being withdrawn from the unit.

f) Cross Connections

1) Blow-off outlets and drains must terminate in a location with an air gap of 6 inches for backflow protection.

2) Cross connection control must be included for the potable water lines used to back flush sludge lines.

g) Detention Period. Detention period must be established on the basis of the raw water characteristics and other local conditions that affect the operation of the unit.

1) When treating surface water with upflow clarifiers using mechanical mixing, detention times must be based on design flow rates and should be two to four hours;

2) When softening groundwater with upflow clarifiers using mechanical mixing, detention times must be based on design flow rates and should be one to two hours;

3) When treating surface water using cone shaped, helical upflow, solids contact clarifiers or softeners, the detention time must be a minimum of 60 minutes; and

4) When treating groundwater using cone shaped, helical upflow, solids contact softeners, the detention time must be a minimum of 45 minutes.

h) Water Losses

1) Solids contact units must be provided with controls to allow adjusting the rate or frequency of sludge withdrawal.

2) Total water losses must not exceed:

A) five percent for clarifiers; and

B) three percent for softening units.

3) Solids concentration of wasted sludge to waste must be:

A) three percent by weight for clarifiers; and

B) five percent by weight for softeners.

i) Weirs or Orifices

1) Upflow Clarifiers Using Mechanical Mixing

A) The units must be equipped with either overflow weirs or orifices constructed so that water at the surface of the unit does not travel over 10 feet horizontally to the collection trough.

B) Weirs must be adjustable, at least equivalent in length to the perimeter of the tank.

C) Weir loading must not exceed:

i) 10 gpm per foot of weir length for units used as clarifiers; and

ii) 20 gpm per foot of weir length for units used as softeners.

D) Where orifices are used, the loading rates per foot of launder rates should be equivalent to weir loadings. Either must produce uniform rising rates over the entire area of the tank.

2) Cone Shaped, Helical Upflow, Solids Contact Clarifiers or Softeners

A) Weir loadings on cone shaped, helical upflow, solids contact units that utilize reversing flow weirs must not exceed:

i) 100 gpm per lineal foot of weir length for cone shaped, helical upflow, solids contact units; or

ii) 200 gpm per foot of weir length for units used as softeners.

B) Where orifices are used, the loading rates per foot of launder rates should be equivalent to weir loadings. Either must produce uniform rising rates over the entire area of the tank.

j) Upflow Rates. Unless otherwise approved by the Agency under Section 604.145(b), the upflow rates must not exceed:

1) 1.0 gpm per square foot of area at the sludge separation line for units used as clarifiers; and

2) 1.75 gpm per square foot of area at the slurry separation line, for units used as softeners.

k) Cone shaped, helical upflow, solids contact units must be equipped with one or more tangentially oriented inlets that introduce flow into the bottom cylindrical section of the unit. The inlets must be equipped with a means for controlling the velocity of the water flowing into the unit.

Section 604.525 Tube or Plate Settlers

a) Settler units consisting of variously shaped tubes or plates installed in multiple layers and at an angle to the flow may be used for sedimentation, following flocculation.

b) Tube or plate settlers must meet the following requirements:

1) Inlet and outlet design must maintain velocities suitable for settling in the basin and to minimize short-circuiting;

2) Plate units must be designed to minimize maldistribution across the units;

3) Drain piping from settler units must be sized to facilitate a quick flush of the settlers units and to prevent flooding of other portions of the plant;

4) Outdoor installations must be protected against freezing, including sufficient freeboard above the top of the settlers;

5) Tubes must have a maximum application rate of 2 gpm per square foot of cross-sectional area, unless higher rates are shown through pilot plant or in-plant demonstration studies;

6) Plates must have a maximum application rate of 0.5 gpm per square foot, based on 80 percent of the projected horizontal plate area;

7) Flushing lines must be provided to facilitate maintenance and must be properly protected against backflow or back siphonage;

8) Inlets and outlets must conform with Section 604.515(b) and (d);

9) The units' support system must be able to carry the weight of the settler units when the basin is drained plus any additional weight to support maintenance; and

10) Provisions must be made to allow the water level to be dropped, and water or air jet system for cleaning the settler units.

Section 604.530 Other High Rate Clarification Processes

The Agency may approve high rate clarification processes upon a demonstration of satisfactory performance under on site pilot plant conditions or documentation of full-scale plant operation with similar raw water quality conditions. The demonstration of documentation must include justification for any reductions in detention times and/or increases in weir loading rates. High rate clarification processes may include dissolved air flotation, ballasted flocculation, and contact flocculation/clarification.

SUBPART F: FILTRATION

Section 604.600 Filtration

a) Application of any one type of filter must be supported by water quality data representing a reasonable period of time to characterize the variations in water quality. The Agency may require pilot treatment studies to demonstrate the applicability of the method of filtration proposed.

b) Acceptable filters include the following types:

1) rapid rate gravity filters;

2) rapid rate pressure filters;

3) deep bed rapid rate gravity filters; and

4) biologically active filters.

Section 604.605 Rapid Rate Gravity Filters

a) The use of rapid rate gravity filters requires pretreatment.

b) For community water supplies treating surface water, groundwater under the direct influence of surface water, or using lime soda softening treatment, unless otherwise approved by the Agency under Section 604.145(b), the nominal filtration rates must not exceed 3 gal/min/ft^2 of filter area for single media filters and 5 gal/min/ft^2 for multi-media filters. Filtration rates must be reduced when treated water turbidity exceeds the standards in 35 Ill. Adm. Code 611.

c) For community water supplies treating groundwater and not using lime soda softening treatment, unless otherwise approved by the Agency under Section 604.145(b), the rate of filtration must not exceed 4 gal/min/ft^2 of filter area.

d) Number of Filter Units

1) A minimum of two units must be provided. Each unit must be capable of meeting the plant design capacity or the projected maximum daily demand at the approved filtration rate.

2) Where more than two filter units are provided, the filters must be capable of meeting the plant design capacity at the approved filtration rate with one filter removed from service.

3) Where declining rate filtration is provided, the variable aspect of filtration rates and the number of filters must be considered when determining the design capacity for the filters.

e) Structural Details and Hydraulics. The filter structure must be designed to provide for the following:

1) vertical walls within the filter;

2) no protrusion of the filter walls into the filter media;

3) cover by superstructure;

4) head and walking room to permit normal inspection and operation;

5) minimum depth of filter box of 8.5 feet;

6) minimum water depth over the surface of the filter media of 3 feet;

7) trapped effluent to prevent backflow of air to the bottom of the filters;

8) prevention of floor drainage to the filter with a minimum 4-inch curb around the filters;

9) prevention of flooding by providing overflow;

10) maximum velocity of treated water in pipe and conduits to filters of 2 ft/sec;

11) cleanouts and straight alignment for influent pipes or conduits where solids loading is heavy, or following lime soda softening;

12) construction to prevent cross connections, short-circuiting, or common walls between potable and non-potable water; and

13) wash water drain capacity to carry maximum flow.

f) Wash water troughs must be constructed such that:

1) the bottom elevation is above the maximum level of expanded media during washing;

2) a 2-inch freeboard is provided at the maximum rate of wash;

3) the top edge is level and is all at the same elevation;

4) troughs are spaced so that each trough serves the same number of square feet of filter area; and

5) the maximum horizontal travel of suspended particles to reach the trough does not exceed 3 feet.

g) The filter media must be composed of clean silica sand or other natural or synthetic media free from detrimental chemical or bacterial contaminants and must meet the following requirements:

1) a total depth of not less than 24 inches;

2) a uniformity coefficient of the smallest material not greater than 1.65;

3) a minimum of 12 inches of media with an effective size range of 0.45 mm to 0.55 mm;

4) filter media specifications:

A) Filter anthracite must consist of hard, durable anthracite coal particles of various sizes. Blending of non-anthracite material is not acceptable. Anthracite must have:

i) an effective size of 0.45 mm to 0.55 mm with uniformity coefficient not greater than 1.65 when used alone;

ii) an effective size of 0.8 mm to 1.2 mm with a uniformity coefficient not greater than 1.7 when used as a cap;

iii) an effective size less than 0.8 mm for anthracite used as a single media on potable groundwater for iron and manganese removal only (effective sizes greater than 0.8 mm may be approved based upon on site pilot plant studies);

iv) a specific gravity greater than 1.4;

v) an acid solubility less than 5 percent; and

vi) a Moh's scale of hardness greater than 2.7.

B) Sand must have:

i) an effective size of 0.45 mm to 0.55 mm;

ii) a uniformity coefficient of not greater than 1.65;

iii) a specific gravity greater than 2.5; and

iv) an acid solubility less than 5 percent.

C) High density sand must consist of hard, durable, and dense grain garnet, ilmenite, hematite or magnetite, or associated minerals of those ores that will resist degradation during handling and use, and must:

i) contain at least 95 percent of the associated material with a specific gravity of 3.8 or higher;

ii) have an effective size of 0.2 to 0.3 mm;

iii) have a uniformity coefficient of not greater than 1.65; and

iv) have an acid solubility less than 5 percent.

D) Granular activated carbon as a single media may be considered for filtration only after pilot or full-scale testing and with prior approval of the Agency. The design must include the following:

i) The media must meet the basic specifications for filter media in subsections (g)(1) through (g)(3).

ii) There must be provisions for a free chlorine residual and adequate contact time in the water following the filters and prior to distribution.

iii) Provisions must be made for frequent replacement or regeneration.

E) Other media types or characteristics must be approved by the Agency;

5) supporting media designed as follows based on the type of filter material:

A) A three-inch layer of torpedo sand must be used as a supporting media for filter sand where supporting gravel is used, and must have:

i) an effective size of 0.8 mm to 2.0 mm; and

ii) a uniformity coefficient not greater than 1.7.

B) Gravel

i) When gravel is used as the supporting media, it must consist of cleaned and washed, hard, durable, rounded silica particles and must not include flat or elongated particles.

ii) The coarsest gravel must be 2.5 inches in size when the gravel rests directly on a lateral system, and must extend above the top of the perforated laterals.

iii) Not less than four layers of gravel must be provided in accordance with the following size and depth distribution:

Size	**Depth**
2½ to 1½ inches	5 to 8 inches
1½ to ¾ inches	3 to 5 inches
¾ to ½ inches	3 to 5 inches
½ to 3/16 inches	2 to 3 inches
3/16 to 3/32 inches	2 to 3 inches

iv) Reduction of gravel depths and other size gradations may be approved by the Agency upon justification for slow sand filtration or when proprietary filter bottoms are specified.

h) Filter Bottoms and Strainer Systems

1) Water quality must be reviewed prior to the use of porous plate bottoms to prevent clogging and failure of the underdrain system.

2) The design of manifold type collection systems must:

A) minimize loss of head in the manifold and laterals;

B) ensure even distribution of washwater and even rate of filtration over the entire area of the filter;

C) provide the ratio of the area of the final openings of the strainer systems to the area of the filter at about 0.003;

D) provide the total cross-sectional area of the laterals at about twice the total area of the final openings;

E) provide the cross-sectional area of the manifold at 1.5 to 2 times the total area of the laterals; and

F) direct lateral perforations without strainers downward.

3) The Agency may approve departures from these standards for high rate filters and for propriety bottoms.

i) The following appurtenances must be provided for every filter:

1) influent and effluent sampling taps;

2) a gauge indicating loss of head;

3) a meter indicating the instantaneous rate of flow;

4) a pipe for filtering to waste that has a six inch or larger air gap, or other Agency approved cross connection control measure;

5) a continuously recording Nephelometer capable of measuring and recording filter effluent turbidity at maximum 15-minute intervals, and with alarm capability to notify the operator if filtered water turbidity exceeds 0.3 NTU (Nephelometric Units);

6) an adjustable rate valve to allow the operator to gradually control the flow rate increase when placing the filters back into operation; and

7) a hose and storage rack for washing filter walls.

j) Backwash. Provisions must be made for washing filters as prescribed in this subsection.

1) The community water supply must use filtered water provided at the required rate by washwater tanks or a dedicated washwater pump to wash the filters.

2) Backwash rate must meet the following requirements:

A) a minimum rate of 15 gal/min/ft^2, consistent with water temperatures and specific gravity of the filter media;

B) a rate sufficient to provide for a 50 percent expansion of the filter bed; and

C) a reduced rate of 10 gal/min/ft^2 for full depth anthracite or granular activated carbon filters, upon approval by the Agency.

3) Washwater pumps in duplicate must be provided unless an alternate means of obtaining washwater is available.

4) The main washwater line must have a regulator or valve to obtain the desired rate of filter wash with the washwater valves on the individual filters open wide.

5) The main washwater line or backwash waste line must have a rate of flow indicator, preferably with a totalizer, located so that it can be easily read by the operator during the washing process.

6) Rapid changes in backwash water flow must be prevented.

7) Backwash must be completed with an operator in attendance to initiate the backwash cycle and to control the return-to-service procedure to assure that the effluent turbidity is less than 0.3 NTU when the filter is placed back into operation for discharge to the clearwell.

8) Appropriate measures for cross connection control must be provided.

k) Surface or subsurface wash facilities are required except for filters used exclusively for iron, radionuclides, arsenic or manganese removal. Wash facilities may include a system of fixed nozzles or a revolving-type apparatus. All devices must be designed:

1) to provide water pressures of at least 45 psi;

2) if connected to the treated water system, to prevent back siphonage by properly installing a vacuum breaker or other approved device; and

3) to provide a rate of flow of 2.0 gpm/ft^2 of filter area with fixed nozzles or 0.5 gpm/ft^2 with revolving arms.

l) Air scouring can be used in place of surface wash if the air scouring meets the following requirements:

1) Air flow for air scouring the filter must be 3 to 5 $f^3/min/ft^2$ of filter area when the air is introduced in the underdrain; a lower air rate must be used when the air scour distribution system is placed above the underdrains;

2) A method to avoid filter media loss during backwashing must be provided;

3) Air scouring must be followed by a fluidization wash sufficient to restratify the media;

4) Air must be free from contamination;

5) If air scour distribution systems are placed at the media and supporting bed interface, the air scour nozzles must be designed to prevent media from clogging the nozzles or the air entering the air distribution system;

6) Piping for the air distribution system must not be flexible hose or other soft material;

7) Air delivery piping must not:

A) pass down through the filter media; and

B) have any arrangement in the filter design that would allow short-circuiting between the applied unfiltered water and the filtered water;

8) When air scouring is being utilized, the backwash rate must be variable and must not exceed 8 gal/min, unless a higher rate is necessary to remove scoured particles from filter media surfaces; and

9) Air scouring piping must not be installed in the underdrain unless the underdrain was designed to accommodate the piping.

Section 604.610 Rapid Rate Pressure Filters

a) Pressure filters must not be used in the filtration of surface water, groundwater under the direct influence of surface water, or water treated by lime soda softening.

b) The rate of filtration must not exceed 4 gal/min/ft^2 of filter area unless otherwise approved by the Agency under Section 604.145(b).

c) Minimum criteria at Section 604.605(e) and (g) relative to structural details, hydraulics, and filter media provided for rapid rate gravity filters also apply to pressure filters when appropriate.

d) Number

1) A minimum of two units must be provided. Each unit must be capable of meeting the plant design capacity or the projected maximum daily demand at the approved filtration rate.

2) When more than two filter units are provided, the filters must be capable of meeting the plant design capacity at the approved filtration rate with one filter removed from service.

e) Rapid rate pressure filters must be designed to provide for the following:

1) loss of head gauges on the inlet and outlet pipes of each battery of filters;

2) an easily readable meter or flow indicator on each battery of filters;

3) filtration and backwashing of each filter individually;

4) minimum sidewall shell height of 5 feet, unless otherwise approved by the Agency under Section 604.145(b);

5) the top of the washwater collectors at least 18 inches above the surface of the media;

6) an underdrain system to collect the filtered water and to uniformly distribute the backwash water at a rate not less than 15 gal/min/ft^2 of filter area;

7) backwash flow indicators and controls that are readable while operating the control valves;

8) an air release valve on the highest point of each filter;

9) when the filter exceeds 36 inches in diameter, a manhole at least 24 inches in diameter;

10) means of observing backwash discharge water; and

11) a six inch or larger air gap, or other Agency approved cross connection control measure.

f) Rapid rate pressure filters should have a flow indicator on each filtering unit.

Section 604.615 Deep Bed Rapid Rate Gravity Filters

Deep bed rapid rate gravity filters refers to rapid rate gravity filters with filter material depths equal to or greater than 48 inches. Filter media sizes are typically larger than those listed in Section 604.605(f)(4).

a) Before a community water supply may use deep bed rapid rate filters, a pilot study must be completed and approved by the Agency.

b) The final filter design must be based on the pilot plant studies and must comply with all applicable portions of Section 604.605.

Section 604.620 Biologically Active Filtration

Biologically active filtration refers to the filtration of surface water or a groundwater with iron, manganese or significant natural organic material, which includes the establishment and maintenance of biological activity within the filtration media. The objectives of biologically active filtration may include control of disinfection byproduct precursors; increased disinfectant stability; reduction of substrates for microbial regrowth; breakdown of small quantities of synthetic organic chemicals; and oxidation of ammonia-N, iron and manganese. Biological activity can have an adverse impact on turbidity, particle and microbial pathogen removal, disinfection practices, head loss development, and filter run times and distribution system corrosion.

a) Before use of biologically active filters, the community water supply must conduct a pilot study and obtain Agency approval. Pilot study objectives must be clearly defined and must ensure the microbial quality of the filtered water under all anticipated conditions of operation.

1) The pilot study must be of sufficient duration to ensure establishment of full biological activity; often greater than three months is required.

2) The pilot study must establish empty bed contact time, surface filtration hydraulic loading rate, substrate loading rate per unit filter media volume, and treatment efficiency for removal or reduction of concentration of parameters targeted for the pilot study.

b) The final filter design must be based on the pilot plant studies and must comply with Section 604.605.

SUBPART G: DISINFECTION

Section 604.700 Disinfection Requirement

a) Disinfection, in addition to continuous chlorination, is required for all sources utilizing surface water, groundwater under the direct influence of surface water, groundwater obtained from unconfined fractured bedrock, groundwater with a total coliform presence, and groundwater treated in basins open to the atmosphere to meet the inactivation of pathogens treatment objectives as provided in Section 604.720 and 35 Ill. Adm. Code 611.

b) Disinfection may be accomplished with chlorine, chloramines, chlorine dioxide, ozone, or ultraviolet light. Chloramines must not be used as a primary disinfectant, unless otherwise approved by the Agency under Section 604.145(b).

c) Continuous chlorination is required for all community water supplies unless the chlorine residual requirements of Section 604.725 are met or the community water supply is exempt under Section 17(b) of the Act.

d) Notification of a change in disinfection practices and the schedule for the changes must be made known to the public; particularly to hospitals, kidney dialysis facilities, and fish breeders, as chlorine dioxide and its byproducts may have similar effects as chloramines.

Section 604.705 Chlorination Equipment

a) Procedure for Submitting Plans and Specifications − Design documents for chlorination must be prepared and submitted in accordance with 35 Ill. Adm. Code 602.

b) Chlorination equipment must:

1) be large enough to satisfy the immediate chlorine demand and give a measurable residual of at least 2.0 mg/L of total chlorine under all operating conditions after contact;

2) be capable of feeding chlorine to the water being treated at a dosage rate of at least 5.0 mg/L, except when the water has a high chlorine demand. Factors in determining chlorine demand are:

A) pH;

B) water temperature;

C) contact time;

D) presence in the water of substances having chlorine demand such as hydrogen sulfide, iron, manganese and nitrogenous compounds including ammonia; and

E) supplemental treatment such as aeration that reduces chlorine demand;

3) be provided in duplicate when operating conditions do not allow repair of the chlorinator during off-pumping periods;

4) be provided in duplicate, installed and operational, at community water supplies treating surface water, groundwater under the direct influence of surface water, and groundwater with a history of total coliform positive results; and

5) include spare parts for emergency repairs consisting of at least the commonly expendable parts such as glassware, fittings, hose clamps, and gaskets.

Section 604.710 Points of Application

Provisions must be made for the capability to add a disinfectant into or prior to any aeration, settling, or filtration process, unless the process involves biological treatment, in which case the disinfectant must be added after the biological treatment.

Section 604.715 Contact Time

a) Unless otherwise approved by the Agency under Section 604.145(b), a minimum chlorine contact time of 60 minutes must be provided at all plants treating surface

water, groundwater under the direct influence of surface water, groundwater with basins open to the atmosphere, and groundwater obtained from unconfined, fractured bedrock. The equivalent baffling factor must be greater than or equal to 0.3 to prevent short-circuiting. The 60-minute contact time must be calculated based on the following formula:

$$\frac{maximum\ pumping\ rate\ out\ of\ basin, gpm}{actual\ basin\ operating\ water\ volume, gallons} = minimum\ 60\ minutes$$

b) For the purposes of this Section, contact time is measured as follows:

1) When the treatment process includes filtration, contact time is measured as the time following filtration of the water until the water reaches the first user.

2) When the treatment process does not include filtration, contact time is measured as the time following chlorination of water until the water reaches the first user.

Section 604.720 Inactivation of Pathogens

a) At plants treating surface water or groundwater under the direct influence of surface water, a disinfectant must be added to provide:

1) a minimum 0.5-log inactivation of Giardia lamblia cysts; and

2) a minimum 2-log inactivation of viruses.

b) At plants treating groundwater obtained from unconfined fractured bedrock, groundwater with a total coliform presence, and groundwater treated in basins open to the atmosphere:

1) A 4-log virus inactivation is required; and

2) A second method of inactivation is required in addition to continuous chlorination. Additional methods of inactivation must be approved by the Agency, and may include chlorine dioxide, ozone, ultraviolet light, gravity filtration and membrane filtration.

c) The methodology to determine inactivation of pathogens must be done in accordance with the Disinfection Profiling and Benchmark Guidance Manual, August 1999, USEPA reference for methodology and C x T tables, incorporated by reference in 35 Ill. Adm. Code 601.115.

d) Factors to be considered in determining inactivation include: pH, temperature, form of disinfectant residual, disinfectant residual concentration, flow rate, volume of basins/piping and baffling factors. Baffling factor must be determined according to "Improving Clearwell Design for CT Compliance", incorporated by reference in 35 Ill. Adm. Code 601.115, or a tracer study approved by the Agency.

Section 604.725 Residual Chlorine

a) A minimum free chlorine residual of 0.5 mg/L or a minimum combined residual of 1.0 mg/L must be maintained in all active parts of the distribution system at all times.

b) Community water supplies must monitor chlorine residual to determine the amount and type of residuals existing at different points in the distribution system.

c) Community water supplies must not mix water sources with free chlorine and combined chlorine residual.

Section 604.730 Continuous Chlorine Analyzers

Community water supplies that rely on chlorination for disinfection under Section 604.700(a) must have continuous chlorine residual analyzers with alarm capability that alerts the community water supply if chlorine residuals at the entry point to the distribution system are below the limits established in Section 604.725.

Section 604.735 Chlorinator Piping

a) Cross Connection Protection

1) The chlorinator piping must be designed to prevent contamination of the treated water.

2) For all systems required to disinfect under Section 604.700, piping must be arranged to prevent back flow or back siphonage between multiple points of chlorine application.

3) The water supply to each eductor must have a separate shutoff valve.

b) Pipe Material

1) The pipes carrying elemental liquid or dry gaseous chlorine under pressure must be Schedule 80 seamless steel tubing or other materials recommended by The Chlorine Institute in Pamphlet 6, Piping Systems for Dry Chlorine, incorporated by reference in 35 Ill. Adm. Code 601.115. These pipes must not be PVC.

2) Rubber, PVC, polyethylene, or other materials recommended by The Chlorine Institute must be used for chlorine solution piping and fittings.

3) Nylon products are not acceptable for any part of the chlorine solution piping system.

SUBPART H: SOFTENING

Section 604.800 Lime or Lime-soda Process

a) Design standards for rapid mix, flocculation and sedimentation are in Subpart E.

b) When split treatment is used, an accurate means of measuring and splitting the flow must be provided.

c) Before installation of lime or lime-soda processes, the community water supply must determine the carbon dioxide content of the raw water to evaluate the efficacy of installing aeration treatment.

d) Lime must be fed directly into the rapid mix basin or mixing chamber.

e) Rapid mix detention time must be no longer than 30 seconds, with adequate velocity gradients to keep the lime particles dispersed.

f) The softening process must include equipment for stabilization of water softened by the lime or lime-soda.

g) The use of excess lime is not an acceptable substitute for disinfection.

h) The plant processes must be manually started following shut down.

Section 604.805 Cation Exchange Process

a) Pre-treatment under Section 604.1010(b) or (c) is required when the content of iron, manganese, or a combination of the two is 1 mg/L or more.

b) Design requirements must provide:

1) automatic regeneration based on volume of water softened; and

2) a manual override on all automatic controls.

c) The design capacity for hardness removal must not exceed 20,000 grains per cubic foot when resin is regenerated with 0.3 pounds of salt per 1000 grains of hardness removed.

d) The depth of the exchange resin must not be less than 3 feet.

e) Flow Rates

1) The rate of softening must not exceed 7 gal/min/ft² of bed area.

2) The backwash rate must be 6 to 8 gal/min/ft² of bed area.

3) Rate of flow controllers or the equivalent must be installed.

f) The freeboard must be calculated based on the size and specific gravity of the resin and the direction of water flow. Unless otherwise approved by the Agency under Section 604.145(b), the washwater collector must be 24 inches above the top of the resin on down flow units.

g) The bottoms, strainer systems and support for the exchange resin must conform to criteria provided for rapid rate gravity filters in Section 604.605(f) and (g).

h) Brine must be evenly distributed over the entire surface of both upflow and downflow units.

i) Backwash, rinse and air relief discharge pipes must be installed to prevent any possibility of back siphonage.

j) Bypass Piping and Equipment

1) Bypass must be provided around softening units to produce a blended water of desirable hardness.

2) Totalizing meters must be installed on the bypass line and on each softener unit.

3) The bypass line must have a shutoff valve. An automatic proportioning or regulating device is recommended.

k) When the applied water contains a chlorine residual, the cation exchange resin must be a type that is not damaged by residual chlorine.

l) Sampling Taps

1) Smooth-nosed sampling taps must be provided for the collection of representative samples.

2) The taps must be located to provide for sampling of the softener influent, effluent and blended water.

3) The sampling taps for the blended water must be at least 20 feet downstream from the point of blending.

4) Petcocks are not acceptable as sampling taps.

m) Brine and Salt Storage Tanks

1) Salt dissolving or brine tanks and wet salt storage tanks must be covered and must be corrosion resistant.

2) The make-up water inlet must be protected from back siphonage. Water for filling the tank must be distributed over the entire surface by pipes above the maximum brine level in the tank. An automatic declining level control system on the make-up water line is recommended.

3) Wet salt storage basins must be equipped with manholes or hatchways for access and for direct dumping of salt from truck or railcar. Openings must be provided with raised curbs and watertight covers having overlapping edges similar to those required for finished water reservoirs.

4) Overflows, where provided, must be protected with corrosion resistant screens and must terminate with either a turned downed bend having a proper free fall discharge or a self-closing flap valve.

5) The salt must be supported on graduated layers of gravel placed over a brine collection system.

6) Alternative designs that are conducive to frequent cleaning of the wet salt storage tank may be approved by the Agency.

7) Total salt storage must provide for at least 30 days of operation.

n) Corrosion control must be provided under Subpart I.

o) Suitable disposal must be provided for brine waste.

p) Pipes and contact materials must be resistant to the aggressiveness of salt. Plastic and red brass are acceptable piping materials. Steel and concrete must be coated with a non-leaching protective coating that is compatible with salt and brine.

q) Dry bulk salt storage must be enclosed and separated from other operating areas to prevent damage to equipment.

SUBPART I: STABILIZATION

Section 604.900 General Stabilization Requirements

a) Water distributed by community water supplies must be stable so as to not cause a violation of 35 Ill. Adm. Code 601.101(a).

b) The following water quality parameters of finished water must be evaluated to ensure that water quality parameters minimize corrosion and minimize deposition of excess calcium carbonate ($CaCO_3$) scale throughout the distribution system of the community water supply:

1) alkalinity (as $CaCO_3$);

2) total hardness (as $CaCO_3$);

3) calcium hardness (as $CaCO_3$);

4) temperature;

5) pH;

6) chloride;

7) sulfate;

8) total dissolved solids;

9) oxidation reduction potential;

10) conductivity;

11) iron;

12) manganese;

13) orthophosphate, if applicable; and

14) silica, if applicable.

c) The following may be used to determine the corrosivity of water distributed by a community water supply:

1) Lead and Copper

A) Optimal Corrosion Control Treatment Evaluation Technical Recommendations for Primacy Agencies and Public Water Systems, USEPA (March 2016); Office of Water (4606M); EPA 816-B-16-003, incorporated by reference at 35 Ill. Adm. Code 601.115;

B) Chloride Sulfate Mass Ratio (CSMR), calculated as follows:

$$\text{CMSR} = \frac{\text{Cl}^-, \text{expressed as mg/L}}{\text{SO}_4^-, \text{expressed as mg/L}};$$

C) Coupon and pipe loop studies.

2) Iron and Steel
Larson-Skold Index (L-SI), calculated as follows:

$$\text{L-SI} = (\text{Cl} + \text{SO}^4) \ / \ \text{alkalinity}$$

(All parameters expressed as mg/L of equivalent $CaCO_3$)

BOARD NOTE: The following equation provides a simplified procedure for calculating L-SI:

$$\text{LS-I} = \frac{(1.41)(\text{mg/L Cl}^-) + (1.04)(\text{mg/L SO}_4^{-2})}{\text{mg/L alkalinity (as CaC0}_3)}$$

Cl^- expressed as mg/L chloride
SO_4^{-2} expressed as mg/L sulfate

3) Iron Steel and Concrete

A) Calcium Carbonate Precipitation Potential (CCPP), as referenced in Method 2330 C Standard Methods for Examination of Water and Wastewater, 22nd edition, incorporated by reference in 35 Ill. Adm. Code 611.102.

B) For water containing phosphates:

i) The Alkalinity Difference Technique, as described in Method 2330 B.3.b and 2330 C.2.b Standard Methods for Examination of Water and Wastewater, 22nd edition, incorporated by reference in 35 Ill. Adm. Code 611.102. The CCPP is the difference between the initial and equilibrated water's alkalinity (or calcium) values, when expressed as $CaCO_3$.

ii) The Marble Test, as described in Method 2330 C.2.c Standard Methods for Examination of Water and Wastewater, 22nd edition, incorporated by reference in 35 Ill. Adm. Code 611.102. The Marble Test is similar to the Alkalinity Difference Technique. The CCPP equals the change in alkalinity (or calcium) values during equilibration, when expressed as $CaCO_3$.

d) The following may be used to determine deposition of excess $CaCO_3$ scale:

1) CCPP, as referenced in Method 2330 B Standard Methods for Examination of Water and Wastewater, 22nd edition, incorporated by reference in 35 Ill. Adm. Code 611.102.

2) For water containing phosphates:

A) The Alkalinity Difference Technique, as described in Method 2330 B.3.b and 2330 C.2.b Standard Methods for Examination of Water and Wastewater, 22nd edition, incorporated by reference in Section 611.102. The CCPP is the difference between the initial and equilibrated water's alkalinity (or calcium) values, when expressed as $CaCO_3$.

B) The Marble Test as described in Method 2330 C.2.c Standard Methods for Examination of Water and Wastewater, 22nd edition, incorporated by reference in Section 611.102. The Marble Test is similar to the Alkalinity Difference Technique. The CCPP equals the change in alkalinity (or calcium) values during equilibration, when expressed as $CaCO_3$.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

BOARD NOTE: Calcium Carbonate Precipitation Potential (CCPP) can be calculated using Trussell Technologies software: www.trusselltech.com/downloads?category=6.

CCPP does not apply to protection or corrosion of lead and copper plumbing materials or to water containing phosphates. See "Internal Corrosion and Deposition Control", Water Quality & Treatment, A Handbook on Drinking Water, 6th ed. (2011), American Water Works Association.

BOARD NOTE: Estimating Calcium Carbonate Precipitation Potential (CCPP) using the Alkalinity Difference Technique or the Marble Test, both referenced in Standard Methods for Examination of Water and Wastewater, 22nd edition, incorporated by reference at 35 Ill. Adm. Code 611.102, is described as "Calcium Carbonate Saturation". Simplified Procedures for Water Examination, Manual of Water Supply Practices M12 (5th ed. 2002), American Water Works Association.

Based on results of the "Calcium Carbonate Saturation" test, CCPP can be calculated as:

CCPP = Final mg/L alkalinity (as $CaCO_3$) - Initial mg/L alkalinity (as $CaCO_3$)

Water is unsaturated with respect to calcium carbonate and may be corrosive if final alkalinity is greater than initial alkalinity, a positive value in the equation above. If there is alkalinity gain in the final alkalinity test, it indicates tendency to dissolve calcium carbonate scale.

Water is oversaturated with calcium carbonate scale and may deposit calcium carbonate coating in the water mains if final alkalinity is less than initial alkalinity, a negative value in the equation above. If there is alkalinity loss in the final alkalinity test, it indicates tendency to precipitate calcium carbonate scale. If final and initial alkalinity are the same, the water is stable and in equilibrium with calcium carbonate.

CCPP is not applicable to protection or corrosion of lead and copper plumbing materials.

Verifying the alkalinity titration endpoint by using a pH meter to verify the pH of the titrated alkalinity sample is recommended, since titration endpoint visual color change may be individually variable. If pH of the sample is not certain, consider using pH of 4.50 to represent the endpoint. See "Alkalinity Test", Standard Methods for Examination of Water and Wastewater, 22nd edition, incorporated by reference in 35 Ill. Adm. Code 611.102.

e) Acceptable stability treatments include:

1) carbon dioxide addition;

2) acid addition;

3) phosphate addition;

4) split treatment;

5) alkali chemical:

A) hydrated lime

B) sodium carbonate

C) sodium bicarbonate

D) sodium hydroxide;

6) carbon dioxide reduced by aeration;

7) calcium hydroxide; and

8) sodium silicate addition.

f) When chemical addition is used for stabilization, the community water supply must comply with requirements of Subpart K.

Section 604.905 Carbon Dioxide Addition

a) Unless carbon dioxide addition is provided in the form of a carbonic acid and water solution under pressure, recarbonation basin design must provide:

1) a total detention time of 20 minutes; and

2) a depth that will provide a diffuser submergence of not less than 7.5 feet nor greater submergence than recommended by the manufacturer.

b) When liquid carbon dioxide is used, carbon dioxide must be prevented from entering the atmosphere within the plant from the recarbonation process.

c) Recarbonation tanks must be located outside or be sealed and vented to the outside with adequate seals and adequate purge flow of air.

d) The recarbonation basin must be designed to allow for draining and sludge removal.

Section 604.910 Phosphates

Phosphate solution must be kept covered and disinfected by carrying approximately 10 mg/L free chlorine residual unless the phosphate is not able to support bacterial growth and the phosphate is being fed from the covered shipping container. Phosphate solutions having a pH of 2.0 or less may also be exempted from this requirement by the Agency.

Section 604.915 Split Treatment

A lime softening water treatment plant can be designed using "split treatment" in which raw water is blended with lime softened water to partially stabilize the water prior to secondary clarification and filtration. Treatment plants designed to utilize "split treatment" should also contain facilities for further stabilization by other methods.

SUBPART J: OTHER TREATMENT

Section 604.1000 Presedimentation

a) Basin Design: presedimentation basins must have the capability for dewatering. These basins may include hopper bottoms or a continuous mechanical sludge removal apparatus;

b) Inlet: short-circuiting must be prevented;

c) Bypass: provisions for bypassing presedimentation basins must be included; and

d) Detention time must be adequate. Unless otherwise approved by the Agency under Section 604.145(b), three hours detention is the minimum period.

Section 604.1005 Anion Exchange

a) Pre-treatment Requirements. Pre-treatment under Section 604.1010 is required when a combination of iron and manganese exceeds 0.5 mg/L.

b) Anion Exchange Treatment Design

1) Automatic regeneration based on volume of water treated must be used unless manual regeneration is justified and is approved by the Agency.

2) If a portion of the water is bypassed around the units and blended with treated water, the following requirements must be met:

A) the maximum blend ratio allowable must be determined based on the highest anticipated raw water nitrate level; and

B) a totalizing meter and a proportioning or regulating device or flow regulating valves must be provided on the bypass line.

3) A manual override must be provided on all automatic controls.

4) Adequate freeboard must be provided to accommodate the backwash flow rate of the unit, ensuring the resin will not overflow. The freeboard must be calculated based on the size and specific gravity of the resin.

5) The system must be designed to include an adequate under drain and supporting gravel system and brine distribution equipment.

6) Sampling Taps

A) Smooth-nosed sampling taps must be provided for the collection of representative samples.

B) The taps must be located to provide for sampling of the softener influent, effluent and blended water.

C) The sampling taps for the blended water must be at least 20 feet downstream from the point of blending.

D) Petcocks are not acceptable as sampling taps.

7) Brine and Salt Storage Tanks

A) Salt dissolving or brine tanks and wet salt storage tanks must be covered and must be corrosion resistant.

B) The make-up water inlet must be protected from back siphonage. Water for filling the tank must be distributed over the entire surface by pipes above the maximum brine level in the tank. An automatic declining level control system on the make-up water line is recommended.

C) Wet salt storage basins must be equipped with manholes or hatchways for access and for direct dumping of salt from truck or railcar. Openings must be provided with raised curbs and watertight covers having overlapping edges similar to those required for finished water reservoirs.

D) Overflows, where provided, must be protected with corrosion resistant screens and must terminate with either a turned downward bend having a proper free fall discharge or a self-closing flap valve.

E) The salt must be supported on graduated layers of gravel placed over a brine collection system.

F) Alternative designs that are conducive to frequent cleaning of the wet salt storage tank may be approved by the Agency.

G) Total salt storage must provide for at least 30 days of operation.

c) Exchange Capacity. The design capacity for nitrate removal must not exceed 10,000 grains per cubic foot when the resin is regenerated at 15 pounds of salt per cubic foot of resin.

d) Number of Units. At least two units must be provided. The treatment capacity must be capable of producing the maximum average daily demand at a level below the nitrate/nitrite MCL, with one exchange unit out of service.

e) Type of Media. The anion exchange media must be of the nitrate selective type.

f) Flow Rates. Unless otherwise approved by the Agency under Section 604.145(b), the following flow rates apply:

1) The treatment flow rate must not exceed 5 gal/min/ft² of bed area.

2) The backwash flow rate must be between 4.0 and 6.0 gal/min/ft² of bed area.

3) The regeneration rate must be approximately 1.0 gal/min/ft² of bed area with a fast rinse approximately equal to the service flow rate.

g) Cross Connection Control. Backwash, rinse and air relief discharge pipes must be installed to prevent any possibility of back-siphonage.

h) Construction Materials. Pipes and contact materials must be resistant to the aggressiveness of salt. Plastic and red brass are acceptable materials. Steel and concrete must be coated with a non-leaching protective coating that is compatible with salt and brine.

i) Housing. Dry bulk salt storage must be enclosed and separated from other operating areas to prevent damage to equipment.

j) Preconditioning of the Media. Prior to startup of the equipment, the media must be regenerated with no less than two bed volumes of water containing sodium chloride followed by an adequate rinse.

Section 604.1010 Iron and Manganese Control

a) Except as provided in 35 Ill. Adm. Code 611.300(e), treatment is required to meet the iron and manganese MCL as stated in Section 611.300(b).

b) Removal of Iron and Manganese by Oxidation, Detention and Filtration

1) Oxidation must be by aeration, as indicated in Subpart D, unless the community water supply demonstrates chemical oxidation provides equivalent results to aeration. Chemicals that may be used for oxidation

include chlorine, sodium permanganate, potassium permanganate, ozone or chlorine dioxide.

2) Detention

A) A minimum detention time of 30 minutes must be provided following aeration to ensure that the oxidation reactions are complete prior to filtration. This minimum detention time may be modified only when a pilot plant study indicates completion of oxidation reactions in less time.

B) The reaction tank/detention basin must be provided with an overflow, vent and access hatch in accordance with Subpart M.

3) Filtration. Filters must conform to Subpart F.

c) Removal by Manganese Greensand or Manganese Coated Media Filtration

1) Permanganate or chlorine must be added to the water upstream of the filter, per manufacturer's recommendation.

2) An anthracite media cap of at least six inches must be provided over manganese greensand.

3) Normal backwash rate is 8 gal/min/ft^2 with filters containing manganese greensand and 15 gal/min with manganese coated media.

4) Sample taps must be provided:

A) prior to application of permanganate;

B) immediately ahead of filtration;

C) at points between the anthracite media and the manganese greensand;

D) halfway down the manganese greensand; and

E) at the filter effluent.

d) Sequestration of Iron and/or Manganese by Polyphosphates

1) Sequestration by polyphosphates must not be used when the combination of iron and manganese exceeds 1 mg/L.

2) Phosphate solution must be kept covered and disinfected by carrying approximately 10 mg/L free chlorine residual unless the phosphate is not able to support bacterial growth and the phosphate is being fed from the covered shipping container. Phosphate solutions having a pH of 2.0 or less may also be exempted from this requirement by the Agency.

3) Polyphosphates must not be applied ahead of iron and manganese removal treatment. The point of application must be prior to aeration, oxidation or disinfection.

4) The phosphate feed point must be located as far ahead of the oxidant feed point as possible.

e) Sequestration of Iron and/or Manganese by Sodium Silicates

1) Sequestration by sodium silicate must not be used when iron, manganese or a combination of iron and manganese exceeds 2 mg/L.

2) A full-scale demonstration will be required to determine the suitability of sodium silicate for the particular water and the minimum feed needed.

3) Chlorine or chlorine dioxide addition must accompany the sodium silicate addition.

4) Sodium silicate must not be applied ahead of iron or manganese removal treatment.

Section 604.1015 Taste and Odor Control

a) Control of taste and odor is required when necessary to meet the requirements of 35 Ill. Adm. Code 601.101(b).

b) Acceptable taste and odor control treatments include:

1) chlorination;

2) chlorine dioxide;

3) powdered activated carbon;

4) granular activated carbon;

5) copper sulfate or other copper compounds;

6) aeration;

7) potassium permanganate;

8) ozonation; or

9) ultraviolet with hydrogen peroxide.

Section 604.1020 Powdered Activated Carbon

a) Powdered activated carbon must be added as early as possible in the treatment process to provide maximum contact time to allow the effective and economical use of the chemical.

b) Activated carbon must not be applied near the point of chlorine or other oxidant application.

c) The carbon may be added as a pre-mixed slurry or by means of a dry feed machine as long as the carbon is properly wetted.

d) Continuous agitation or resuspension equipment must be provided to keep the carbon from depositing in the slurry storage tank.

e) Provisions must be made for adequate dust control.

f) When feeding powdered activated carbon for taste and odor control, provisions must be made for adding at least 40 mg/L.

g) Powdered activated carbon must be handled as a potentially combustible material.

1) A separate room must be provided for carbon feed equipment, including a door to allow isolation of the room.

2) The separate room must be as nearly fireproof as possible.

3) Other chemicals must not be stored in the same room as powdered activated carbon.

4) Carbon feeder rooms must be equipped with explosion-proof electrical outlets, lights and motors.

SUBPART K: CHEMICAL APPLICATION

Section 604.1100 General Chemical Application Requirements

a) Permit Requirement. No chemicals may be applied to treat drinking water unless specifically permitted by the Agency.

b) Chemical must be applied to the water at such points and by such means as to:

1) assure maximum efficiency of treatment;

2) assure maximum safety to consumers;

3) provide maximum safety to operators;

4) assure satisfactory mixing of the chemicals with the water;

5) provide maximum flexibility of operation through various points of application, when appropriate; and

6) prevent backflow or back siphonage between multiple points of feed through common manifolds.

c) General equipment design must be such that:

1) feeders will be able to supply, at all times, the necessary amounts of chemicals at an accurate rate, throughout the range of feed;

2) chemical contact materials and surfaces are resistant to the aggressiveness of the chemical solution;

3) corrosive chemicals are introduced to minimize potential for corrosion;

4) chemicals that are incompatible are not stored or handled together;

5) all chemicals are delivered from the feeder to the point of application in separate conduits; and

6) chemical feeders and pumps operate at no lower than 20 percent of the feed range unless two fully independent adjustment mechanisms, such as pump pulse rate and stroke length, are fitted when the pump must operate at no lower than 10 percent of the rated maximum.

d) All chemical containers must bear the name, address and telephone number of the supplier, along with a functional name or identification and strength of the chemical.

e) Storage containers must be reserved for use of one chemical only.

f) Chemicals must not be fed in excess of the maximum dosage stated in the NSF/ANSI Standard 60, incorporated by reference in Section 601.115.

Section 604.1105 Feed Equipment and Chemical Storage

a) Solution Feed Equipment

1) Corrosion resistant containers must be provided for solution feeders.

2) Containers must have non-corrodible covers with overhanging edges. Openings must be constructed to prevent contamination.

3) Scales or a volumetric measuring device must be provided for determining the amount of solution fed.

b) Feeder Redundancy

1) When chemical feed is necessary for the protection of the supply, such as chlorination, coagulation or other essential processes:

A) a minimum of two feeders must be provided with each having adequate capacity to provide the maximum dosage necessary; and

B) the standby unit or a combination of units of sufficient size to meet capacity must be provided to replace the largest unit when out of service.

2) A separate feeder must be used for each chemical applied.

3) Each chemical feeder and day tank must be identified with its content.

4) Spare parts must be available on site for all feeders and chemical booster pumps to replace parts that are subject to wear and damage.

c) Control

1) At automatically operated facilities:

A) The automatic controls must be designed to allow override by manual controls.

B) Chemical feeders must be electrically interconnected with the well or service pump so that they will not operate if the well or service pump is not operating.

2) Chemical feed rates must be proportional to the flow stream to achieve the appropriate dose of chemical application.

3) A means to measure water flow stream being dosed must be provided to determine chemical feed rates.

4) Provisions must be made for measuring the quantities of chemicals used.

5) Weighing Scales

A) Weighing scales must be capable of providing reasonable precision in relation to average daily dose.

B) Unless otherwise approved by the Agency under Section 604.145(b), treatment chemicals in gaseous state must be weighed;

C) Fluoride solution fed from supply drums or carboys must be weighed; and

D) Volumetric dry chemical feeders must be weighed unless otherwise approved by the Agency under Section 604.145(b).

d) Dry chemical feeders must:

1) measure chemicals volumetrically or gravimetrically;

2) provide adequate water and agitation of the chemical within the slurry tank; and

3) completely enclose chemicals to prevent emission of dust to the operating room.

e) Positive Displacement Solution Pumps

1) Positive displacement type solution feed pumps may be used to feed liquid chemicals, but must not be used to feed chemical slurries.

2) Pumps must be capable of operating at the required maximum rate against the maximum head conditions found at the point of injection.

3) Calibration tubes or mass flow monitors that allow for direct physical measurement of actual feed rates must be provided.

f) To ensure that chemical solutions cannot be siphoned or overfed into the water supply, liquid chemical feeders must:

1) assure discharge at a point of positive pressure;

2) provide vacuum relief; or

3) provide a suitable air gap or anti-siphon device.

g) Cross connection control must be provided to assure that:

1) the make-up water lines discharging to liquid storage tanks must be properly protected from backflow;

2) no direct connection exists between any sewer and a drain or overflow from a chemical feed system; and

3) all overflows and drains from a chemical field system must have an airgap above the sewer or overflow rim of a receiving sump.

h) Chemical feed equipment location must be readily accessible for servicing, repair and observation of operation.

i) Make-up-water supply must be:

1) obtained from the finished water supply, or from a location sufficiently downstream of any chemical feed point to assure adequate mixing; and

2) ample in quantity and adequate in pressure.

j) Storage of Chemicals

1) Space must be provided for:

A) at least 30 days of chemical supply;

B) convenient and efficient handling of chemicals;

C) dry storage conditions; and

D) a minimum storage volume of 1.5 times the gross shipping volume.

2) Offloading areas must be clearly labeled to prevent accidental cross-contamination.

3) Chemicals must not be stored in confined spaces.

4) Chemicals must be stored in covered or unopened shipping containers, unless the chemical is transferred into an approved storage unit.

5) Feed equipment and storage chemicals must be stored inside a building unless otherwise approved by the Agency under Section 604.145(b).

6) Liquid chemical storage tanks must have a liquid level indicator.

7) Secondary Containment

A) Liquid chemical storage tanks must have secondary containment consisting of an overflow and a receiving basin capable of receiving accidental spills or overflows without uncontrolled discharge.

B) A common receiving basin may be provided for each group of compatible chemicals that provides sufficient containment volume to prevent accidental discharge in the event of failure of the largest tank. Groups of compatible chemicals are as follows: acids, bases, salts and polymers, absorption powders, oxidizing powders and compressed gases.

8) Vents from storage tanks must have a corrosion resistant 24 mesh screen.

k) Bulk Liquid Storage Tanks

1) A uniform strength of chemical solution must be maintained. Continuous agitation must be provided to maintain slurries in suspension.

2) A means to assure continuity of chemical supply must be provided.

3) Means must be provided to measure the liquid level in the tank.

4) Liquid storage tanks including any access openings must be kept securely covered.

5) Overflow pipes, when provided, must:

A) be turned downward, with the end screened;

B) have a free fall discharge; and

C) be located where noticeable.

6) Liquid storage tanks must be vented, but not through vents in common with other chemicals or day tanks.

7) Each liquid storage tank must be provided with a valved drain in accordance with subsection (g).

8) Solution tanks must be located, and protective curbings provided, so that chemicals from equipment failure, spillage or accidental drainage do not enter the water in conduits, treatment or storage basins. Chemicals must be stored as required by subsection (j)(5).

l) Day Tanks

1) Day tanks must be provided where bulk storage of liquid chemical is provided.

2) Day tanks must meet all the requirements of subsection (k), except that shipping containers do not require overflow pipes and subsection drains.

3) Day tanks must be scale-mounted, or have a calibrated gauge painted or mounted on the side if liquid level can be observed in a gauge tube or through translucent sidewalls of the tank. In opaque tanks, a gauge rod may be used. The ratio of the area of the tank to its height must be such that unit readings are meaningful in relation to the total amount of chemical fed during a day.

4) Except for fluosilicic acid, hand pumps may be provided for transfer from a shipping container. When motor-driven transfer pumps are provided, a liquid level limit switch must be provided.

5) Tanks and tank refilling line entry points must be clearly labeled with the name of the chemical contained.

6) Filling of day tanks must not be automated.

m) Feed lines must be:

1) of durable, corrosion-resistant material;

2) protected against freezing;

3) designed to prevent clogging; and

4) color coded and labeled in accordance with Section 604.120.

n) Handling. Provision must be made for the proper transfer of dry chemicals from shipping containers to storage bins or hoppers, in such a way as to minimize the quantity of dust that may enter the room.

o) Housing

1) Floor surfaces must be smooth and impervious, slip-proof and well drained.

2) Vents from feeders, storage facilities and equipment exhaust must discharge to the outside atmosphere above grade and remote from air intakes.

Section 604.1110 Protective Equipment

a) Personal protective equipment must be provided consistent with the requirements of the CWS safety plan developed under Section 604.160.

b) A deluge shower and eyewashing device must be installed where strong acids and alkalis are used or stored. The deluge shower and eyewashing device, and the water supply to these devices, shall comply with applicable provisions of 77 Ill. Adm. Code 890 (the Illinois Plumbing Code).

Section 604.1115 Chlorine Gas

a) Chlorinators that are housed separately from the chlorine storage must be in an adjacent room.

b) Chlorinator rooms must be heated to 60°F, and be protected from excessive heat. Cylinders and gas lines must be protected from excessive temperatures.

c) Chlorine gas feed and storage must be enclosed and separated from other operating areas. Both the feed and storage rooms must be constructed so as to meet the following requirements:

1) a shatter resistant inspection window must be installed in an interior wall;

2) all openings between the rooms and the remainder of the plant must be sealed;

3) doors must be equipped with panic hardware, assuring ready means of exit and opening outward only to the building exterior;

4) a ventilating fan with a capacity to complete one air change per minute when the room is occupied, unless otherwise approved by the Agency under Section 604.145(b);

5) the ventilating fan must take suction near the floor and at as great a distance as is practical from the door and air inlet, with the point of discharge located so as not to contaminate air inlets to any rooms or structures;

6) air inlets with corrosion resistant louvers must be installed near the ceiling;

7) air intake and exhaust louvers must facilitate airtight closure;

8) separate switches for the ventilating fan and for the lights must be located outside and at the inspection window.

A) Outside switches must be protected from vandalism.

B) A signal light indicating ventilating fan operation must be provided at each entrance when the fan can be controlled from more than one point;

9) vents from chlorinator and storage areas must be screened and must discharge to the outside atmosphere, above grade;

10) where floor drains are provided, the floor drains must discharge to the outside of the building and not be connected to other internal or external drainage systems; and

11) provisions must be made to chemically neutralize chlorine gas in the event of any measured chlorine release. The equipment must be sized to treat the entire contents of the largest storage container on site.

d) Chlorine gas feed systems must be of the vacuum type and include the following:

1) vacuum regulators on all individual cylinders in service;

2) service water to eductors must be of adequate supply and pressure to operate feed equipment within the needed chlorine dosage range for the proposed system.

e) All chlorine gas feed lines located outside the chlorinator or storage rooms must be installed in air tight conduit pipe.

f) Full and empty cylinders of chlorine gas must meet the following requirements:

1) housed only in the chlorine storage room;

2) isolated from operating areas; and

3) restrained in position;

g) Continuous chlorine leak detection equipment equipped with both an audible alarm and a warning light is required.

Section 604.1120 Acids and Caustics

a) Acids and caustics must be kept in closed corrosion-resistant shipping containers or bulk liquid storage tanks.

b) Acids and caustics must not be handled in open vessels.

c) Acids storage tanks must be vented to the outside atmosphere.

Section 604.1125 Chlorine Dioxide

a) Chlorine dioxide generation equipment must be factory assembled pre-engineered units with a minimum efficiency of 95 percent. The excess free chlorine must not exceed three percent of the theoretical stoichiometric concentration required.

b) Chlorine gas and sodium chlorite feed and storage facilities must comply with Sections 604.1115 and 604.1130, respectively. Sodium hypochlorite feed and storage facilities must comply with Section 604.1135.

c) The design must comply with all applicable portions of Sections 604.130(c), 604.705, 604.710, 604.715, 604.720 and 604.735.

Section 604.1130 Sodium Chlorite

a) Storage

1) Sodium chlorite must be stored by itself in a separate room and preferably must be stored in an outside building detached from the water treatment facility.

2) The storage structures must be constructed of noncombustible materials.

3) The storage room must be available to keep the sodium chlorite area cool enough to prevent heat induced explosive decomposition of the chlorite.

b) Provisions for the clean-up of any sodium chlorite release must be included in the facility's emergency operation plan specified in Section 604.150.

c) Feeders

1) Positive displacement feeders must be provided.

2) Tubing for conveying sodium chlorite or chlorine dioxide solutions must be Type 1 PVC, polyethylene or materials recommended by the manufacturer.

3) Check valves must be provided to prevent the backflow of chlorine into the sodium chlorite line.

Section 604.1135 Sodium Hypochlorite

Storage of sodium hypochlorite must be:

a) protected from excess temperatures;

b) sited out of the sunlight in a cool area; and

c) vented to the outside of the building.

Section 604.1140 Ammonia

a) Ammonia for chloramine formation may be added to water either as a water solution of ammonium sulfate, or as aqua ammonia (ammonia gas in water solution), or as anhydrous ammonia (purified 100% ammonia in liquid or gaseous form). Special provisions required for each form of ammonia are listed in subsections (b) through (d).

b) Ammonium Sulfate

1) The water solution made by addition of ammonium sulfate solid to water must include agitation.

2) The tank and dosing equipment contact surfaces must be made of corrosion resistant non-metallic materials.

3) The submerged portion of the mixer shaft and propeller must be made of 304 or 316 stainless steel that is resistant to corrosion by ammonium sulfate solution.

c) Aqua Ammonia (ammonium hydroxide)

1) Aqua ammonia feed pumps and storage must be enclosed and separated from other operating areas.

2) The aqua ammonia room must be equipped as required in Section 604.1115, with the following changes:

A) A corrosion resistant, closed, unpressurized tank must be used for bulk storage, vented through an inert liquid trap to a high point outside.

B) The bulk liquid storage tank must be protected from excessive heat to prevent ammonia vaporization.

C) An exhaust fan must be installed to withdraw air from high points in the room and make-up air must be allowed to enter at a low point.

D) The aqua ammonia feed pump, regulators, and lines must be fitted with pressure relief vents discharging outside the building away from any air intake and with water purge lines leading back to the headspace of the bulk storage tank.

E) The aqua ammonia must be conveyed directly from storage to the treated water stream injector without the use of a carrier water stream unless the carrier stream is softened.

d) Anhydrous Ammonia

1) Anhydrous ammonia and storage feed systems (including heaters where provided) must be enclosed and separated from other work areas and constructed of corrosion resistant materials.

2) Any pressurized ammonia feed lines outside the ammonia room must be installed in air tight conduit.

3) An exhaust fan must be installed to withdraw air from high points in the room and make-up air must be allowed to enter at a low point.

4) Leak detection systems must be installed, operated and maintained in each area through which ammonia is piped.

5) Special vacuum breaker/regulator provisions must be installed to prevent backflow of water into cylinders or storage tanks.

6) Carrier water systems, where provided to convey anhydrous ammonia to the injection point, must use softened water.

7) Provisions must be made to chemically neutralize anhydrous ammonia, where feed and/or storage is located near residential or developed areas, in the event of any anhydrous ammonia release.

Section 604.1145 Potassium Permanganate

Potassium permanganate may be fed with gravimetric feeders or from batched solution fed from day tanks. For batched solutions:

a) the potassium permanganate added cannot exceed the solubility limits based on temperature; and

b) mechanical mixers must be provided.

Section 604.1150 Fluoride

a) Basis of Design. Equipment must have the capacity to maintain the fluoride content in the finished water at 0.7 mg/L.

b) Chemical Feed Equipment

1) A free chlorine residual of 10 mg/L must be maintained in solutions prepared from dry chemicals. This chlorine residual must not replace the chlorination requirement of Section 604.725.

2) Chlorine must not be added to hydrofluosilicic or fluorosilicic acid solutions.

3) Diaphragm operated anti-siphon devices must be provided on all fluoride saturator or fluorosilicic acid feed systems as follows:

A) one diaphragm operated anti-siphon device must be located on the discharge side of the feed pump; and

B) a second diaphragm operated anti-siphon device must be located at the point of application unless a suitable air gap is provided.

c) Chemical Feed Methods

1) Fluoride compound must not be added prior to filters at plants that lime soften or coagulate for turbidity removal, and must not be added prior to ion exchange softeners.

2) The point of application, if into a horizontal pipe, must be in the lower half of the pipe, preferably at a 45-degree angle from the bottom of the pipe, and protrude into the pipe one third of the pipe diameter.

3) Water used for sodium fluoride dissolution must be softened if hardness exceeds 75 mg/L as calcium carbonate.

4) Saturators must be provided with a meter and backflow protection on the make-up water line.

d) Secondary Controls. Secondary control systems for fluoride chemical feed devices must be provided as a means of reducing the possibility for overfeed. These may include flow or pressure switches, break boxes, or other devices.

e) Samples must be submitted monthly to a certified laboratory to determine compliance with 35 Ill. Adm. Code 611.125.

SUBPART L: PUMPING FACILITIES

Section 604.1200 General

Pumping facilities must be designed to maintain the quality of pumped water.

Section 604.1205 Pumping Stations

a) Both raw and finished water-pumping stations must:

1) have adequate space for the installation of additional units if needed, and for the safe servicing of all equipment;

2) be of durable construction, fire and weather resistant, and with outward opening doors;

3) not create a confined space;

4) have floors that slope to a suitable drain; and

5) provide a suitable outlet for drainage from pump glands without discharging onto the floor.

b) Suction wells must:

1) be watertight;

2) have floors sloped to permit removal of water and settled solids;

3) be covered or otherwise protected against contamination; and

4) have two pumping compartments or other means to allow the suction well to be taken out of service for inspection maintenance or repair.

c) Equipment Servicing. Pump stations must be provided with:

1) crane-ways, hoist beams, eyebolts, or other adequate facilities for servicing or removal of pumps, motors or other heavy equipment; and

2) openings in floors, roofs or wherever else needed for removal of heavy or bulky equipment.

d) Provisions must be made for adequate heating for the safe and efficient operation of the equipment.

e) Ventilation

1) Adequate ventilation must be provided for all pumping stations.

2) Forced ventilation of at least six changes of air per hour must be provided for:

A) all rooms, compartments, pits and other enclosures below ground floor; or

B) any area where unsafe atmosphere may develop or where excessive heat may be built up.

f) Dehumidification must be provided in areas where excess moisture could cause hazards for operator safety or damage to equipment.

Section 604.1210 Pumps

a) At least two pumping units must be provided for all pump stations.

b) With any pump out of service, the remaining pump or pumps must be capable of providing the maximum demand of the community water supply.

c) The pumping units must be provided with readily available spare parts and tools.

d) Suction Lifts

1) Suction lifts must be avoided if possible;

2) Suction lifts must be less than 15 feet; and

3) If suction lift is necessary, provisions must be made for priming the pumps, as follows:

A) prime water must not be of lesser sanitary quality than that of the water being pumped;

B) means must be provided to prevent either backsiphonage or backflow; and

C) vacuum priming may be used.

e) Pumps taking suction from ground storage tanks must be provided adequate net positive suction head, but the minimum distribution pressure of 20 psi is not required. The pumps shall be equipped with automatic shutoffs or low-pressure controllers, as recommended by the pump manufacturer.

Section 604.1215 Booster Pumps

a) Each booster pumping station must contain no fewer than two pumps with capacities such that maximum demand can be satisfied with the largest pump out of service.

b) Construction must conform to Section 604.150.

c) Automatic control equipment must be installed to prevent the pump from causing a vacuum and/or lowering water pressure in any part of the distribution system to less than 20 psi as measured at ground surface.

d) Automatic or remote-control devices must have a range between the start and cutoff pressure that will prevent excessive cycling.

e) Booster pumps must have the ability to be bypassed.

f) Pressure for portions of a distribution system served by a booster pump station, as required by Section 604.1415, must be provided during periods when the booster station is not in operation.

g) One of the following must be installed if adequate pressure will not be available in any part of the system:

1) hydropneumatic storage designed in accordance with Section 604.1345 on the discharge side of the booster pump station; or

2) elevated storage.

h) All booster pumping stations must be fitted with a flow rate indicator and totalizer meter.

Section 604.1220 Automatic and Remote-Controlled Stations

a) All remote-controlled pumping facilities must be electrically operated and controlled and must have signaling apparatus of proven performance.

b) All automatic pumping facilities must be provided with automatic signaling apparatus that will report when the station is out of service, unless otherwise approved by the Agency under Section 604.145(b).

Section 604.1225 Appurtenances

a) Valves

1) Each pump must have an isolation valve on the inlet and discharge side of the pump to permit satisfactory operation, maintenance and repair of the equipment.

2) Each pump must have a positive acting check valve on the discharge side between the pump and the shutoff valve.

3) Surge relief valves or slow acting check valves must be designed to minimize hydraulic transients.

b) Piping must:

1) be designed to minimize friction losses;

2) have watertight joints;

3) be protected against surge or water hammer and provided with suitable restraints where necessary; and

4) be designed such that each pump has an individual suction line or the lines must be so manifolded that they will ensure similar hydraulic and operating conditions.

c) Gauges and Meters

1) Each pump must have the following gauges and meters:

A) a standard pressure gauge on its discharge line;

B) a compound gauge on its suction line; and

C) a meter for measuring the flow rate.

2) The station must have the following:

A) a flow rate indicator and totalizing meter; and

B) a method of recording the total water pumped.

d) Water Seals

1) Water seals must not be supplied with water of a lesser sanitary quality than that of the water being pumped.

2) The seal must:

A) when pumps are sealed with potable water and are pumping water of lesser sanitary quality, be provided with either an approved reduced pressure principle backflow preventer or a break tank open to atmospheric pressure; and

B) when a break tank is provided, have an air gap as defined in 35 Ill. Adm. Code 601.105 between the feeder line and the flood rim of the tank.

e) Controls

1) Pumps, their prime movers and accessories, must be controlled in such a manner that they will operate at rated capacity without overload.

2) Provisions must be made to prevent energizing the motor in the event of a backspin cycle.

3) Electrical controls must be located above grade.

4) Equipment must be provided or other arrangements made to prevent surge pressures from activating controls that switch on pumps or activate other equipment outside the normal design cycle of operation.

f) Lubrication

1) When automatic pre-lubrication of pump bearings is necessary and an auxiliary power supply is provided, design must assure that pre-lubrication is provided when auxiliary power is in use, or that bearings can be lubricated manually before the pump is started.

2) All lubricants that come into contact with the potable water must comply with Section 604.105(f).

SUBPART M: STORAGE

Section 604.1300 General Storage Requirements

a) Storage facilities must have sufficient capacity to meet domestic demands and, where fire protection is provided, fire flow demands.

b) Excessive storage capacity must be avoided to prevent potential water quality deterioration problems and freezing.

c) The material used in the construction of water storage structures must be approved by the Agency under 35 Ill. Adm. Code 602.105. Porous materials, including wood and concrete block, are not acceptable.

d) Storage Structure Drainage

1) Storage structures must be designed so they can be isolated to prevent loss of pressure in the distribution system when maintenance or cleaning occurs.

2) Each elevated storage tank must have a hydrant or other means to drain for repair, maintenance or cleaning.

3) The storage structure drain must discharge to the ground surface with no direct connection to a sewer or storm drain.

e) The bottom of a water storage structure must be placed above the groundwater table, preferably above grade. At least 50 percent of the water depth must be above grade.

f) Finished water storage must be designed to facilitate turnover of water to avoid stagnation.

g) Freezing

1) Finished water storage structures and their appurtenances, including the riser pipes, overflows, and vents, must be designed to prevent freezing.

2) Equipment used for freeze protection that will come into contact with the potable water must comply with Section 604.105(f).

h) The discharge pipes from water storage structures must be located to prevent the flow of sediment into the distribution system.

i) The area surrounding a ground level structure must be graded to prevent surface water from standing within 50 feet.

j) Minimum distances from sources of contamination for below ground storage reservoirs must be maintained as specified in Section 604.150(a).

k) A smooth-nosed sampling tap must be provided to facilitate collection of water samples for both bacteriological and chemical analyses.

Section 604.1305 Overflow

a) All water storage structures must be provided with an overflow that is brought down to an elevation between 12 and 24 inches above the ground surface and that discharges over a drainage inlet structure or a splash plate.

b) No overflow may be connected directly to a sewer or a storm drain.

c) All overflow pipes must be located so that any discharge is visible.

d) Overflow for a ground level storage reservoir must meet the following requirements:

1) open downward and be screened with 24 mesh non-corrodible screen; and

2) when a flapper or duckbill valve is used, a screen must be provided inside the pipe.

e) Overflow for an elevated tank must:

1) open downward and be screened with a 4 mesh, non-corrodible screen or mechanical device; and

2) when a flapper or duckbill valve is used, a screen must be provided inside the pipe.

f) The overflow pipe must be of sufficient diameter to permit waste of water in excess of the filling rate.

Section 604.1310 Access to Water Storage Structures

a) Finished water storage structures must be designed with access to the interior for cleaning and maintenance.

b) At least two manholes must be provided above the waterline at each water compartment where space permits.

c) For elevated storage structures:

1) at least one of the access manholes must be framed at least four inches above the surface of the roof at the opening, must be fitted with a solid watertight cover that overlaps the framed opening and extends down around the frame at least two inches, must be hinged on one side, and must have a locking device; and

2) all other manholes or access ways not conforming to subsection (c)(1) must be bolted and gasketed so that they are watertight.

d) For ground level structures or flat roof structures:

1) each manhole must be elevated at least 24 inches above the top of the tank or covering sod, whichever is higher;

2) each manhole must be fitted with a solid watertight cover that overlaps a framed opening and extends down around the frame at least two inches;

3) the frame must be at least four inches high; and

4) each cover must be hinged on one side and must have a locking device.

Section 604.1315 Vents

a) Finished water storage structures must be vented as follows:

1) the overflow pipe must not be considered a vent; and

2) open construction between the sidewall and roof is not permissible.

b) Vents must:

1) prevent the entrance of surface water and rainwater;

2) exclude birds and animals;

3) exclude insects and dust to the extent practicable;

4) on ground level structures, open downward with the opening at least 24 inches above the roof or sod and be covered with 24 mesh non-corrodible screen; and

5) on elevated tanks and standpipes:

A) open downward; and

B) be fitted with either four mesh non-corrodible screen, or with finer mesh non-corrodible screen in combination with an automatically resetting pressure-vacuum relief mechanism, as required by the Agency.

Section 604.1320 Level Controls

Storage structures must provide:

a) adequate controls, including telemetering equipment, to maintain water levels within the operating range of distribution system storage structures;

b) level indicating devices; and

c) overflow and low-level warnings or alarms.

Section 604.1325 Roof and Sidewalls

a) The roof and sidewalls of all water storage structures must be watertight with no openings except properly constructed vents, manholes, overflows, risers, drains, pump mountings, control ports, or piping for inflow and outflow.

b) Any pipes running through the roof or sidewall of a metal storage structure must be welded or gasketed to prevent leaks.

c) Any pipes running through the roof or sidewall of a concrete tank must be connected to standard wall castings that were poured in place during the forming of the concrete.

d) Openings in the roof of a storage structure designed to accommodate control apparatus or pump columns must be curbed and sleeved with proper additional shielding to prevent contamination from surface or floor drainage.

e) The roof of the storage structure must be well drained.

1) Downspout pipes must not enter or pass through the reservoir.

2) Parapets, or similar construction that would tend to hold water and snow on the roof, must have adequate waterproofing and drainage.

f) The roof of concrete reservoirs with earthen cover must be sloped to facilitate drainage and must have an impermeable membrane roof covering.

g) Reservoirs with pre-cast concrete roof structures must be made watertight with the use of a waterproof membrane or similar product.

h) The installation of appurtenances, such as antenna, must be done in a manner that ensures no damage to the tank, coatings or water quality, or corrects any damage that occurred.

Section 604.1330 Painting and Cathodic Protection

a) Metal surfaces must be protected by paints or other protective coatings, by cathodic protective devices, or by both.

b) Paint Systems

1) Paint systems must comply with Section 604.105(f); and

2) Interior paint must be applied and cured in a manner that does not transfer to the water any substance that will be toxic or cause taste or odor problems.

c) Cathodic protection must be designed, installed and maintained by trained technical personnel and must comply with Section 604.105(f).

Section 604.1335 Treatment Plant Storage

Treatment plant storage must meet the following requirements.

a) Clearwell storage must:

1) provide contact time, when required, under Section 604.715;

2) to ensure adequate disinfectant contact time, size the clearwell to include extra volume to accommodate depletion of storage during the nighttime for intermittently operated filtration plants with automatic high service pumping from the clearwell during non-treatment hours;

3) size clearwell storage, in conjunction with distribution system storage, to relieve the filters from having to follow fluctuations in water use;

4) provide an overflow and vent; and

5) provide a minimum of two clearwells or clearwell compartments.

b) Single wall separation of raw and treated water is prohibited.

c) Other treatment plant storage tanks/basins, including detention basins, backwash reclaim tanks, receiving basins and pump wet wells for treated water, must be designed as finished water storage structures, unless otherwise approved by the Agency under Section 604.145(b).

d) When provided, filter washwater tanks must be sized to provide adequate treated water for the duration of the backwash cycle, including the sequential backwash of several filters.

Section 604.1340 Elevated Storage

a) The minimum storage capacity must:

1) be equal to the average daily usage or be based on an engineering study of the distribution system hydraulic conditions, anticipated domestic water demands of the system, and, where fire protection is provided, fire flow demands; and

2) be capable of maintaining adequate pressures as described in Section 604.1415(a).

b) Elevated tanks with riser pipes over eight inches in diameter must have protective bars over the riser openings inside the tank.

Section 604.1345 Hydropneumatic Storage

a) Hydropneumatic tanks, when provided as the only water storage, are not acceptable in community water supplies with over 150 service connections.

b) Hydropneumatic tank storage is not to be permitted for fire protection purposes.

c) Hydropneumatic tanks must meet the ASME BPVC-VIII-1-2015, incorporated by reference in 35 Ill. Adm. Code 601.115.

d) The tank must be located above normal ground surface and be completely housed.

e) Gross volume must equal or exceed 80 gallons per service connection when only hydropneumatic storage is provided.

f) An air compressor must be provided to maintain an air cushion in the hydropneumatic tanks.

g) Finished water must be delivered at a rate greater than the peak hourly flow provided in Section 604.115(d).

h) Actual capacity of the well pump or high service pump used to deliver water to the distribution system through the hydropneumatic tank must be greater than the peak hourly flow provided in Section 604.115(d).

i) Actual capacities of multiple well pumps or high service pumps used to deliver water to the distribution system through the hydropneumatic tank must be greater than the peak hourly flow provided in Section 604.115(d) with the largest well pump or high service pump out of operation.

j) All hydropneumatic tanks must have bypass piping to permit operation of the system while the tank is being repaired or painted, and each tank must have:

1) an access manhole and, where practical, the access manhole should be 24 inches in diameter;

2) a drain; and

3) control equipment consisting of the following:

A) a pressure gauge;

B) water sight glass placed to show the water/air interface;

C) automatic or manual air blow off;

D) means for adding air; and

E) pressure operated start stop controls for the pumps.

Section 604.1350 Combination Pressure Tanks and Ground Storage

A combination of ground storage, hydropneumatic storage and pumps may be considered in water systems for maintaining pressure on the distribution system. Design of such a system must include:

a) a minimum ground storage volume equivalent to 1.5 times the average daily usage;

b) a minimum of two pumps, each capable of meeting the peak hourly flow provided in Section 604.115(d). If more than two pumps are proposed, the peak hourly flow must be met when any pump is out of service;

c) an electric generator with automatic start capable of providing power to pumps that can produce the peak hourly flow provided in Section 604.115(d), plus sufficient power to operate all chemical feeders, appurtenances and equipment essential to plant operation. Consideration must be given to sizing the generator to provide power for at least one well; and

d) a hydropneumatic tank sized to provide service for a minimum of 10 minutes under the peak hourly flow provided in Section 604.115(d).

SUBPART N: DISTRIBUTION

Section 604.1400 General Distribution System Requirements

a) Water distribution systems must be designed to maintain finished water quality.

b) The community water supply must have a record keeping system to document the nature and frequency of water main breaks.

c) The system must be designed to meet existing demands on the distribution system. Future distribution system demands must be taken into account.

Section 604.1405 Installation of Water Mains

a) Except as provided in 35 Ill. Adm. Code 602.200, a permit from the Agency is required before the installation of a water main.

b) Bedding

1) A continuous and uniform bedding must be provided in the trench for all buried pipe.

2) Backfill material must be tamped in layers around the pipe and to a sufficient height above the pipe to adequately support and protect the pipe.

3) Stones found in the trench must be removed for a depth of at least six inches below the bottom of the pipe.

c) Water mains must be placed at a sufficient depth, or covered with sufficient earth or other insulation, to prevent freezing.

d) All tees, bends, plugs and hydrants must be provided with reaction blocking (thrust blocks), tie rods or joints designed to prevent pipe failure.

e) Installed pipe must be pressure and leak tested.

f) New, cleaned and repaired water mains must be disinfected in accordance with 35 Ill. Adm. Code 602.310 and AWWA C651, incorporated by reference in 35 Ill. Adm. Code 601.115.

g) External Corrosion

1) In areas where aggressive soil conditions are suspected, the community water supply must perform analyses to determine the actual aggressiveness of the soil unless protections in subsection (g)(2) are provided.

2) If soils are found or known to be aggressive, the community water supply must protect the water main, by methods including encasement of the water main in polyethylene, provision of cathodic protection (in very severe instances), or using corrosion resistant water main materials.

Section 604.1410 Materials

a) All materials, including ductile iron pipe, steel pipe, concrete pipe, plastic pipe, pipe liners, joints, fittings, valves and fire hydrants, must conform to the AWWA, ASTM, ANSI or NSF standards incorporated by reference at 35 Ill. Adm. Code 601.115.

b) Plastic Pipe

1) Plastic Pipe Specifications. Polyvinyl Chloride (PVC), Chlorinated Polyvinyl Chloride (CPVC), Molecularly Oriented Polyvinyl Chloride (PVCO) and Polyethylene (PE) must conform to NSF Standard 14, incorporated by reference in 35 Ill. Adm. Code 601.115.

2) PVC, CPVC, PVCO and PE pipe may be used for water mains in accordance with this Section.

A) PVC may be used for water mains in accordance with the following standards, incorporated by reference in 35 Ill. Adm. Code 601.115:

i) AWWA C900;

ii) ASTM D 1784-11;

iii) ASTM D 1785-15;

iv) ASTM D 2241.

B) PE pipe may be used for water mains in accordance with AWWA C906, incorporated by reference in 35 Ill. Adm. Code 601.115.

C) PVCO pipe may be used for water mains in accordance with AWWA C909, incorporated by reference in 35 Ill. Adm. Code 601.115.

D) CPVC pipe may be used for water mains in accordance with the following standards, incorporated by reference in 35 Ill. Adm. Code 601.115:

i) ASTM F 441/F 441M;

ii) ASTM F 442/F 442M;

iii) ASTM D 1784.

3) Jointing

A) Jointing must be pressure slip jointed, solvent welded, heat welded, flange or threaded joint.

B) Clean, dry contact surfaces are required when making solvent or heat welded joints. Adequate setting time must be allowed for maximum strength.

C) Elastomeric seals (gaskets) used for push-on joints must comply with ASTM F 477 and must be pressure rated in accordance with ASTM D 3139.

D) Solvent cement must be specific for the piping material and must comply with ASTM D 2564 for PVC and ASTM F 493 for CPVC and must comply with Section 604.105(f).

4) Plastic Pipe Fittings

A) PVC fabricated fittings, 4-inch through 60-inch, must conform to AWWA C900.

B) Polyethylene pressure pipe fitting, 4-inch through 63-inch, must conform to AWWA C906.

C) Injection-molded PVC pressure fittings, 4-inch through 12-inch, must conform to AWWA C907.

D) Schedule 40 or 80 PVC and CPVC pipe fittings must be of the same material as the pipe and must comply with ASTM Standards as follows:

i) ASTM D 2466 for PVC Schedule 40;

ii) ASTM D 2467 for PVC Schedule 80;

iii) ASTM D 2464 for threaded Schedule 80;

iv) ASTM F 438 for Socket-Type CPVC Schedule 40;

v) ASTM F 439 for CPVC Schedule 80; and

vi) ASTM F 437 for threaded CPVC Schedule 80.

E) Plastic fitting material must conform to ANSI/NSF Standard 14 and comply with Section 604.105(f).

F) All fittings must bear the NSF seal of approval.

c) Protection from Organic Compounds

1) When distribution systems are installed in areas contaminated by organic compounds:

A) pipe and joint materials must be protected; and

B) protection must extend at least 25 feet laterally from the areas contaminated by organic compounds.

2) Where distribution systems are installed within 25 feet of potential sources of organic compound contamination, including any unit at a facility or a site that stores or accumulates petroleum at any time above ground or below ground, pipe and joint materials must be protected from organic compounds.

3) Protection from organic compounds may include the following:

A) use of ductile iron pipe with a Viton® or nitrile gaskets, unless otherwise approved by the Agency under Section 604.145(b);

B) remediation;

C) use of steel pipe;

D) encasement of the pipe; and

E) secondary containment of the source.

Section 604.1415 System Design

a) Pressure

1) The system must be designed to maintain a minimum pressure of 20 psi at ground level at all points in the distribution system under all conditions of flow.

2) The normal working pressure on all transmission mains for finished water must be at least 20 psi. All other water mains must have a normal working pressure of at least 35 psi.

3) When static pressures exceed 100 psi, pressure reducing devices must be provided on water mains or on individual service lines.

4) All water mains, including those not designed to provide fire protection, must be sized after a hydraulic analysis based on flow demands and pressure requirements.

b) Diameter of Water Mains

1) The minimum size of water main that provides for fire protection and serving fire hydrants must be of 6-inch diameter. Larger size mains will be required if necessary to allow the withdrawal of the required fire flow while maintaining the minimum residual pressure specified in subsection (a).

2) The minimum size of water main must be 4-inch nominal diameter in distribution systems serving incorporated areas, subdivisions or other closely situated housing or commercial units.

3) The minimum size of water main must be 3-inch nominal diameter in distribution systems serving rural areas where service connections are widely spaced, water usage per service is low, and rates of flow are slow.

c) Dead Ends

1) Dead ends must be minimized.

2) Dead end mains must be equipped with a means to provide adequate flushing as provided in Section 604.1425(b)(1).

Section 604.1420 Valves

a) A sufficient number of valves must be provided to isolate portions of the distribution system during repairs and maintenance and to facilitate unidirectional flushing.

b) Location. Unless otherwise approved by the Agency under Section 604.145(b), valves must be located:

1) at not more than 500-foot intervals in commercial districts;

2) at not more than two blocks or 1200-foot intervals in other districts.

Section 604.1425 Hydrants

a) Only water mains designed to carry fire flows may have fire hydrants connected to them.

1) The fire hydrant lead must be a minimum of six inches in diameter.

2) Auxiliary valves must be installed on all fire hydrant leads.

b) Unless otherwise approved by the Agency under Section 604.145(b), water mains not designed to carry fire flows must have flushing hydrants.

1) Flushing hydrants must be sized to provide flows that will give a velocity of at least 2.5 feet per second in the water main being flushed.

2) No flushing device may be directly connected to any sewer.

c) Each community water supply must develop and maintain a systematic flushing program.

d) Hydrant Drainage

1) When hydrant drains are plugged, the barrels must be pumped dry after use during freezing weather.

2) When hydrant drains are not plugged, a gravel pocket or dry well must be provided unless the natural soils will provide adequate drainage.

3) Hydrant drains must not be connected to or located within 10 feet of sanitary sewers, storm sewers, or storm drains.

4) Hydrant drains must be above the seasonal groundwater table.

Section 604.1430 Air Relief Valves

a) Air relief valves must be installed at high points in water mains where air can accumulate.

b) Automatic air relief valves must not be used in situations where flooding of the manhole or chamber may occur.

c) Air Relief Valve Piping

1) The open end of an air relief pipe from a manually operated valve must extend to the top of the pit and be provided with a screened, downward-facing elbow if drainage is provided for the manhole.

2) The open end of an air relief pipe from automatic valves must be extended to at least one foot above grade and provided with a screened, downward-facing elbow.

3) Discharge piping from air relief valves must not connect directly to any storm drain, storm sewer, or sanitary sewer.

Section 604.1435 Valve, Meter and Blow Off Chambers

a) Valves, blow offs, meters or other such appurtenances to a distribution system must be protected from standing water in the chambers, pits or manholes.

b) Chambers, pits or manholes containing valves, blow offs, meters, or other appurtenances to a distribution system must be drained or be equipped with other means to remove standing water.

c) The chambers, pits and manholes containing valves, blow offs, meters, or other appurtenances to a distribution system must not connect directly to any storm drain or sanitary sewer.

Section 604.1440 Sanitary Separation for Finished Water Mains

Water mains must be protected from sanitary sewers, storm sewers, combined sewers, house sewer service connections and drains as follows:

a) Horizontal Separation

1) Water mains must be laid at least 10 feet horizontally from any existing or proposed drain, storm sewer, sanitary sewer, combined sewer or sewer service connection. The distance must be measured edge to edge.

2) Water mains may be laid closer than 10 feet to a sewer line when:

A) local conditions prevent a lateral separation of 10 feet;

B) the water main invert is at least 18 inches above the crown of the sewer; and

C) the water main is either in a separate trench or in the same trench on an undisturbed earth shelf located to one side of the sewer.

3) When it is impossible to meet subsection (a)(1) or (a)(2), the following requirements must be met:

A) Required Materials

i) Both the water main and drain or sewer must be constructed of materials specified in Section 604.1410; or

ii) The sewer has a structural lining meeting ASTM F1216. The Agency may approve an alternate structural lining under Section 604.145(b).

B) The drain or sewer must be pressure tested to the maximum expected surcharge head before backfilling.

4) Water mains must be laid at least 25 feet horizontally from any existing or proposed sanitary lift station, unless otherwise approved by the Agency under Section 604.145(b).

b) Vertical Separation

1) When possible, the water main must be placed above the sewer.

A) A water main must be laid so that its invert is 18 inches above the crown of the drain or sewer whenever water mains cross storm sewers, sanitary sewers, or sewer service connections.

B) The vertical separation must be maintained for that portion of the water main located within 10 feet horizontally of the outer edge of any sewer or drain crossed.

C) A length of water main pipe must be centered over the sewer to be crossed with joints equidistant from the sewer or drain.

D) When it is impossible to maintain the 18-inch separation specified in subsection (b)(1)(A), the Agency may approve an alternate construction method that reduces the risk of sanitary contamination, including:

i) Both the water main and sewer are constructed of water main materials specified in Section 604.1410, extending on each side of the crossing until at least 10 feet separates the two pipes;

ii) The sewer has a structural lining meeting ASTM F1216 or an alternate structural lining approved by the Agency under Section 604.145(b).

iii) The water main or the sewer is encased in a carrier pipe equivalent to water main materials specified in Section 604.1410, extending on each side of the crossing until at least 10 feet separate the two pipes; or

iv) When the water main crosses a storm sewer, the storm sewer is constructed with reinforced concrete pipe conforming to ASTM C76 with ASTM C443 flat gasket joints or ASTM C361 "O-ring" joints within 10 feet of the water main.

2) When it is impossible to place the water main above the storm sewers, sanitary sewers or sewer service connections, the water main may be placed below the sewer if:

A) The water main is laid so that it is at least 18 inches below the invert of the drain or sewer wherever water mains cross storm sewers, sanitary sewers or sewer service connections.

B) Construction

i) Both the water main and sewer are constructed of water main materials specified in Section 604.1410, extending on each side of the crossing until at least 10 feet separates the two pipes;

ii) The sewer has a structural lining meeting ASTM F1216 or an alternate structural lining approved by the Agency under Section 604.145(b);

iii) The water main or the sewer is encased in a carrier pipe equivalent to water main materials specified in Section 604.1410, extending on each side of the crossing until at least 10 feet separate the two pipes; or

iv) when the water main crosses a storm sewer, the storm sewer is constructed with reinforced concrete pipe conforming to ASTM C76 with ASTM C443 flat gasket joints or ASTM C361 "O-ring" joints within 10 feet of the water main.

C) The sewer or drain lines must be supported to prevent settling and breaking the water main.

c) Water mains must be separated from sewage disposal systems, disposal fields and seepage beds by a minimum of 25 feet.

d) Notwithstanding subsection (a) or (b), a sanitary sewer force main must have at least the following minimum separation:

1) When the sanitary sewer force main and the water main are parallel, a 10-foot horizontal separation from water mains; and

2) When the sanitary sewer force main and the water main cross, an 18-inch vertical separation, with the water main above the sanitary sewer force main.

Section 604.1445 Sanitary Separation for Raw Water Mains

a) Raw water mains from groundwater sources must have the same sanitary separation as provided in Section 604.1440 for finished water mains.

b) Raw water mains from surface water sources must have the same sanitary separation between the sanitary sewer, combined sewer, house sewer service connections and drains as provided in Section 604.1440 for finished water mains.

Section 604.1450 Surface Water Crossings

a) For above-water crossings, the pipe must be adequately supported and anchored, protected from damage and freezing, and accessible for repair or replacement.

b) Underwater Crossings

1) A minimum cover of five feet must be provided over the pipe.

2) When crossing water courses that are greater than 15 feet in width, the following applies:

A) the pipe must be of special construction, having flexible, restrained or welded watertight joints;

B) valves must be provided at both ends of water crossings so that the section can be isolated for testing or repair;

C) the valves must be easily accessible and not subject to flooding; and

D) permanent taps or other provisions to allow insertion of a small meter to determine leakage and obtain water samples must be made on each side of the valve closest to the supply source.

Section 604.1455 Water Service Line

a) A community water supply must not supply water through a water service line to more than a single property, dwelling or rental unit.

b) If a pipe from the water main or source of potable water supply is accessible to more than one property, dwelling or rental unit, the pipe will be considered a water main subject to all permitting requirements of 35 Ill. Adm. Code 602.

c) A pipe is accessible when it crosses the property boundary of another landowner to reach the property, dwelling or rental unit being served.

Section 604.1460 Water Loading Stations

To prevent contamination of both the public supply and potable water vessels being filled, the following principles must be met in the design of water loading stations:

a) a six inch or larger air gap or other Agency approved cross connection control measure must be included for all water loading stations;

b) the piping arrangement must prevent potential contaminants from being transferred between hauling vessels; and

c) hoses must not be allowed to contact the ground.

SUBPART O: CROSS CONNECTIONS

Section 604.1500 Cross Connections

a) No cross connection is allowed between water plant piping and any drain or sewer. Backflow prevention installed within the water treatment facility must comply with the Illinois Plumbing Code (77 Ill. Adm. Code 890).

b) No cross connection is allowed whereby an unsafe substance may enter a community water supply.

c) No cross connection is allowed between any portion of a community water supply distribution system and any other water supply that is not a community water supply.

Section 604.1505 Cross Connection Control Program

a) All community water supplies, including those that meet the criteria in Section 17(b) of the Act and any exempt community water supply as defined in Section 9.1 of the Public Water Supply Operations Act [415 ILCS 45], must have a cross connection control program to educate and inform water supply consumers regarding prevention of the entry of contaminants into the distribution system.

b) The cross connection control program must include the following:

1) For any new service connection, the community water supply must evaluate the risk of cross connection whereby an unsafe substance may enter a community water supply.

2) A community water supply must conduct a cross connection control survey of the distribution system at least every three years. The survey must be conducted by the owner, official custodian or an authorized delegate. The survey must evaluate the risk of an unsafe substance entering a community water supply through each service connection to the distribution system of the community water supply. This survey is not

intended to include an actual visual inspection of piping or plumbing systems.

3) From each completed survey, the community water supply must develop an inventory of the following:

A) all customers surveyed;

B) the number of customers who responded to the survey;

C) identification of service connections not required to have a backflow preventer installed under 77 Ill. Adm. Code 890.1130;

D) identification of service connections required to have a backflow preventer installed under 77 Ill. Adm. Code 890.1130;

E) backflow preventers installed;

F) service connections that require further risk evaluation; and

G) corrective actions to mitigate cross connections.

4) An ordinance, tariff, or required condition for service, whichever is applicable, that meets the Illinois Plumbing Code (77 Ill. Adm. Code 890), must be adopted and enforced.

5) The community water supply must maintain records of all backflow preventers that require annual testing under 77 Ill. Adm. Code 890 and identified in subsections (b)(2) and (b)(3) of this Section.

Section 604.1510 Cross Connection Control Device Inspectors

a) Except as provided in subsection (c), cross connection control devices must be inspected at least annually by a person approved by the Agency or its designee as a cross connection control device inspector (CCCDI). The inspection of mechanical devices must include physical testing in accordance with the manufacturer's instructions.

1) Records of the annual inspection must be submitted to the community water supply.

2) Each device inspected must have a tag attached listing date of the most recent test, name of CCCDI, and type and date of repairs.

3) A maintenance log must be maintained at the site of installation and must include:

A) make, model and serial number of the backflow preventer, and its location at the site;

B) date of each test;

C) name and approval number of person performing the test;

D) type of test kit used and date of its most recent calibration;

E) test results and a brief statement indicating whether the results pass or fail the test;

F) repairs or servicing required;

G) repairs and date completed; and

H) servicing performed and date completed.

b) Requirements for Cross Connection Control Device Inspector Approval

1) Each applicant for CCCDI Approval must:

A) be a person authorized to perform plumbing as described in the Illinois Plumbing License Law [225 ILCS 320/3(1)].

B) complete a training course offered by the Environmental Resource Training Center or the Agency's delegate on cross connection control device that includes hands on practice testing of different types of backflow devices and proper maintenance and repair.

C) complete and submit an application for CCCDI Approval.

D) successfully complete both written and performance examinations demonstrating competency in the following: the principles of backflow and back-siphonage; the hazard presented to a potable water system; locations that require installation of cross connection control devices; identifying, locating, inspecting, testing, maintaining and repairing cross connection control methods and devices in-line, as located throughout each system that connects to a community public water supply. The applicant must successfully complete:

i) the written examination with a minimum score of 75%; and

ii) a performance-based examination by demonstrating competency in testing device procedures on all types of devices at the examination center.

2) CCCDIs must renew the CCCDI Approval each year between May 1 and June 30. An application for CCCDI renewal will be sent by the Agency or its designee, and must be completed and returned by June 30 of the renewal year. CCCDIs must complete an eight-hour recertification course every three years from the date of the original issuance of the CCCDI license. The course must be offered by the Environmental Resources Training Center or the Agency's delegate and include a written and practical exam demonstrating competency in backflow prevention testing.

3) A CCCDI Approval or admission to examination for CCCDI Approval must be suspended, revoked or not issued by the Agency for any one or more of the following causes:

A) Practice of any fraud or deceit in obtaining or attempting to obtain a CCCDI Approval, including misrepresentation of approval;

B) Any repeated, flagrant or willful negligence or misconduct in the inspection, testing or maintenance of cross connection control devices;

C) Falsification of reports required by this Part;

D) Willful violation of the Environmental Protection Act or any rules thereunder.

4) Suspension and Revocation Procedures

A) Any person may file with the Agency a written complaint regarding the conduct of a CCCDI approved under this Part. The complaint must state the name and address of the complainant, the name of the CCCDI, and all information that supports the complaint.

B) The Agency may initiate the suspension or revocation procedure on the basis of any written complaint or on its own motion. The Agency's decision to institute suspension or revocation proceedings will be based on the seriousness of the violation and its potential deleterious impact upon public health and safety.

C) When the suspension or revocation procedure is initiated, the Agency must notify the CCCDI by certified mail that suspension or revocation is being sought. The notice must specify the cause upon which suspension or revocation is sought and include the procedures for requesting a hearing before the Agency. Request for hearing must be made in writing within 14 days after receipt of the Agency's certified notification. If no hearing is requested, the Agency will suspend or revoke the CCCDI Approval.

D) Should a hearing be requested, the Director must appoint one or more Agency employees to chair the proceedings. The hearing must be conducted according to the hearing requirements of 35 Ill. Adm. Code 168.

E) The Director must make a decision within 30 days after receiving the hearing transcript. The Director must give written notice of that decision and reasons for the decision to the CCCDI by certified mail.

F) Within 30 days after receiving a notice of suspension or revocation from the Agency, the CCCDI may appeal the suspension or

revocation to the Pollution Control Board. The suspension or revocation of the CCCDI's Approval must be stayed pending a final decision on the appeal by the Board.

c) Backflow preventers located in the treatment plant, wellhouse or booster station of a community public water supply facility must be inspected at least annually by either an approved cross connection control device inspector or by a certified water supply operator who has completed the qualifications listed in subsections (b)(1)(B) and (D).

1) When the inspection is conducted by a certified water supply operator who has completed the necessary qualifications, records must be kept as required by subsection (a)(3).

2) Each device inspected must have a tag attached listing the date of the most recent test, name of the CCCDI, and type and date of repairs.

Section 604.1515 Agency Approved Connection Control Measures

a) For all mains, pipes, structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or domestic use, cross connection devises must be used as set forth in this Section.

b) Except as provided in this Section, a fixed air gap must be used.

c) Atmospheric vacuum breakers may be installed subject to the following conditions:

1) the location is not subject to back pressure;

2) the substance in the container receiving water is not toxic; and

3) an atmospheric vacuum breaker is installed at the highest point in the waterline and after the last control valve before the point of discharge and a minimum of six inches above the flood level rim of the receptacle.

d) Examples of acceptable installations of atmospheric vacuum breakers include:

1) surface wash piping for a gravity filter;

2) solution tanks of gravimetric dry chemical feeders;

3) faucet with hose attachments; and

4) receptacles with a low-level inlet where the substance contained is nontoxic, such as food or beverages.

e) Reduced pressure principle backflow preventers may be installed subject to the following conditions:

1) Installation

A) Units must be accessible for maintenance and testing.

B) Minimum clearances recommended by the manufacturer must be used.

C) Units must be protected against flooding and freezing.

D) Relief ports must not be plugged. A drain that will remain free flowing under all conditions must be provided.

E) No reduction must be made in the size of the relief port drain.

2) Bypass lines without reduced pressure principle backflow preventers must not be installed.

3) Reduced pressure principle backflow preventers must be used for installations where a fixed air gap is not possible, and an atmospheric vacuum breaker is not allowed under subsection (c).

Section 604.TABLE A Steel Pipe

Table A
STEEL PIPE

SIZE	DIAMETER (inches)		THICKNESS (inches)	WEIGHT PER FOOT (pounds)	
	EXTERNAL	INTERNAL		PLAIN ENDS (calculated)	WITH THREADS AND COUPLINGS (nominal)
6 id.	6.625	6.065	0.280	18.97	19.18
8	8.625	7.981	0.322	28.55	29.35
10	10.750	10.020	0.365	40.48	41.85
12	12.750	12.000	0.375	49.56	51.15
14 od.	14.000	13.250	0.375	54.57	57.00
16	16.000	15.250	0.375	62.58	
18	18.000	17.250	0.375	70.59	
20	20.000	19.250	0.375	78.60	
22	22.000	21.000	0.500	114.81	
24	24.000	23.000	0.500	125.49	
26	26.000	25.000	0.500	136.17	
28	28.000	27.000	0.500	146.85	
30	30.000	29.000	0.500	157.53	
32	32.000	31.000	0.500	168.21	
34	34.000	33.000	0.500	178.89	
36	36.000	35.000	0.500	189.57	

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:	Proposed Actions:
611.101	Amendment
611.107	Repealed
611.110	Amendment
611.115	Repealed
611.121	Amendment
611.161	Amendment
611.202	Amendment
611.231	Amendment
611.240	Amendment
611.241	Amendment
611.250	Amendment
611.261	Amendment
611.271	Repealed
611.272	Repealed
611.280	Amendment
611.290	Amendment
611.297	Repealed
611.300	Amendment
611.350	Amendment
611.351	Amendment
611.352	Amendment
611.353	Amendment
611.354	Amendment
611.355	Amendment
611.356	Amendment
611.358	Amendment
611.359	Amendment
611.360	Amendment
611.381	Amendment
611.480	Amendment
611.491	Repealed
611.500	Amendment
611.531	Amendment
611.532	Amendment

611.533	Amendment
611.602	Amendment
611.603	Amendment
611.604	Amendment
611.605	Amendment
611.612	Amendment
611.646	Amendment
611.648	Amendment
611.731	Amendment
611.732	Amendment
611.733	Amendment
611.800	Amendment
611.801	Amendment
611.802	Amendment
611.803	Amendment
611.804	Amendment
611.831	Repealed
611.833	Repealed
611.840	Amendment
611.883	Amendment
611.885	Amendment
611.901	Amendment
611.902	Amendment
611.903	Amendment
611.904	Amendment
611.920	Amendment
611.922	Amendment
611.924	Amendment
611.953	Amendment
611.955	Amendment
611.970	Amendment
611.971	Amendment
611.972	Amendment
611.973	Amendment
611.979	Amendment
611.1001	Amendment
611.1002	Amendment
611.1003	Amendment
611.1004	Amendment

611.1007	Amendment
611.1008	Amendment
611.1009	Amendment
611.1011	Amendment
611.1013	Amendment
611.1016	Amendment
611.1017	Amendment
611.1018	Amendment
611.1019	Amendment
611.1020	Amendment
611.1021	Amendment
611.1053	Amendment
611.1054	Amendment
611.1055	Amendment
611.1056	Amendment
611.1057	Amendment
611.1058	Amendment
611.1059	Amendment
611.Appendix G	Amendment
611.Table C	Amendment

4) Statutory Authority: Implementing Section 17 and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/17, 27, 28].

5) A Complete Description of the Subjects and Issues Involved: The Illinois Environmental Protection Agency (IEPA) proposed that the Board adopt a new Part 604 entitled "Design, Operation and Maintenance Criteria." In Part 611, IEPA proposed revisions conforming to Part 604.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: In the Statement of Reasons filed with its proposed rules, IEPA stated that it "did not consult with a published study or research report when developing this proposal." IEPA added that it "did not perform any new studies, nor did the Agency contract with any outside entities to perform any studies for the development of this rulemaking proposal."

7) Will this rulemaking replace an emergency rule currently in effect? No

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other rulemakings pending on this Part? No

11) Statement of Statewide Policy Objective: This proposed rulemaking does not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comments on this proposal for a period of at least 45 days after the date of publication in the *Illinois Register*. Public comments must be filed with the Clerk of the Board.

Public comments must be filed electronically through the Clerk's Office On-Line (COOL) on the Board's website at (pcb.illinois.gov). Public comments should refer to docket R18-17. Comments may also be submitted to:

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

Interested persons may obtain copies of the Board's opinion and order in R18-17 from the Board's website (pcb.illinois.gov) and may also call the Clerk's office at 312/814-3620.

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: The proposal may affect any entity that owns, operates, or serves as official custodian for a community water supply.

B) Reporting, bookkeeping or other procedures required for compliance: The amendments chiefly repeal provisions moved to other Parts and delete or correct outdated cross references, they are not expected to require procedures for compliance.

C) Types of professional skills necessary for compliance: Equivalent to skills required to comply with current regulations.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

14) Regulatory Agenda on which this rulemaking was summarized: July 2017

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
611.105 Electronic Reporting
611.107 Agency Inspection of PWS Facilities (Repealed)
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 (Repealed)
611.120 Effective Dates
611.121 Maximum Contaminant Levels ~~and Finished Water Quality~~
611.125 Fluoridation Requirement
611.126 Prohibition on Use of Lead
611.130 Special Requirements for Certain Variances and Adjusted Standards
611.131 Relief Equivalent to SDWA Section 1415(e) Small System Variance
611.160 Composite Correction Program
611.161 Case-by-Case Reduced Subpart Y Monitoring for Wholesale and Consecutive Systems

SUBPART B: FILTRATION AND DISINFECTION

Section
611.201 Requiring a Demonstration
611.202 Procedures for Agency Determinations

611.211 Filtration Required
611.212 Groundwater under Direct Influence of Surface Water
611.213 No Method of HPC Analysis
611.220 General Requirements
611.230 Filtration Effective Dates
611.231 Source Water Quality Conditions
611.232 Site-Specific Conditions
611.233 Treatment Technique Violations
611.240 Disinfection
611.241 Unfiltered PWSs
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 (Repealed)
611.272 Disinfection Following Repair (Repealed)
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 (Repealed)

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

Section
611.300 Old MCLs for Inorganic Chemical Contaminants
611.301 Revised MCLs for Inorganic Chemical Contaminants
611.310 State-Only Maximum Contaminant Levels (MCLs) for Organic Chemical Contaminants

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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 (Repealed)
611.325 Microbiological Contaminants
611.330 Maximum Contaminant Levels for Radionuclides
611.331 Beta Particle and Photon Radioactivity (Repealed)

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
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 (Repealed)
611.500 Consecutive PWSs
611.510 Special Monitoring for Unregulated Contaminants (Repealed)

SUBPART L: MICROBIOLOGICAL MONITORING AND ANALYTICAL REQUIREMENTS

Section
611.521 Routine Coliform Monitoring (Repealed)
611.522 Repeat Coliform Monitoring (Repealed)
611.523 Invalidation of Total Coliform Samples (Repealed)
611.524 Sanitary Surveys (Repealed)
611.525 Fecal Coliform and E. Coli Testing (Repealed)
611.526 Analytical Methodology (Repealed)
611.527 Response to Violation (Repealed)
611.528 Transition from Subpart L to Subpart AA Requirements (Repealed)
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
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 (Repealed)

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 (Repealed)

SUBPART P: THM MONITORING AND ANALYTICAL REQUIREMENTS

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

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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
611.745 Reporting and Recordkeeping Requirements

SUBPART S: GROUNDWATER RULE

Section
611.800 General Requirements and Applicability
611.801 Sanitary Surveys for GWS Suppliers
611.802 Groundwater Source Microbial Monitoring and Analytical Methods
611.803 Treatment Technique Requirements for GWS Suppliers
611.804 Treatment Technique Violations for GWS Suppliers
611.805 Reporting and Recordkeeping for GWS Suppliers

SUBPART T: REPORTING AND RECORDKEEPING

Section
611.830 Applicability
611.831 Monthly Operating Report (Repealed)
611.832 Notice by Agency (Repealed)
611.833 Cross Connection Reporting (Repealed)
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)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

SUBPART U: CONSUMER CONFIDENCE REPORTS

Section
611.881 Purpose and Applicability
611.882 Compliance Dates
611.883 Content of the Reports
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 Exceedance of the Fluoride Secondary Standard
611.909 Special Notice for Nitrate Exceedances above the MCL by a Non-Community Water System
611.910 Notice by the Agency on Behalf of a PWS
611.911 Special Notice for Cryptosporidium

SUBPART W: INITIAL DISTRIBUTION SYSTEM EVALUATIONS

Section
611.920 General Requirements
611.921 Standard Monitoring
611.922 System-Specific Studies
611.923 40/30 Certification
611.924 Very Small System Waivers
611.925 Subpart Y Compliance Monitoring Location Recommendations

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section
611.950 General Requirements
611.951 Finished Water Reservoirs
611.952 Additional Watershed Control Requirements for Unfiltered Systems
611.953 Disinfection Profile
611.954 Disinfection Benchmark
611.955 Combined Filter Effluent Turbidity Limits
611.956 Individual Filter Turbidity Requirements
611.957 Reporting and Recordkeeping Requirements

SUBPART Y: STAGE 2 DISINFECTION BYPRODUCTS REQUIREMENTS

Section
611.970 General Requirements
611.971 Routine Monitoring
611.972 Subpart Y Monitoring Plan
611.973 Reduced Monitoring
611.974 Additional Requirements for Consecutive Systems
611.975 Conditions Requiring Increased Monitoring
611.976 Operational Evaluation Levels
611.977 Requirements for Remaining on Reduced TTHM and HAA5 Monitoring Based on Subpart I Results
611.978 Requirements for Remaining on Increased TTHM and HAA5 Monitoring Based on Subpart I Results
611.979 Reporting and Recordkeeping Requirements

SUBPART Z: ENHANCED TREATMENT FOR CRYPTOSPORIDIUM

Section
611.1000 General Requirements
611.1001 Source Water Monitoring Requirements: Source Water Monitoring
611.1002 Source Water Monitoring Requirements: Sampling Schedules
611.1003 Source Water Monitoring Requirements: Sampling Locations
611.1004 Source Water Monitoring Requirements: Analytical Methods
611.1005 Source Water Monitoring Requirements: Approved Laboratories
611.1006 Source Water Monitoring Requirements: Reporting Source Water Monitoring Results

611.1007 Source Water Monitoring Requirements: Grandfathering Previously Collected Data
611.1008 Disinfection Profiling and Benchmarking Requirements: Requirements When Making a Significant Change in Disinfection Practice
611.1009 Disinfection Profiling and Benchmarking Requirements: Developing the Disinfection Profile and Benchmark
611.1010 Treatment Technique Requirements: Bin Classification for Filtered Systems
611.1011 Treatment Technique Requirements: Filtered System Additional Cryptosporidium Treatment Requirements
611.1012 Treatment Technique Requirements: Unfiltered System Cryptosporidium Treatment Requirements
611.1013 Treatment Technique Requirements: Schedule for Compliance with Cryptosporidium Treatment Requirements
611.1014 Treatment Technique Requirements: Requirements for Uncovered Finished Water Storage Facilities
611.1015 Requirements for Microbial Toolbox Components: Microbial Toolbox Options for Meeting Cryptosporidium Treatment Requirements
611.1016 Requirements for Microbial Toolbox Components: Source Toolbox Components
611.1017 Requirements for Microbial Toolbox Components: Pre-Filtration Treatment Toolbox Components
611.1018 Requirements for Microbial Toolbox Components: Treatment Performance Toolbox Components
611.1019 Requirements for Microbial Toolbox Components: Additional Filtration Toolbox Components
611.1020 Requirements for Microbial Toolbox Components: Inactivation Toolbox Components
611.1021 Reporting and Recordkeeping Requirements: Reporting Requirements
611.1022 Reporting and Recordkeeping Requirements: Recordkeeping Requirements
611.1023 Requirements to Respond to Significant Deficiencies Identified in Sanitary Surveys Performed by USEPA or the Agency

SUBPART AA: REVISED TOTAL COLIFORM RULE

Section
611.1051 General
611.1052 Analytical Methods and Laboratory Certification
611.1053 General Monitoring Requirements for all PWSs
611.1054 Routine Monitoring Requirements for Non-CWSs That Serve 1,000 or Fewer People Using Only Groundwater

611.1055 Routine Monitoring Requirements for CWSs That Serve 1,000 or Fewer People Using Only Groundwater
611.1056 Routine Monitoring Requirements for Subpart B Systems That Serve 1,000 or Fewer People
611.1057 Routine Monitoring Requirements for PWSs That Serve More Than 1,000 People
611.1058 Repeat Monitoring and E. coli Requirements
611.1059 Coliform Treatment Technique Triggers and Assessment Requirements for Protection Against Potential Fecal Contamination
611.1060 Violations
611.1061 Reporting and Recordkeeping

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 Escherichia Coli from Drinking Water (Repealed)
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 (Repealed)
611.TABLE F Number of Water Quality Parameter Sampling Sites
611.TABLE G Summary of Section 611.357 Monitoring Requirements for Water Quality Parameters
611.TABLE H CT Values (mg·min/ℓ) for Cryptosporidium Inactivation by Chlorine Dioxide
611.TABLE I CT Values (mg·min/ℓ) for Cryptosporidium Inactivation by Ozone
611.TABLE J UV Dose Table for Cryptosporidium, Giardia lamblia, and Virus Inactivation Credit
611.TABLE Z Federal Effective Dates

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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].

SOURCE: Adopted in R88-26 at 14 Ill. Reg. 16517, effective September 20, 1990; amended in R90-21 at 14 Ill. Reg. 20448, effective December 11, 1990; amended in R90-13 at 15 Ill. Reg. 1562, effective January 22, 1991; amended in R91-3 at 16 Ill. Reg. 19010, effective December 1, 1992; amended in R92-3 at 17 Ill. Reg. 7796, effective May 18, 1993; amended in R93-1 at 17 Ill. Reg. 12650, effective July 23, 1993; amended in R94-4 at 18 Ill. Reg. 12291, effective July 28, 1994; amended in R94-23 at 19 Ill. Reg. 8613, effective June 20, 1995; amended in R95-17 at 20 Ill. Reg. 14493, effective October 22, 1996; amended in R98-2 at 22 Ill. Reg. 5020, effective March 5, 1998; amended in R99-6 at 23 Ill. Reg. 2756, effective February 17, 1999; amended in R99-12 at 23 Ill. Reg. 10348, effective August 11, 1999; amended in R00-8 at 23 Ill. Reg. 14715, effective December 8, 1999; amended in R00-10 at 24 Ill. Reg. 14226, effective September 11, 2000; amended in R01-7 at 25 Ill. Reg. 1329, effective January 11, 2001; amended in R01-20 at 25 Ill. Reg. 13611, effective October 9, 2001; amended in R02-5 at 26 Ill. Reg. 3522, effective February 22, 2002; amended in R03-4 at 27 Ill. Reg. 1183, effective January 10, 2003; amended in R03-15 at 27 Ill. Reg. 16447, effective October 10, 2003; amended in R04-3 at 28 Ill. Reg. 5269, effective March 10, 2004; amended in R04-13 at 28 Ill. Reg. 12666, effective August 26, 2004; amended in R05-6 at 29 Ill. Reg. 2287, effective January 28, 2005; amended in R06-15 at 30 Ill. Reg. 17004, effective October 13, 2006; amended in R07-2/R07-11 at 31 Ill. Reg. 11757, effective July 27, 2007; amended in R08-7/R08-13 at 33 Ill. Reg. 633, effective December 30, 2008; amended in R10-1/R10-17/R11-6 at 34 Ill. Reg. 19848, effective December 7, 2010; amended in R12-4 at 36 Ill. Reg. 7110, effective April 25, 2012; amended in R13-2 at 37 Ill. Reg. 1978, effective February 4, 2013; amended in R14-8 at 38 Ill. Reg. 3608, effective January 27, 2014; amended in R14-9 at 38 Ill. Reg. 9792, effective April 21, 2014; amended in R15-6 at 39 Ill. Reg. 3713, effective February 24, 2015; amended in R15-23 at 39 Ill. Reg. 15144, effective November 9, 2015; amended in R16-4 at 39 Ill. Reg. 15352, effective November 13, 2015; amended in R17-12 at 42 Ill. Reg. 1140, effective January 4, 2018; amended in R18-9 at 42 Ill. Reg. 9316, effective May 29, 2018; amended in R-18-17 at 42 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

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")). "Agency" will mean Public Health where implementation by Public Health occurs with regard to non-CWS suppliers.

"Approved source of bottled water", for the purposes of Section 611.130(d)(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) (2016). 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).

"Bag filters" means pressure-driven separation devices that remove particulate matter larger than one micrometer using an engineered porous filtration media. They are typically constructed of a non-rigid, fabric filtration media housed in a pressure vessel in which the direction of flow is from the inside of the bag to outside.

"Bank filtration" means a water treatment process that uses a well to recover surface water that has naturally infiltrated into groundwater through a river bed or banks. Infiltration is typically enhanced by the hydraulic gradient imposed by a nearby pumping water supply or other wells.

"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.

"Bin classification" or "bin" means, for the purposes of Subpart Z, the appropriate of the four treatment categories (Bin 1, Bin 2, Bin 3, or Bin 4) that is assigned to a filtered system supplier pursuant to Section 611.1010 based on the results of the source water Cryptosporidium monitoring described in the previous section. This bin classification determines the degree of additional Cryptosporidium treatment, if any, the filtered PWS must provide.
BOARD NOTE: Derived from 40 CFR 141.710 (2016) and the preamble discussion at 71 Fed. Reg. 654, 657 (Jan. 5, 2006).

"Board" means the Illinois Pollution Control Board.

"Cartridge filters" means pressure-driven separation devices that remove particulate matter larger than 1 micrometer using an engineered porous filtration media. They are typically constructed as rigid or semi-rigid, self-supporting filter elements housed in pressure vessels in which flow is from the outside of the cartridge to the inside.

"CAS No." means "Chemical Abstracts Services Number".

"Clean compliance history" means, for the purposes of Subpart A, a record of no MCL violations under Section 611.325; no monitoring violations under Subpart L or Subpart AA; and no coliform treatment technique trigger exceedances or treatment technique violations under Subpart AA.

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

"Combined distribution system" means the interconnected distribution system consisting of the distribution systems of wholesale systems and of the consecutive systems that receive finished water.

"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 3.145 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 ended December 31, 2010; the third began 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 ran from January 1, 1996 to December 31, 1998; and the third ran 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.

"Consecutive system" means a public water system that receives some or all of its finished water from one or more wholesale systems. Delivery may be through a direct connection or through the distribution system of one or more consecutive systems.

"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.":

"CT" or "CT_{calc}" 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 the definition of "$CT_{99.9}$".)

"$CT_{99.9}$" is the CT value required for 99.9 percent (3-log) inactivation of Giardia lamblia cysts. $CT_{99.9}$ values for a variety of disinfectants and conditions appear in Tables 1.1 through 1.6, 2.1 and 3.1 of Appendix B. (See the definition of "inactivation ratio".)
BOARD NOTE: Derived from the definition of "CT" in 40 CFR 141.2 (2016).

"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 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).

"Dual sample set" means a set of two samples collected at the same time and same location, with one sample analyzed for TTHM and the other sample analyzed for HAA5. Dual sample sets are collected for the purposes of conducting an IDSE under Subpart W and determining compliance with the TTHM and HAA5 MCLs under Subpart Y.

"E. coli" means Escherichia coli, a species of bacteria used as a specific indicator of fecal contamination and potential harmful pathogens.
BOARD NOTE: Derived from the discussion at 78 Fed. Reg. 10270, 10271 (Feb. 13, 2013).

"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.

"Finished water" means water that is introduced into the distribution system of a public water system which is intended for distribution and consumption without further treatment, except that treatment which is necessary to maintain water quality in the distribution system (e.g., booster disinfection, addition of corrosion control chemicals, etc.).

"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.

"Flowing stream" means a course of running water flowing in a definite channel.

"40/30 certification" means the certification, submitted by the supplier to the Agency pursuant to Section 611.923, that the supplier had no TTHM or HAA5 monitoring violations, and that no individual sample from its system exceeded 0.040 mg/ℓ TTHM or 0.030 mg/ℓ HAA5 during eight consecutive calendar quarters.
BOARD NOTE: Derived from 40 CFR 141.603(a) (2016).

"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, except that the reactivation frequency for GAC10 that is used as a best available technology for compliance with the MCLs set forth in Subpart Y pursuant to Section 611.312(b)(2) is 120 days.

"GAC20" means granular activated carbon filter beds with an empty-bed contact time of 20 minutes based on average daily flow and a carbon reactivation frequency of every 240 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 system" or "GWS" means a public water supply (PWS) that uses only groundwater sources, including a consecutive system that receives finished groundwater.
BOARD NOTE: Derived from 40 CFR 141.23(b)(2), 141.24(f)(2) note, and 40 CFR 141.400(b) (2016).

"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.

"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(a)(2)(C).

"Hydrogeologic sensitivity assessment," for the purposes of Subpart S, means a determination of whether a GWS supplier obtains water from a hydrogeologically sensitive setting.
BOARD NOTE: Derived from 40 CFR 141.400(c)(5) (2016).

"Inactivation ratio" or "Ai" means as follows:

$$Ai = CT_{calc}/CT_{99.9}$$

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:

$$B = \Sigma(Ai)$$

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 (2016).

"Initial compliance period" means the three-year compliance period that began 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, hexachlorocyclopentadiene, oxamyl, picloram, simazine, 2,3,7,8-TCDD, antimony, beryllium, cyanide, nickel, and thallium, as they apply to 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.

"Initial distribution system evaluation" or "IDSE" means the evaluation, performed by the supplier pursuant to Section 611.921(c), to determine the locations in a distribution system that are representative of high TTHM and HAA5 concentrations throughout the distribution system. An IDSE is used in conjunction with, but is distinct from, the compliance monitoring undertaken to identify and select monitoring locations used to determine compliance with Subpart I.
BOARD NOTE: Derived from 40 CFR 141.601(c) (2016).

"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, arsenic, 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) (2016).

"ℓ" means "liter".

"Lake or reservoir" means a natural or man made basin or hollow on the Earth's surface in which water collects or is stored that may or may not have a current or single direction of flow.

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

"Level 1 assessment" means an evaluation to identify the possible presence of sanitary defects, defects in distribution system coliform monitoring practices, and (when possible) the likely reason that the system triggered the assessment. A Level 1 assessment is conducted by the system operator or owner. Minimum elements include review and identification of atypical events that could affect distributed water quality or indicate that distributed water quality was impaired; changes in distribution system maintenance and operation that could affect distributed water quality (including water storage); source and treatment considerations that bear on distributed water quality, where appropriate (e.g., whether a groundwater system is disinfected); existing water quality monitoring data; and inadequacies in sample sites, sampling protocol, and sample processing. The supplier must conduct the assessment consistent with any Agency-imposed permit conditions that tailor specific assessment elements with respect to the size and type of the system and the size, type, and characteristics of the distribution system.

"Level 2 assessment" means an evaluation to identify the possible presence of sanitary defects, defects in distribution system coliform monitoring practices, and (when possible) the likely reason that the system triggered the assessment. A Level 2 assessment provides a more detailed examination of the system (including the system's monitoring and operational practices) than does a Level 1 assessment through the use of more comprehensive investigation and review of available information, additional internal and external resources, and other relevant practices. A Level 2 assessment is conducted by a person approved by a SEP granted by the Agency pursuant to Section 611.130, and that person may include the system operator. Minimum elements include review and identification of atypical events that could affect distributed water quality or indicate that distributed water quality was impaired; changes in distribution system maintenance and operation that could affect distributed water quality (including water storage); source and treatment considerations that bear on distributed water quality, where appropriate (e.g., whether a groundwater system is disinfected);

existing water quality monitoring data; and inadequacies in sample sites, sampling protocol, and sample processing. The supplier must conduct the assessment consistent with any Agency-imposed permit conditions that tailor specific assessment elements with respect to the size and type of the system and the size, type, and characteristics of the distribution system. The supplier must comply with any expedited actions or additional actions required by a SEP granted by the Agency pursuant to Section 611.130 in the instance of an E. coli MCL violation.

"Locational running annual average" or "LRAA" means the average of sample analytical results for samples taken at a particular monitoring location during the previous four calendar quarters.

"Man-made beta particle and photon emitters" means all radionuclides emitting beta particles or photons listed in NBS Handbook 69, 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.

"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.

"Membrane filtration" means a pressure or vacuum driven separation process in which particulate matter larger than one micrometer is rejected by an engineered barrier, primarily through a size exclusion mechanism, and which has a measurable removal efficiency of a target organism that can be verified through the application of a direct integrity test. This definition includes the common membrane technologies of microfiltration, ultrafiltration, nanofiltration, and reverse osmosis.

"MFL" means millions of fibers per liter larger than 10 micrometers.
BOARD NOTE: Derived from 40 CFR 141.23(a)(4)(i) (2016).

"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: Derived from 40 CFR 141.23(b)(2) and 141.24(f)(2) note (2016).

"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 "non-transient, non-CWS" 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".

"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, 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 II" refers to that group of chemical contaminants and the accompanying regulations promulgated by USEPA on January 30, 1991, at 56 Fed. Reg. 3578.

"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.

"Plant intake" means the works or structures at the head of a conduit through which water is diverted from a source (e.g., a river or lake) into the treatment plant.

"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.

"Presedimentation" means a preliminary treatment process used to remove gravel, sand, and other particulate material from the source water through settling before the water enters the primary clarification and filtration processes in a treatment plant.

"Public Health" or "DPH" means the Illinois Department of Public Health.
BOARD NOTE: See the definition of "Agency" in this Section.

"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). A PWS does not include any facility defined as "special irrigation district". 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, "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 (2016). These radioactive contaminants must be reported in Consumer Confidence Reports under Subpart U 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.
BOARD NOTE: Derived from 40 CFR 141.23(b)(9), 141.24(f)(11)(ii), and 141.24(f)(11)(iii) (2016).

"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 defect" means a defect that could provide a pathway of entry for microbial contamination into the distribution system or which is indicative of a failure or imminent failure in a barrier to microbial contamination that is already in place.

"Sanitary survey" means an onsite review of the delineated WHPAs (identifying sources of contamination within the WHPAs and evaluations or the hydrogeologic sensitivity of the delineated WHPAs conducted under source water assessments or utilizing other relevant information where available), facilities, equipment, operation, maintenance, and monitoring compliance of a public water system (PWS) to evaluate the adequacy of the system, its sources, and operations for the production and distribution of safe drinking water.
BOARD NOTE: Derived from 40 CFR 141.2 and 40 CFR 142.16(o)(2) (2016).

"Seasonal system" means a non-CWS that is not operated as a PWS on a year-round basis and which starts up and shuts down at the beginning and end of each operating season.

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

"SEP" means special exception permit issued under 35 Ill. Adm. Code 602.200~~(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.

BOARD NOTE: See sections 1401(4)(B)(i)(II) and (4)(B)(i)(III) of SDWA (42 USC 300f(4)(B)(i)(II) and (4)(B)(i)(III) (2015)).

"Significant deficiency" means a deficiency identified by the Agency in a groundwater system pursuant to Section 611.803. A significant deficiency might include, but is not limited to, a defect in system design, operation, or maintenance or a failure or malfunction of the sources, treatment, storage, or distribution system that the Agency determines to be causing or have potential for causing the introduction of contamination into the water delivered to consumers.

BOARD NOTE: Derived from 40 CFR 142.16(o)(2)(iv) (2016). The Agency must submit to USEPA a definition and description of at least one significant deficiency in each of the eight sanitary survey elements listed in Section 611.801(c) as part of the federal primacy requirements. The Board added the general description of what a significant deficiency might include in non-limiting terms, in order to provide this important definition within the body of the Illinois rules. No Agency submission to USEPA can provide definition within the context of Board 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, chlordane, 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.
BOARD NOTE: See the Board note appended to Section 611.311 for information relating to implementation of requirements relating to aldicarb, aldicarb sulfone, and aldicarb sulfoxide.

"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.

BOARD NOTE: Derived from 40 CFR 141.2 (2016) and sections 1401(4)(B)(i)(II) and (4)(B)(i)(III) of SDWA (42 USC 300f(4)(B)(i)(II) and (4)(B)(i)(III) (2015)).

"Standard monitoring" means the monitoring, performed by the supplier pursuant to Section 611.921(a) and (b), at various specified locations in a distribution system including near entry points, at points that represent the average residence time in the distribution system, and at points in the distribution system that are representative of high TTHM and HAA5 concentrations throughout the distribution system.
BOARD NOTE: Derived from 40 CFR 141.601(a) and (b) (2016).

"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 and the analytical and monitoring requirements of Sections 611.531, 611.532, 611.533, Appendix B, and Appendix C.

"Subpart I compliance monitoring" means monitoring required to demonstrate compliance with disinfectant residuals, disinfection byproducts, and disinfection byproduct precursors requirements of Subpart I.

"Subpart I system" means a public water system that uses surface water or groundwater as a source and which is subject to the disinfectant residuals, disinfection byproducts, and disinfection byproduct precursors requirements of Subpart I.

"Subpart Y compliance monitoring" means monitoring required to demonstrate compliance with Stage 2 disinfection byproducts requirements of Subpart Y.

"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_{254}) (in m^{-1}) 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 (2016).

"System-specific study plan" means the plan, submitted by the supplier to the Agency pursuant to Section 611.922, for studying the occurrence of TTHM and HAA5 in a supplier's distribution system based on either monitoring results or modelling of the system.
BOARD NOTE: Derived from 40 CFR 141.602 (2016).

"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 that have at least 15 service connections or which regularly serve 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 3.365 of the Act.) 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:

Trichloromethane (chloroform),
Dibromochloromethane,
Bromodichloromethane, and
Tribromomethane (bromoform)

"Two-stage lime softening" means a process in which chemical addition and hardness precipitation occur in each of two distinct unit clarification processes in series prior to filtration.

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

"USEPA" means the U.S. Environmental Protection Agency.

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

"Very small system waiver" means the conditional waiver from the requirements of Subpart W applicable to a supplier that serves fewer than 500 persons and which has taken TTHM and HAA5 samples pursuant to Subpart I.
BOARD NOTE: Derived from 40 CFR 141.604 (2016).

"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-dichloroethylene, 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 area" or "WHPA" means the surface and subsurface recharge area surrounding a community water supply well or well field, delineated outside of any applicable setback zones (pursuant to Section 17.1 of the Act) pursuant to Illinois' Wellhead Protection Program, through which contaminants are reasonably likely to move toward such well or well field.
BOARD NOTE: The Agency uses two guidance documents for identification of WHPAs:

> "Guidance Document for Groundwater Protection Needs Assessments", Illinois Environmental Protection Agency, Illinois State Water Survey, and Illinois State Geologic Survey joint report, January 1995; and
>
> "The Illinois Wellhead Protection Program Pursuant to Section 1428 of the Federal Safe Drinking Water Act", Illinois Environmental Protection Agency, No. 22480, October 1992.

"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.
BOARD NOTE: Derived from 40 CFR 141.71(b) (2013). The wellhead protection program includes the "groundwater protection needs assessment" under Section 17.1 of the Act and 35 Ill. Adm. Code 615-617.

"Wholesale system" means a public water system that treats source water as necessary to produce finished water, which then delivers some or all of that finished water to another public water system. Delivery by a wholesale system may be through a direct connection or through the distribution system of one or more consecutive systems.
BOARD NOTE: Derived from 40 CFR 141.2 (2016).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 611.107 Agency Inspection of PWS Facilities (Repealed)

~~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 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: Repealed at 42 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. 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.~~

~~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). 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.~~

a)~~e)~~ The Agency must evaluate a request for a SEP from the monitoring requirements of Section 611.601, 611.602, or 611.603 (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; or Section 611.648(d) (for Phase II, Phase IIB, and Phase V SOCs) 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 underpursuant to 35 Ill. Adm. Code 671.

BOARD NOTE: The Agency must grant a SEP from the Section 611.603 monitoring frequency requirements for cyanide only on the basis of subsection (cg), not on the basis of this subsection (ae).

1) If the Agency determines that there was no prior use of the contaminant, it must grant the SEP; or

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, 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 (underpursuant to Section 611.646): the number of persons served by the PWS and the proximity of a smaller system to a larger one.

b)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.

c)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 (ae) is derived from 40 CFR 141.24(f)(8) and (h)(6) (2016). Subsection (bf) is derived from 40 CFR 141.82(d)(2), and 141.83(b)(2) (2016). Subsection (cg) is derived from 40 CFR 141.23(c)(2) (2016). USEPA has reserved the discretion, at 40 CFR 142.18 (2016), to review and nullify Agency determinations of the

types made underpursuant to Sections 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 (2016), to establish federal standards for any supplier, superseding any Agency determination made underpursuant to Sections 611.352(d), 611.352(f), 611.353(b)(2), and 611.353(b)(4).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 611.115 Source Water Quantity (Repealed)

~~a) Surface Supply. The quantity of surface water at the source must 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 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 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: Repealed at 42 Ill. Reg. _____, effective _____)

Section 611.121 Maximum Contaminant Levels ~~and Finished Water Quality~~

a) Maximum Contaminant Levels: No person may 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 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 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, must not be used in a manner that would permit it to reach the consumer.~~

b)~~c)~~ An MCL for a particular contaminant applies in lieu of any finished water quality of narrative standard.

BOARD NOTE: Derived from the definition of "MCL" in 40 CFR 141.2 (2002) and former 35 Ill. Adm. Code 604.201, repealed in R88-26, at 14 Ill. Reg. 16435, effective September 20, 1990.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 611.161 Case-by-Case Reduced Subpart Y Monitoring for Wholesale and Consecutive Systems

The Agency may, by a SEP ~~issued pursuant to Section 611.110~~, reduce the monitoring requirements of Subpart Y ~~of this Part~~ as they apply to a wholesale system or a consecutive system, otherwise than by use of the provisions of Section 611.500 subject to the following limitations:

a) The Agency must consider the following system-specific knowledge in making its determination:

1) The amount and percentage of finished water provided;

2) Whether finished water is provided seasonally, intermittently, or full-time;

3) Improved DBP occurrence information based on IDSE results;

4) Significant changes in the supplier's raw water quality, treatment, or distribution system after completion of the IDSE; and

5) Such other considerations as would bear on the occurrence of DBP in the distribution system and the ability of the reduced monitoring to detect DBP in the supplier's distribution system.

b) Any reduced monitoring allowed underpursuant to this Section must require a minimum of one compliance monitoring location for each supplier.

c) The supplier must report any changes in its raw water quality, treatment, or distribution system or any other factors that come to its attention after the issuance of a SEP that allows reduced monitoring underpursuant to this Section that would bear on the occurrence of DBP in the distribution system and the ability of the reduced monitoring to detect DBP in the supplier's distribution system.

d) The Agency may allow the reduced monitoring provided by this Section only after USEPA has approved the State program revisions involving Subparts W and Y of this Part.

BOARD NOTE: Derived from 40 CFR 142.16(m) and the preamble discussion at 71 Fed. Reg. 388, 430-31 (Jan. 4, 2006). USEPA stated that it will allow the State to elect to authorize reduced monitoring according to a procedure devised by the State. The Board borrowed from the special primacy requirements applicable to the Subpart Y provisions and the accompanying preamble discussion to derive the procedure set forth in this Section.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

SUBPART B: FILTRATION AND DISINFECTION

Section 611.202 Procedures for Agency Determinations

The determinations in this Subpart B are by a SEP issued pursuant to Section 611.110.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 611.231 Source Water Quality Conditions

The Agency must consider the following source water quality conditions in determining whether to require filtration underpursuant 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(a) 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.

BOARD NOTE: Derived from 40 CFR 141.71(a) (2003).

~~c) Each CWS must take its raw water from the best available source that is economically reasonable and technically possible.~~

~~BOARD NOTE: This is an additional State requirement.~~

c)~~d)~~ Use of recycled sewage treatment plant effluent by a CWS on a routine basis must not be permitted.

BOARD NOTE: This is an additional State requirement.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 611.240 Disinfection

a) A supplier that uses a surface water source and does not provide filtration treatment must provide the disinfection treatment specified in Section 611.241.

b) A supplier that uses a groundwater source under the influence of surface water and does not provide filtration treatment must provide disinfection treatment specified in Section 611.241 beginning 18 months after the Agency determines that the groundwater source is under the influence of surface water, unless the Agency has determined that filtration is required.

c) If the Agency determines that filtration is required, the Agency may, by 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 must provide the disinfection treatment specified in Section 611.242 when filtration is installed.

e) A system that uses a groundwater source under the direct influence of surface water and provides filtration treatment must have provided disinfection treatment as specified in Section 611.242 beginning when filtration is installed.

f) Failure to meet any requirement of the following Sections after the applicable date specified in this Section is a treatment technique violation.

BOARD NOTE: Derived from 40 CFR 141.72 preamble (2016).

~~g) CWS suppliers using groundwater that is not under the direct influence of surface water 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.~~

~~1) All GWS supplies that are required to chlorinate pursuant to this Section 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 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 42 Ill. Reg. _____, effective _____)

Section 611.241 Unfiltered PWSs

Each supplier that does not provide filtration treatment 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 must calculate the $CT_{99.9}$ value from the system's treatment parameters using the procedure specified in Section 611.532(c) and determine whether this value 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 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 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 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 must comply with subsection (b)(1).

c) The RDC in the water entering the distribution system, measured as specified in Sections 611.531(b) 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 Sections 611.531(b) 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(a), 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

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, underpursuant to Section 611.213, that a supplier has no means for having a sample analyzed for HPC by a certified laboratory under the requisite time and temperature conditions specified by Section 611.531(a) and that the supplier is providing adequate disinfection in the distribution system.

BOARD NOTE: Derived from 40 CFR 141.72(a) (2003).

(Source: Amended at 42 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) within 18 months after the failure to meet any one of the criteria for avoiding filtration in Sections 611.231 and 611.232. 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, measured as specified in Section 611.531(a) and 611.533(a), except that if the Agency determines, by 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, measured as specified in Section 611.531(a) and 611.533(a).

2) The turbidity level of representative samples of a system's filtered water must at no time exceed 5 NTU.

3) A supplier serving at least 10,000 or more persons must meet the turbidity requirements of Section 611.743(a).

4) A supplier that serves fewer than 10,000 people must meet the turbidity requirements in Section 611.955.

b) Slow sand filtration.

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, measured as specified in Section 611.531(a) and 611.533(a), except that if the Agency determines, by 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, measured as specified in Section 611.531(a) and 611.533(a).

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, measured as specified in Section 611.531(a) and 611.533(a).

2) The turbidity level of representative samples of a system's filtered water must at no time exceed 5 NTU, measured as specified in Section 611.531(a) and 611.533(a).

d) Other filtration technologies. A supplier may use a filtration technology not listed in subsections (a) through (c) if it demonstrates, by 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. A supplier serving 10,000 or more persons must meet the requirements for other filtration technologies in Section 611.743(b). 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 (2016).

(Source: Amended at 42 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, unless the Agency has determined that filtration is required, in which case the Agency must, by 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 six months after the Agency determines that the groundwater source is under the direct influence of surface water, unless the Agency has determined that filtration is required, in which case the Agency must, by 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 CT_{calc} 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, underpursuant 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 = Value in subsection (b)(8)(A);
b = Value in subsection (b)(8)(B);
c = Value in subsection (b)(8)(C);
d = Value in subsection (b)(8)(D); and
e = Value in subsection (b)(8)(E).

G) The requirements of subsections (b)(8)(A) through (b)(8)(F) do not apply if the Agency determines, underpursuant to Section 611.213, that a system has no means for having a sample analyzed for HPC by a certified laboratory under the requisite time and temperature conditions specified by Section 611.531(a) and that the supplier is providing adequate disinfection in the distribution system.

9) A system need not report the data listed in subsections (b)(1) and (b)(3) through (b)(6), if all data listed in subsections (b)(1) through (b)(8) remain on file at the system, and the Agency determines, by 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) 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 underpursuant 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 exceedance 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.

BOARD NOTE: Derived from 40 CFR 141.75(a) (2016).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 611.271 Protection during Repair Work (Repealed)

~~The supplier must 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: Repealed at 42 Ill. Reg. _____, effective _____)

Section 611.272 Disinfection Following Repair (Repealed)

~~a)~~ ~~After any portion of the CWS has been repaired, reconstructed, or altered, the~~

~~supplier must disinfect that portion before putting it into operation.~~

~~b)~~ ~~The disinfection procedure must be approved by a SEP issued pursuant to Section 611.110.~~

~~BOARD NOTE: This is an additional State requirement.~~

(Source: Repealed at 42 Ill. Reg. _____, effective _____)

SUBPART C: USE OF NON-CENTRALIZED TREATMENT DEVICES

Section 611.280 Point-of-Entry Devices

a) Suppliers may use point-of-entry devices to comply with MCLs only if they meet the requirements of this Section.

b) It is the responsibility of the supplier to operate and maintain the point-of entry treatment system.

c) The supplier must develop a monitoring plan before point-of-entry devices are installed for compliance.

1) Point-of-entry devices must provide health protection equivalent to central water treatment. "Equivalent" means that the water would meet all NPDWR and would be of acceptable quality similar to water distributed by a well-operated central treatment plant.

2) In addition to the VOCs, monitoring must include physical measurements and observations such as total flow treated and mechanical condition of the treatment equipment.

3) Use of point-of-entry devices must be approved by a SEP granted by the Agency ~~pursuant to Section 611.110~~.

d) Effective technology must be properly applied under a plan approved by the Agency and the microbiological safety of the water must be maintained.

1) The Agency must require adequate certification of performance, field 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 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.

BOARD NOTE: Derived from 40 CFR 141.100 and 142.62(h)(7) (2002).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

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

a) Suppliers 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(d), except that the supplier must submit its quality control plan for Agency review as part of its SEP request, rather than for Board review.

BOARD NOTE: Derived from 40 CFR 141.101 (2003).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

SUBPART D: TREATMENT TECHNIQUES

Section 611.297 Corrosion Control (Repealed)

~~A supplier may be required to install and maintain optimal corrosion control pursuant to Section 611.352.~~

(Source: Repealed at 42 Ill. Reg. _____, effective _____)

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

Section 611.300 Old MCLs for Inorganic Chemical Contaminants

a) The old MCLs listed in subsection (b) for inorganic chemical contaminants (IOCs) apply only to CWS suppliers. Compliance with old MCLs for inorganic chemicals is calculated under~~pursuant to~~ Section 611.612.

BOARD NOTE: Formerly derived from 40 CFR 141.11(a), this subsection (a) has become an additional State requirement.

b) The following are the old MCLs for IOCs:

Contaminant	Level, mg/ℓ	Additional State Requirement (*)
Iron	1.0	*
Manganese	0.15	*
Zinc	5.	*

BOARD NOTE: Formerly derived from 40 CFR 141.11(b), this subsection (b) has become an additional State requirement.

c) This subsection corresponds with 40 CFR 141.11(c), 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;

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.

BOARD NOTE: Derived from 40 CFR 141.11(d) (2012). The Department of Public Health regulations may impose a nitrate limitation requirement. Those regulations are at 77 Ill. Adm. Code 900.50.

e) The following supplementary condition applies to the MCLs listed in subsection (b) 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 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 a SEP ~~issued pursuant to Section 611.110~~.

BOARD NOTE: This subsection (e) is an additional State requirement.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

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 under~~pursuant to~~ subsection (c) 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.
BOARD NOTE: Derived from 40 CFR 141.83(b)(4) (2016). (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.
BOARD NOTE: Derived from 40 CFR 141.89(a)(1)(iii) (2016).

"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 underpursuant 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 underpursuant to subsection (c)(3).
BOARD NOTE: Derived from 40 CFR 141.80(c) (2016).

"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.
BOARD NOTE: Derived from 40 CFR 141.89(a)(1)(ii) and (a)(1)(iv) (2016).

"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.

BOARD NOTE: Derived from 40 CFR 141.2 (2016).

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.

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) 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.

E) For a supplier that has been allowed by the Agency to collect fewer than five samples in accordance with Section 611.356(c), the sample result with the highest concentration is considered the 90th percentile value.

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 underpursuant to Sections 611.351 and 611.352 is deemed in compliance with the treatment requirement of subsection (d)(1).

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 underpursuant 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. UnderPursuant to Section 611.355, the supplier must provide a consumer notice of the lead tap water monitoring results to the persons served at each site (tap) that is tested. Any supplier whose system exceeds the lead action level must implement the public education requirements.

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 SEP pursuant to these provisions and Section 611.110, will constitute a violation of the national primary drinking water regulations for lead or copper.

BOARD NOTE: Derived from 40 CFR 141.80 (2016).

(Source: Amended at 42 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), unless it is deemed to have optimized corrosion control under subsection (b)(2) or (b)(3).

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), unless it is deemed to have optimized corrosion control under one of subsections (b)(1), (b)(2), or (b)(3).

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). 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 ~~issued 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);

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 underpursuant 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).

C) Any water system deemed to have optimized corrosion control underpursuant to this subsection (b) must notify the Agency in writing underpursuant to Section 611.360(a)(3) of any upcoming long-term change in treatment or the addition of a new source, as described in that Section. The Agency must review and approve the addition of a new source or any long-term change in water treatment before the addition or long-term change is implemented by the water system.

D) A supplier is not deemed to have optimized corrosion control under this subsection (b), and must implement corrosion control treatment underpursuant to subsection (b)(3)(E), 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). 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 exceedance 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 underpursuant to Section 611.356; and

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 underpursuant to subsection (c)(1) (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) (including systems deemed to have optimized corrosion control under subsection (b)(1)) is triggered whenever any small- or medium-sized system supplier exceeds the lead or copper action level.

d) Treatment steps for large systems. Except as provided in subsections (b)(2) and (b)(3), large system suppliers must have completed the following corrosion control treatment steps (described in the referenced portions of Sections 611.352, 611.356, and 611.357).

1) Step 1: Initial monitoring (Sections 611.356(d)(1) and 611.357(b)) during two consecutive six-month monitoring periods.

2) Step 2: Corrosion control studies (Section 611.352(c)).

3) Step 3: Agency approval of optimal corrosion control treatment (Section 611.352(d)) by a SEP ~~issued pursuant to Section 611.110~~.

4) Step 4: Installing optimal corrosion control treatment (Section 611.352(e)).

5) Step 5: Completing follow-up sampling (Sections 611.356(d)(2) and 611.357(c)).

6) Step 6: Agency review of installation of treatment and approval of optimal water quality control parameters (Section 611.352(f)).

7) Step 7: Operating 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), 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 the end of the monitoring period during which it exceeds one of the action levels.

2) Step 2: Within 12 months after the end of the monitoring period during which 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 appropriate of the following timeframes:

A) For medium-sized systems, within 18 months after the end of the monitoring period during which such supplier exceeds the lead action level or the copper action level; or

B) For small systems, within 24 months after the end of the monitoring period during which 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)), 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)), 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)).

5) Step 5: The supplier must install optimal corrosion control treatment (Section 611.352(e)) within 24 months after the Agency approves that 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)).

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)).

BOARD NOTE: Derived from 40 CFR 141.81 (2016).

(Source: Amended at 42 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.

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) 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) 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 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 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).

d) Agency approval of treatment.

1) Based on consideration of available information including, where applicable, studies performed under subsection (c) 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). 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), 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 under~~pursuant to~~ subsection (d).

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).

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) 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.

g) 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), in accordance with this subsection (g) for all samples collected under Section 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). 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 (g).

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) or of the optimal water quality control parameters under subsection (f).

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 under~~pursuant to~~ subsection (h)(1). 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.

i) Treatment decisions by USEPA. Under~~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) 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; or

3) The technical aspects of the Agency's determination would be indefensible in an expected federal enforcement action taken against a supplier.

BOARD NOTE: Derived from 40 CFR 141.82 (2016).

(Source: Amended at 42 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), and in Sections 611.356 and 611.358) by the following deadlines.

a) Deadlines for completing source water treatment steps.

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)) within 180 days after the end of the monitoring period during which the supplier exceeded 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)) 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)) 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)) 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)) 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). 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.

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).

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 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).

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 under~~pursuant to~~ subsection (b)(4)(B).

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), or the lead and copper MPCs under subsection (b)(4).

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 under~~pursuant to~~ subsection (b)(6)(C) 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). 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.

7) Treatment decisions by USEPA. Under~~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) 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);

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.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

BOARD NOTE: Derived from 40 CFR 141.83 (2016).

(Source: Amended at 42 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 underpursuant 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).

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) Initiation of a lead service line replacement program.

A) A supplier that is required to commence lead service line replacement underpursuant to subsection (a) must annually replace at least seven percent of the initial number of lead service lines in its distribution system.

B) The initial number of lead service lines is the number of lead lines in place at the time the replacement program begins.

C) 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.

D) The first year of lead service line replacement must begin on the first day following the end of the monitoring period in which the supplier exceeded the action level underpursuant to subsection (a).

E) If monitoring is required annually or less frequently, the end of the monitoring period is September 30 of the calendar year in which the sampling occurs.

F) If the Agency has established an alternate monitoring period by a SEP issued pursuant to Section 611.110, then the end of the monitoring period will be the last day of that period.

2) Resumption of a lead service line replacement program after cessation.

A) A supplier that is resuming a program after cessation of its lead service line replacement program, as allowed underpursuant to subsection (f), must update its inventory of lead service lines to include those sites that it had previously determined did not require replacement underpursuant to the sampling provision of subsection (c).

B) The supplier will then divide the updated number of remaining lead service lines by the number of remaining years in the program to determine the number of lines that must be replaced per year (seven percent lead service line replacement is based on a 15-year replacement program, so that, for example, a supplier resuming lead service line replacement after previously conducting two years of replacement would divide the updated inventory by 13).

C) For a supplier that has completed a 15-year lead service line replacement program, the Agency must, by a SEP issued pursuant to Section 611.110, determine a schedule for replacing or retesting lines that were previously tested out under the completed replacement program, whenever the supplier has re-exceeded the action level.

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 underpursuant 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 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 after receiving the results.

D) Mailed notices post-marked within three business days after receiving the results must be considered "on time".

2) The water supplier must provide the information required by subsection (d)(1) 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 under~~pursuant to~~ subsection (e)(1) within six months after the supplier is triggered into lead service line replacement based on monitoring, as referenced in subsection (a).

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 under~~pursuant to~~ subsection (b)(2).

g) To demonstrate compliance with subsections (a) through (d), a supplier must report to the Agency the information specified in Section 611.360(e).

BOARD NOTE: Derived from 40 CFR 141.84 (2016).

(Source: Amended at 42 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 subsection (a) in accordance with the requirements of subsection (b). A supplier that exceeds the lead action level must sample the tap water of any customer who requests it in accordance with subsection (c). A supplier must deliver a consumer notice of lead tap water monitoring results to persons who are served by the supplier at each site that the supplier has tested, as specified in subsection (d).

a) Content of written public education materials.

1) Community water systems and non-transient non-community water systems. A CWS or NTNCWS supplier must include the following elements in printed materials (e.g., brochures and pamphlets) in the same order as listed in subsections (a)(1)(A) through (a)(1)(F). In addition, the supplier must include the language set forth in subsections (a)(1)(A), (a)(1)(B), and (a)(1)(F) in the materials, exactly as written, except for the text in brackets in these subsections, for which the supplier must include system-specific information. Any additional information presented by a supplier must be consistent with the information set forth in subsections (a)(1)(A) through (a)(1)(F), and the supplier must present the additional information in plain language that can be understood by the general public. The supplier must submit all written public education materials to the Agency.

A) IMPORTANT INFORMATION ABOUT LEAD IN YOUR DRINKING WATER. [INSERT NAME OF SUPPLIER] found elevated levels of lead in drinking water in some homes/buildings. Lead can cause serious health problems, especially for pregnant women and young children. Please read this information closely to see what you can do to reduce lead in your drinking water.

BOARD NOTE: The supplier must use the verbatim text set forth in this subsection (a)(1)(A), with the exception that the supplier must insert its name in place of the bracketed text.

B) Health effects of lead. Lead can cause serious health problems if too much enters your body from drinking water or other sources. It can cause damage to the brain and kidneys, and can interfere with the production of red blood cells that carry oxygen to all parts of your body. The greatest risk of lead exposure is to infants, young children, and pregnant women. Scientists have linked the effects of lead on the brain with lowered IQ in children. Adults with kidney problems and high blood pressure can be affected by low levels of lead more than healthy adults. Lead is stored in the bones, and it can be released later in life. During pregnancy, the child receives lead from the mother's bones, which may affect brain development.

BOARD NOTE: The supplier must use the verbatim text set forth in this subsection (a)(1)(B).

C) Sources of Lead.

i) Explain what lead is.

ii) Explain possible sources of lead in drinking water and how lead enters drinking water. Include information on home and building plumbing materials and service lines that may contain lead.

iii) Discuss other important sources of lead exposure in addition to drinking water (e.g., paint).

BOARD NOTE: The supplier must use text that provides the information described in this subsection (a)(1)(C).

D) Discuss the steps the consumer can take to reduce his or her exposure to lead in drinking water.

i) Encourage running the water to flush out the lead.

ii) Explain concerns with using hot water from the tap and specifically caution against the use of hot water for preparing baby formula.

iii) Explain that boiling water does not reduce lead levels.

iv) Discuss other options consumers can take to reduce exposure to lead in drinking water, such as alternative sources or treatment of water.

v) Suggest that parents have their child's blood tested for lead.

BOARD NOTE: The supplier must use text that provides the information described in this subsection (a)(1)(D).

E) Explain why there are elevated levels of lead in the supplier's drinking water (if known) and what the supplier is doing to reduce the lead levels in homes and buildings in this area.

BOARD NOTE: The supplier must use text that provides the information described in this subsection (a)(1)(E).

F) For more information, call us at [INSERT THE SUPPLIER'S NUMBER] [(IF APPLICABLE), or visit our Web site at [INSERT THE SUPPLIER'S WEB SITE HERE]]. For more information on reducing lead exposure around your home/building and the health effects of lead, visit USEPA's Web site at http://www.epa.gov/lead or contact your health care provider.

BOARD NOTE: The supplier must use the verbatim text set forth in this subsection (a)(1)(F), with the exception that the supplier must insert its name in place of the first segment of bracketed text, and it must add the second segment of bracketed text and substitute its Web address for the internal bracketed text.

2) Community water systems. In addition to including the elements specified in subsection (a)(1), a CWS supplier must do both of the following:

A) It must tell consumers how to get their water tested; and

B) It must discuss lead in plumbing components and the difference between low-lead and lead-free components.

BOARD NOTE: At corresponding 40 CFR 141.85(a)(1) (2016), USEPA allowed the State to require prior approval of written public information materials. Rather than require prior Agency approval, the Board has chosen to allow the Agency to raise any deficiencies that it may perceive using its existing procedure for review of public education materials. The Agency has outlined its standard practice for review of public information materials as follows: The Agency provides a comprehensive public education packet to the supplier together with the notice that the supplier has exceeded the lead action level. That packet includes guidance and templates for the supplier to use in preparing and distributing its public education materials. The supplier must send a copy of the public education materials that it distributes to the Agency, and the Agency reviews the copy of the materials after their distribution to the public. The Agency directly communicates to the supplier any perceived defects in the materials. The Agency will request correction when it perceives minor defects in future distributions of the public education materials, or the Agency will request a redistribution of corrected public education materials when it perceives major defects in the materials already distributed.

b) Delivery of public education materials.

1) The public education materials of a supplier that serves a large proportion of non-English-speaking consumers must contain information in the appropriate languages regarding the importance of the notice, or it must contain a telephone number or address where a person served may contact the supplier to obtain a translated copy of the public education materials or to request assistance in the appropriate language.

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 conducting public education tasks underpursuant to this Section must, within 60 days after the end of the monitoring period in which the exceedance occurred, complete the public education tasks according to the following requirements:

A) The CWS supplier must deliver printed materials that meet the content requirements of subsection (a) to all of its bill-paying customers.

B) Methods of delivery for a CWS supplier.

i) The CWS supplier must contact customers who are most at risk by delivering education materials that meet the content requirements of subsection (a) to local public health agencies, even if the agencies are not located within the supplier's service area, along with an informational notice that encourages distribution to all of the agencies' potentially affected customers or the supplier's users. The supplier must contact the local public health agencies directly by phone or in person. The local public health agencies may provide a specific list of additional community-based organizations that serve the target populations, which may include organizations outside the service area of the supplier. If such lists are provided, the supplier must deliver education materials that meet the content requirements of subsection (a) to each of the organizations on the provided lists.

ii) The CWS supplier must contact customers who are most at risk by delivering materials that meet the content requirements of subsection (a) to the organizations listed in subsections (b)(2)(H)(i) through (b)(2)(H)(vi) that are located within the supplier's service area, along with an informational notice that encourages distribution to all the organization's potentially affected customers or supplier's users.

BOARD NOTE: The Board found it necessary to move the text of 40 CFR 141.85(b)(2)(ii)(B)(*1*) through (b)(2)(ii)(B)(*6*) (2007), as added at 72 Fed. Reg. 57782 (Oct. 10, 2007), to appear as subsection (b)(2)(H)(i) through subsection (b)(2)(H)(vi), in order to comport with Illinois Administrative Code codification requirements relating to allowed indent levels in rules.

iii) The CWS supplier must make a good faith effort to locate the organizations listed in subsections (b)(2)(I)(i) through (b)(2)(I)(iii) that are located within the service area and deliver materials that meet the content requirements of subsection (a) to them, along with an informational notice that encourages distribution to all potentially affected customers or users. The good faith effort to contact at-risk customers may include requesting a specific contact list of these organizations from the local public health agencies, even if the agencies are not located within the supplier's service area.

BOARD NOTE: The Board found it necessary to move the text of 40 CFR 141.85(b)(2)(ii)(C)(*1*) through (b)(2)(ii)(C)(*3*) (2007), as added at 72 Fed. Reg. 57782 (Oct. 10, 2007), to appear as subsection (b)(2)(I)(i) through subsection (b)(2)(I)(iii), in order to comport with Illinois Administrative Code codification requirements relating to allowed indent levels in rules.

C) No less often than quarterly, the CWS supplier must provide information on or in each water bill as long as the system exceeds the action level for lead. The message on the water bill must include the following statement exactly as written, except for the text in brackets for which the supplier must include system-specific information:

[INSERT NAME OF SUPPLIER] found high levels of lead in drinking water in some homes. Lead can cause serious health problems. For more information please call [INSERT NAME OF SUPPLIER] [or visit (INSERT SUPPLIER'S WEB SITE HERE)]. The message or delivery mechanism can be modified in consultation with the Illinois Environmental Protection Agency, Division of Public Water Supply; specifically, the Agency may allow a separate mailing of public education materials to customers if the water system cannot place the information on water bills.

D) The CWS supplier must post material meeting the content requirements of subsection (a) on the supplier's Web site if the CWS supplier serves a population greater than 100,000.

E) The CWS supplier must submit a press release to newspaper, television, and radio stations.

F) In addition to subsections (b)(2)(A) through (b)(2)(E), the CWS supplier must implement at least three activities from one or more of the categories listed below. The educational content and selection of these activities must be determined in consultation with the Agency.

i) Public Service Announcements.

ii) Paid advertisements.

iii) Public Area Information Displays.

iv) E-mails to customers.

v) Public Meetings.

vi) Household Deliveries.

vii) Targeted Individual Customer Contact.

viii) Direct material distribution to all multi-family homes and institutions.

ix) Other methods approved by the State.

G) For a CWS supplier that is required to conduct monitoring annually or less frequently, the end of the monitoring period is September 30 of the calendar year in which the sampling occurs, or, if the Agency has established an alternate monitoring period, by a SEP ~~issued pursuant to Section 611.110~~, the last day of that period.

H) Organizations that the CWS supplier must contact when required to do so underpursuant to subsection (b)(2)(B)(ii).

i) Public and private schools or school boards.

ii) Women, Infants and Children (WIC) and Head Start programs.

iii) Public and private hospitals and medical clinics.

vi) Pediatricians.

v) Family planning clinics.

vi) Local welfare agencies.

BOARD NOTE: This subsection (b)(2)(H) corresponds with 40 CFR 141.85(b)(2)(ii)(B)(*1*) through (b)(2)(ii)(B)(*6*) (2016). The Board found it necessary to move the text of those federal provisions to comport with Illinois Administrative Code codification requirements relating to allowed indent levels in rules.

I) Organizations that the CWS supplier must contact when required to do so underpursuant to subsection (b)(2)(B)(iii).

i) Licensed childcare centers.

ii) Public and private preschools.

iii) Obstetricians-gynecologists and midwives.

BOARD NOTE: This subsection (b)(2)(H) corresponds with 40 CFR 141.85(b)(2)(ii)(C)(*1*) through (b)(2)(ii)(C)(*3*) (2007), as added at 72 Fed. Reg. 57782 (Oct. 10, 2007). The Board found it necessary to move the text of those federal provisions to comport with Illinois Administrative Code codification requirements relating to allowed indent levels in rules.

3) As long as a CWS supplier exceeds the action level, it must repeat the activities described in subsection (b)(2), as described in subsections (b)(3)(A) through (b)(3)(D).

A) A CWS supplier must repeat the tasks contained in subsections (b)(2)(A), (b)(2)(B), and (b)(2)(D) every 12 months.

B) A CWS supplier must repeat tasks contained in subsection (b)(2)(C) with each billing cycle.

C) A CWS supplier serving a population greater than 100,000 must post and retain material on a publicly accessible Web site underpursuant to subsection (b)(2)(D).

D) The CWS supplier must repeat the task in subsection (b)(2)(E) twice every 12 months on a schedule agreed upon with the Agency by a SEP issued pursuant to Section 611.110. The Agency must, on a case-by-case basis, by a SEP issued pursuant to Section 611.110, extend the time for the supplier to complete the public education tasks set forth in subsection (b)(2) beyond the 60-day limit if it determines that the extended time is needed for implementation purposes; however, the Agency must issue the SEP granting any extension prior to expiration of the 60-day deadline.

4) Within 60 days after the end of the monitoring period in which a NTNCWS supplier exceeds the lead action level (unless it already is repeating public education tasks underpursuant to subsection (b)(5)), it must deliver the public education materials specified by subsection (a).

A) The public education materials must be delivered as follows:

i) The NTNCWS supplier must 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

ii) The NTNCWS supplier must distribute informational pamphlets or brochures on lead in drinking water to each person served by the NTNCWS supplier. The Agency

may, by a SEP ~~issued 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.

B) For a NTNCWS supplier that is required to conduct monitoring annually or less frequently, the end of the monitoring period is September 30 of the calendar year in which the sampling occurs, or, if the Agency has established an alternate monitoring period, by a SEP ~~issued pursuant to Section 611.110~~, the last day of that period.

5) A NTNCWS supplier must repeat the tasks set forth in subsection (b)(4) at least once during each calendar year in which the supplier exceeds the lead action level. The Agency must, on a case-by-case basis, by a SEP ~~issued pursuant to Section 611.110~~, extend the time for the supplier to complete the public education tasks set forth in subsection (b)(2) beyond the 60-day limit if it determines that the extended time is needed for implementation purposes; however, the Agency must issue the SEP granting any extension prior to expiration of the 60-day deadline.

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 under~~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 only the text specified in subsection (a)(1) in lieu of the text in subsections (a)(1) and (a)(2) and to perform the tasks listed in subsections (b)(4) and (b)(5) in lieu of the tasks in subsections (b)(2) and (b)(3) 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) A CWS supplier that serves 3,300 or fewer people may limit certain aspects of its public education programs as follows:

A) With respect to the requirements of subsection (b)(2)(F), a supplier that serves 3,300 or fewer people must implement at least one of the activities listed in that subsection.

B) With respect to the requirements of subsection (b)(2)(B), a supplier that serves 3,300 or fewer people may limit the distribution of the public education materials required under that subsection to facilities and organizations that it serves which are most likely to be visited regularly by pregnant women and children.

C) With respect to the requirements of subsection (b)(2)(E), the Agency may, by a SEP ~~issued pursuant to Section 611.110~~, waive this requirement for a supplier that serves 3,300 or fewer persons, as long as the supplier distributes notices to every household that it serves.

c) 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.

d) Requirement for consumer notice of tap water monitoring results.

1) Consumer notice requirement. A supplier must provide a notice of the individual tap results from lead tap water monitoring carried out under the requirements of Section 611.356 to the persons served by the water system at the specific sampling site from which the sample was taken (e.g., the occupants of the residence where the tap was tested).

2) Timing of consumer notice. The supplier must provide the consumer notice as soon as practical, but no later than 30 days after it learns of the tap monitoring results.

3) Content of consumer notice. The consumer notice must include the results of lead tap water monitoring for the tap that was tested, an explanation of the health effects of lead, a list of steps that consumers can take to reduce exposure to lead in drinking water, and contact information for the water utility. The notice must also provide the maximum contaminant level goal and the action level for lead and the definitions for these two terms from Section 611.883(c).

4) Delivery of consumer notice. The consumer notice must be provided to persons served at the tap that was tested, either by mail or by another method approved by the Agency, by a SEP ~~issued pursuant to Section 611.110~~. For example, upon approval by the Agency, a NTNCWS supplier could post the results on a bulletin board in the facility to allow users to review the information. The supplier must provide the notice to customers at sample taps tested, including consumers who do not receive water bills.

BOARD NOTE: Derived from 40 CFR 141.85 (2016).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 611.356 Tap Water Monitoring for Lead and Copper

a) Sampling site location.

1) Selecting a pool of targeted sampling sites.

A) By the applicable date for commencement of monitoring under subsection (d)(1), 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.

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).

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 underpursuant to 40 CFR 141.42(d) (special monitoring for corrosivity characteristics) when conducting a materials evaluation.

B) When an evaluation of the information collected underpursuant 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), 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

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) (2016). 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 which 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) (2016). 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.

BOARD NOTE: Subsection (a)(3)(C) was derived from segments of 40 CFR 141.86(a)(5) (2016).

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) (2016). 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.

BOARD NOTE: Subsection (a)(3)(E) was derived from segments of 40 CFR 141.86(a)(7) (2016).

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

BOARD NOTE: Subsection (a)(4)(A)(i) was derived from a segment of 40 CFR 141.86(a)(3)(ii) (2016).

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

BOARD NOTE: Subsection (a)(4)(A)(ii) was derived from a segment of 40 CFR 141.86(a)(4) (2016).

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.

BOARD NOTE: Subsection (a)(4)(A)(iii) was derived from a segment of 40 CFR 141.86(a)(5) (2016).

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.

BOARD NOTE: Subsection (a)(4)(A)(iv) was derived from segments of 40 CFR 141.86(a)(5) (2016).

B) NTNCWS suppliers.

i) An NTNCWS supplier must select NTNCWS tier 1 sampling sites for its sampling pool.

BOARD NOTE: Subsection (a)(4)(B)(i) was derived from segments of 40 CFR 141.86(a)(6) (2016).

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.

BOARD NOTE: Subsection (a)(4)(B)(ii) was derived from segments of 40 CFR 141.86(a)(7) (2016).

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 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.

BOARD NOTE: Subsection (a)(4)(B)(iii) was derived from segments of 40 CFR 141.86(a)(7) (2016).

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) (2016). 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), 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.

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 under~~pursuant to~~ subsection (b)(5) must be one liter in volume and must be collected at an interior tap from which water is typically drawn for consumption.

E) 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.

F) If a supplier allows residents to perform sampling under subsection (b)(2)(D), 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 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(b)(7)(A) and (b)(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 sampling sites selected by the system.

c) Number of samples.

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).

2) A supplier conducting reduced monitoring under~~pursuant to~~ subsection (d)(4) 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). Such reduced monitoring sites must be representative of the sites required for standard monitoring. A supplier whose system has fewer than five drinking water taps that can be used for human consumption and which can meet the sampling site criteria of subsection (a) to reach the required number of sampling sites listed in this subsection (c) must collect multiple samples from individual taps. To accomplish this, the supplier must collect at least one sample from each tap, then it must collect additional samples from those same taps on different days during the monitoring period, in order to collect a total number of samples that meets the required number of sampling sites. Alternatively, the Agency must, by a SEP ~~issued pursuant to Section 611.110~~, allow a supplier whose system has fewer than five drinking water taps to collect a number of samples that is fewer than the number of sites specified in this subsection (c) if it determines that 100 percent of all taps that can be used for human consumption are sampled and that the reduced number of samples will produce the same results as would the collection of multiple samples from some taps. Any Agency approval of a reduction of the minimum number of samples must be based on a request from the supplier or on on-site verification by the Agency. 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.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Six-Month Sampling Periods. Six-month sampling periods begin on January 1 and July 1 of each year.

A) All large system suppliers must monitor during each consecutive six-month period, except as provided in subsection (d)(4)(B).

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); 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).

2) Monitoring after installation of corrosion control and source water treatment.

A) Any large system supplier that installs optimal corrosion control treatment under~~pursuant to~~ Section 611.351(d)(4) must monitor during two consecutive six-month monitoring periods.

B) Any small- or medium-sized system supplier that installs optimal corrosion control treatment under~~pursuant to~~ Section 611.351(e)(5) must monitor during two consecutive six-month monitoring periods before 36 months after the Agency approves optimal corrosion control treatment, as specified in Section 611.351(e)(6).

C) Any supplier that installs source water treatment under~~pursuant to~~ Section 611.353(a)(3) must monitor during two consecutive six-month monitoring periods before 36 months after completion of step 2, as 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 underpursuant 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), and reduce the frequency of sampling to once per year. A small- or medium-sized system supplier that collects fewer than five samples as specified in subsection (c) and which meets the lead and copper action levels during each of two consecutive six-month monitoring periods may reduce its frequency of sampling to once per year. In no case can the supplier reduce the number of samples required below the minimum of one sample per available tap. This reduced sampling may only begin during the calendar year immediately following the end of the second consecutive six-month monitoring period.

B) SEP allowing reduction to annual for suppliers maintaining water quality control parameters.

i) Any supplier that meets the lead action level and which 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 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) if it receives written approval from the Agency in the form of a SEP issued pursuant to Section 611.110. This reduced sampling may only begin during the calendar year immediately following the end of the second

consecutive six-month monitoring period.

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 ~~issued pursuant to Sections 611.110~~ when it determines the system is eligible to reduce its monitoring frequency to once every three years underpursuant to this subsection (d)(4).

iii) The Agency must review, and where appropriate, revise its determination under subsection (d)(4)(B)(i) 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 action level and which 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 ~~issued pursuant to Section 611.110~~. Samples collected once every three years must be collected no later than every third calendar year.

iii) The Agency must review, and where appropriate, revise its determination under subsection (d)(4)(C)(ii) 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), 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).

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. This reduced sampling may only begin during the period approved or designated by the Agency in the calendar year immediately following the end of the second consecutive six-month monitoring period for systems initiating annual monitoring and during the three-year period following the end of the third consecutive calendar year of annual monitoring for a supplier initiating triennial monitoring.

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) 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 June through September and which receives Agency approval to alter the sampling collection period as provided in subsection (d)(4)(D)(i) 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 underpursuant to subsection (g) 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) 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) 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) and collect the number of samples specified for standard monitoring under subsection (c). 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 (c) after it has completed two subsequent consecutive six-month rounds of monitoring that meet the criteria of subsection (d)(4)(A). 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).

ii) Suppliers failing to operate within water quality control parameters. Any supplier subject to reduced monitoring frequency that fails to meet the lead action level during any four-month monitoring period or that fails to operate within the range of values for the water quality control parameters specified under~~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), must collect the number of samples specified for standard monitoring under subsection (c), and must resume monitoring for water quality parameters within the distribution system in accordance with Section 611.357(d). This standard tap water sampling must begin no later than the six-month period beginning January 1 of the calendar year following the lead action level exceedance or water quality parameter excursion. A supplier may resume reduced monitoring for lead and copper at the tap and for water quality parameters within the distribution system only if it fulfills the conditions set forth in subsection (d)(4)(H).

BOARD NOTE: The Board moved the material from the last sentence of 40 CFR 141.86(d)(4)(vi)(B) and 40 CFR 141.86(d)(4)(vi)(B)(*1*) through (d)(4)(vi)(B)(3) (2007) to subsections (d)(4)(H) and (d)(4)(H)(i) through (d)(4)(H)(iii), since

Illinois Administrative Code codification requirements allow subsections only to four indent levels.

G) Any water supplier subject to a reduced monitoring frequency under subsection (d)(4) must notify the Agency in writing in accordance with Section 611.360(a)(3) of any upcoming long-term change in treatment or addition of a new source as described in that Section. The Agency must review and approve the addition of a new source or long-term change in water treatment before it is implemented by the supplier. The Agency may, by a SEP ~~issued pursuant to Section 611.110~~, require the system to resume sampling in accordance with subsection (d)(3) and collect the number of samples specified for standard monitoring under subsection (c) 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) 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) after it has completed two subsequent six-month rounds of monitoring that meet the criteria of subsection (d)(4)(B) 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. This sampling must begin during the calendar year immediately following the end of the second consecutive six-month monitoring period.

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) 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.

BOARD NOTE: Subsections (d)(4)(H) and (d)(4)(H)(i) through (d)(4)(H)(iii) are derived from the last sentence of 40 CFR 141.86(d)(4)(vi)(B) and 40 CFR 141.86 (d)(4)(vi)(B)*(1)* through (d)(4)(vi)(B)*(3)* (2016), since Illinois Administrative Code codification requirements allow only four indent levels of subsections.

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).

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), 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). 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.

g) 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) and all of the monitoring criteria specified in subsection (g)(2). Any small system supplier that meets the criteria in subsections (g)(1) and (g)(2) 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 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) and demonstrate that the 90^{th} percentile levels for any and all rounds of monitoring conducted since the system became free of all lead-containing 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), 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) at the reduced number of sampling sites identified in subsection (c) at least once every nine years and provide the materials certification specified in subsection (g)(1) for both lead and copper to the Agency along with the monitoring results. Samples collected every nine years must be collected no later than every ninth calendar year.

B) A supplier with a partial waiver must conduct tap water monitoring for the waived contaminant in accordance with subsection (d)(4)(D) at the reduced number of sampling sites specified in subsection (c) at least once every nine years and provide the materials certification specified in subsection (g)(1) 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), as appropriate.

C) Any supplier with a full or partial waiver must notify the Agency in writing in accordance with Section 611.360(a)(3) of any upcoming long-term change in treatment or addition of a new source, as described in that Section. The Agency must review and approve the addition of a new source or long-term change in water treatment before it is implemented by the supplier. 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), the waiver will be renewed automatically, unless any of the conditions listed in subsections (g)(5)(A) through (g)(5)(C) 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).

A) A supplier with a full waiver or a lead waiver no longer satisfies the materials criteria of subsection (g)(1)(A) or has a 90^{th} percentile lead level greater than 0.005 mg/ℓ.

B) A supplier with a full waiver or a copper waiver no longer satisfies the materials criteria of subsection (g)(1)(B) or has a 90^{th} 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 sampling sites specified in subsection (c).

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:

A) If the supplier has demonstrated that it is both free of lead-containing and copper-containing materials, as required by subsection (g)(1) and that its 90th percentile lead levels and 90th percentile copper levels meet the criteria of subsection (g)(2), the waiver remains in effect so long as the supplier continues to meet the waiver eligibility criteria of subsection (g)(5). The first round of tap water monitoring conducted underpursuant to subsection (g)(4) 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) but has not met the monitoring criteria of subsection (g)(2), the supplier must conduct a round of monitoring for lead and copper at the tap demonstrating that it met the criteria of subsection (g)(2). Thereafter, the waiver must remain in effect as long as the supplier meets the continued eligibility criteria of subsection (g)(5). The first round of tap water monitoring conducted underpursuant to subsection (g)(4) must be completed no later than nine years after the round of monitoring conducted underpursuant to subsection

(g)(2).

BOARD NOTE: Derived from 40 CFR 141.86 (2016).

(Source: Amended at 42 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 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.

2) SEP requiring an additional sample.

A) When the Agency determines that the results of sampling indicate an exceedance 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 no later than six months after the end of the monitoring period during which the lead or copper action level was exceeded. For monitoring periods that are annual or less frequent, the end of the monitoring period is September 30 of the calendar year in which the sampling occurs, or if the Agency has established an alternate monitoring period by a SEP ~~issued pursuant to Section 611.110~~, the last day of that period.

c) Monitoring frequency after installation of source water treatment. A supplier that installs source water treatment under~~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 36 months after completion of step 2, as 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) where the Agency has specified the MPCs under~~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) 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 under~~pursuant to~~ Section 611.353(b)(4) or 611.353(b)(2).

ii) A GWS supplier required to sample by subsection (d)(1) must collect samples once during each subsequent

compliance period.

iii) Triennial samples must be collected every third calendar year.

B) A SWS or mixed system supplier must collect samples once during each calendar year, the first annual monitoring period to begin during the year in which the Agency makes its determination underpursuant 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).

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), provided that the samples are collected no later than every ninth calendar year, and only 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); 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), 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) to once during each nine-year compliance cycle (as that

term is defined in Section 611.101), provided that the samples are collected no later than every ninth calendar year, and only 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), that lead or copper concentrations are below the MPC as specified by the Agency underpursuant to Section 611.353(a)(4).

BOARD NOTE: Derived from 40 CFR 141.88 (2016).

(Source: Amended at 42 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 a certified laboratory in one of the categories listed in Section 611.490(a). 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;

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);

3) 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 186 and appendix B to 40 CFR 136: "Definition and Procedure for the Determination of the Method Detection Limit − Revision 1.11", incorporated by reference in Section 611.102(c). This need only be accomplished if the laboratory will be processing source water composite samples under Section 611.358(a)(1)(D); and

4) Be currently certified to perform analyses to the specifications described in subsection (a)(1).

BOARD NOTE: Subsection (a) is derived from 40 CFR 141.89(a) and (a)(1) (2016).

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) (2016).

c) Reporting lead and copper levels.

1) All lead and copper levels greater than or equal to the lead and copper 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) (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.

BOARD NOTE: Subsection (c) is derived from 40 CFR 141.89(a)(3) and (a)(4) (2016).

(Source: Amended at 42 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)(H), 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 after 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). For a monitoring period with a duration less than six months, the end of the monitoring period is the last date on which samples can be collected during that period, as specified in Sections 611.356 and 611.357.

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 under~~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". 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);

E) With the exception of initial tap sampling conducted underpursuant 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 underpursuant to Section 611.357(b) through (e);

G) The results of all samples collected at entry points for applicable water quality parameters underpursuant to Section 611.357(b) through (e); and

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 issued 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(b)(7)(A) and (b)(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), unless the Agency has waived prior Agency approval of non-first-draw sampling sites selected by the supplier pursuant to Section 611.356(b)(5); or

B) If the Agency has waived prior approval of non-first-draw sampling 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 underpursuant to Section 611.356(b)(5) and include this information with the lead and copper tap sample results required to be submitted underpursuant to subsection (a)(1)(A).

3) At a time specified by the Agency, by a SEP issued pursuant to Section 611.110, or if no specific time is designated by the Agency, then as early as possible prior to the addition of a new source or any change in water treatment, a water supplier deemed to have optimized corrosion control under Section 611.351(b)(3), a water supplier subject to reduced monitoring underpursuant to Section 611.356(d)(4), or a water supplier subject to a monitoring waiver underpursuant to Section 611.356(g), must submit written documentation to the Agency describing the change or addition.

4) Any small system supplier applying for a monitoring waiver under Section 611.356(g), or subject to a waiver granted underpursuant 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 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 underpursuant 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) Any small system supplier with a waiver granted prior to April 11, 2000 and that had not previously met the requirements of Section 611.356(g)(2) must have provided the information required by that Section.

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 after 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 under~~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 under~~pursuant to~~ Section 611.352(a).

3) For a supplier required to evaluate the effectiveness of corrosion control treatments under~~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 under~~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 under~~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) No later than 12 months after the end of a monitoring period in which a supplier exceeds the lead action level in sampling referred to in Section 611.354(a), the supplier must submit each of the following to the Agency in writing:

A) The material evaluation conducted as required by Section 611.356(a);

B) Identify the initial number of lead service lines in its distribution system at the time the supplier exceeds the lead action level; 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) No later than 12 months after the end of a monitoring period in which 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) That the supplier has 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 underpursuant to Section 611.354(e)); or

B) That the supplier has conducted sampling that demonstrates that the lead concentration in all service line samples from individual lines, taken underpursuant to Section 611.356(b)(3), is less than or equal to 0.015 mg/ℓ. This demonstration requires that the total number of lines that the supplier has replaced, combined with the total number that meet the criteria of Section 611.354(c), must equal at least seven percent of the initial number of lead lines identified pursuant to subsection (e)(1) (or the percentage specified by the Agency underpursuant to Section 611.354(e)).

3) The annual letter submitted to the Agency underpursuant to subsection (e)(2) must contain the following information:

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 underpursuant 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 after 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 issued 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 in accordance with Section 611.355(b), 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 the delivery requirements in Section 611.355(b); 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.

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) need not resubmit the information required by subsection (f)(1)(B), 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.

3) No later than three months following the end of the monitoring period, each supplier must mail a sample copy of the consumer notification of tap results to the Agency, along with a certification that the notification has been distributed in a manner consistent with the requirements of Section 611.355(d).

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) 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 underpursuant to subsection (h)(2)(A), 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):

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, underpursuant to subsection (a)(1)(A); 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

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.

BOARD NOTE: Derived from 40 CFR 141.90 (2016).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

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

Section 611.381 Analytical Requirements

a) A supplier must use only the analytical methods specified in this Section, each of which is incorporated by reference in Section 611.102, or alternative methods approved by the Agency underpursuant to Section 611.480 to demonstrate compliance with the requirements of this Subpart I and with the requirements of Subparts W and Y.

b) Disinfection byproducts (DBPs).

1) A supplier must measure disinfection byproducts (DBPs) by the appropriate of the following methods:

A) TTHM:

i) By purge and trap, gas chromatography, electrolytic conductivity detector, and photoionization detector: USEPA Organic Methods, Method 502.2 (rev. 2.1). If TTHMs are the only analytes being measured in the sample, then a photoionization detector is not required.

ii) By purge and trap, gas chromatography-mass spectrometer: USEPA Organic Methods, Method 524.2 (rev. 4.1).

iii) By liquid-liquid extraction, gas chromatography, electron capture detector: USEPA Organic Methods, Method 551.1 (rev. 1.0).

iv) By purge and trap, gas chromatography-mass spectrometry: USEPA OGWDW Methods, Method 524.3 (rev. 1.0) and 524.4.

BOARD NOTE: USEPA added USEPA OGWDW Methods, Method 524.3 (rev. 1.0) as an approved alternative method on August 3, 2009 (at 74 Fed. Reg. 38348). USEPA added USEPA OGWDW Methods, Method 524.4 as approved alternative methods on May 31, 2013 (at 78 Fed. Reg. 32558).

B) HAA5:

i) By liquid-liquid extraction (diazomethane), gas chromatography, electron capture detector: Standard Methods, 19th, 20th, 21st, or 22nd ed., Method 6251 B.

ii) By solid phase extractor (acidic methanol), gas chromatography, electron capture detector: USEPA Organic Methods, Method 552.1 (rev. 1.0).

iii) By liquid-liquid extraction (acidic methanol), gas chromatography, electron capture detector: USEPA Organic Methods, Method 552.2 (rev. 1.0) or USEPA OGWDW Methods, Method 552.3 (rev. 1.0).

iv) By ion chromatography, electrospray ionization, tandem mass spectrometry: USEPA OGWDW Methods, Method 557.

v) Two-dimensional ion chromatography (IC) with suppressed conductivity detection: Thermo-Fisher Method 557.1.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Method 6251 B as an approved alternative method on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added USEPA OGWDW Methods, Method 557 as an approved alternative method on

November 10, 2009 (at 74 Fed. Reg. 57908). USEPA added Standard Methods, 22nd ed., Method 6251 B as an approved alternative method on May 31, 2013 (at 78 Fed. Reg. 32558). USEPA added Standard Methods Online, Method 6251 B-07 as an approved alternative method on June 19, 2014 (at 79 Fed. Reg. 35081). USEPA added Thermo-Fisher Method 557.1 as an approved alternative method on July 27, 2017 (at 82 Fed. Reg. 34861). Because Standard Methods, 22nd ed., Method 6251 B is the same version as Standard Methods Online, Method 6251 B-07, the Board has not listed the Standard Methods Online versions separately.

C) Bromate:

i) By ion chromatography: USEPA Organic and Inorganic Methods, Method 300.1 (rev. 1.0) or ASTM Method D6581-00.

ii) By ion chromatography and post-column reaction: USEPA OGWDW Methods, Method 317.0 (rev. 2.0) or 326.0 (rev. 1.0).

iii) By inductively coupled plasma-mass spectrometer: USEPA Organic and Inorganic Methods, Method 321.8 (rev. 1.0).

iv) By two-dimensional ion chromatography: USEPA OGWDW Methods, Method 302.0.

v) By ion chromatography, electrospray ionization, tandem mass spectrometry: USEPA OGWDW Methods, Method 557.

vi) By chemically suppressed chromatography: ASTM Method D6581-08 A.

vii) By electrolytically suppressed chromatography: ASTM Method D6581-08 B.

BOARD NOTE: Ion chromatography and post column reaction or inductively coupled plasma-mass spectrometry must be used for monitoring of bromate for purposes of demonstrating eligibility of reduced monitoring, as prescribed in Section 611.382(b)(3)(B). For inductively coupled plasma-mass spectrometry, samples must be preserved at the time of sampling with 50 mg ethylenediamine (EDA) per liter of sample, and the samples must be analyzed within 28 days.

BOARD NOTE: USEPA added USEPA OGWDW Methods, Methods 302.0 and 557 and ASTM Methods D6581-08 A and B as approved alternative methods on November 10, 2009 (at 74 Fed. Reg. 57908).

D) Chlorite:

i) By amperometric titration for daily monitoring underpursuant to Section 611.382(b)(2)(A)(i): Standard Methods, 19th, 21st, or 22nd ed., Method 4500-ClO_2 E.

ii) By amperometric sensor for daily monitoring underpursuant to Section 611.382(b)(2)(A)(i): ChlordioX Plus Test.

iii) By spectrophotometry: USEPA OGWDW Methods, Method 327.0 (rev. 1.1).

iv) By ion chromatography: USEPA Environmental Inorganic Methods, Method 300.0 (rev. 2.1); USEPA Organic and Inorganic Methods, Method 300.1 (rev. 1.0); USEPA OGWDW Methods, Method 317.0 (rev. 2.0), or 326.0 (rev. 1.0); or ASTM Method D6581-00.

v) By chemically suppressed chromatography: ASTM Method D6581-08 A.

vi) By electrolytically suppressed chromatography: ASTM Method D6581-08 B.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Method 4500-ClO_2 E as an approved alternative method on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added ASTM Methods D6581-08 A and B as approved alternative methods on November 10, 2009 (at 74 Fed. Reg. 57908). USEPA added Standard Methods, 22nd ed., Method 4500-ClO_2 E as an approved alternative method on June 21, 2013 (at 78 Fed. Reg. 37463). USEPA added ChlordioX Plus Test as an approved alternative method on June 19, 2014 (at 79 Fed. Reg. 35081).

BOARD NOTE: Amperometric titration or spectrophotometry may be used for routine daily monitoring of chlorite at the entrance to the distribution system, as prescribed in 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 Section 611.382(b)(2)(A)(ii) and (b)(2)(B).

2) Analyses under this Section for DBPs must be conducted by a certified laboratory in one of the categories listed in Section 611.490(a) except as specified under subsection (b)(3). To receive certification to conduct analyses for the DBP contaminants listed in Sections 611.312 and 611.381 and Subparts W and Y, the laboratory must fulfill the requirements of subsections (b)(2)(A), (b)(2)(C), and (b)(2)(D).

A) The laboratory must analyze performance evaluation (PE) samples that are acceptable to USEPA or the Agency at least once during each consecutive 12-month period by each method for which the laboratory desires certification.

B) This subsection corresponds with 40 CFR 141.131(b)(2)(ii), which has expired by its own terms. This statement maintains structural consistency with the corresponding federal rule.

C) The laboratory must achieve quantitative results on the PE sample analyses that are within the acceptance limits set forth in subsections (b)(2)(C)(i) through (b)(2)(B)(xi), subject to the conditions of subsections (b)(2)(C)(xii) and (b)(2)(C)(xiii):

i) Chloroform (a THM): ± 20% of true value;

ii) Bromodichloromethane (a THM): ± 20% of true value;

iii) Dibromochloromethane (a THM): ± 20% of true value;

iv) Bromoform (a THM): ± 20% of true value;

v) Monochloroacetic Acid (an HAA5): ± 40% of true value;

vi) Dichloroacetic Acid (an HAA5): ± 40% of true value;

vii) Trichloroacetic Acid (an HAA5): ± 40% of true value;

viii) Monobromoacetic Acid (an HAA5): ± 40% of true value;

ix) Dibromoacetic Acid (an HAA5): ± 40% of true value;

x) Chlorite: ± 30% of true value; and

xi) Bromate: ± 30% of true value.

xii) The laboratory must meet all four of the individual THM acceptance limits set forth in subsections (b)(2)(B)(i) through (b)(2)(B)(iv) in order to successfully pass a PE sample for TTHM.

xiii) The laboratory must meet the acceptance limits for four out of the five HAA5 compounds set forth in subsections (b)(2)(B)(v) through (b)(2)(B)(ix) in order to successfully pass a PE sample for HAA5.

D) The laboratory must report quantitative data for concentrations at least as low as the minimum reporting levels (MRLs) listed in subsections (b)(2)(D)(i) through (b)(2)(D)(xi), subject to the limitations of subsections (b)(2)(D)(xii) and (b)(2)(D)(xiii), for all DBP samples analyzed for compliance with Sections 611.312 and 611.385 and Subparts W and Y:

i) Chloroform (a THM): 0.0010 mg/ℓ;

ii) Bromodichloromethane (a THM): 0.0010 mg/ℓ;

iii) Dibromochloromethane (a THM): 0.0010 mg/ℓ;

iv) Bromoform (a THM): 0.0010 mg/ℓ;

v) Monochloroacetic Acid (an HAA5): 0.0020 mg/ℓ;

vi) Dichloroacetic Acid (an HAA5): 0.0010 mg/ℓ;

vii) Trichloroacetic Acid (an HAA5): 0.0010 mg/ℓ;

viii) Monobromoacetic Acid (an HAA5): 0.0010 mg/ℓ;

ix) Dibromoacetic Acid (an HAA5): 0.0010 mg/ℓ;

x) Chlorite: 0.020 mg/ℓ, applicable to monitoring as required by Section 611.382(b)(2)(A)(ii) and (b)(2)(B); and

xi) Bromate: 0.0050, or 0.0010 mg/ℓ if the laboratory uses USEPA OGWDW Methods, Method 317.0 or 326.0 or USEPA Organic and Inorganic Methods, Method 321.8.

xii) The calibration curve must encompass the regulatory MRL concentration. Data may be reported for concentrations lower than the regulatory MRL as long as the precision and accuracy criteria are met by analyzing an MRL check standard at the lowest reporting limit chosen by the laboratory. The laboratory must verify the accuracy of the calibration curve at the MRL concentration by analyzing an MRL check standard with a concentration less than or equal to 110% of the MRL with each batch of samples. The measured concentration for the MRL check standard must be ±50% of the expected value, if any field sample in the batch has a concentration less than five times the regulatory MRL. Method requirements to analyze higher concentration check standards and meet tighter acceptance

criteria for them must be met in addition to the MRL check standard requirement.

xiii) When adding the individual trihalomethane or haloacetic acid concentrations, for the compounds listed in subsections (b)(2)(D)(v) through (b)(2)(D)(ix), to calculate the TTHM or HAA5 concentrations, respectively, a zero is used for any analytical result that is less than the MRL concentration for that DBP, unless otherwise specified by the Agency.

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 appropriate of the methods listed in subsections (c)(1)(A) through (c)(1)(D), subject to the provisions of subsection (c)(1)(E):

A) Free Chlorine:

i) Amperometric titration: Standard Methods, 19th, 20th, 21st, or 22nd ed., Method 4500-Cl D, or ASTM Method D1253-86, D1253-96, D1253-03, D1253-08, or D1253-14;

ii) DPD ferrous titration: Standard Methods, 19th, 20th, 21st, or 22nd ed., Method 4500-Cl F;

iii) DPD colorimetric: Standard Methods, 19th, 20th, 21st, or 22nd ed., Method 4500-Cl G or Hach Method 10260;

iv) Syringaldazine (FACTS): Standard Methods, 19th, 20th, 21st, or 22nd ed., Method 4500-Cl H;

v) Test strips: ITS Method D99-003 if approved by the Agency underpursuant to subsection (c)(2);

vi) Amperometric sensor: Palintest ChloroSense;

vii) On-line chlorine analyzer: USEPA OGWDW Methods, Method 334.0; or

viii) Indenophenol colorimetric: Hach Method 10241.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Methods 4500-Cl D, F, G, and H as approved alternative methods on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added ASTM Method D1253-08, USEPA OGWDW Methods, Method 334.0, and Palintest ChloroSense as approved alternative methods on November 10, 2009 (at 74 Fed. Reg. 57908). USEPA added Standard Methods, 22nd ed., Methods 4500-Cl D, F, G, and H as approved alternative methods on June 21, 2013 (at 78 Fed. Reg. 37463). USEPA added Hach Method 10260 as an approved alternative method on June 19, 2014 (at 79 Fed. Reg. 35081). USEPA added ASTM Method D1253-14 and Hach Method 10241 as approved alternative methods on July 19, 2016 (at 81 Fed. Reg. 46839).

B) Combined Chlorine:

i) Amperometric titration: Standard Methods, 19th, 20th, 21st, or 22nd ed., Method 4500-Cl D, or ASTM Method D1253-86, D1253-96, D1253-03, D1253-08, or D1253-14;

ii) DPD ferrous titration: Standard Methods, 19th, 20th, 21st, or 22nd ed., Method 4500-Cl F; or

iii) DPD colorimetric: Standard Methods, 19th, 20th, 21st, or 22nd ed., Method 4500-Cl G or Hach Method 10260.

BOARD NOTE: USEPA added Standard Methods, Methods 4500-Cl D, F, and G as approved alternative methods on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added ASTM Method D1253-08 as an approved alternative method on November 10, 2009 (at 74 Fed. Reg. 57908). USEPA added Standard Methods, 22nd ed., Methods 4500-Cl D, F, and G as approved alternative methods on June 21, 2013 (at 78 Fed. Reg. 37463). USEPA added

Hach Method 10260 as an approved alternative method on June 19, 2014 (at 79 Fed. Reg. 35081). USEPA added ASTM Method D1253-14 as an approved alternative method on July 19, 2016 (at 81 Fed. Reg. 46839).

C) Total Chlorine:

i) Amperometric titration: Standard Methods, 19th, 20th, 21st, or 22nd ed., Method 4500-Cl D, or ASTM Method D1253-86, D1253-96, D1253-03, D1253-08, or D1253-14;

ii) Low-level amperometric titration: Standard Methods, 19th, 20th, 21st, or 22nd ed., Method 4500-Cl E;

iii) DPD ferrous titration: Standard Methods, 19th, 20th, 21st, or 22nd ed., Method 4500-Cl F;

iv) DPD colorimetric: Standard Methods, 19th, 20th, 21st, or 22nd ed., Method 4500-Cl G or Hach Method 10260;

v) Iodometric electrode: Standard Methods, 19th, 20th, 21st, or 22nd ed., Method 4500-Cl I;

vi) Amperometric sensor: Palintest ChloroSense; or

vii) On-line chlorine analyzer: USEPA OGWDW Methods, Method 334.0.

BOARD NOTE: USEPA added Standard Methods, Methods 4500-Cl D, E, F, G, and I as approved alternative methods on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added ASTM Method D1253-08, USEPA OGWDW Methods, Method 334.0, and Palintest ChloroSense as approved alternative methods on November 10, 2009 (at 74 Fed. Reg. 57908). USEPA added Standard Methods, 22nd ed., Methods 4500-Cl D, E, F, G, and I as approved alternative methods on June 21, 2013 (at 78 Fed. Reg. 37463). USEPA added Hach Method 10260 as an approved alternative method on June 19, 2014 (at 79 Fed. Reg. 35081).

USEPA added ASTM Method D1253-14 as an approved alternative method on July 19, 2016 (at 81 Fed. Reg. 46839).

D) Chlorine Dioxide:

i) DPD: Standard Methods, 19th, 20th, or 21st ed., Method 4500-ClO_2 D;

ii) Amperometric Method II: Standard Methods, 19th, 20th, 21st, or 22nd ed., Method 4500-ClO_2 E;

iii) Amperometric sensor: ChlordioX Plus Test; or

iv) Lissamine Green spectrophotometric: USEPA OGWDW Method 327.0 (rev. 1.1).

BOARD NOTE: USEPA added Standard Methods, 21st ed., Methods 4500-ClO_2 D and E as approved alternative methods on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added Standard Methods, 22nd ed., Method 4500-ClO_2 E as an approved alternative method on June 21, 2013 (at 78 Fed. Reg. 37463). USEPA added ChlordioX Plus Test as an approved alternative method on June 19, 2014 (at 79 Fed. Reg. 35081).

E) The methods listed are approved for measuring the specified disinfectant residual. The supplier may measure free chlorine or total chlorine for demonstrating compliance with the chlorine MRDL and combined chlorine, or total chlorine may be measured for demonstrating compliance with the chloramine MRDL.

2) Alternative methods available only upon specific approval by the Agency.

A) Test strips: ITS Method D99-003.

BOARD NOTE: USEPA added ITS Method D99-003 as an approved alternative method on June 3, 2008 (at 73 Fed. Reg. 31616), contingent upon specific state approval. The Board has opted to provide that the Agency can grant such approvals on a case-by-case basis using the SEP mechanism.

B) If approved by the Agency, by an SEP ~~issued pursuant to Section 611.110~~, 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) must use the methods listed in this subsection (d). 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:

A) USEPA Inorganic Methods, Method 300.0 (rev. 2.1);

B) USEPA Organic and Inorganic Methods, Method 300.1 (rev. 1.0);

C) USEPA OGWDW Methods, Method 317.0 (rev. 2.0) or Method 326.0 (rev. 1.0); or

D) ASTM Method D6581-00.

3) Total Organic Carbon (TOC), by any of the methods listed in subsection (d)(3)(A)(i), (d)(3)(A)(ii), (d)(3)(A)(iii), or (d)(3)(B), subject to the limitations of subsection (d)(3)(C):

A) High-temperature combustion:

i) Standard Methods, 19th (Supplement), 20th, 21st, or 22nd ed., Method 5310 B; or

ii) USEPA NERL Method 415.3 (rev. 1.1) or USEPA NERL Method 415.3 (rev. 1.2).

B) Persulfate-ultraviolet or heated-persulfate oxidation:

i) Standard Methods, 19th (Supplement), 20th, 21st, or 22nd ed., Method 5310 C; or

ii) USEPA NERL Method 415.3 (rev. 1.1) or USEPA NERL Method 415.3 (rev. 1.2); or

iii) Hach Method 10267.

C) Wet oxidation method:

i) Standard Methods, 19th (Supplement), 20th, 21st, or 22nd ed., Method 5310 D; or

ii) USEPA NERL Method 415.3 (rev. 1.1) or USEPA NERL Method 415.3 (rev. 1.2).

D) Ozone oxidation: Hach Method 10261.

E) Inorganic carbon must be removed from the samples prior to analysis. TOC samples may not be filtered prior to analysis. TOC samples must be acidified at the time of sample collection to achieve pH less than or equal to 2 with minimal addition of the acid specified in the method or by the instrument manufacturer. Acidified TOC samples must be analyzed within 28 days.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Methods 5310 B, C, and D as approved alternative methods on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added USEPA NERL Method 415.3 (rev. 1.2) as an approved alternative method on November 10, 2009 (at 74 Fed. Reg. 57908). USEPA added Standard Methods, 22nd ed., Methods 5310 B, C, and D as approved alternative methods on June 21, 2013 (at 78 Fed. Reg. 37463). USEPA added Hach Method 10267 as an approved alternative method on July 19, 2016 (at 81 Fed. Reg. 46839).

4) Specific Ultraviolet Absorbance (SUVA). SUVA is equal to the UV absorption at 254 nm (UV_{254}) (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) to measure DOC and the method stipulated in subsection (d)(4)(B) 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). Prior to analysis, DOC samples must be filtered through the 0.45 μm pore-diameter filter as soon as practical after sampling, not to exceed 48 hours. After filtration, DOC samples must be acidified to achieve pH less than or equal to 2 with minimal addition of the acid specified in the method or by the instrument manufacturer. Acidified DOC samples must be analyzed within 28 days after sample collection. Inorganic carbon must be removed from the samples prior to analysis. 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 less than 0.5 mg/ℓ.

i) High-Temperature Combustion Method: Standard Methods, 19th (Supplement), 20th, 21st, or 22nd ed., Method 5310 B or USEPA NERL Methods 415.3 (rev. 1.1) or 415.3 (rev. 1.2).

ii) Persulfate-Ultraviolet or Heated-Persulfate Oxidation Method, Standard Methods, 19th (Supplement), 20th, 21st, or 22nd ed., Method 5310 C or USEPA NERL Methods 415.3 (rev. 1.1) or 415.3 (rev. 1.2).

iii) Wet-Oxidation Method: Standard Methods, 19th (Supplement), 20th, 21st, or 22nd ed., Method 5310 D or USEPA NERL Methods 415.3 (rev. 1.1) or 415.3 (rev. 1.2).

BOARD NOTE: USEPA added Standard Methods, Methods 5310 B, C, and D as approved alternative methods on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added USEPA NERL Method 415.3 (rev. 1.2) as an approved alternative method on November 10, 2009 (at 74 Fed. Reg. 57908). USEPA added Standard Methods,

22nd ed., Methods 5310 B, C, and D as approved alternative methods on June 21, 2013 (at 78 Fed. Reg. 37463).

B) Ultraviolet Absorption at 254 nm (UV_{254}) by spectrometry: Standard Methods, 19th, 20th, 21st, or 22nd ed., Method 5910 B or USEPA NERL Method 415.3 (rev. 1.1) or 415.3 (rev. 1.2). 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

BOARD NOTE: USEPA added Standard Methods, 21st ed., Method 5910 B as an approved alternative method on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added USEPA NERL Method 415.3 (rev. 1.2) as an approved alternative method on November 10, 2009 (at 74 Fed. Reg. 57908). USEPA added Standard Methods, 22nd ed., Method 5910 B as an approved alternative method on June 21, 2013 (at 78 Fed. Reg. 37463). USEPA added Standard Methods Online, Method 5910 B-11 as an approved alternative method on June 19, 2014 (at 79 Fed. Reg. 35081). Because Standard Methods, 22nd ed., Methods 5910 B is the same version as Standard Methods Online, Method 5910 B-11, the Board has not listed the Standard Methods Online versions separately.

5) pH. All methods allowed in Section 611.611(a)(17) for measuring pH.

6) Magnesium. All methods allowed in Section 611.611(a) for measuring magnesium.

BOARD NOTE: Derived from 40 CFR 141.131 and appendix A to 40 CFR 141 (2017).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

SUBPART K: GENERAL MONITORING AND ANALYTICAL REQUIREMENTS

Section 611.480 Alternative Analytical Techniques

The Agency must approve, by a SEP ~~issued pursuant to Section 611.110~~, an alternative

analytical technique if it determines that USEPA has approved the method as an alternative method by adding it to 40CFR 141 and the Board has not incorporated the federal approval into this Part 611. The Agency must not approve an alternative analytical technique without the concurrence of USEPA. The use of the alternative analytical technique must not decrease the frequency of monitoring required by this Part.

BOARD NOTE: Derived from 40 CFR 141.27 (2007).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 611.491 Laboratory Testing Equipment (Repealed)

~~a)~~ ~~Each CWS supplier must 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 may 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: Repealed at 42 Ill. Reg. _____, effective _____)

Section 611.500 Consecutive PWSs

When a PWS supplies water to one or more other PWSs, the Agency must 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 underpursuant to a schedule specified by a SEP issued pursuant to Section 611.110. The Agency must not approve such modified monitoring without the concurrence of USEPA.

BOARD NOTE: Derived from 40 CFR 141.29 (2002).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

SUBPART L: MICROBIOLOGICAL MONITORING

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

AND ANALYTICAL REQUIREMENTS

Section 611.531 Analytical Requirements

The analytical methods specified in this Section, or alternative methods approved by the Agency underpursuant to Section 611.480, must be used to demonstrate compliance with the requirements of only 611.Subpart B. 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 certified laboratory in one of the categories listed in Section 611.490(a). The following procedures must be performed by the following methods, incorporated by reference in Section 611.102:

a) A supplier must conduct analyses as follows:

1) The supplier must conduct analyses for pH and temperature in accordance with one of the methods listed at Section 611.611; and

2) The supplier must conduct analyses for 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 Section 611.532 and Subpart B 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, 19th, 20th, 21st, or 22nd ed., Method 9221 A, B, and C.

BOARD NOTE: Lactose broth, as commercially available, may be used in lieu of lauryl tryptose broth if the supplier conducts at least 25 parallel tests between this medium and lauryl tryptose broth using the water normally tested and this comparison demonstrates that the false-positive rate

and false-negative rate for total coliforms, using lactose broth, is less than 10 percent. If inverted tubes are used to detect gas production, the media should cover these tubes at least one-half to two-thirds after the sample is added. No requirement exists to run the completed phase on 10 percent of all total coliform-positive confirmed tubes.

ii) Total coliform membrane filter technique: Standard Methods, 18th, 19th, 20th, 21st, or 22nd ed., Method 9222 A, B, and C.

iii) ONPG-MUG test (also known as the Colilert® Test): Standard Methods, 18th, 19th, 20th, or 21st ed., Method 9223 or Standard Methods, 21st or 22nd ed., Method 9223B.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Methods 9221 A, B, and C; 9222 A, B, and C; and 9223 as approved alternative methods on June 3, 2008 (at 73 Fed. Reg. 31616).

USEPA added Standard Methods, 22nd ed., Methods 9221 A, B, and C and 9223 B as approved alternative methods on June 21, 2013 (at 78 Fed. Reg. 37463). USEPA added Standard Methods Online, Methods 9221 A, B, and C-06 and 9223 B-04 as approved alternative methods on June 19, 2014 (at 79 Fed. Reg. 35081). USEPA listed Standard Methods Online, Method 9223 B-97 in note 1 to the table in 40 CFR 141.25(a). This is identical to Standard Methods 21st ed., Method 9223 B. The Board lists both Standard Methods, Methods 9223 and 9223 B. Because Standard Methods, 22nd ed., Methods 9221 A, B, and C and 9223 B are the same versions as Standard Methods Online, Methods 9221 A, B, and C-06 and 9223 B-04, the Board has not listed the Standard Methods Online versions separately.

B) Fecal Coliforms.

BOARD NOTE: The time from sample collection to initiation of analysis for source (raw) water samples required by Section 611.532 and Subpart B 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, 19th, 20th, 21st, or 22nd ed., Method 9221 E.

BOARD NOTE: A-1 broth may be held up to seven days in a tightly closed screwcap tube at 4° C (39° F).

ii) Fecal Coliform Membrane Filter Procedure: Standard Methods, 18th, 19th, 20th, 21st, or 22nd ed., Method 9222 D.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Methods 9221 E and 9222 D as approved alternative methods on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added Standard Methods, 22nd ed., Methods 9221 E and 9222 D as approved alternative methods on June 21, 2013 (at 78 Fed. Reg. 37463). USEPA added Standard Methods Online, Methods 9221 E-06 and 9222 D-06 as approved alternative methods on June 19, 2014 (at 79 Fed. Reg. 35081). Because Standard Methods, 22nd ed., Methods 9221 E and 9222 D are the same versions as Standard Methods Online, Methods 9221 E-06 and 9222 D-06, the Board has not listed the Standard Methods Online versions separately.

C) Heterotrophic bacteria.

i) Pour plate method: Standard Methods, 18th, 19th, 20th, 21st, or 22nd 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 10º C during transit.

ii) SimPlate method.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Method 9215 B as an approved alternative method on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added Standard Methods, 22nd

ed., Method 9215 B as an approved alternative method on June 21, 2013 (at 78 Fed. Reg. 37463). USEPA added Standard Methods Online, Method 9215 B-04 as an approved alternative method on June 19, 2014 (at 79 Fed. Reg. 35081). Because Standard Methods, 22nd ed., Method 9215 B is the same version as Standard Methods Online, Method 9215 B-04, the Board has not listed the Standard Methods Online versions separately.

D) Turbidity.
BOARD NOTE: Styrene divinyl benzene beads (e.g., AMCO-AEPA-1 or equivalent) and stabilized formazin (e.g., Hach StablCal™ or equivalent) are acceptable substitutes for formazin.

i) Nephelometric method: Standard Methods, 18th, 19th, 20th, 21st, or 22nd ed., Method 2130 B.

ii) Nephelometric method: USEPA Environmental Inorganic Methods, Method 180.1 (rev.2.0).

iii) GLI Method 2.

iv) Hach FilterTrak Method 10133.

v) Laser nephelometry (on-line): Mitchell Method M5271, rev. 1.1 and Mitchell Method M5331, rev. 1.2.

vi) Laser nephelometry (on-line): Lovibond PTV 6000.

vii) LED nephelometry (on-line): Mitchell Method M5331, rev. 1.1 and Mitchell Method M5331, rev. 1.2.

viii) LED nephelometry (on-line): AMI Turbiwell Method.

ix) LED nephelometry (on-line): Lovibond PTV 1000 or Lovibond PTV 2000.

x) LED nephelometry (portable): Orion Method AQ4500.

xi) 360° Nephelometry: Hach Method 10258.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Method 9130 B as an approved alternative method on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added Mitchell Method M5271 and Orion Method AQ4500 as approved alternative methods on August 3, 2009 (at 74 Fed. Reg. 38348). USEPA added AMI Turbiwell Method as an approved alternative method on November 10, 2009 (at 74 Fed. Reg. 57908). USEPA added Standard Methods, 22nd ed., Method 2130 B as an approved alternative method on June 21, 2013 (at 78 Fed. Reg. 37463). USEPA added Hach Method 10258 and Mitchell Method M5331, rev. 1.2 as approved alternative methods on July 19, 2016 (at 81 Fed. Reg. 46839). USEPA added Lovibond PTV 1000, Lovibond PTV 2000, and Lovibond PTV 6000 as approved alternative methods on July 27, 2017 (at 82 Fed. Reg. 34861).

b) A supplier must measure residual disinfectant concentrations with one of the following analytical methods:

1) Free chlorine.

A) Amperometric Titration.

i) Standard Methods, 18th, 19th, 20th, 21st, or 22nd ed., Method 4500-Cl D.

ii) ASTM Method D1253-03, D1253-08, or D1253-14.

B) DPD Ferrous Titrimetric: Standard Methods, 18th, 19th, 20th, 21st, or 22nd ed., Method 4500-Cl F.

C) DPD Colimetric:

i) Standard Methods, 18th, 19th, 20th, 21st, or 22nd ed., Method 4500-Cl G; or

ii) Hach Method 10260.

D) Syringaldazine (FACTS): Standard Methods, 18th, 19th, 20th, 21st,

or 22nd ed., Method 4500-Cl H.

E) On-line chlorine analyzer: USEPA OGWDW Methods, Method 334.0.

F) Amperometric sensor: Palintest ChloroSense.

G) Indophenol colorimetric: Hach Method 10241.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Methods 4500-Cl D, F, G, and H; Method 4500-ClO_2 C and E as approved alternative methods on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added ASTM Method D1253-08, USEPA OGWDW Methods, Method 334.0, and Palintest ChloroSense as approved alternative methods on November 10, 2009 (at 74 Fed. Reg. 57908). USEPA added Standard Methods, 22nd ed., Methods 4500-Cl B, F, G, and H as approved alternative methods on June 21, 2013 (at 78 Fed. Reg. 37463). USEPA added Hach Method 10260 as an approved alternative method on June 19, 2014 (at 79 Fed. Reg. 35081). USEPA added ASTM Method D1253-14 and Hach Method 10241 as approved alternative methods on July 19, 2016 (at 81 Fed. Reg. 46839).

2) Total chlorine.

A) Amperometric Titration~~:~~.

i) Standard Methods, 18th, 19th, 20th, 21st, or 22nd ed., Method 4500-Cl D.

ii) ASTM Method D1253-03, D1253-08, or D1253-14.

B) Amperometric Titration (low level measurement): Standard Methods, 18th, 19th, 20th, 21st, or 22nd ed., Method 4500-Cl E.

C) DPD Ferrous Titrimetric: Standard Methods, 18th, 19th, 20th, 21st, or 22nd ed., Method 4500-Cl F.

D) DPD Colimetric:

i) Standard Methods, 18th, 19th, 20th, 21st, or 22nd ed., Method 4500-Cl G; or

ii) Hach Method 10260.

E) Iodometric Electrode: Standard Methods, 18th, 19th, 20th, 21st, or 22nd ed., Method 4500-Cl I.

F) On-line chlorine analyzer: USEPA OGWDW Methods, Method 334.0.

G) Amperometric sensor: Palintest ChloroSense.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Methods 4500-Cl D, E, F, G, and I as approved alternative methods on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added ASTM Method D1253-08, USEPA OGWDW Methods, Method 334.0, and Palintest ChloroSense as approved alternative methods on November 10, 2009 (at 74 Fed. Reg. 57908). USEPA added Standard Methods, 22nd ed., Methods 4500-Cl D, E, F, G, and I as approved alternative methods on June 21, 2013 (at 78 Fed. Reg. 37463). USEPA added Hach Method 10260 as an approved alternative method on June 19, 2014 (at 79 Fed. Reg. 35081). USEPA added ASTM Method D1253-14 as an approved alternative method on July 19, 2016 (at 81 Fed. Reg. 46839).

3) Chlorine dioxide.

A) Amperometric Titration:

i) Standard Methods, 18th, 19th, 20th, 21st, or 22nd ed., Method 4500-ClO_2 C or E; or

ii) ChlordioX Plus Test.

B) DPD Method: Standard Methods, 18th, 19th, or 20th ed., Method 4500-ClO_2 D.

C) Spectrophotometric: USEPA OGWDW Methods, Method 327.0 (rev. 1.1).

BOARD NOTE: USEPA added Standard Methods, 21st ed., Method 4500-ClO_2 C, D, and E and Method 4500-O_3 B as approved alternative methods on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added Standard Methods, 22nd ed., Methods 4500-ClO_2 C and E as approved alternative methods on May 31, 2013 (at 78 Fed. Reg. 32558). USEPA added ChlordioX Plus Test as an approved alternative method on June 19, 2014 (at 79 Fed. Reg. 35081).

4) Ozone: Indigo Method: Standard Methods, 18th, 19th, 20th, 21st, or 22nd ed., Method 4500-O_3 B.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Method 4500-O_3 B as an approved alternative method on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added Standard Methods, 22nd ed., Method 4500-O_3 B as an approved alternative method on May 31, 2013 (at 78 Fed. Reg. 32558).

5) Alternative test methods: The Agency may grant a SEP pursuant to Section 611.110 that allows a supplier to use alternative chlorine test methods as follows:

A) DPD colorimetric test kits: Residual disinfectant concentrations for free chlorine and combined chlorine may also be measured by using DPD colorimetric test kits.

B) Continuous monitoring for free and total chlorine: Free and total chlorine residuals may be measured continuously by adapting a specified chlorine residual method for use with a continuous monitoring instrument, provided the chemistry, accuracy, and precision remain the same. Instruments used for continuous monitoring must be calibrated with a grab sample measurement at least every five days or as otherwise provided by the Agency.

BOARD NOTE: Suppliers may use a five-tube test or a 10-tube test.

BOARD NOTE: Derived from 40 CFR 141.74(a) and appendix A to subpart C of 40 CFR 141 (2017).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 611.532 Unfiltered PWSs

A supplier that uses a surface water source and does not provide filtration treatment must monitor, unless the Agency has determined, under~~pursuant to~~ Section 611.211, that filtration is required. 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 must monitor within six months after the Agency has determined, under~~pursuant to~~ Section 611.212, that the groundwater source is under the direct influence of surface water unless the Agency has determined that filtration is required, in which case the Agency 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 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 after 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 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 $CT_{99.9}$ values in Appendix B, 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 times ("T") must be determined for each day during peak hourly flow.

4) The RDCs ("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 under~~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 ($Ai=CT_{calc}/CT_{99.9}$) 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:

i) Determine the following, for each sequence:

$$Ai = CT_{calc}/CT_{99.9}$$

ii) Add the Ai values together, as follows:

$$B = \sum(Ai)$$

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 must determine the CT value of each disinfection sequence immediately prior to the next point of disinfectant application during peak hourly flow. The Ai value of each sequence and B must be calculated using the method in subsection (d)(1)(B) 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:

$$PI = 100 - \frac{100}{10^{3B}}$$

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 four hours may be conducted in lieu of continuous monitoring, but for no more than five 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 must take a grab sample every four 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 Sections 611.1054 through 611.1058. The Agency must allow a supplier that 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 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, that a supplier has no means for having a sample analyzed for HPC, measured as specified in subsection (a), the requirements of subsection (f)(1) do not apply to that supplier.

BOARD NOTE: Derived from 40 CFR 141.74(b) (2016).

(Source: Amended at 42 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 must monitor in accordance with this Section.

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 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 must~~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 must~~shall~~, by 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 must 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 Sections 611.1054 through 611.1058. The Agency must allow a supplier that 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, measured as specified in Section 611.531(a), may be measured in lieu of RDC.

2) Subsection (c)(1) does not apply if the Agency determines, under~~pursuant to~~ Section 611.213(c), that a system has no means for having a sample analyzed for HPC by a certified laboratory under the requisite time and temperature conditions specified by Section 611.531(a) and that the supplier is providing adequate disinfection in the distribution system.

BOARD NOTE: Derived from 40 CFR 141.74(c) (2016).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

SUBPART N: INORGANIC MONITORING AND ANALYTICAL REQUIREMENTS

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) that the PWS is not vulnerable, each CWS and NTNCWS supplier must monitor for asbestos during the first compliance period of each compliance cycle.

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).

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 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) 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 under~~pursuant to~~ subsection (h) if it violates the MCL specified by Section 611.609.

j) 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.

BOARD NOTE: Derived from 40 CFR 141.23(b) (2016).

(Source: Amended at 42 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, 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.

BOARD NOTE: Derived from 40 CFR 141.23(c)(1) (2016).

b) SEP Application.

1) The supplier may apply to the Agency for a SEP that allows reduction from the monitoring frequencies specified in subsection (a) underpursuant to subsections (d) through (f) and 35 Ill. Adm. Code 602.200Section 611.110.

2) The supplier may apply to the Agency for a SEP that relieves it of the requirement for monitoring cyanide underpursuant to subsections (d) through (f) and 35 Ill. Adm. Code 602.200Section 611.110 if it can demonstrate that its system is not vulnerable due to a lack of any industrial source of cyanide.

BOARD NOTE: Derived from 40 CFR 141.23(c)(2) and (c)(6) (2016).

c) SEP Procedures. The Agency must review the request underpursuant to the SEP procedures of 35 Ill. Adm. Code 602.200Section 611.110 based on consideration of the factors in subsection (e).

BOARD NOTE: Derived from 40 CFR 141.23(c)(6) (2016).

d) Standard for SEP reduction in monitoring. The Agency must grant a 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) A supplier that uses a new water source is not eligible for a SEP until it completes three rounds of monitoring from the new source.

BOARD NOTE: Derived from 40 CFR 141.23(c)(4) (2016).

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: Derived from 40 CFR 141.23(c)(3) and (c)(5) (2016).

f) SEP Conditions and Revision.

1) A SEP will expire at the end of the compliance cycle for which it was issued.

BOARD NOTE: Derived from 40 CFR 141.23(c)(3) (2016).

2) In issuing a SEP, the Agency must specify the level of the contaminant upon which the "reliably and consistently" determination was based. A 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.

BOARD NOTE: Derived from 40 CFR 141.23(c)(6) (2016).

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.

BOARD NOTE: Derived from 40 CFR 141.23(c)(7) (2016).

h) Reduction of quarterly monitoring.

1) The Agency must grant a SEP ~~pursuant to Section 611.110~~ that reduces the monitoring frequency to that specified by subsection (a) if it

determines that the sampling point is reliably and consistently below the MCL.

2) A request for a 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 underpursuant to subsection (g) if it violates the MCL specified by Section 611.609 for that contaminant.

BOARD NOTE: Derived from 40 CFR 141.23(c)(8) (2016).

i) A new system supplier or a supplier whose system uses a new source of water 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.

BOARD NOTE: Derived from 40 CFR 141.23(c)(9) (2016).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 611.604 Nitrate Monitoring

Each supplier must monitor to determine compliance with the MCL for nitrate in Section 611.301.

a) Suppliers must monitor at the following frequencies:

1) CWSs and NTNCWSs.

A) GWSs: annually;

B) SWSs and mixed systems: quarterly.

BOARD NOTE: Derived from 40 CFR 141.23(d)(1) (2016).

2) Transient non-CWSs: annually.

BOARD NOTE: Derived from 40 CFR 141.23(d)(4) (2016).

b) Quarterly monitoring for GWSs.

1) A CWS or NTNCWS supplier that is a GWS must initiate quarterly monitoring in the quarter following any one sample that has a nitrate concentration equal to or greater than 50 percent of the MCL.

2) The Agency 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 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 (b)(1) if it violates the MCL specified by Section 611.301 for nitrate.

BOARD NOTE: Derived from 40 CFR 141.23(d)(2) (2016).

c) Reduction of monitoring frequency for SWSs and mixed systems.

1) The Agency 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 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.

BOARD NOTE: Derived from 40 CFR 141.23(d)(3) (2016).

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 must take samples during the quarters that resulted in the highest analytical result.

BOARD NOTE: Derived from 40 CFR 141.23(d)(5) (2016).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 611.605 Nitrite Monitoring

Each supplier must monitor to determine compliance with the MCL for nitrite in Section 611.301.

a) 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 USEPA refers to state requirements that do not exist in Illinois. This statement maintains structural consistency with USEPA rules.

c) 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 must initiate

quarterly monitoring during the next quarter.

B) A supplier required to begin quarterly monitoring underpursuant to subsection (c)(1)(A) 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).

2) The Agency 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.

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 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 for nitrite underpursuant to subsection (c)(1) if it equals or exceeds 50 percent of the MCL specified by Section 611.301 for nitrite.

d) A supplier that is monitoring annually must take samples during the quarters that previously resulted in the highest analytical result.

BOARD NOTE: Derived from 40 CFR 141.23(e) (2016).

(Source: Amended at 42 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), 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) ,which authorizes the state to determine compliance and initiate enforcement action. This statement maintains structural consistency with USEPA rules.

b) If the result of an analysis made under subsection (a) indicates that the level of any contaminant listed in Section 611.300 exceeds the old MCL, the supplier must report to the Agency within seven days and initiate three additional analyses at the same sampling point within one month.

c) When the average of four analyses made underpursuant to subsection (b), 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 underpursuant to Subpart V. Monitoring after public notification must be at a frequency designated by the Agency by a SEP issued 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 issued pursuant to Section 611.110.

d) This subsection (d) corresponds with 40 CFR 141.23(o), which pertains to monitoring for the repealed old MCL for nitrate. This statement maintains structural consistency with USEPA rules.

e) This subsection (e) corresponds with 40 CFR 141.23(p), which pertains to the use of existing data up until a date long since expired. This statement maintains structural consistency with USEPA rules.

f) 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, or alternative methods approved by the Agency underpursuant to Section 611.480.

1) Fluoride: The methods specified in Section 611.611(c) must apply for the purposes of this Section.

2) Iron.

A) Standard Methods.

i) Method 3111 B, 18th, 19th, 21st, or 22nd ed.;

ii) Method 3113 B, 18th, 19th, 21st, or 22nd ed.; or

iii) Method 3120 B, 18th, 19th, 20th, 21st, or 22nd ed.

B) Standard Methods Online, Method 3113 B-04.

C) USEPA Environmental Metals Methods.

i) Method 200.7 (rev. 4.4); or

ii) Method 200.9 (rev. 2.2).

D) Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP-AES): USEPA NERL Method 200.5.

BOARD NOTE: USEPA added USEPA NERL Method 200.5 as an approved alternative method on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added Standard Methods, 21st ed.; Methods 3111 B, 3113 B, and 3120 B and USEPA NERL Method 200.5 as approved alternative methods on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added Standard Methods Online, Method 3113 B-04 as an approved alternative method on June 24, 2011 (at 76 Fed. Reg. 37014). USEPA added Standard Methods, 22nd ed., Methods 3111 D, 3113 B, and 3120 B as approved alternative methods on June 21, 2013 (at 78 Fed. Reg. 37463). USEPA added Standard Methods Online, Method 3113 B-10 as an approved alternative method on June 19, 2014 (at 79 Fed. Reg. 35081). Because Standard Methods, 22nd ed.,

Method 3113 B is the same version as Standard Methods Online, Method 3113 B-10, the Board has not listed the Standard Methods Online versions separately.

3) Manganese.

A) Standard Methods.

i) Method 3111 B, 18th, 19th, 21st, or 22nd ed.;

ii) Method 3113 B, 18th, 19th, 21st, or 22nd ed.; or

iii) Method 3120 B, 18th, 19th, 20th, 21st, or 22nd ed.

B) Standard Methods Online, Method 3113 B-04.

C) USEPA Environmental Metals Methods.

i) Method 200.7 (rev. 4.4);

ii) Method 200.8 (rev. 5.3); or

iii) Method 200.9 (rev. 2.2).

D) Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP-AES): USEPA NERL Method 200.5.

BOARD NOTE: USEPA added Standard Methods, 21st ed.; Methods 3111 B, 3113 B, and 3120 B and USEPA NERL Method 200.5 as approved alternative methods on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added Standard Methods Online, Method 3113 B-04 as an approved alternative method on June 24, 2011 (at 76 Fed. Reg. 37014). USEPA added Standard Methods, 22nd ed., Methods 3111 D, 3113 B, and 3120 B as approved alternative methods on June 21, 2013 (at 78 Fed. Reg. 37463). USEPA added Standard Methods Online, Method 3113 B-10 as an approved alternative method on June 19, 2014 (at 79 Fed. Reg. 35081). Because Standard Methods, 22nd ed., Method 3113 B is the same version as Standard Methods Online, Method 3113 B-10, the Board has not listed the Standard Methods Online versions separately.

4) Zinc.

A) Standard Methods.

i) Method 3111 B, 18th, 19th, 21st, or 22nd ed.; or

ii) Method 3120 B, 18th , 19th, 20th, 21st, or 22nd ed.

B) USEPA Environmental Metals Methods.

i) Method 200.7 (rev. 4.4); or

ii) Method 200.8 (rev. 5.3).

C) Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP-AES): USEPA NERL Method 200.5.

BOARD NOTE: USEPA added Standard Methods, 21st ed.; Methods 3111 B and 3120 B and USEPA NERL Method 200.5 as approved alternative methods on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added Standard Methods, 22nd ed., Methods 3111 B and 3120 B as approved alternative methods on June 21, 2013 (at 78 Fed. Reg. 37463).

BOARD NOTE: The provisions of subsections (a) through (e) derive from 40 CFR 141.23(l) through (p) (2016). Subsections (f)(2) through (f)(4) relate exclusively to additional State requirements. The Board retained subsection (f) 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) and appendix A to subpart C of 40 CFR 141 (2016), for secondary MCLs.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

SUBPART O: ORGANIC MONITORING AND ANALYTICAL REQUIREMENTS

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" mean 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) (2016). 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) means the minimum concentration of a substance that can be measured and reported with 99 percent confidence that the analyte concentration is greater than zero and is determined from analysis of a sample in a given matrix containing the analyte.

BOARD NOTE: Derived from appendix B to 40 CFR 136 (2016). The method detection limit is determined by the procedure set forth in appendix B to 40 CFR 136, incorporated by reference in Section 611.102(c). See subsection (t).

b) Required sampling. Each supplier must take a minimum of one sample at each sampling point at the times required in subsection (u).

c) Sampling points.

1) Sampling points for a GWS. Unless otherwise provided by a 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 a SEP granted by the Agency ~~pursuant to Section 611.110~~, 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 a 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) derived from 40 CFR 141.24(f)(1) through (f)(3) (2016).

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) This subsection (e) corresponds with 40 CFR 141.24(f)(5), which no longer has operative effect. This statement maintains structural consistency with the federal regulations.

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) 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 a SEP ~~pursuant to Section 611.110~~ that releases it from the requirements of subsection (e) or (f). A supplier that serves fewer than 3300 service connections may apply to the Agency for a SEP that releases it from the requirements of subsection (d) as to 1,2,4-trichlorobenzene.

BOARD NOTE: Derived from 40 CFR 141.24(f)(7) and (f)(10) (2016), and the discussion at 57 Fed. Reg. 31825 (July 17, 1992). Provisions concerning the term of the waiver appear in subsections (i) and (j). The definition of "detect", parenthetically added to the federal counterpart paragraph, is in subsection (a).

h) Vulnerability assessment. The Agency must consider the factors of Section 611.110(a)~~611.110(e)~~ in granting a SEP from the requirements of subsection (d), (e), or (f) sought pursuant to subsection (g).

i) A SEP issued to a GWS under~~pursuant to~~ subsection (g) is for a maximum of six years, except that a SEP as to the subsection (d) monitoring for 1,2,4-trichlorobenzene must apply only to the initial round of monitoring. As a condition of a SEP, except as to a SEP from the initial round of subsection (d) 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) and submitted pursuant to subsection (g), by taking one sample at each sampling point and reapplying for a SEP under~~pursuant to~~ subsection (g). Based on this application, the Agency must do either of the following:

1) If it determines that the PWS meets the standard of Section 611.610(e), issue a SEP that reconfirms the prior SEP for the remaining three-year compliance period of the six-year maximum term; or

2) Issue a new SEP requiring the supplier to sample annually.

BOARD NOTE: Subsection (i) does not apply to an SWS or mixed system supplier.

j) Special considerations for a SEP for an SWS or mixed-system supplier.

1) The Agency must determine that an SWS is not vulnerable before issuing

a SEP ~~pursuant to Section 611.110~~ to an SWS supplier. A SEP issued to an SWS or mixed system supplier pursuant to subsection (g) is for a maximum of one compliance period; and

2) The Agency may require, as a condition to a 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) (2016), the provision applicable to GWSs, and 40 CFR 141.24(f)(10) (2016), the provision for SWSs. The Board has consolidated the common requirements of both paragraphs into subsection (g). Subsection (j) represents the elements unique to an SWSs or mixed system, and subsection (i) 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 a SEP ~~pursuant to Section 611.110~~ that allows a supplier to reduce the monitoring frequency to annual at a sampling point if it determines that the sampling point is reliably and consistently below the MCL.

B) A request for a SEP must include the following minimal information:

i) For a GWS, two quarterly samples.

ii) For an SWS or mixed system supplier, four quarterly samples.

C) In issuing a 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 underpursuant to subsection (k)(1) 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 a SEP pursuant to Section 611.110 that allows it to discontinue monitoring for that contaminant at that point, as specified in subsection (g).

5) A GWS supplier that has detected one or more of the two-carbon contaminants listed in subsection (k)(5)(A) must monitor quarterly for vinyl chloride as described in subsection (k)(5)(B), subject to the limitation of subsection (k)(5)(C).

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).

C) The Agency must grant a 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).

l) Quarterly monitoring following MCL violations.

1) 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), 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 a SEP ~~pursuant to Section 611.110~~ that allows a supplier to reduce the monitoring frequency to annually if it determines that the sampling point is reliably and consistently below the MCL.

B) A request for a SEP must include the following minimal information: four quarterly samples.

C) In issuing a SEP, the Agency 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 under~~pursuant to~~ subsection (l)(1) 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 a SEP ~~pursuant to Section 610.110~~

to require a supplier to use a confirmation sample for results that it finds dubious for whatever reason. The Agency must state its reasons for issuing the SEP if the SEP is Agency-initiated.

1) If a supplier detects any of the Phase I, Phase II, or Phase V VOCs in a sample, the supplier 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).

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.

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. If one sampling point is in violation of an MCL, the system is in violation of the MCL.

1) 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) 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) 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) If a supplier fails to collect the required number of samples, compliance will be based on the total number of samples collected.

5) If a sample result is less than the detection limit, zero will be used to calculate the annual average.

p) This subsection (p) corresponds with 40 CFR 141.24(f)(16), which USEPA removed and reserved. This statement maintains structural consistency with the federal regulations.

q) Analysis under this Section must only be conducted by a laboratory in one of the categories listed in Section 611.490(a) that has been certified 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) It must analyze performance evaluation (PE) samples that include these substances provided by the Agency underpursuant to 35 Ill. Adm. Code 186.170;

B) It must achieve the quantitative acceptance limits under subsections (q)(1)(C) and (q)(1)(D) for at least 80 percent of the regulated organic contaminants in the PE sample;

C) It must achieve quantitative results on the analyses performed under subsection (q)(1)(A) 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) It must achieve quantitative results on the analyses performed under subsection (q)(1)(A) 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

E) It must achieve a method detection limit of 0.0005 mg/ℓ, according to the procedures in appendix B to 40 CFR 136, incorporated by reference in Section 611.102.

2) To receive certification to conduct analyses for vinyl chloride the laboratory must do the following:

A) It must analyze PE samples provided by the Agency underpursuant

~~to~~ 35 Ill. Adm. Code 186.170;

B) It must achieve quantitative results on the analyses performed under subsection (q)(2)(A) that are within ± 40 percent of the actual amount of vinyl chloride in the PE sample;

C) It must achieve a method detection limit of 0.0005 mg/ℓ, according to the procedures in appendix B to 40 CFR 136, incorporated by reference in Section 611.102; and

D) It must obtain certification under~~pursuant to~~ subsection (q)(1) for Phase I VOCs, excluding vinyl chloride; Phase II VOCs; and Phase V VOCs.

r) This subsection (r) corresponds with 40 CFR 141.24(f)(18), an obsolete provision that relates to the initial compliance period from 1993 through 1995. This statement maintains consistency with the federal regulations.

s) The Agency must~~shall~~, by a 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 under~~pursuant to~~ subsection (q)(1) or (q)(2) must~~shall~~ do the following:

1) Determine the method detection limit (MDL), as defined in appendix B to 40 CFR 136, 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 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.

BOARD NOTE: Derived from 40 CFR 141.24(f) (2016).

(Source: Amended at 42 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 SOCs 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).

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).

BOARD NOTE: See the Board note appended to Section 611.311(c) for information relating to implementation of requirements relating to aldicarb, aldicarb sulfone, and aldicarb sulfoxide.

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 a SEP that designates another location as more representative of each source, treatment plant, or within the distribution system.

4) If a system draws water from more than one source, and the sources are combined before distribution, the supplier 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) derived from 40 CFR 141.24(h)(1) through (h)(3) (2013).

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 a SEP that releases it from the requirements of subsection (d). A SEP from the requirement of subsection (d) must last for only a single three-year compliance period.

f) Vulnerability assessment. The Agency must grant a SEP from the requirements of subsection (d) based on consideration of the factors set forth at Section 611.110(a)~~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 a SEP ~~pursuant to Section 610.110~~ that reduces the monitoring frequency to annual.

B) A request for a SEP must include the following minimal information:

i) For a GWS, two quarterly samples.

ii) For an SWS or mixed system supplier, four quarterly samples.

C) The Agency must grant a SEP that allows annual monitoring at a sampling point if it determines that the sampling point is reliably and consistently below the MCL.

D) In issuing the SEP, the Agency 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 under~~pursuant to~~ subsection (g)(1) 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 a SEP with respect to that point, as specified in subsections (e) and (f).

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), subsequent monitoring must analyze for all the related compounds in the respective group.

B) Related contaminants.

i) First group.

aldicarb

aldicarb sulfone

aldicarb sulfoxide

BOARD NOTE: See the Board note appended to Section 611.311(c) for information relating to implementation of requirements relating to aldicarb, aldicarb sulfone, and aldicarb sulfoxide.

ii) Second group.

heptachlor

heptachlor epoxide.

h) Quarterly monitoring following MCL violations.

1) Suppliers that violate an MCL for one of the Phase II, Phase IIB, or Phase

V SOCs, as determined by subsection (k), 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 a SEP ~~pursuant to Section 611.110~~ that reduces the monitoring frequency to annual.

B) A request for a SEP must include, at a minimum, the results from four quarterly samples.

C) The Agency must grant a SEP that allows annual monitoring at a sampling point if it determines that the sampling point is reliably and consistently below the MCL.

D) In issuing the SEP, the Agency 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 under~~pursuant to~~ subsection (h)(1) 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.

1) 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.

2) Averaging is as specified in subsection (k).

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.

j) 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.

k) Compliance with the MCLs for the Phase II, Phase IIB, and Phase V SOCs 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 that monitors more than once per year, compliance with the MCL is determined by a running annual average at each sampling point.

2) A supplier that monitors annually or less frequently whose sample result exceeds the regulatory detection level as defined by subsection (r) 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) 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) If a supplier fails to collect the required number of samples, compliance will be based on the total number of samples collected.

5) If a sample result is less than the detection limit, zero will be used to calculate the annual average.

l) This subsection (1) corresponds with 40 CFR 141.24(h)(12), which USEPA removed and reserved. This statement maintains structural consistency with the federal regulations.

m) Analysis for PCBs must be conducted as follows using the methods in Section 611.645:

1) Each supplier that monitors for PCBs 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.

n) This subsection (n) corresponds with 40 CFR 141.24(h)(14), an obsolete provision that relates to the initial compliance period from 1993 through 1995. This statement maintains consistency with the federal regulations.

o) The Agency must issue a SEP that increases the number of sampling points or the frequency of monitoring if it determines that this is necessary to detect variations within the PWS due to such factors as fluctuations in contaminant concentration due to seasonal use or changes in the water source.

BOARD NOTE: At 40 CFR 141.24(h)(15), USEPA uses the stated factors as non-limiting examples of circumstances that make additional monitoring necessary.

p) This subsection (p) corresponds with 40 CFR 141.24(h)(16), a USEPA provision relating to reserving enforcement authority to the State that would serve no useful function as part of the State's rules. This statement maintains structural consistency with USEPA rules.

q) Each supplier must monitor, within each compliance period, at the time designated by the Agency by SEP ~~pursuant to Section 611.110~~.

r) "Detection" means greater than or equal to the following concentrations for each contaminant:

1) for PCBs (Aroclors), the following:

Aroclor	Detection Limit (mg/ℓ)
1016	0.00008
1221	0.02
1232	0.0005

1242	0.0003
1248	0.0001
1254	0.0001
1260	0.0002

2) for other Phase II, Phase IIB, and Phase V SOCs, the following:

Contaminant	Detection Limit (mg/ℓ)
Alachlor	0.0002
Aldicarb	0.0005
Aldicarb sulfoxide	0.0005
Aldicarb sulfone	0.0008
Atrazine	0.0001
Benzo(a)pyrene	0.00002
Carbofuran	0.0009
Chlordane	0.0002
2,4-D	0.0001
Dalapon	0.001
1,2-Dibromo-3-chloropropane (DBCP)	0.00002
Di(2-ethylhexyl)adipate	0.0006
Di(2-ethylhexyl)phthalate	0.0006
Dinoseb	0.0002
Diquat	0.0004
Endothall	0.009
Endrin	0.00001
Ethylene dibromide (EDB)	0.00001
Glyphosate	0.006
Heptachlor	0.00004
Heptachlor epoxide	0.00002
Hexachlorobenzene	0.0001
Hexachlorocyclopentadiene	0.0001
Lindane	0.00002
Methoxychlor	0.0001
Oxamyl	0.002
Picloram	0.0001
Polychlorinated biphenyls (PCBs) (as decachlorobiphenyl)	0.0001

Pentachlorophenol	0.00004
Simazine	0.00007
Toxaphene	0.001
2,3,7,8-TCDD (dioxin)	0.000000005
2,4,5-TP (silvex)	0.0002

BOARD NOTE: See the Board note appended to Section 611.311(c) for information relating to implementation of requirements relating to aldicarb, aldicarb sulfone, and aldicarb sulfoxide.

s) Laboratory certification.

1) Analyses under this Section must only be conducted by a laboratory in one of the categories listed in Section 611.490(a) that has been certified according to the conditions of subsection (s)(2).

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 under~~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) that are within the following acceptance limits:

SOC	Acceptance Limits
Alachlor	± 45%
Aldicarb	2 standard deviations
Aldicarb sulfone	2 standard deviations
Aldicarb sulfoxide	2 standard deviations
Atrazine	± 45%
Benzo(a)pyrene	2 standard deviations
Carbofuran	± 45%
Chlordane	± 45%
Dalapon	2 standard deviations
Di(2-ethylhexyl)adipate	2 standard deviations
Di(2-ethylhexyl)phthalate	2 standard deviations

Dinoseb	2 standard deviations
Diquat	2 standard deviations
Endothall	2 standard deviations
Endrin	± 30%
Glyphosate	2 standard deviations
Dibromochloropropane (DBCP)	± 40%
Ethylene dibromide (EDB)	± 40%
Heptachlor	± 45%
Heptachlor epoxide	± 45%
Hexachlorobenzene	2 standard deviations
Hexachlorocyclopentadiene	2 standard deviations
Lindane	± 45%
Methoxychlor	± 45%
Oxamyl	2 standard deviations
PCBs (as decachlorobiphenyl)	0-200%
Pentachlorophenol	± 50%
Picloram	2 standard deviations
Simazine	2 standard deviations
Toxaphene	± 45%
2,4-D	± 50%
2,3,7,8-TCDD (dioxin)	2 standard deviations
2,4,5-TP (silvex)	± 50%

BOARD NOTE: See the Board note appended to Section 611.311(c) for information relating to implementation of requirements relating to aldicarb, aldicarb sulfone, and aldicarb sulfoxide.

t) A new system supplier or a supplier that uses a new source of water 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.

BOARD NOTE: Derived from 40 CFR 141.24(h) (2016).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

SUBPART Q: RADIOLOGICAL MONITORING AND ANALYTICAL REQUIREMENTS

Section 611.731 Gross Alpha

Monitoring requirements for gross alpha particle activity, radium-226, radium-228, and uranium are as follows:

a) A community water system (CWS) supplier must conduct initial monitoring to determine compliance with Section 611.330(b), (c), and (e). 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).

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: 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~~, is required to have collected four

consecutive quarterly samples at all sampling points before December 31, 2007.

2) Grandfathering of data: A CWS supplier may use historical monitoring 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: 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: 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) 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 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.

BOARD NOTE: Subsections (a) through (e) derive from 40 CFR 141.26(a) (2016).

(Source: Amended at 42 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) 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 (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) 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).

b) 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 must require, by a SEP ~~issued pursuant to Section 611.110~~, more frequent monitoring for iodine-131 where iodine-131 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.

   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 the same type of samples required in subsection (b) 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).

c) A CWS supplier designated by the Agency to monitor for beta particle and photon radioactivity cannot~~can not~~ apply to the Agency for a waiver from the monitoring frequencies specified in subsection (a) or (b).

d) 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) If the gross beta particle activity minus the naturally occurring potassium-40 beta particle activity exceeds the appropriate 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) 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 exceedance 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)(1) or (b)(4).

BOARD NOTE: Derived from 40 CFR 141.26(b) (2016).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 611.733 General Monitoring and Compliance Requirements

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 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.

d) The Agency may, by a SEP ~~issued pursuant to Section 611.110~~, allow the supplier to delete results of obvious sampling or analytic errors.

e) If the MCL for radioactivity set forth in Section 611.330(b) through (e) is exceeded, the operator of a CWS must give notice to the Agency under~~pursuant to~~ Section 611.840 and to the public, as required by Subpart V.

BOARD NOTE: Derived from 40 CFR 141.26(c) (2016).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

SUBPART S: GROUNDWATER RULE

Section 611.800 General Requirements and Applicability

a) Scope of this Subpart S. The requirements of this Subpart S constitute NPDWRs.

b) Applicability. This Subpart S applies to all PWS suppliers that use groundwater, except that it does not apply to public water systems that combine all of their groundwater with surface water or with groundwater under the direct influence of surface water prior to treatment under~~pursuant to~~ Subpart B. For the purposes of this Subpart S, "GWS" is defined as any PWS that meets this applicability statement, including a consecutive system receiving finished groundwater.

c) General requirements. A supplier subject to this Subpart S must comply with the following requirements:

1) Sanitary survey information requirements for all GWS suppliers, as described in Section 611.801.

2) Microbial source water monitoring requirements for GWS suppliers that do not treat all of their groundwater to at least 99.99 percent (4-log) treatment of viruses (using inactivation, removal, or an Agency-approved combination of 4-log virus inactivation and removal) before or at the first customer, as described in Section 611.802.

3) Treatment technique requirements, described in Section 611.803, that apply to GWS suppliers that have fecally contaminated source waters, as determined by source water monitoring conducted under~~pursuant to~~

Section 611.802, or which have significant deficiencies that are identified by the Agency, by a SEP ~~issued pursuant to Section 611.110~~, or which are identified by USEPA under~~pursuant to~~ SDWA section 1445 (42 USC 300j-4). A GWS supplier with fecally contaminated source water or with significant deficiencies subject to the treatment technique requirements of this Subpart S must implement one or more of the following corrective action options: correct all significant deficiencies; provide an alternate source of water; eliminate the source of contamination; or provide treatment that reliably achieves at least 4-log treatment of viruses (using inactivation, removal, or an Agency-approved combination of 4-log virus inactivation and removal) before or at the first customer.

4) A GWS supplier that provides at least 4-log treatment of viruses (using inactivation, removal, or an Agency-approved combination of 4-log virus inactivation and removal) before or at the first customer is required to conduct compliance monitoring to demonstrate treatment effectiveness, as described in Section 611.803(b).

5) If requested by the Agency, a GWS supplier must provide the Agency with any existing information that will enable the Agency to perform a hydrogeologic sensitivity assessment.

BOARD NOTE: The Board moved the definition of "hydrogeologic sensitivity assessment" to the definitions provision of this Part: Section 611.101.

d) This subsection (d) corresponds with 40 CFR 141.400(d), which recites past effective dates. This statement maintains structural consistency with the corresponding federal provision.

BOARD NOTE: Derived from 40 CFR 141.400 (2016).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 611.801 Sanitary Surveys for GWS Suppliers

a) A GWS supplier must provide the Agency, at the Agency's request, any existing information that will enable the Agency to conduct a sanitary survey.

b) For the purposes of this Subpart S, a "sanitary survey", as conducted by the Agency, includes but is not limited to, an onsite review of the delineated WHPAs (identifying sources of contamination within the WHPAs and evaluations of the hydrogeologic sensitivity of the delineated WHPAs conducted under source water assessments or utilizing other relevant information where available), facilities, equipment, operation, maintenance, and monitoring compliance of a public water system to evaluate the adequacy of the system, its sources and operations and the distribution of safe drinking water.

c) The sanitary survey must include an evaluation of the applicable components listed in subsections (c)(1) through (c)(8):

1) Source;

2) Treatment;

3) Distribution system;

4) Finished water storage;

5) Pumps, pump facilities, and controls;

6) Monitoring, reporting, and data verification;

7) System management and operation; and

8) Operator compliance with Agency requirements.

d) The Agency must repeat the sanitary survey as follows:

1) The Agency must conduct a sanitary survey that addresses the eight sanitary survey components listed in subsection (c) no less frequently than every three years for a CWS supplier, except as provided in subsection (d)(3), and every five years for a non-CWS supplier. The Agency may conduct more frequent sanitary surveys for any supplier. The sanitary survey must include an evaluation of each of the elements set forth in subsection (c), as applicable.

2) The Agency may use a phased review process to meet the requirements of subsection (d)(1) if all the applicable elements of subsection (c) are evaluated within the required interval.

3) The Agency may conduct sanitary surveys once every five years for community water systems under any of the following circumstances:

A) If the system either provides at least 4-log treatment of viruses (using inactivation, removal, or an Agency-approved combination of 4-log inactivation and removal) before or at the first customer for all its groundwater sources; or

B) If the supplier has an outstanding performance record, as determined by the Agency and documented in previous sanitary surveys, and the supplier had no history of total coliform MCL or monitoring violations under former Sections 611.521 through 611.527 since the last sanitary survey.

4) This subsection (d)(4) corresponds with 40 CFR 142.16(o)(2)(iv), which imposes requirements for describing the elements of the State's regulatory system. This statement maintains structural consistency with the corresponding federal provision.

5) The Agency must provide a GWS supplier with written notice by a SEP ~~issued pursuant to Section 611.110~~ that describes any significant deficiency which it has found no later than 30 days after the Agency has identified the significant deficiency. The notice may specify corrective actions and deadlines for completion of corrective actions. The Agency may provide the written notice at the time of the sanitary survey.

BOARD NOTE: Subsections (a) through (c) are derived from 40 CFR 141.401 (2016). Subsection (d) is derived from 40 CFR 142.16(o)(2) (2016).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 611.802 Groundwater Source Microbial Monitoring and Analytical Methods

a) Triggered source water monitoring.

1) General requirements. A GWS supplier must conduct triggered source water monitoring if the following conditions exist.

A) The supplier does not provide at least 4-log treatment of viruses (using inactivation, removal, or an Agency-approved combination of 4-log virus inactivation and removal) before or at the first customer for each groundwater source.

B) This subsection (a)(1)(B) corresponds with 40 CFR 141.802(a)(1)(ii), which has no operative effect after a past implementation date. This statement maintains structural consistency with the federal regulations.

C) The system is notified that a sample collected under Sections 611.1054 through 611.1057 is total coliform-positive and the sample is not invalidated under Section 611.1053(c).

2) Sampling requirements. A GWS supplier must collect, within 24 hours after notification of the total coliform-positive sample, at least one groundwater source sample from each groundwater source in use at the time the total coliform-positive sample was collected pursuant to Sections 611.1054 through 611.1057, except as provided in subsection (a)(2)(B).

A) The Agency may, by a SEP ~~issued pursuant to Section 611.110~~, extend the 24-hour time limit on a case-by-case basis if it determines that the supplier cannot collect the groundwater source water sample within 24 hours due to circumstances beyond the supplier's control. In the case of an extension, the Agency must specify how much time the supplier has to collect the sample.

B) If approved by the Agency, a supplier with more than one groundwater source may meet the requirements of this subsection (a)(2) by sampling a representative groundwater source or sources. If directed by the Agency by a SEP ~~issued pursuant to Section 611.110~~, the supplier must submit for Agency approval a triggered source water monitoring plan that identifies one or more groundwater sources that are representative of each monitoring site in the system's sample siting plan under~~pursuant to~~ Section 611.521 and that the system intends to use for representative sampling pursuant to this subsection (a).

C) This subsection (a)(2)(C) corresponds with 40 CFR 141.802(a)(1)(ii), a now-obsolete implementing provision. This statement maintains structural consistency with the federal regulations.

D) A GWS supplier that serves 1,000 or fewer people may use a repeat sample collected from a groundwater source to meet both the requirements of Subpart AA and to satisfy the monitoring requirements of subsection (a)(2) for that groundwater source only if the Agency, by a SEP ~~issued pursuant to Section 611.110~~, approves the use of E. coli as a fecal indicator for source water monitoring under~~pursuant to~~ this subsection (a) and approves the use of a single sample for meeting both the triggered source water monitoring requirements in this subsection (a) and the repeat monitoring requirements in Section 611.1058. If the repeat sample collected from the groundwater source is E. coli-positive, the system must comply with subsection (a)(3).

3) Additional requirements. If the Agency does not require corrective action under~~pursuant to~~ Section 611.803(a)(2) for a fecal indicator-positive source water sample collected under~~pursuant to~~ subsection (a)(2) that is not invalidated under~~pursuant to~~ subsection (d), the system must collect five additional source water samples from the same source within 24 hours after being notified of the fecal indicator-positive sample.

4) Consecutive and wholesale systems.

A) In addition to the other requirements of this subsection (a), a consecutive GWS supplier that has a total coliform-positive sample collected under~~pursuant~~ to Sections 611.1054 through 611.1057, must notify the wholesale systems within 24 hours after being notified of the total coliform-positive sample.

B) In addition to the other requirements of this subsection (a), a wholesale GWS supplier must comply with the following requirements:

i) A wholesale GWS supplier that receives notice from a consecutive system it serves that a sample collected

underpursuant to Sections 611.1054 through 611.1057, is total coliform-positive must, within 24 hours after being notified, collect a sample from its groundwater sources underpursuant to subsection (a)(2) and analyze it for a fecal indicator underpursuant to subsection (c).

ii) If the sample collected underpursuant to subsection (a)(4)(B)(i) is fecal indicator-positive, the wholesale GWS supplier must notify all consecutive systems served by that groundwater source of the fecal indicator source water positive within 24 hours after being notified of the groundwater source sample monitoring result and must meet the requirements of subsection (a)(3).

5) Exceptions to the triggered source water monitoring requirements. A GWS supplier is not required to comply with the source water monitoring requirements of subsection (a) if either of the following conditions exists:

A) The Agency determines, and documents in writing, by a SEP issued pursuant to Section 611.110, that the total coliform-positive sample collected underpursuant to Sections 611.1054 through 611.1057, is caused by a distribution system deficiency; or

B) The total coliform-positive sample collected underpursuant to Sections 611.1054 through 611.1057, is collected at a location that meets Agency criteria for distribution system conditions that will cause total coliform-positive samples.

b) Assessment source water monitoring. If directed by the Agency by a SEP issued pursuant to Section 611.110, a GWS supplier must conduct assessment source water monitoring that meets Agency-determined requirements for such monitoring. A GWS supplier conducting assessment source water monitoring may use a triggered source water sample collected underpursuant to subsection (a)(2) to meet the requirements of subsection (b). Agency-determined assessment source water monitoring requirements may include the following:

1) Collection of a total of 12 groundwater source samples that represent each month the system provides groundwater to the public;

2) Collection of samples from each well, unless the system obtains written Agency approval to conduct monitoring at one or more wells within the GWS that are representative of multiple wells used by that system and which draw water from the same hydrogeologic setting;

3) Collection of a standard sample volume of at least 100 mℓ for fecal indicator analysis, regardless of the fecal indicator or analytical method used;

4) Analysis of all groundwater source samples using one of the analytical methods listed in subsection (c)(2) for the presence of E. coli, enterococci, or coliphage;

5) Collection of groundwater source samples at a location prior to any treatment of the groundwater source unless the Agency approves a sampling location after treatment; and

6) Collection of groundwater source samples at the well itself, unless the system's configuration does not allow for sampling at the well itself and the Agency approves an alternate sampling location by a SEP ~~issued pursuant to Section 611.110~~ that is representative of the water quality of that well.

c) Analytical methods.

1) A GWS supplier subject to the source water monitoring requirements of subsection (a) must collect a standard sample volume of at least 100 mℓ for fecal indicator analysis, regardless of the fecal indicator or analytical method used.

2) A GWS supplier must analyze all groundwater source samples collected under~~pursuant to~~ subsection (a) using one of the analytical methods listed in subsections (c)(2)(A) through (c)(2)(C), each incorporated by reference in Section 611.102, or alternative methods approved by the Agency under~~pursuant to~~ Section 611.480, subject to the limitations of subsection (c)(2)(D), for the presence of E. coli, enterococci, or coliphage:

A) E. coli:

i) Colilert® Test: Standard Methods, 20th, 21st, or 22nd ed., Method 9223 B.

ii) Colisure™ Test: Standard Methods, 20th, 21st , or 22nd ed., Method 9223 B.

iii) Membrane Filter Method with MI Agar: USEPA Method 1604.

iv) m-ColiBlue24 Test.

v) E*Colite Test.

vi) EC-MUG: Standard Methods, 20th or 22nd ed., Method 9221 F.

vii) NA-MUG: Standard Methods, 20th ed., Method 9222 G.

viii) Colilert®-18 Test: Standard Methods, 20th, 21st, or 22nd ed., Method 9223 B.

ix) Readycult® 2007.

x) Modified Colitag™ Test.

xi) Chromocult® Method.

xii) Tecta EC/TC P-A Test, ver. 1.0 or 2.0.

BOARD NOTE: EC-MUG (Standard Methods, Method 9221 F) or NA-MUG (Standard Methods, Method 9222 G) can be used for E. coli testing step, as described in Section 611.526(f)(1) or (f)(2) after use of Standard Methods, 20th ed., Method 9221 B, 9221 D, 9222 B, or 9222 C. USEPA added Standard Methods, 21st ed., Method 9223 B as an approved alternative method on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added Readycult® 2007, Modified Colitag™ Test, and Chromocult® Method as approved alternative methods on June 8, 2010 (at 75 Fed. Reg. 32295). USEPA added Standard Methods, 22nd ed., Methods 9221 F and

9223 B as approved alternative methods on May 31, 2013 (at 78 Fed. Reg. 32558). USEPA added Standard Methods Online, Method 9221 F-06 and 9223 B-04 and Tecta EC/TC P-A Test, ver. 1.0 as approved alternative methods on June 19, 2014 (at 79 Fed. Reg. 35081). USEPA added Tecta EC/TC P-A Test, ver. 2.0 as an approved alternative method on July 27, 2017 (at 82 Fed. Reg. 34861). Because Standard Methods, 22nd ed., Methods 9223 B and 9221 F are the same versions as Standard Methods Online, Methods 9223 B-04 and 9221 F-06, the Board has not listed the Standard Methods Online versions separately.

B) Enterococci:

i) Multiple-Tube Technique: Standard Methods, 20th ed., Method 9230 B or Standard Methods Online, Method 9230 B-04.

ii) Membrane Filter Technique: Standard Methods, 20th ed., Method 9230 C, and USEPA Method 1600.

BOARD NOTE: The holding time and temperature for groundwater samples are specified in subsection (c)(2)(D), rather than as specified in Section 8 of USEPA Method 1600.

iii) Enterolert.

BOARD NOTE: Medium is available through IDEXX Laboratories, Inc., at the address set forth in Section 611.102(b). Preparation and use of the medium must be as set forth in the article that embodies the method as incorporated by reference in Section 611.102(b).

BOARD NOTE: USEPA added Standard Methods Online, Method 9230 B-04 as an approved alternative method on June 3, 2008 (at 73 Fed. Reg. 31616).

C) Coliphage:

i) Two-Step Enrichment Presence-Absence Procedure: USEPA Method 1601 or Charm Fast Phage.

ii) Single Agar Layer Procedure: USEPA Method 1602.

D) Limitation on methods use. The time from sample collection to initiation of analysis may not exceed 30 hours. The GWS supplier is encouraged but is not required to hold samples below 10°C during transit.

d) Invalidation of a fecal indicator-positive groundwater source sample.

1) A GWS supplier may obtain Agency invalidation of a fecal indicator-positive groundwater source sample collected underpursuant to subsection (a) only under either of the following conditions:

A) The supplier provides the Agency with written notice from the laboratory that improper sample analysis occurred; or

B) The Agency determines and documents in writing by a SEP issued pursuant to Section 611.110 that there is substantial evidence that a fecal indicator-positive groundwater source sample is not related to source water quality.

2) If the Agency invalidates a fecal indicator-positive groundwater source sample, the GWS supplier must collect another source water sample underpursuant to subsection (a) within 24 hours after being notified by the Agency of its invalidation decision, and the supplier must have it analyzed for the same fecal indicator using the analytical methods in subsection (c). The Agency may extend the 24-hour time limit on a case-by-case basis if the supplier cannot collect the source water sample within 24 hours due to circumstances beyond its control. In the case of an extension, the Agency must specify how much time the system has to collect the sample.

e) Sampling location.

1) Any groundwater source sample required underpursuant to subsection (a) must be collected at a location prior to any treatment of the groundwater source unless the Agency approves a sampling location after treatment.

2) If the supplier's system configuration does not allow for sampling at the well itself, it may collect a sample at an Agency-approved location to meet the requirements of subsection (a) if the sample is representative of the water quality of that well.

f) New sources. If directed by the Agency by a SEP ~~issued pursuant to Section 611.110~~, a GWS supplier that places a new groundwater source into service must conduct assessment source water monitoring pursuant to subsection (b). If directed by the SEP, the system must begin monitoring before the groundwater source is used to provide water to the public.

g) Public Notification. A GWS supplier with a groundwater source sample collected under~~pursuant to~~ subsection (a) or (b) that is fecal indicator-positive and which is not invalidated under~~pursuant to~~ subsection (d), including a consecutive system supplier served by the groundwater source, must conduct public notification pursuant to Section 611.902.

h) Monitoring Violations. A failure to meet the requirements of subsections (a) through (f) is a monitoring violation that requires the GWS supplier to provide public notification under~~pursuant to~~ Section 611.904.

BOARD NOTE: Derived from 40 CFR 141.402 and appendix A to subpart C of 40 CFR 141 (2017).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 611.803 Treatment Technique Requirements for GWS Suppliers

a) GWS suppliers with significant deficiencies or source water fecal contamination.

1) The treatment technique requirements of this Section must be met by GWS suppliers when a significant deficiency is identified or when a groundwater source sample collected under~~pursuant to~~ Section 611.802(a)(3) is fecal indicator-positive.

2) If directed by the Agency by a SEP ~~issued pursuant to Section 611.110~~, a GWS supplier with a groundwater source sample collected under~~pursuant~~

~~to~~ Section 611.802(a)(2), (a)(4), or (b) that is fecal indicator-positive must comply with the treatment technique requirements of this Section.

3) When a significant deficiency is identified at a Subpart B PWS that uses both groundwater and surface water or groundwater under the direct influence of surface water, the system must comply with provisions of this subsection (a) except in cases where the Agency determines that the significant deficiency is in a portion of the distribution system that is served solely by surface water or groundwater under the direct influence of surface water.

4) Unless the Agency, by a SEP ~~issued pursuant to Section 611.110~~, directs the GWS supplier to implement a specific corrective action, the GWS supplier must consult with the Agency regarding the appropriate corrective action within 30 days after receiving written notice from the Agency of a significant deficiency, written notice from a laboratory that a groundwater source sample collected under~~pursuant to~~ Section 611.802(a)(3) was found to be fecal indicator-positive, or direction from the Agency that a fecal indicator-positive collected under~~pursuant to~~ Section 611.802(a)(2), (a)(4), or (b) requires corrective action. For the purposes of this Subpart S, significant deficiencies include, but are not limited to, defects in design, operation, or maintenance, or a failure or malfunction of the sources, treatment, storage, or distribution system that the Agency determines to be causing, or have potential for causing, the introduction of contamination into the water delivered to consumers.

5) Within 120 days (or earlier if directed by the Agency) after receiving written notification from the Agency of a significant deficiency, written notice from a laboratory that a groundwater source sample collected under~~pursuant to~~ Section 611.802(a)(3) was found to be fecal indicator-positive, or written notice from the Agency that a fecal indicator-positive sample collected under~~pursuant to~~ Section 611.802(a)(2), (a)(4), or (b) requires corrective action, the GWS supplier must do either of the following:

A) It must have completed corrective action in accordance with any applicable plan review processes adopted by the Agency or with any SEP issued by the Agency, if any, including Agency-specified interim measures; or

B) It must be in compliance with an Agency-approved corrective action plan and schedule, subject to the following conditions:

i) Any subsequent modifications to an Agency-approved corrective action plan and schedule must also be approved by the Agency; and

ii) If the Agency specifies interim measures for protection of the public health pending Agency approval of the corrective action plan and schedule or pending completion of the corrective action plan, the supplier must comply with those interim measures, as well as with any schedule specified by the Agency.

6) Corrective action alternatives. A GWS supplier that meets the conditions of subsection (a)(1) or (a)(2) must implement one or more of the following corrective action alternatives:

A) It must correct all significant deficiencies;

B) It must provide an alternate source of water;

C) It must eliminate the source of contamination; or

D) It must provide treatment that reliably achieves at least 4-log treatment of viruses (using inactivation, removal, or an Agency-approved combination of 4-log virus inactivation and removal) before or at the first customer for the groundwater source.

7) Special notice to the public of significant deficiencies or source water fecal contamination.

A) In addition to the applicable public notification requirements of Section 611.902, a community GWS supplier that receives notice from the Agency of a significant deficiency or notification of a fecal indicator-positive groundwater source sample that is not invalidated by the Agency underpursuant to Section 611.802(d) must inform the public served by the water system underpursuant to Section 611.883(h)(6) of the fecal indicator-positive source

sample or of any significant deficiency that has not been corrected. The supplier must continue to inform the public annually until the significant deficiency is corrected or the fecal contamination in the groundwater source is determined by the Agency to be corrected underpursuant to subsection (a)(5).

B) In addition to the applicable public notification requirements of Section 611.902, a non-community GWS supplier that receives notice from the Agency of a significant deficiency must inform the public served by the water system in a manner approved by the Agency of any significant deficiency that has not been corrected within 12 months after being notified by the Agency, or earlier if directed by the Agency. The supplier must continue to inform the public annually until the significant deficiency is corrected. The information must include the following information:

i) The nature of the significant deficiency and the date the significant deficiency was identified by the Agency;

ii) The Agency-approved plan and schedule for correction of the significant deficiency, including interim measures, progress to date, and any interim measures completed; and

iii) For a supplier with a large proportion of non-English speaking consumers, as determined by the Agency, information in the appropriate languages regarding the importance of the notice or a telephone number or address where consumers may contact the system to obtain a translated copy of the notice or assistance in the appropriate language.

C) If directed by the Agency, a non-CWS supplier with significant deficiencies that have been corrected must inform its customers of the significant deficiencies, how the deficiencies were corrected, and the dates of correction underpursuant to subsection (a)(7)(B).

b) Compliance monitoring.

1) Existing groundwater sources. A GWS supplier that is not required by Section 611.802(a)(1) to meet the source water monitoring requirements of this Subpart S for any groundwater source must notify the Agency in writing that it provides at least 4-log treatment of viruses (using inactivation, removal, or an Agency-approved combination of 4-log virus inactivation and removal) before or at the first customer for the specified groundwater source and begin compliance monitoring in accordance with subsection (b)(3). Notification to the Agency must include engineering, operational, or other information that the Agency requests to evaluate the submission. If the supplier subsequently discontinues 4-log treatment of viruses (using inactivation, removal, or an Agency-approved combination of 4-log virus inactivation and removal) before or at the first customer for a groundwater source, the supplier must conduct groundwater source monitoring, as required underpursuant to Section 611.802.

2) New groundwater sources. A GWS supplier that places a groundwater source in service which is not required by Section 611.802(a)(1) to meet the source water monitoring requirements of this Subpart S must comply with the requirements of subsections (b)(2)(A), (b)(2)(B), and (b)(2)(C).

   A) The supplier must notify the Agency in writing that it provides at least 4-log treatment of viruses (using inactivation, removal, or an Agency-approved combination of 4-log virus inactivation and removal) before or at the first customer for the groundwater source. Notification to the Agency must include engineering, operational, or other information that the Agency requests by a SEP issued pursuant to Section 611.110 to evaluate the submission.

   B) The supplier must conduct compliance monitoring, as required underpursuant to Section 611.803(b)(3), within 30 days after placing the source in service.

   C) The supplier must conduct groundwater source monitoring underpursuant to Section 611.802 if it subsequently discontinues 4-log treatment of viruses (using inactivation, removal, or an Agency-approved combination of 4-log virus inactivation and removal) before or at the first customer for the groundwater source.

3) Monitoring requirements. A GWS supplier subject to the requirements of subsection (a), (b)(1), or (b)(2) must monitor the effectiveness and reliability of treatment for that groundwater source before or at the first customer as follows:

A) Chemical disinfection.

i) GWS suppliers serving more than 3,300 people. A GWS supplier that serves more than 3,300 people must continuously monitor the residual disinfectant concentration using analytical methods specified in Section 611.531(b) at a location approved by the Agency and must record the lowest residual disinfectant concentration each day that water from the groundwater source is served to the public. The GWS supplier must maintain the Agency-approved residual disinfectant concentration every day it serves water from the groundwater source to the public. If there is a failure in the continuous monitoring equipment, the GWS supplier must conduct grab sampling every four hours until the continuous monitoring equipment is returned to service. The supplier must resume continuous residual disinfectant monitoring within 14 days.

ii) GWS suppliers serving 3,300 or fewer people. A GWS supplier that serves 3,300 or fewer people must monitor the residual disinfectant concentration using analytical methods specified in Section 611.531(b) at a location approved by the Agency and record the residual disinfection concentration each day that water from the groundwater source is served to the public. The GWS supplier must determine and maintain the Agency-approved residual disinfectant concentration every day that it serves water from the groundwater source to the public. The GWS supplier must take a daily grab sample during the hour of peak flow or at another time specified by the Agency. If any daily grab sample measurement falls below the Agency-approved residual disinfectant concentration, the GWS supplier must take follow-up samples every four

hours until the residual disinfectant concentration is restored to the Agency-approved level. Alternatively, a GWS supplier that serves 3,300 or fewer people may monitor continuously and meet the requirements of subsection (b)(3)(A)(i).

B) Membrane filtration. A GWS supplier that uses membrane filtration to meet the requirements of this Subpart S must monitor the membrane filtration process in accordance with all Agency-specified monitoring requirements and must operate the membrane filtration in accordance with all Agency-specified compliance requirements. A GWS supplier that uses membrane filtration is in compliance with the requirement to achieve at least 4-log removal of viruses when it fulfills the following conditions:

i) The membrane has an absolute molecular weight cut-off, or an alternative parameter that describes the exclusion characteristics of the membrane, that can reliably achieve at least 4-log removal of viruses;

ii) The membrane process is operated in accordance with Agency-specified compliance requirements; and

iii) The integrity of the membrane is intact.

C) Alternative treatment. A GWS supplier that uses an Agency-approved alternative treatment to meet the requirements of this Subpart S by providing at least 4-log treatment of viruses (using inactivation, removal, or an Agency-approved combination of 4-log virus inactivation and removal) before or at the first customer must do both of the following:

i) It must monitor the alternative treatment in accordance with all Agency-specified monitoring requirements; and

ii) It must operate the alternative treatment in accordance with all operational requirements determined by the supplier that the Agency has approved as necessary to achieve at least 4-log treatment of viruses.

c) Discontinuing treatment. A GWS supplier may discontinue 4-log treatment of viruses (using inactivation, removal, or an Agency-approved combination of 4-log virus inactivation and removal) before or at the first customer for a groundwater source if the supplier determines and documents and the Agency approves in writing that 4-log treatment of viruses is no longer necessary for that groundwater source. A system that discontinues 4-log treatment of viruses is subject to the source water monitoring and analytical methods requirements of Section 611.802 of this Subpart S.

d) A failure to meet the monitoring requirements of subsection (b) is a monitoring violation and requires the GWS supplier to provide public notification underpursuant to Section 611.904.

BOARD NOTE: Derived from 40 CFR 141.403 (2016).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 611.804 Treatment Technique Violations for GWS Suppliers

a) A GWS supplier with a significant deficiency is in violation of the treatment technique requirement if, within 120 days (or earlier if directed by the Agency by a SEP issued pursuant to Section 611.110) after receiving written notice from the Agency of the significant deficiency, the system does not do either of the following:

1) It does not complete corrective action in accordance with any applicable Agency plan review processes or other Agency guidance and direction, including Agency specified interim actions and measures; or

2) It is not in compliance with an Agency-approved corrective action plan and schedule.

b) Unless the Agency invalidates a fecal indicator-positive groundwater source sample underpursuant to Section 611.802(d), a GWS supplier is in violation of the treatment technique requirement if, within 120 days (or earlier if directed by the Agency) after meeting the conditions of Section 611.803(a)(1) or (a)(2), the supplier does not do either of the following:

1) It does not complete corrective action in accordance with any applicable Agency plan review processes or other Agency guidance and direction, including Agency-specified interim measures; or

2) It is not in compliance with an Agency-approved corrective action plan and schedule.

c) A GWS supplier subject to the requirements of Section 611.803(b)(3) that fails to maintain at least 4-log treatment of viruses (using inactivation, removal, or an Agency-approved combination of 4-log virus inactivation and removal) before or at the first customer for a groundwater source is in violation of the treatment technique requirement if the failure is not corrected within four hours after determining the supplier is not maintaining at least 4-log treatment of viruses before or at the first customer.

d) A GWS supplier must give public notification underpursuant to Section 611.903 for the treatment technique violations specified in subsections (a), (b), and (c).

BOARD NOTE: Derived from 40 CFR 141.404 (2016).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

SUBPART T: REPORTING AND RECORDKEEPING

Section 611.831 Monthly Operating Report (Repealed)

Within 30 days following the last day of the month, each CWS supplier 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: Repealed at 42 Ill. Reg. _____, effective _____)

Section 611.833 Cross Connection Reporting (Repealed)

Each CWS supplier exempted pursuant to Section 17(b) of the Act [415 ILCS 5/17(b)] from the disinfection requirement 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.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

(Source: Repealed at 42 Ill. Reg. _____, effective _____)

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 a 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 underpursuant to the authority of Section 4 of the Act [415 ILCS 5/4].

BOARD NOTE: Derived from 40 CFR 141.31 (2002).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

SUBPART U: CONSUMER CONFIDENCE REPORTS

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 supplier .

c) Definitions.

1) Each report must include the following definitions:

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 Section 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 that 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 evidence that addition of a disinfectant is necessary for control of microbial contaminants.

4) A report that contains information regarding a Level 1 or Level 2 assessment required under Subpart AA must include the applicable of the following definitions:

   A) "Level 1 assessment: A Level 1 assessment is a study of the water system to identify potential problems and determine (if possible) why total coliform bacteria have been found in our water system."

B) "Level 2 assessment: A Level 2 assessment is a very detailed study of the water system to identify potential problems and determine (if possible) why an E. coli MCL violation has occurred or why total coliform bacteria have been found in our water system on multiple occasions."

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 USEPA underpursuant to 40 CFR 141.40 (unregulated contaminants); and

C) Disinfection byproducts or microbial contaminants for which monitoring is required by Section 611.382 and Subpart L, except as provided under subsection (e)(1), 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 , 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 regulated and subject to routine monitoring requirements, whichever comes first.

4) For detected regulated contaminants (listed in Appendix A), 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);

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);

D) For contaminants subject to an MCL, except turbidity, total coliforms, fecal coliforms, and E. coli, 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 monitoring location: the highest average of any of the monitoring locations and the range of all monitoring locations expressed in the same units as the MCL. For the MCLs for TTHM and HAA5 in Section 611.312(b)(2), the supplier must include the highest locational running annual average for TTHM and HAA5 and the range of individual

sample results for all monitoring locations expressed in the same units as the MCL. If results from more than one location exceed the TTHM or HAA5 MCL, the supplier must include the locational running annual average for each location whose results exceed 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 monitoring locations: the average and range of detection expressed in the same units as the MCL. The supplier is required to include individual sample results for the IDSE conducted under Subpart W when determining the range of TTHM and HAA5 results to be reported in the annual consumer confidence report for the calendar year that the IDSE samples were taken.

BOARD NOTE to subsection (d)(4)(D): When rounding of results to determine compliance with the MCL is allowed by the regulations, rounding should be done prior to multiplying the results by the factor listed in Appendix A; derived from 40 CFR 153 (2016).

E) For turbidity the following:

i) When it is reported underpursuant to Section 611.560: the highest average monthly value.

ii) When it is reported underpursuant 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 underpursuant 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) This subsection (d)(4)(G) corresponds with 40 CFR 141.153(d)(4)(vii), which has no operative effect after a past implementation date. This statement maintains structural consistency with the federal regulations.

H) This subsection (d)(4)(H) corresponds with 40 CFR 141.153(d)(4)(viii), a now-obsolete implementing provision. This statement maintains structural consistency with the federal regulations.

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 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 that are most applicable to the CWS; and

J) For E. coli analytical results under Subpart AA, the total number of positive samples.

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.

7) For detected unregulated contaminants for which monitoring is required by USEPA under~~pursuant to~~ 40 CFR 141.40 (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, 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 that indicates that radon may be present 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.

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), 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. For CWSs that have failed to install adequate filtration or disinfection equipment or processes, or have had a failure of such equipment or processes that 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. For systems that fail to take one or more actions prescribed by Section 611.350(d), 611.351, 611.352, 611.353, or 611.354, the report must include the applicable language of Appendix A 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.

5) Recordkeeping of compliance data.

6) Special monitoring requirements prescribed by Section611.630.

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 Section 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) or CWSs may use their own comparable language. The report also must include the language of subsection (h)(1)(D).

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.

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.

6) Suppliers required to comply with Subpart S.

A) Any GWS supplier that receives written notice from the Agency of a significant deficiency or which receives notice from a laboratory of a fecal indicator-positive groundwater source sample that is not invalidated by the Agency underpursuant to Section 611.802(d) must inform its customers of any significant deficiency that is uncorrected at the time of the next report or of any fecal indicator-positive groundwater source sample in the next report. The supplier must continue to inform the public annually until the Agency, by a SEP issued pursuant to Section 611.110, determines that particular significant deficiency is corrected or the fecal contamination in the groundwater source is addressed underpursuant to Section 611.803(a). Each report must include the following information:

i) The nature of the particular significant deficiency or the source of the fecal contamination (if the source is known) and the date the significant deficiency was identified by the Agency or the dates of the fecal indicator-positive groundwater source samples;

ii) Whether or not the fecal contamination in the groundwater source has been addressed underpursuant to Section 611.803(a) and the date of such action;

iii) For each significant deficiency or fecal contamination in the groundwater source that has not been addressed underpursuant to Section 611.803(a), the Agency-approved plan and schedule for correction, including interim measures, progress to date, and any interim measures completed; and

iv) If the system receives notice of a fecal indicator-positive groundwater source sample that is not invalidated by the Agency underpursuant to Section 611.802(d), the potential health effects using the health effects language of Appendix A.

B) If directed by the Agency by a SEP issued pursuant to Section 611.110, a supplier with significant deficiencies that have been corrected before the next report is issued must inform its customers of the significant deficiency, how the deficiency was corrected, and the date of correction underpursuant to subsection (h)(6)(A).

7) Suppliers required to comply with Subpart AA.

A) Any supplier required to comply with the Level 1 assessment requirement or a Level 2 assessment requirement that is not due to an E. coli MCL violation must include in the report the text found in subsections (h)(7)(A)(i) and (h)(7)(A)(ii) or (h)(7)(A)(i) and (h)(7)(A)(iii), as appropriate, filling in the blanks accordingly and the text found in subsection (h)(7)(A)(iv), if appropriate.

i) "Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially harmful, waterborne pathogens may be present or that a potential pathway exists through which contamination may enter the drinking water distribution system. We found coliforms indicating the need to look for potential problems in water treatment or distribution. When this occurs, we are required to conduct assessment(s) to identify problems and to correct any problems that were found during these assessments."

ii) "During the past year we were required to conduct [insert number of Level 1 assessments] Level 1 assessment(s). [insert number of Level 1 assessments] Level 1 assessment(s) were completed. In addition, we were required to take [insert number of corrective actions] corrective actions and we completed [insert number of corrective actions] of these actions."

iii) "During the past year [insert number of Level 2 assessments] Level 2 assessments were required to be completed for our water system. [insert number of Level 2 assessments] Level 2 assessments were completed. In addition, we were required to take [insert number of corrective actions] corrective actions and we completed [insert number of corrective actions] of these actions."

iv) Any supplier that has failed to complete all the required assessments or correct all identified sanitary defects, is in violation of the treatment technique requirement and must also include one or both of the following statements, as appropriate: "During the past year we failed to conduct all of the required assessment(s)." or "During the past year we failed to correct all identified defects that were found during the assessment."

B) Any supplier required to conduct a Level 2 assessment due to an E. coli MCL violation must include in the report the text found in subsections (h)(7)(B)(i) and (h)(7)(B)(ii), filling in the blanks accordingly and the appropriate alternative text found in subsection (h)(7)(B)(ii), if appropriate.

i) "E. coli are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Human pathogens in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a greater health risk for infants, young children, the elderly, and people with severely compromised immune systems. We found *E. coli* bacteria, indicating the need to look for potential problems in water treatment or distribution. When this occurs, we are required to conduct assessment(s) to identify problems and to correct any problems that were found during these assessments."

ii) "We were required to complete a Level 2 assessment because we found E. coli in our water system. In addition,

we were required to take [insert number of corrective actions] corrective actions and we completed [insert number of corrective actions] of these actions."

iii) Any supplier that has failed to complete the required assessment or correct all identified sanitary defects, is in violation of the treatment technique requirement and must also include one or both of the following statements, as appropriate: "We failed to conduct the required assessment." or "We failed to correct all sanitary defects that were identified during the assessment that we conducted."

C) If a supplier detects E. coli and has violated the E. coli MCL, in addition to completing the table, as required in subsection (d)(4), the supplier must include one or more of the following statements to describe any noncompliance, as applicable:

i) "We had an E. coli-positive repeat sample following a total coliform-positive routine sample."

ii) "We had a total coliform-positive repeat sample following an E. coli-positive routine sample."

iii) "We failed to take all required repeat samples following an E. coli-positive routine sample."

iv) "We failed to test for E. coli when any repeat sample tested positive for total coliform."

D) If a supplier detects E. coli and has not violated the E. coli MCL, in addition to completing the table as required in subsection (d)(4), the supplier may include a statement that explains that although it has detected E. coli, the supplier is not in violation of the E. coli MCL.

BOARD NOTE: Derived from 40 CFR 141.153 (2016).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 611.885 Report Delivery and Recordkeeping

a) Except as provided in subsection (g), 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 ~~issued 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.

g) The Governor or his designee may waive the requirement of subsection (a) 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) 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.

h) Any system subject to this Subpart U must retain copies of its consumer confidence report for no less than three years.

BOARD NOTE: Derived from 40 CFR 141.155 (2016).

(Source: Amended at 42 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 forth in this Part. Appendix G 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 exceedance of the nitrate MCL by a non-CWS, where granted permission by the Agency under Section 611.300(d).

C) The notice required by Section 611.908 for an exceedance of 2 mg/ℓ fluoride (the federal secondary MCL for fluoride (see 40 CFR 143.3)).

BOARD NOTE: See the Board Note appended to Section 611.908 for explanation.

D) The availability of unregulated contaminant monitoring data collected as required by USEPA under~~pursuant to~~ 40 CFR 141.40.

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.

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) are determined by the tier to which it is assigned. This subsection (b) provides the definition of each tier. Appendix G 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 ~~issued pursuant to Section 611.110~~.

3) A copy of the notice must also be sent to the Agency, in accordance with the requirements under Section 611.840(d).

BOARD NOTE: Derived from 40 CFR 141.201 (2016).

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 611.902 Tier 1 Public 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 identifies the tier assignment for each specific violation or situation. The violation categories include:

1) Violation of the MCL for E. coli (as specified in Section 611.325(c)).

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 exceedance of the nitrate or nitrite MCL, as specified in Section 611.606(b).

3) Exceedance 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 exceedance 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) This subsection (a)(5) refers to a violation of the former turbidity standard of Section 611.320, which the Board repealed because it applied to no suppliers in Illinois. This statement maintains structural consistency with the federal regulations.

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 exceedance 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) Detection of E. coli, enterococci, or coliphage in source water samples, as specified in Section 611.802(a) and (b).

9) 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 a 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) It must provide a public notice as soon as practical but no later than 24 hours after the supplier learns of the violation;

2) 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) 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 a SEP ~~issued pursuant to Section 611.110~~.

BOARD NOTE: Derived from 40 CFR 141.202 (2016).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 611.903 Tier 2 Public 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 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 a 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 a 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.

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.

4) Failure to take corrective action or failure to maintain at least 4-log treatment of viruses (using inactivation, removal, or an Agency-approved combination of 4-log virus inactivation and removal) before or at the first

customer under~~pursuant to~~ Section 611.803(a).

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 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 a 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 or treatment technique violation under the Total Coliform Rule or Subpart AA 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

B) Violation of the SWTR, IESWTR, or treatment technique requirement resulting from a single exceedance 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 a 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). 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 a 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

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). 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).

BOARD NOTE: Derived from 40 CFR 141.203 (2016).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 611.904 Tier 3 Public 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 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;

5) The notice for an exceedance of 2 mg/ℓ fluoride (the federal secondary MCL for fluoride (see 40 CFR 143.3)), as required under Section 611.908; and

BOARD NOTE: See the Board Note appended to Section 611.908 for explanation.

6) Reporting and recordkeeping violations under Subpart AA.

b) When the Tier 3 public notice is to be provided.

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) 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). 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 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). 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 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).

BOARD NOTE: Derived from 40 CFR 141.204 (2016).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

SUBPART W: INITIAL DISTRIBUTION SYSTEM EVALUATIONS

Section 611.920 General Requirements

a) USEPA has designated that the requirements of this Subpart W constitute National Primary Drinking Water Regulations. The regulations in this Subpart W establish monitoring and other requirements for identifying Subpart Y compliance monitoring locations for determining compliance with maximum contaminant levels for TTHMs and HAA5. The supplier must use an initial distribution system evaluation (IDSE) to determine the locations in its distribution system that are representative of high TTHM and HAA5 concentrations throughout the supplier's distribution system. An IDSE is used in conjunction with, but separate from, Subpart I compliance monitoring, to identify and select Subpart Y compliance monitoring locations.

b) Applicability. A supplier is subject to the requirements of this Subpart W if it fulfills any of the following conditions:

1) The supplier owns or operates a community water system that uses a primary or residual disinfectant other than ultraviolet light;

2) The supplier delivers water that has been treated with a primary or residual disinfectant other than ultraviolet light; or

3) The supplier owns or operates a non-transient non-community water system that serves at least 10,000 people, and it either uses a primary or residual disinfectant other than ultraviolet light, or it delivers water that has been treated with a primary or residual disinfectant other than ultraviolet light.

c) The Agency may determine, by a SEP ~~issued pursuant to Section 611.110~~, that a combined distribution system does not include certain consecutive systems based on such factors as the delivery of water to a consecutive system only on an emergency basis or the receiving only a small percentage and small volume of water from a wholesale system. The Agency may also determine, by a SEP issued pursuant to Section 611.110, that a combined distribution system does not include certain wholesale systems based on such factors as the delivery of water to a consecutive system only on an emergency basis or the delivery of only a small percentage and small volume of water to a consecutive system.

BOARD NOTE: Implementation of this Subpart W occurred in stages during October 1, 2006 through October 1, 2014, depending on population served and other factors. See 40 CFR 141.600(c). The Board removed the now-obsolete implementation dates.

d) A supplier must do one of the following: it must conduct standard monitoring that meets the requirements in Section 611.921; it must conduct a system-specific study that meets the requirements in Section 611.922; it must certify to the Agency that it meets the 40/30 certification criteria under Section 611.923; or it must qualify for a very small system waiver under Section 611.924.

1) The supplier must have taken the full complement of routine TTHM and HAA5 compliance samples required of a system that serves the appropriate population and which uses the appropriate source water under Subpart I (or the supplier must have taken the full complement of reduced TTHM and HAA5 compliance samples required of a system with the supplier's population and source water under Subpart I if the supplier meets reduced monitoring criteria under Subpart I) during the period specified in Section 611.923(a) to meet the 40/30 certification criteria in Section 611.923. The supplier must have taken TTHM and HAA5

samples under Sections 611.381 and 611.382 to be eligible for the very small system waiver in Section 611.924.

2) If the supplier has not taken the required samples, the supplier must conduct standard monitoring that meets the requirements in Section 611.921, or a system-specific study that meets the requirements in Section 611.922.

e) The supplier must use only the analytical methods specified in Section 611.381, or otherwise approved by the Agency for monitoring under this Subpart W, to demonstrate compliance with the requirements of this Subpart W.

f) IDSE results will not be used for the purpose of determining compliance with MCLs in Section 611.312.

BOARD NOTE: Derived from 40 CFR 141.600 (2016).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 611.922 System-Specific Studies

a) System-specific study plan. A supplier's system-specific study plan must be based on either existing monitoring results, as required under subsection (a)(1), or modeling, as required under subsection (a)(2). The supplier must prepare and submit the supplier's system-specific study plan to the Agency according to the schedule in Section 611.920(c).

1) Existing monitoring results. A supplier may comply by submitting monitoring results collected before it is required to begin monitoring under~~pursuant to~~ Section 611.920(c). The monitoring results and analysis must meet the criteria in subsections (a)(1)(A) and (a)(1)(B).

A) Minimum requirements.

i) TTHM and HAA5 results must be based on samples collected and analyzed in accordance with Section 611.381. Samples must be collected no earlier than five years prior to the study plan submission date.

ii) The monitoring locations and frequency must meet the conditions identified in the applicable of subsections (a)(1)(A)(iii) through (a)(1)(A)(xv). Each location must be sampled once during the peak historical month for TTHM levels or HAA5 levels or the month of warmest water temperature for every 12 months of data submitted for that location. Monitoring results must include all Subpart I compliance monitoring results, plus additional monitoring results as necessary to meet minimum sample requirements.

iii) A Subpart B system supplier that serves fewer than 500 persons must collect samples from three monitoring locations: three samples for TTHM and three samples for HAA5.

iv) A Subpart B system supplier that serves 500 to 3,300 persons must collect samples from three monitoring locations: nine samples for TTHM and nine samples for HAA5.

v) A Subpart B system supplier that serves 3,301 to 9,999 persons must collect samples from six monitoring locations: 36 samples for TTHM and 36 samples for HAA5.

vi) A Subpart B system supplier that serves 10,000 to 49,999 persons must collect samples from each of 12 monitoring locations: 72 samples for TTHM and 72 samples for HAA5.

vii) A Subpart B system supplier that serves 50,000 to 249,999 persons must collect samples from 24 monitoring locations: 144 samples for TTHM and 144 samples for HAA5.

viii) A Subpart B system supplier that serves 250,000 to 999,999 persons must collect samples from 36 monitoring locations: 216 samples for TTHM and 216 samples for HAA5.

ix) A Subpart B system supplier that serves 1,000,000 to 4,999,999 persons must collect samples from 48 monitoring locations: 288 samples for TTHM and 288 samples for HAA5.

x) A Subpart B system supplier that serves 5,000,000 or more persons must collect samples from 60 monitoring locations: 360 samples for TTHM and 360 samples for HAA5.

xi) A groundwater system supplier that serves fewer than 500 persons must collect samples from three monitoring locations: three samples for TTHM and three samples for HAA5.

xii) A groundwater system supplier that serves 500 to 9,999 persons must collect samples from three monitoring locations: nine samples for TTHM and nine samples for HAA5.

xiii) A groundwater system supplier that serves 10,000 to 99,999 persons must collect samples from 12 monitoring locations: 48 samples for TTHM and 48 samples for HAA5.

xiv) A groundwater system supplier that serves 100,000 to 499,999 persons must collect samples from 18 monitoring locations: 72 samples for TTHM and 72 samples for HAA5.

xv) A groundwater system supplier that serves 500,000 or more persons must collect samples from 24 monitoring locations: 96 samples for TTHM and 96 samples for HAA5.

B) Reporting monitoring results. A supplier must report the following information:

i) The supplier must report previously collected monitoring results and certify that the reported monitoring results include all compliance and noncompliance results

generated during the time period that began with the first reported result and which ended with the most recent Subpart I results;

ii) The supplier must certify that the samples were representative of the entire distribution system and treatment and that the distribution system and treatment have not changed significantly since the samples were collected;

iii) The supplier's study monitoring plan must include a schematic of its distribution system (including distribution system entry points and their sources and storage facilities in the system), with notes indicating the locations and dates of all completed or planned system-specific study monitoring;

iv) The supplier's system-specific study plan must specify the population served and its system type (i.e., that it is a Subpart B or groundwater system);

v) The supplier must retain a complete copy of its system-specific study plan submitted under this subsection (a)(1), including any Agency modification of the supplier's system-specific study plan, for as long as the supplier is required to retain its IDSE report under subsection (b)(5); and

vi) If the supplier submits previously collected data that fully meet the number of samples required under subsection (a)(1)(A)(ii), and the Agency rejects some of the data in writing, by a SEP ~~issued pursuant to Section 611.110~~, the supplier must either conduct additional monitoring to replace rejected data on a schedule approved by the Agency in the SEP, or it must conduct standard monitoring under Section 611.921.

2) Modeling. A supplier may comply through analysis of an extended-period simulation hydraulic model. The extended-period simulation hydraulic model and analysis must meet the following criteria:

A) Minimum extended-period hydraulic model requirements.

i) The extended-period hydraulic model must simulate 24-hour variation in demand and show a consistently repeating 24-hour pattern of residence time.

ii) The extended-period hydraulic model must represent the criteria listed in subsection (a)(2)(D).

BOARD NOTE: This subsection (a)(2)(A)(ii) is derived from 40 CFR 141.602(a)(2)(i)(B), as added at 71 Fed. Reg. 388 (Jan. 4, 2006). The Board has codified 40 CFR 141.602(a)(2)(i)(B)(*1*) through (a)(2)(i)(B)(*9*) as subsections (a)(2)(D)(i) through (a)(2)(D)(ix) to comport with Illinois Administrative Code codification requirements.

iii) The extended-period hydraulic model must be calibrated or have calibration plans for the current configuration of the distribution system during the period of high TTHM formation potential. All storage facilities in the system must be evaluated as part of the calibration process. All required calibration must be completed no later than 12 months after the supplier has submitted the plan.

B) Reporting modeling. The supplier's system-specific study plan must include the information described in subsections (a)(2)(B)(i) through (a)(2)(B)(vii), subject to the requirements of subsection (a)(2)(B)(vii).

i) Tabular or spreadsheet data demonstrating that the model meets requirements in subsections (a)(2)(A)(ii) and (a)(2)(D).

ii) A description of all calibration activities undertaken and, if calibration is complete, a graph of predicted tank levels versus measured tank levels for the system storage facility with the highest residence time in each pressure zone, and a time-series graph of the residence time at the longest residence time storage facility in the distribution system showing the predictions for the entire simulation period (i.e., from time zero until the time it takes for the model to reach a consistently repeating pattern of residence time).

iii) Model output showing preliminary 24-hour average residence time predictions throughout the distribution system.

iv) The timing and the number of samples representative of the distribution system planned for at least one monitoring period of TTHM and HAA5 dual-sample monitoring at a number of locations no fewer than would be required for the system under standard monitoring in Section 611.921 during the historical month of high TTHM. These samples must be taken at locations other than existing Subpart I compliance monitoring locations.

v) A description of how all requirements will be completed no later than 12 months after the supplier submits the supplier's system-specific study plan.

vi) A schematic of the supplier's distribution system (including distribution system entry points and their sources and system storage facilities), with notes indicating the locations and dates of all completed system-specific study monitoring (if calibration is complete) and all Subpart I compliance monitoring.

vii) The population served and system type (i.e., that it is a Subpart B or groundwater system).

viii) The supplier must retain a complete copy of the supplier's system-specific study plan submitted under this subsection

(a)(2), including any Agency modification of the supplier's system-specific study plan, for as long as the supplier is required to retain the supplier's IDSE report under subsection (b)(7).

C) If the supplier submits a model that does not fully meet the requirements under subsection (a)(2), the supplier must correct the Agency-cited deficiencies and respond to Agency inquiries concerning the model. If the supplier fails to correct deficiencies or respond to inquiries to the Agency's satisfaction, the supplier must conduct standard monitoring under Section 611.921.

D) The extended-period hydraulic model must represent the following criteria:

i) 75 percent of pipe volume;

ii) 50 percent of pipe length;

iii) All pressure zones;

iv) All 12-inch diameter and larger pipes;

v) All eight-inch and larger pipes that connect pressure zones, influence zones from different sources, storage facilities, major demand areas, pumps, and control valves or which are known or expected to be significant conveyors of water;

vi) All six-inch and larger pipes that connect remote areas of a distribution system to the main portion of the system;

vii) All storage facilities with standard operations represented in the model;

viii) All active pump stations with controls represented in the model; and

ix) All active control valves.

BOARD NOTE: This subsection (a)(2)(D) is derived from 40 CFR 141.602(a)(2)(i)(B), as added at 71 Fed. Reg. 388 (Jan. 4, 2006). The Board has codified 40 CFR 141.602(a)(2)(i)(B)(*1*) through (a)(2)(i)(B)(*9*) as subsections (a)(2)(D)(i) through (a)(2)(D)(ix) to comport with Illinois Administrative Code codification requirements.

b) IDSE report. The supplier's IDSE report must include the elements required in subsections (b)(1) through (b)(6). The supplier must submit its IDSE report according to the applicable of the schedules in Section 611.920(c).

1) The supplier's IDSE report must include all TTHM and HAA5 analytical results from Subpart I compliance monitoring and all system-specific study monitoring conducted during the period of the system-specific study presented in a tabular or spreadsheet format acceptable to the Agency. If changed from the supplier's system-specific study plan submitted under subsection (a), the supplier's IDSE report must also include a schematic of its distribution system, the population served, and system type (i.e., that it is a Subpart B or groundwater system).

2) If the supplier used the modeling provision under subsection (a)(2), it must include final information for the elements described in subsection (a)(2)(B), and a 24-hour time-series graph of residence time for each Subpart Y compliance monitoring location selected.

3) The supplier must recommend and justify Subpart Y compliance monitoring locations and timing based on the protocol in Section 611.925.

4) The supplier's IDSE report must include an explanation of any deviations from its approved system-specific study plan.

5) The supplier's IDSE report must include the basis (analytical and modeling results) and justification that it used to select the recommended Subpart Y monitoring locations.

6) The supplier may submit its IDSE report in lieu of its system-specific study plan on the schedule identified in Section 611.920(c) for submission of the system-specific study plan if the supplier believes that it has the necessary information before the time that the system-specific study plan

is due. If the supplier elects this approach, its IDSE report must also include all information required under subsection (a).

7) The supplier must retain a complete copy of its IDSE report submitted under this Section for 10 years after the date that the supplier submitted its IDSE report. If the Agency modifies the Subpart Y monitoring requirements that the supplier recommended in the supplier's IDSE report or if the Agency approves alternative monitoring locations, the supplier must keep a copy of the Agency's notification on file for 10 years after the date of the Agency's notification. The supplier must make the IDSE report and any Agency notification available for review by the Agency or the public.

BOARD NOTE: Derived from 40 CFR 141.602 (2016).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 611.924 Very Small System Waivers

a) If the supplier serves fewer than 500 people and it has taken TTHM and HAA5 samples underpursuant to Subpart I of this Part, the supplier is not required to comply with this Subpart W unless the Agency notifies the supplier, by a SEP issued pursuant to Section 611.110, that it must conduct standard monitoring pursuant to Section 611.921 or a system-specific study underpursuant to Section 611.922.

b) If the supplier has not taken TTHM and HAA5 samples underpursuant to Subpart I of this Part or if the Agency notifies the supplier, by a SEP issued pursuant to Section 611.110, that it must comply with this Subpart W, the supplier must conduct standard monitoring underpursuant to Section 611.921 or a system-specific study underpursuant to Section 611.922.

BOARD NOTE: Derived from 40 CFR 141.604 (2006).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

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

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 a 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).

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 during the month with the warmest water temperature, and at the point of maximum residence time in the distribution system. The Agency may, by a SEP ~~issued pursuant to Section 611.110~~, approve the use of a different data set to determine these levels if it determines that the data set is representative TTHM and HAA5 data.

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), over the course of 12 months;

2) Second, the supplier must use this data to calculate weekly log inactivation as discussed in subsections (e) and (f); and

3) Third, the supplier must use these weekly log inactivations to develop a disinfection profile as specified in subsection (g).

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 611.531, 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 tables in Appendix B must be used to determine the appropriate $CT_{99.9}$ value. 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 ($CT_{calc}/CT_{99.9}$) before or at the first customer during peak hourly flow; or

B) Successive $CT_{calc}/CT_{99.9}$ 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 $CT_{calc}/CT_{99.9}$ for each sequence and then adding the $CT_{calc}/CT_{99.9}$ values together to determine $\Sigma CT_{calc}/CT_{99.9}$.

2) If the supplier uses more than one point of disinfectant application before the first customer, it must determine the $CT_{calc}/CT_{99.9}$ 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).

f) Use of chloramines, ozone, or chlorine dioxide as a primary disinfectant. If a supplier uses chloramines, ozone, or chlorine dioxide for primary disinfection, the

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 (2016).

(Source: Amended at 42 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). 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 "95^{th} 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 611.531 and 611.533. 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 a SEP ~~issued pursuant to Section 611.110~~, based on the demonstration described in subsection (c).

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 611.531 and 611.533. 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 a SEP ~~issued pursuant to Section 611.110~~, based on the demonstration described in subsection (c).

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)). 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 or inactivation of Giardia lamblia cysts; and

C) 99.99 percent removal 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.

BOARD NOTE: Derived from 40 CFR 141.550 through 141.553 (2016).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

SUBPART Y: STAGE 2 DISINFECTION BYPRODUCTS REQUIREMENTS

Section 611.970 General Requirements

a) General. The requirements of this Subpart Y constitute NPDWRs. The regulations in this Subpart Y establish monitoring and other requirements for achieving compliance with MCLs based on LRAAs for TTHM and HAA5, and for achieving compliance with MRDLs for chlorine and chloramine for certain consecutive systems.

b) Applicability. A supplier is subject to these requirements if its system is a CWS or a NTNCWS that uses a primary or residual disinfectant other than ultraviolet light or which delivers water that has been treated with a primary or residual disinfectant other than ultraviolet light.

c) A supplier must comply with the requirements in this Subpart Y as follows:

1) The supplier's monitoring frequency is specified in Section 611.971(a)(2).

A) If a supplier is required to conduct quarterly monitoring, it must begin monitoring in the first full calendar quarter that includes the applicable compliance date set forth in this subsection (c).

B) If a supplier is required to conduct monitoring less frequently than quarterly, it must begin monitoring in the calendar month recommended in the IDSE report prepared pursuant to Section 611.921 or Section 611.922 or in the calendar month identified in

the Subpart Y monitoring plan developed pursuant to Section 611.972, but in no instance later than 12 months after the applicable compliance date set forth in this subsection (c).

2) If a supplier is required to conduct quarterly monitoring, it must make compliance calculations at the end of the fourth calendar quarter that follows the compliance date and at the end of each subsequent quarter (or earlier if the LRAA calculated based on fewer than four quarters of data would cause the MCL to be exceeded regardless of the monitoring results of subsequent quarters). If a supplier is required to conduct monitoring less frequently than quarterly, it must make compliance calculations beginning with the first compliance sample taken after the compliance date.

3) The Agency may, by a SEP ~~issued pursuant to Section 611.110~~, determine that the combined distribution system does not include certain consecutive systems based on factors such as receipt of water from a wholesale system only on an emergency basis or receipt of only a small percentage and small volume of water from a wholesale system. The Agency may also determine that the combined distribution system does not include certain wholesale systems based on factors such as delivery of water to a consecutive system only on an emergency basis or delivery of only a small percentage and small volume of water to a consecutive system.

BOARD NOTE: Implementation of this Subpart Y occurred in stages during October 1, 2012 through October 1, 2014, depending on population served. See 40 CFR 141.620(c)(1) through (c)(5). The Board removed the now-obsolete implementation dates.

d) Monitoring and compliance.

1) Suppliers required to monitor quarterly. To comply with Subpart Y MCLs in Section 611.312(b)(2), the supplier must calculate LRAAs for TTHM and HAA5 using monitoring results collected under this Subpart Y, and it must determine that each LRAA does not exceed the MCL. If the supplier fails to complete four consecutive quarters of monitoring, it must calculate compliance with the MCL based on the average of the available data from the most recent four quarters. If the supplier takes more than one sample

per quarter at a monitoring location, it must average all samples taken in the quarter at that location to determine a quarterly average to be used in the LRAA calculation.

2) Suppliers required to monitor yearly or less frequently. To determine compliance with Subpart Y MCLs in Section 611.312(b)(2), the supplier must determine that each sample taken is less than the MCL. If any sample exceeds the MCL, the supplier must comply with the requirements of Section 611.975. If no sample exceeds the MCL, the sample result for each monitoring location is considered the LRAA for that monitoring location.

e) Violation for failure to monitor. A supplier is in violation of the monitoring requirements for each quarter that a monitoring result would be used in calculating an LRAA if the supplier fails to monitor.

BOARD NOTE: Derived from 40 CFR 141.620 (2016).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 611.971 Routine Monitoring

a) Monitoring.

1) If a supplier submitted an IDSE report, it must begin monitoring at the locations and during the months that the supplier has recommended in its IDSE report submitted underpursuant to Section 611.925, following the schedule set forth in Section 611.970(c), unless the Agency, by a SEP issued pursuant to Section 611.110, requires other locations or additional locations after its review. If the supplier submitted a 40/30 certification underpursuant to Section 611.923, it qualified for a very small system waiver underpursuant to Section 611.924, or it is a NTNCWS that serves fewer than 10,000 persons, the supplier must monitor at the locations and on the dates identified in its monitoring plan as described in Section 611.382(f), updated as required by Section 611.972.

2) The supplier must monitor at no fewer than the number of locations identified in the applicable of subsections (a)(2)(A) through (a)(2)(M), subject to the limitations of subsections (a)(2)(N) and (a)(2)(O).

A) A Subpart B system supplier that serves fewer than 500 persons must monitor annually at two distribution system monitoring locations during each monitoring period.

B) A Subpart B system supplier that serves 500 to 3,300 persons must monitor quarterly at two distribution system monitoring locations during each monitoring period.

C) A Subpart B system supplier that serves 3,301 to 9,999 persons must monitor quarterly at two distribution system monitoring locations during each monitoring period.

D) A Subpart B system supplier that serves 10,000 to 49,999 persons must monitor quarterly at four distribution system monitoring locations during each monitoring period.

E) A Subpart B system supplier that serves 50,000 to 249,999 persons must monitor quarterly at eight distribution system monitoring locations during each monitoring period.

F) A Subpart B system supplier that serves 250,000 to 999,999 persons must monitor quarterly at 12 distribution system monitoring locations during each monitoring period.

G) A Subpart B system supplier that serves 1,000,000 to 4,999,999 persons must monitor quarterly at 16 distribution system monitoring locations during each monitoring period.

H) A Subpart B system supplier that serves 5,000,000 or more persons must monitor quarterly at 20 distribution system monitoring locations during each monitoring period.

I) A groundwater system supplier that serves fewer than 500 persons must monitor annually at two distribution system monitoring locations during each monitoring period.

J) A groundwater system supplier that serves 500 to 9,999 persons must monitor annually at two distribution system monitoring locations during each monitoring period.

K) A groundwater system supplier that serves 10,000 to 99,999 persons must monitor quarterly at four distribution system monitoring locations during each monitoring period.

L) A groundwater system supplier that serves 100,000 to 499,999 persons must monitor quarterly at six distribution system monitoring locations during each monitoring period.

M) A groundwater system supplier that serves 500,000 or more persons must monitor quarterly at eight distribution system monitoring locations during each monitoring period.

N) The supplier must monitor during month of highest DBP concentrations.

O) A supplier on quarterly monitoring must take dual sample sets every 90 days at each monitoring location, except for a Subpart B system supplier that serves 500 to 3,300. A groundwater system supplier that serves 500 to 9,999 persons which is on annual monitoring must take dual sample sets at each monitoring location. Any other supplier that is on annual monitoring or which is a Subpart B system supplier that serves 500 to 3,300 is required to take individual TTHM and HAA5 samples (instead of a dual sample set) at the locations with the highest TTHM and HAA5 concentrations, respectively. For a supplier that serves fewer than 500 people, only one location with a dual sample set per monitoring period is needed if the highest TTHM and HAA5 concentrations occur at the same location and month.

3) If a supplier is an undisinfected system that begins using a disinfectant other than UV light after the dates set forth in Subpart W for complying with the IDSE requirements, the supplier must consult with the Agency to identify compliance monitoring locations for this Subpart Y. The supplier must then develop a monitoring plan underpursuant to Section 611.972 that includes those monitoring locations.

b) Analytical methods. A supplier must use an approved method listed in Section 611.381 for TTHM and HAA5 analyses in this Subpart Y. Analyses must be conducted by laboratories that have received certification as specified in Section 611.381.

BOARD NOTE: Derived from 40 CFR 141.621 (2016).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 611.972 Subpart Y Monitoring Plan

a) Development of a monitoring plan.

1) A supplier must develop and implement a monitoring plan that it must keep on file for Agency and public review. The monitoring plan must contain the following elements, and it must be complete no later than the date when the supplier conducts its initial monitoring underpursuant to this Subpart Y:

A) The monitoring locations;

B) The monitoring dates;

C) The compliance calculation procedures; and

D) The monitoring plans for any other systems in the combined distribution system if the Agency has reduced monitoring requirements underpursuant to Section 611.161.

2) If the supplier was not required to submit an IDSE report underpursuant to either Section 611.921 or Section 611.922, and it does not have sufficient Subpart I monitoring locations to identify the required number of Subpart Y compliance monitoring locations indicated in Section 611.925(b), the supplier must identify additional locations by alternating selection of locations representing high TTHM levels and high HAA5 levels until the required number of compliance monitoring locations have been identified. The supplier must also provide the rationale for identifying the locations as having high levels of TTHM or HAA5. If the supplier has more Subpart I monitoring locations than required for Subpart Y compliance

monitoring in Section 611.925(b), it must identify which locations it will use for Subpart Y compliance monitoring by alternating selection of locations representing high TTHM levels and high HAA5 levels until the required number of Subpart Y compliance monitoring locations have been identified.

b) A Subpart B system supplier that serves more than 3,300 people must submit a copy of its monitoring plan to the Agency prior to the date it conducts its initial monitoring underpursuant to this Subpart Y, unless the supplier's IDSE report submitted underpursuant to Subpart W of this Part contains all the information required by this Section.

c) After consultation with the Agency regarding the need for and appropriateness of changes and issuance of a SEP pursuant to Section 611.110 that provides for the changes, a supplier may revise its monitoring plan to reflect changes in treatment, distribution system operations and layout (including new service areas), or other factors that may affect TTHM or HAA5 formation, or for Agency-approved reasons. If the supplier changes monitoring locations, the supplier must replace existing compliance monitoring locations with the lowest LRAA with new locations that reflect the current distribution system locations with expected high TTHM or HAA5 levels. The Agency may, by a SEP issued pursuant to Section 611.110, also require modifications in the supplier's monitoring plan. If a supplier is a Subpart B system supplier that serves more than 3,300 people, it must submit a copy of its modified monitoring plan to the Agency prior to the date when it is required to comply with the revised monitoring plan.

BOARD NOTE: Derived from 40 CFR 141.622 (2006).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 611.973 Reduced Monitoring

a) A supplier may reduce monitoring to the level specified in the applicable of subsections (a)(1) through (a)(13), subject to the limitation of subsection (a)(14), any time the LRAA is 0.040 mg/ℓ or less for TTHM and 0.030 mg/ℓ or less for HAA5 at all monitoring locations. The supplier may only use data collected underpursuant to the provisions of this Subpart Y or pursuant to Subpart I of this Part to qualify for reduced monitoring. In addition, the source water annual average TOC level, before any treatment, must be 4.0 mg/ℓ or less at each

treatment plant treating surface water or groundwater under the direct influence of surface water, based on monitoring conducted underpursuant to either Section 611.382(b)(1)(C) or Section 611.382(d).

1) A Subpart B system supplier that serves fewer than 500 persons may not qualify for reduced monitoring.

2) A Subpart B system supplier that serves 500 to 3,300 persons qualifies for reduced monitoring to a minimum of one TTHM sample collected annually from the location and during the quarter with the highest single TTHM measurement and one HAA5 sample collected annually from the location and during the quarter with the highest single HAA5 measurement, with the two samples collected as one dual sample set if the highest TTHM and HAA5 measurements occurred at the same location and during the same quarter.

3) A Subpart B system supplier that serves 3,301 to 9,999 persons qualifies for reduced monitoring to a minimum of one dual sample set collected annually for TTHM from the location and during the quarter with the highest single TTHM measurement and one dual sample set collected annually for HAA5 from the location and during the quarter with the highest single HAA5 measurement.

4) A Subpart B system supplier that serves 10,000 to 49,999 persons qualifies for reduced monitoring to a minimum of two dual sample sets collected quarterly from the locations with the highest TTHM and HAA5 LRAAs.

5) A Subpart B system supplier that serves 50,000 to 249,999 persons qualifies for reduced monitoring to a minimum of four dual sample sets collected quarterly from the locations with the two highest TTHM and two HAA5 LRAAs.

6) A Subpart B system supplier that serves 250,000 to 999,999 persons qualifies for reduced monitoring to a minimum of six dual sample sets collected quarterly from the locations with the three highest TTHM and three HAA5 LRAAs.

7) A Subpart B system supplier that serves 1,000,000 to 4,999,999 persons qualifies for reduced monitoring to a minimum of eight dual sample sets collected quarterly from the locations with the four highest TTHM and four HAA5 LRAAs.

8) A Subpart B system supplier that serves more than 5,000,000 persons qualifies for reduced monitoring to a minimum of 10 dual sample sets collected quarterly from the locations with the five highest TTHM and five HAA5 LRAAs.

9) A groundwater system supplier that serves fewer than 500 persons qualifies for reduced monitoring to a minimum of one TTHM sample collected triennially from the location and during the quarter with the highest single TTHM measurement and one HAA5 sample collected annually from the location and during the quarter with the highest single HAA5 measurement, with the two samples collected as one dual sample set if the highest TTHM and HAA5 measurements occurred at the same location and during the same quarter.

10) A groundwater system supplier that serves 500 to 9,999 persons qualifies for reduced monitoring to a minimum of one TTHM sample collected annually from the location and during the quarter with the highest single TTHM measurement and one HAA5 sample collected annually from the location and during the quarter with the highest single HAA5 measurement, with the two samples collected as one dual sample set if the highest TTHM and HAA5 measurements occurred at the same location and during the same quarter.

11) A groundwater system supplier that serves 10,000 to 99,999 persons qualifies for reduced monitoring to a minimum of one TTHM dual sample set collected annually from the location and during the quarter with the highest single TTHM measurement and one HAA5 dual sample set collected annually from the location and during the quarter with the highest single HAA5 measurement.

12) A groundwater system supplier that serves 100,000 to 499,999 persons qualifies for reduced monitoring to a minimum of two dual sample sets collected quarterly from the locations with the highest TTHM and highest HAA5 LRAAs.

13) A groundwater system supplier that serves more than 500,000 persons qualifies for reduced monitoring to a minimum of four dual sample sets collected quarterly from the two locations with the highest TTHM and two highest HAA5 LRAAs.

14) A supplier on quarterly monitoring must take dual sample sets every 90 days.

b) The supplier may remain on reduced monitoring as long as the TTHM LRAA does not exceed 0.040 mg/ℓ and the HAA5 LRAA does not exceed 0.030 mg/ℓ at each monitoring location (for a supplier with quarterly reduced monitoring) or each TTHM sample does not exceed 0.060 mg/ℓ and each HAA5 sample does not exceed 0.045 mg/ℓ (for a supplier with annual or less frequent monitoring). In addition, the source water annual average TOC level, before any treatment, must not exceed 4.0 mg/ℓ at each treatment plant treating surface water or groundwater under the direct influence of surface water, based on monitoring conducted underpursuant to either Section 611.382(b)(1)(C) or (d).

c) If the LRAA based on quarterly monitoring at any monitoring location exceeds either 0.040 mg/ℓ for TTHM or 0.030 mg/ℓ for HAA5, if the annual (or less frequent) sample at any location exceeds either 0.060 mg/ℓ for TTHM or 0.045 mg/ℓ for HAA5, or if the source water annual average TOC level, before any treatment, exceeds 4.0 mg/ℓ at any treatment plant treating surface water or groundwater under the direct influence of surface water, the supplier must resume routine monitoring underpursuant to Section 611.971 or begin increased monitoring if Section 611.975 applies.

d) The Agency may return a supplier to routine monitoring by a SEP issued pursuant to Section 611.110.

BOARD NOTE: Derived from 40 CFR 141.623 (2016).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 611.979 Reporting and Recordkeeping Requirements

a) Reporting.

1) A supplier must report the following information to the Agency within 10 days after the end of any quarter in which monitoring is required for each monitoring location:

   A) The number of samples taken during the last quarter;

   B) The date and results of each sample taken during the last quarter;

   C) The arithmetic average of quarterly results for the last four quarters for each monitoring location (LRAA), beginning at the end of the fourth calendar quarter that follows the compliance date and at the end of each subsequent quarter. If the LRAA calculated based on fewer than four quarters of data would cause the MCL to be exceeded regardless of the monitoring results of subsequent quarters, the supplier must report this information to the Agency as part of the first report due following the compliance date or anytime thereafter that this determination is made. If the supplier is required to conduct monitoring at a frequency that is less than quarterly, it must make compliance calculations beginning with the first compliance sample taken after the compliance date, unless the supplier is required to conduct increased monitoring pursuant to Section 611.975;

   D) A statement whether, based on Section 611.312(b)(2) and this Subpart Y, the MCL was violated at any monitoring location; and

   E) Any operational evaluation levels that were exceeded during the quarter and, if so, the location and date, and the calculated TTHM and HAA5 levels.

2) If a supplier is a Subpart B system supplier that seeks to qualify for or remain on reduced TTHM and HAA5 monitoring, it must report the following source water TOC information for each treatment plant that treats surface water or groundwater under the direct influence of surface water to the Agency within 10 days after the end of any quarter in which monitoring is required:

   A) The number of source water TOC samples taken each month during last quarter;

B) The date and result of each sample taken during last quarter;

C) The arithmetic average of monthly samples taken during the last quarter or the result of the quarterly sample;

D) The running annual average (RAA) of quarterly averages from the past four quarters; and

E) Whether the RAA exceeded 4.0 mg/ℓ.

3) The Agency may, by a SEP ~~issued pursuant to Section 611.110~~, choose to perform calculations and determine whether the MCL was exceeded or the system is eligible for reduced monitoring in lieu of having the system report that information under~~pursuant to~~ this Section.

b) Recordkeeping. A supplier must retain any Subpart Y monitoring plans and the supplier's Subpart Y monitoring results as required by Section 611.860.

BOARD NOTE: Derived from 40 CFR 141.629 (2006).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

SUBPART Z: ENHANCED TREATMENT FOR CRYPTOSPORIDIUM

Section 611.1001 Source Water Monitoring Requirements: Source Water Monitoring

a) Initial round of source water monitoring. A supplier must conduct the following monitoring on the schedule in subsection (c), unless it meets the monitoring exemption criteria in subsection (d).

1) A filtered system supplier that serves 10,000 or more people must sample its source water for Cryptosporidium, E. coli, and turbidity at least monthly for 24 months.

2) An unfiltered system supplier that serves 10,000 or more people must sample its source water for Cryptosporidium at least monthly for 24 months.

3) Smaller system suppliers monitoring for E. coli.

A) A filtered system supplier that serves fewer than 10,000 people must sample its source water for E. coli at least once every two weeks for 12 months.

B) A filtered system supplier that serves fewer than 10,000 people may avoid E. coli monitoring if the system notifies the Agency that it will monitor for Cryptosporidium as described in subsection (a)(4). The system must notify the Agency no later than three months prior to the date before which the system is otherwise required to start E. coli monitoring pursuant to Section 611.1001(c).

4) Smaller system suppliers monitoring for Cryptosporidium. A filtered system supplier that serves fewer than 10,000 people must sample its source water for Cryptosporidium at least twice per month for 12 months or at least monthly for 24 months if it meets any of the conditions set forth in subsections (a)(4)(A) through (a)(4)(C), subject to the limitations of subsection (a)(4)(D), based on monitoring conducted underpursuant to subsection (a)(3).

A) For a supplier that uses a lake or reservoir source, the annual mean E. coli concentration is greater than 10 E. coli/100 *mℓ*.

B) For a supplier that uses a flowing stream source, the annual mean E. coli concentration is greater than 50 E. coli/100 mℓ.

C) The supplier does not conduct E. coli monitoring as described in subsection (a)(3).

D) A supplier that uses groundwater under the direct influence of surface water must comply with the requirements of subsection (a)(4) based on the E. coli level that applies to the nearest surface water body. If no surface water body is nearby, the system must comply based on the requirements that apply to a supplier that uses a lake or reservoir source.

5) For a filtered system supplier that serves fewer than 10,000 people, the Agency may, by a SEP ~~issued pursuant to Section 611.110~~, approve monitoring for an indicator other than E. coli pursuant to subsection (a)(3). The Agency may also, by a SEP ~~issued pursuant to Section 611.110~~, approve an alternative to the E. coli concentration in subsection (a)(4)(A), (a)(4)(B), or (a)(4)(D) to trigger Cryptosporidium monitoring. This approval by the Agency must be provided to the supplier in writing, and it must include the basis for the Agency's determination that the alternative indicator or trigger level will provide a more accurate identification of whether a system will exceed the Bin 1 Cryptosporidium level set forth in Section 611.1010.

6) An unfiltered system supplier that serves fewer than 10,000 people must sample its source water for Cryptosporidium at least twice per month for 12 months or at least monthly for 24 months.

7) A supplier may sample more frequently than required by this Section if the sampling frequency is evenly spaced throughout the monitoring period.

b) Second round of source water monitoring. A supplier must conduct a second round of source water monitoring that meets the requirements for monitoring parameters, frequency, and duration described in subsection (a), unless it meets the monitoring exemption criteria in subsection (d). The supplier must conduct this monitoring on the schedule set forth in subsection (c).

c) Monitoring schedule. A supplier must perform the monitoring required in subsections (a) and (b), except that a supplier serving fewer than 10,000 persons must begin monitoring~~monitoirng~~ no later than the month beginning with the applicable date listed in subsections (c)(1) and (c)(2).

1) A supplier that serves fewer than 10,000 persons, that is a filtered system supplier, and which monitors for E. coli is required to begin the second round of source water monitoring no later than the month beginning October 1, 2017.

2) A supplier that serves fewer than 10,000 persons, that is an unfiltered system supplier, or that is a filtered system supplier which meets the conditions of subsection (a)(4), and which monitors for Cryptosporidium,

is required to begin the second round of source water monitoring no later than the month beginning April 1, 2019.

BOARD NOTE: Implementation of the first round of monitoring for this Subpart Z occurred in stages during October 1, 2006 through October 1, 2014, depending on population served. Implementation of the second round of monitoring occurred between April 15, 2015 and April 1, 2019. See 40 CFR 141.701(c). Subsections (c)(1) and (c)(2) correspond with 40 CFR 141.701(c)(4) and (c)(5). The Board removed the past implementation dates.

d) Monitoring avoidance.

1) A filtered system supplier is not required to conduct source water monitoring underpursuant to this Subpart Z if the system will provide a total of at least 5.5-log of treatment for Cryptosporidium, equivalent to meeting the treatment requirements of Bin 4 in Section 611.1011.

2) An unfiltered system supplier is not required to conduct source water monitoring underpursuant to this Subpart Z if the system will provide a total of at least 3-log Cryptosporidium inactivation, equivalent to meeting the treatment requirements for an unfiltered system supplier with a mean Cryptosporidium concentration of greater than 0.01 oocysts/ℓ in Section 611.1012.

3) If a supplier chooses to provide the level of treatment set forth in subsection (d)(1) or (d)(2), as applicable, rather than start source water monitoring, it must notify the Agency in writing no later than the date on which the system is otherwise required to submit a sampling schedule for monitoring underpursuant to Section 611.1002. Alternatively, a supplier may choose to stop sampling at any point after it has initiated monitoring if it notifies the Agency in writing that it will provide this level of treatment. The supplier must install and operate technologies to provide this level of treatment before the applicable treatment compliance date set forth in Section 611.1013.

e) Plants operating only part of the year. A supplier that has a Subpart B plant that operates for only part of the year must conduct source water monitoring in accordance with this Subpart Z, but with the following modifications:

1) The supplier must sample its source water only during the months that the plant operates, unless the Agency, by a SEP ~~issued pursuant to Section 611.110~~, specifies another monitoring period based on plant operating practices.

2) A supplier with plants that operate less than six months per year and which monitors for Cryptosporidium must collect at least six Cryptosporidium samples per year during each of two years of monitoring. Samples must be evenly spaced throughout the period during which the plant operates.

f) New sources and new systems.

1) New sources. A supplier that begins using a new source of surface water or groundwater under the direct influence of surface water after the supplier is required to begin monitoring under~~pursuant to~~ subsection (c) must monitor the new source on a schedule that the Agency has approved by a SEP ~~issued pursuant to Section 611.110~~. Source water monitoring must meet the requirements of this Subpart Z. The supplier must also meet the bin classification and Cryptosporidium treatment requirements of Sections 611.1010 and 611.1011 or Section 611.1012, as applicable, for the new source on a schedule that the Agency has approved by a SEP ~~issued pursuant to Section 611.110~~.

2) The requirements of Section 611.1001(f) apply to a Subpart B system supplier that begins operation after the applicable monitoring start date set forth in subsection (c).

3) The supplier must begin a second round of source water monitoring no later than six years following initial bin classification under~~pursuant to~~ Section 611.1010 or determination of the mean Cryptosporidium level under~~pursuant to~~ Section 611.1012.

g) Failure to collect any source water sample required under this Section in accordance with the sampling schedule, sampling location, analytical method, approved laboratory, and reporting requirements of Sections 611.1002 through 611.1006 is a monitoring violation.

h) Grandfathering monitoring data. A supplier may use (grandfather) monitoring data collected prior to the applicable monitoring start date in subsection (c) to meet the initial source water monitoring requirements in subsection (a). Grandfathered data may substitute for an equivalent number of months at the end of the monitoring period. All data submitted under~~pursuant to~~ this subsection must meet the requirements set forth in Section 611.1007.

BOARD NOTE: Derived from 40 CFR 141.701 (2016).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 611.1002 Source Water Monitoring Requirements: Sampling Schedules

a) A supplier required to conduct source water monitoring pursuant to Section 611.1001 must submit a sampling schedule that specifies the calendar dates on which it will collect each required sample.

1) The supplier must submit sampling schedules no later than three months prior to the applicable date listed in Section 611.1001(c) for each round of required monitoring.

2) Submission of the sampling schedule to USEPA.

A) A supplier that serves 10,000 or more people must submit its sampling schedule for the initial round of source water monitoring under~~pursuant to~~ Section 611.1001(a) to USEPA electronically at https://intranet.epa.gov/lt2/.

B) If a supplier is unable to submit the sampling schedule electronically, the supplier may use an alternative approach for submitting the sampling schedule that USEPA approves.

3) A supplier that serves fewer than 10,000 people must submit to the Agency its sampling schedules for the initial round of source water monitoring Section 611.1001(a).

4) A supplier must submit to the Agency sampling schedules for the second round of source water monitoring required by Section 611.1001(b).

5) If USEPA or the Agency does not respond to a supplier regarding its sampling schedule, the supplier must sample at the reported schedule.

b) A supplier must collect samples within two days before or two days after the dates indicated in its sampling schedule (i.e., within a five-day period around the schedule date) unless one of the conditions of subsection (b)(1) or (b)(2) applies.

1) If an extreme condition or situation exists that may pose danger to the sample collector, or one that cannot be avoided and which causes the supplier to be unable to sample in the scheduled five-day period, the supplier must sample as close to the scheduled date as is feasible, unless the Agency approves an alternative sampling date by a SEP ~~issued pursuant to Section 611.110~~. The supplier must submit an explanation for the delayed sampling date to the Agency concurrent with the shipment of the sample to the laboratory.

2) Replacement samples.

A) If a supplier is unable to report a valid analytical result for a scheduled sampling date due to equipment failure; loss of or damage to the sample; failure to comply with the analytical method requirements, including the quality control requirements in Section 611.1004; or the failure of an approved laboratory to analyze the sample, then the supplier must collect a replacement sample.

B) The supplier must collect the replacement sample not later than 21 days after receiving information that an analytical result cannot be reported for the scheduled date, unless the supplier demonstrates that collecting a replacement sample within this time frame is not feasible or the Agency approves an alternative resampling date by a SEP ~~issued pursuant to Section 611.110~~. The supplier must submit an explanation for the delayed sampling date to the Agency concurrent with the shipment of the sample to the laboratory.

c) A supplier that fails to meet the criteria of subsection (b) for any source water sample required under~~pursuant to~~ Section 611.1001 must revise its sampling schedule to add dates for collecting all missed samples. A supplier must submit the revised schedule to the Agency for approval prior to collecting the missed samples.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

BOARD NOTE: Derived from 40 CFR 141.702 (2016).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 611.1003 Source Water Monitoring Requirements: Sampling Locations

a) A supplier required to conduct source water monitoring pursuant to Section 611.1001 must collect samples for each plant that treats a surface water or groundwater under the direct influence of surface water source. Where multiple plants draw water from the same influent, such as the same pipe or intake, the Agency may, by a SEP ~~issued pursuant to Section 611.110~~, approve one set of monitoring results to be used to satisfy the requirements of Section 611.1001 for all of the plants.

b) Source water sampling.

1) A supplier must collect source water samples prior to chemical treatment, such as coagulants, oxidants, and disinfectants, unless the supplier meets the condition of subsection (b)(2).

2) The Agency may, by a SEP ~~issued pursuant to Section 611.110~~, approve a supplier to collect a source water sample after chemical treatment. To grant this approval, the Agency must determine that collecting a sample prior to chemical treatment is not feasible for the supplier and that the chemical treatment is unlikely to have a significant adverse effect on the analysis of the sample.

c) A supplier that recycles filter backwash water must collect source water samples prior to the point of filter backwash water addition.

d) Bank filtration.

1) A supplier that receives Cryptosporidium treatment credit for bank filtration under~~pursuant to~~ Section 611.743(b) or Section 611.955(c)(1), as applicable, must collect source water samples in the surface water prior to bank filtration.

2) A supplier that uses bank filtration as pretreatment to a filtration plant must collect source water samples from the well (i.e., after bank filtration). The use of bank filtration during monitoring must be consistent with routine operational practice. A supplier collecting samples after a bank filtration process may not receive treatment credit for the bank filtration underpursuant to Section 611.1017(c).

e) Multiple sources. A supplier with plants that use multiple water sources, including multiple surface water sources and blended surface water and groundwater sources, must collect samples as specified in subsection (e)(1) or (e)(2). The use of multiple sources during monitoring must be consistent with routine operational practice.

1) If a sampling tap is available where the sources are combined prior to treatment, the supplier must collect samples from the tap.

2) If a sampling tap where the sources are combined prior to treatment is not available, the supplier must collect samples at each source near the intake on the same day, and it must follow either of the following procedures for sample analysis:

A) The supplier may composite samples from each source into one sample prior to analysis. The volume of sample from each source must be weighted according to the proportion of the source in the total plant flow at the time the sample is collected; or

B) The supplier may analyze samples from each source separately and calculate a weighted average of the analysis results for each sampling date. The weighted average must be calculated by multiplying the analysis result for each source by the fraction the source contributed to total plant flow at the time the sample was collected and then summing these values.

f) Additional Requirements. A supplier must submit a description of its sampling locations to the Agency at the same time as the sampling schedule required underpursuant to Section 611.1002. This description must address the position of the sampling location in relation to the supplier's water sources and treatment processes, including pretreatment, points of chemical treatment, and filter

backwash recycle. If the Agency does not respond to a supplier regarding sampling locations, the supplier must sample at the reported locations.

BOARD NOTE: Derived from 40 CFR 141.703 (2016).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 611.1004 Source Water Monitoring Requirements: Analytical Methods

a) Cryptosporidium. A supplier must analyze for Cryptosporidium using USEPA OGWDW Methods, Method 1623 (05), 1623.1, or 1622 (05), each incorporated by reference in Section 611.102, or alternative methods approved by the Agency underpursuant to Section 611.480.

1) The supplier must analyze at least a 10 ℓ sample or a packed pellet volume of at least 2 mℓ as generated by the methods listed in subsection (a). A supplier unable to process a 10 ℓ sample must analyze as much sample volume as can be filtered by two filters approved by USEPA for the methods listed in subsection (a), up to a packed pellet volume of at least 2 mℓ.

2) Matrix spike (MS) samples.

A) MS samples, as required by the methods in subsection (a), must be spiked and filtered by a laboratory approved for Cryptosporidium analysis underpursuant to Section 611.1005.

B) If the volume of the MS sample is greater than 10 ℓ, the supplier may filter all but 10 ℓ of the MS sample in the field, and ship the filtered sample and the remaining 10 ℓ of source water to the laboratory. In this case, the laboratory must spike the remaining 10 ℓ of water and filter it through the filter used to collect the balance of the sample in the field.

3) Flow cytometer-counted spiking suspensions must be used for MS samples and ongoing precision and recovery samples.

b) E. coli. A supplier must use methods for enumeration of E. coli in source water approved in 40 CFR 136.3(a), incorporated by reference in Section 611.102, or alternative methods approved by the Agency underpursuant to Section 611.480.

1) The time from sample collection to initiation of analysis may not exceed 30 hours, unless the supplier meets the condition of subsection (b)(2).

2) The Agency may, by a SEP issued pursuant to Section 611.110, approve on a case-by-case basis the holding of an E. coli sample for up to 48 hours between sample collection and initiation of analysis if it determines that analyzing an E. coli sample within 30 hours is not feasible. E. coli samples held between 30 to 48 hours must be analyzed by the Colilert® Test reagent version of Standard Methods, 18th, 19th, or 20th ed., Method 9223 B incorporated by reference in Section 611.102.

3) A supplier must maintain the temperature of its samples between 0ºC and 10ºC during storage and transit to the laboratory.

4) The supplier may use the membrane filtration, two-step procedure described in Standard Methods, 20th ed., Method 9222 D and G, incorporated by reference in Section 611.102.

BOARD NOTE: USEPA added Standard Methods, 20th ed., Method 9222 D and G on June 3, 2008 (at 73 Fed. Reg. 31616).

c) Turbidity. A supplier must use methods for turbidity measurement approved in Section 611.531(a).

BOARD NOTE: Derived from 40 CFR 141.704 and appendix A to subpart C of 40 CFR 141 (2016).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 611.1007 Source Water Monitoring Requirements: Grandfathering Previously Collected Data

a) Initial source monitoring and Cryptosporidium samples.

1) A supplier may comply with the initial source water monitoring requirements of Section 611.1001(a) by grandfathering sample results collected before the supplier is required to begin monitoring (i.e., previously collected data). To be grandfathered, the sample results and analysis must meet the criteria in this Section and the Agency must approve the use of the data by a SEP ~~issued pursuant to Section 611.110~~.

2) A filtered system supplier may grandfather Cryptosporidium samples to meet the requirements of Section 611.1001(a) when the supplier does not have corresponding E. coli and turbidity samples. A supplier that grandfathers Cryptosporidium samples without E. coli and turbidity samples is not required to collect E. coli and turbidity samples when it completes the requirements for Cryptosporidium monitoring underpursuant to Section 611.1001(a).

b) E. coli sample analysis. The analysis of E. coli samples must meet the analytical method and approved laboratory requirements of Sections 611.1004 and 611.1005.

c) Cryptosporidium sample analysis. The analysis of Cryptosporidium samples must meet the criteria in this subsection (c).

1) Laboratories must analyze Cryptosporidium samples using one of the following analytical methods, incorporated by reference in Section 611.102, or alternative methods approved by the Agency underpursuant to Section 611.480:

A) USEPA OGWDW Methods, Method 1623 (05);

B) USEPA OGWDW Methods, Method 1622 (05);

C) USEPA OGWDW Methods, Method 1623 (01);

D) USEPA OGWDW Methods, Method 1622 (01);

E) USEPA OGWDW Methods, Method 1623 (99); or

F) USEPA OGWDW Methods, Method 1622 (99).

2) For each Cryptosporidium sample, the laboratory analyzed at least 10 ℓ of sample or at least 2 mℓ of packed pellet or as much volume as could be filtered by two filters that USEPA approved for the methods listed in subsection (c)(1).

d) Sampling location. The sampling location must meet the conditions in Section 611.1003.

e) Sampling frequency. Cryptosporidium samples were collected no less frequently than each calendar month on a regular schedule, beginning no earlier than January 1999. Sample collection intervals may vary for the conditions specified in Section 611.1002(b)(1) and (b)(2) if the supplier provides documentation of the condition when reporting monitoring results.

1) The Agency may, by a SEP ~~issued pursuant to Section 611.110~~, approve grandfathering of previously collected data where there are time gaps in the sampling frequency if the supplier conducts additional monitoring that the Agency has specified by a SEP ~~issued pursuant to Section 611.110~~ to ensure that the data used to comply with the initial source water monitoring requirements of Section 611.1001(a) are seasonally representative and unbiased.

2) A supplier may grandfather previously collected data where the sampling frequency within each month varied. If the Cryptosporidium sampling frequency varied, the supplier must follow the monthly averaging procedure in Section 611.1010(b)(5) or Section 611.1012(a)(3), as applicable, when calculating the bin classification for a filtered system supplier or the mean Cryptosporidium concentration for an unfiltered system supplier.

f) Reporting monitoring results for grandfathering. A supplier that requests to grandfather previously collected monitoring results must report the following information by the applicable dates listed in this subsection. A supplier must report this information to the Agency.

1) A supplier must report that it intends to submit previously collected monitoring results for grandfathering. This report must specify the number of previously collected results the supplier will submit, the dates of the first and last sample, and whether a supplier will conduct additional

source water monitoring to meet the requirements of Section 611.1001(a). The supplier must report this information no later than the applicable date set forth in Section 611.1002.

2) A supplier must report previously collected monitoring results for grandfathering, along with the associated documentation listed in subsections (f)(2)(A) through (f)(2)(D), no later than two months after the applicable date listed in Section 611.1001(c).

A) For each sample result, a supplier must report the applicable data elements in Section 611.1006.

B) A supplier must certify that the reported monitoring results include all results that it generated during the time period beginning with the first reported result and ending with the final reported result. This applies to samples that were collected from the sampling location specified for source water monitoring under~~pursuant to~~ this Subpart Z, which were not spiked, and which were analyzed using the laboratory's routine process for the analytical methods listed in this Section.

C) The supplier must certify that the samples were representative of a plant's source waters and the source waters have not changed. It must report a description of the sampling locations, which must address the position of the sampling location in relation to its water sources and treatment processes, including points of chemical addition and filter backwash recycle.

D) For Cryptosporidium samples, the laboratory or laboratories that analyzed the samples must provide a letter certifying that the quality control criteria specified in the methods listed in subsection (c)(1) were met for each sample batch associated with the reported results. Alternatively, the laboratory may provide bench sheets and sample examination report forms for each field, matrix spike, initial precision and recovery, ongoing precision and recovery, and method blank sample associated with the reported results.

g) If the Agency determines that a previously collected data set submitted for grandfathering was generated during source water conditions that were not normal

for the supplier, such as a drought, the Agency may, by a SEP ~~issued pursuant to Section 611.110~~, disapprove the data. Alternatively, the Agency may, by a SEP ~~issued pursuant to Section 611.110~~, approve the previously collected data if the supplier reports additional source water monitoring data, as determined by the Agency, to ensure that the data set used under~~pursuant to~~ Section 611.1010 or Section 611.1012 represents average source water conditions for the supplier.

h) If a supplier submits previously collected data that fully meet the number of samples required for initial source water monitoring under~~pursuant to~~ Section 611.1001(a), and some of the data are rejected due to not meeting the requirements of this Section, the supplier must conduct additional monitoring to replace rejected data on a schedule that the Agency has approved by a SEP ~~issued pursuant to Section 611.110~~. A supplier is not required to begin this additional monitoring until two months after notification that data have been rejected and additional monitoring is necessary.

BOARD NOTE: Derived from 40 CFR 141.707 (2016).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 611.1008 Disinfection Profiling and Benchmarking Requirements: Requirements When Making a Significant Change in Disinfection Practice

a) Following the completion of initial source water monitoring under~~pursuant to~~ Section 611.1001(a), a supplier that plans to make a significant change to its disinfection practice, as defined in subsection (b), must develop disinfection profiles and calculate disinfection benchmarks for Giardia lamblia and viruses, as described in Section 611.1009. Prior to changing the disinfection practice, the supplier must notify the Agency, and it must include in this notice the following information:

1) A completed disinfection profile and disinfection benchmark for Giardia lamblia and viruses, as described in Section 611.1009;

2) A description of the proposed change in disinfection practice; and

3) An analysis of how the proposed change will affect the current level of disinfection.

b) Significant changes to disinfection practice are defined as any of 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, by a SEP ~~issued pursuant to Section 611.110~~, as a significant change to disinfection practice.

BOARD NOTE: Derived from 40 CFR 141.708 (2016).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 611.1009 Disinfection Profiling and Benchmarking Requirements: Developing the Disinfection Profile and Benchmark

a) A supplier required to develop disinfection profiles underpursuant to Section 611.1008 must follow the requirements of this Section. The supplier must monitor at least weekly for a period of 12 consecutive months to determine the total log inactivation for Giardia lamblia and viruses. If the supplier monitors more frequently than weekly, the monitoring frequency must be evenly spaced. A supplier that operates for fewer than 12 months per year must monitor weekly during the period of operation. A supplier must determine log inactivation for Giardia lamblia through the entire plant, based on the applicable $CT_{99.9}$ values in Appendix B. A supplier must determine log inactivation for viruses through the entire treatment plant based on a protocol approved by the Agency by a SEP ~~issued pursuant to Section 611.110~~.

b) A supplier with a single point of disinfectant application prior to the entrance to the distribution system must conduct the monitoring in subsections (b)(1) through (b)(4). A supplier with more than one point of disinfectant application must conduct the monitoring in subsections (b)(1) through (b)(4) for each disinfection segment. A supplier must monitor the parameters necessary to determine the total inactivation ratio, using analytical methods in Section 611.531.

1) For a supplier using a disinfectant other than UV, the temperature of the disinfected water must be measured at each residual disinfectant concentration sampling point during peak hourly flow or at an alternative location approved by the Agency by a SEP ~~issued pursuant to Section 611.110~~.

2) For a supplier using chlorine, the pH of the disinfected water must be measured at each chlorine residual disinfectant concentration sampling point during peak hourly flow or at an alternative location approved by the Agency by a SEP ~~issued pursuant to Section 611.110~~.

3) The disinfectant contact times (t) must be determined during peak hourly flow.

4) The residual disinfectant concentrations (C) of the water before or at the first customer and prior to each additional point of disinfectant application must be measured during peak hourly flow.

c) In lieu of conducting new monitoring under~~pursuant to~~ subsection (b), a supplier may elect to meet the following requirements:

1) A supplier that has at least one year of existing data that are substantially equivalent to data collected under~~pursuant to~~ the provisions of subsection (b) may use these data to develop disinfection profiles as specified in this Section if the supplier has neither made a significant change to its treatment practice nor changed sources since the data were collected. The supplier may develop disinfection profiles using up to three years of existing data.

2) A supplier may use disinfection profiles developed under~~pursuant to~~ Section 611.742 or Section 611.953 in lieu of developing a new profile if the supplier has neither made a significant change to its treatment practice nor changed sources since the profile was developed. A supplier that has not developed a virus profile under~~pursuant to~~ Section 611.742 or Section 611.953 must develop a virus profile using the same monitoring data on which the Giardia lamblia profile is based.

d) A supplier must calculate the total inactivation ratio for Giardia lamblia, as specified in subsections (d)(1) through (d)(3).

1) A supplier using only one point of disinfectant application may determine the total inactivation ratio for the disinfection segment based on either of the following methods:

A) It may determine one inactivation ratio (Ai) before or at the first customer during peak hourly flow; or

B) It may determine successive Ai values, representing sequential inactivation ratios, between the point of disinfectant application and a point before or at the first customer during peak hourly flow. The supplier must calculate the total inactivation ratio by determining Ai for each sequence and then adding the Ai values together to determine the total inactivation ratio (Σ Ai).

2) A supplier using more than one point of disinfectant application before the first customer must determine the CT 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 Ai value of each segment and Σ Ai must be calculated using the method in subsection (d)(1)(B).

3) The supplier must determine the total logs of inactivation by multiplying the value calculated in subsection (d)(1) or (d)(2) by 3.0.

4) The supplier must calculate the log of inactivation for viruses using a protocol approved by the Agency by regulation or by a SEP ~~issued pursuant to Section 611.110~~.

e) A supplier must use the following procedures to calculate a disinfection benchmark:

1) For each year of profiling data collected and calculated under~~pursuant to~~ subsections (a) through (d), the supplier must determine the lowest mean monthly level of both Giardia lamblia and virus inactivation. A supplier must determine the mean Giardia lamblia and virus inactivation for each calendar month for each year of profiling data by dividing the sum of daily or weekly Giardia lamblia and virus log inactivation by the number of values calculated for that month.

2) The disinfection benchmark is the lowest monthly mean value (for a supplier with one year of profiling data) or the mean of the lowest monthly mean values (for a supplier with more than one year of profiling data) of Giardia lamblia and virus log inactivation in each year of profiling data.

BOARD NOTE: Derived from 40 CFR 141.709 (2016).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 611.1011 Treatment Technique Requirements: Filtered System Additional Cryptosporidium Treatment Requirements

a) A filtered system supplier must provide the level of additional treatment for Cryptosporidium specified in subsections (a)(1) through (a)(4) based on its bin classification, as determined underpursuant to Section 611.1010, and according to the applicable schedule set forth in Section 611.1013.

1) If the supplier's bin classification is Bin 1, and the supplier uses conventional filtration treatment (including softening) in full compliance with the applicable provisions of Subparts B, R, and X of this Part, no additional treatment is required.

2) If the supplier's bin classification is Bin 2, and the supplier uses conventional filtration treatment (including softening) in full compliance with the applicable provisions of Subparts B, R, and X of this Part, then the additional Cryptosporidium treatment requirements are a 1-log treatment.

3) If the supplier's bin classification is Bin 2, and the supplier uses direct filtration in full compliance with the applicable provisions of Subparts B, R, and X of this Part, then the additional Cryptosporidium treatment requirements are a 1.5-log treatment.

4) If the supplier's bin classification is Bin 2, and the supplier uses slow sand or diatomaceous earth filtration in full compliance with the applicable provisions of Subparts B, R, and X of this Part, then the additional Cryptosporidium treatment requirements are a 1-log treatment.

5) If the supplier's bin classification is Bin 2, and the supplier uses alternative filtration technologies in full compliance with the applicable provisions of Subparts B, R, and X ~~of this Part~~, then the additional Cryptosporidium treatment requirements are as determined by the Agency, by a SEP ~~issued pursuant to Section 611.110~~, such that the total Cryptosporidium removal and inactivation is at least 4.0-log.

6) If the supplier's bin classification is Bin 3, and the supplier uses conventional filtration treatment (including softening) in full compliance with the applicable provisions of Subparts B, R, and X ~~of this Part~~, then the additional Cryptosporidium treatment requirements are a 2-log treatment.

7) If the supplier's bin classification is Bin 3, and the supplier uses direct filtration in full compliance with the applicable provisions of Subparts B, R, and X ~~of this Part~~, then the additional Cryptosporidium treatment requirements are a 2.5-log treatment.

8) If the supplier's bin classification is Bin 3, and the supplier uses slow sand or diatomaceous earth filtration in full compliance with the applicable provisions of Subparts B, R, and X ~~of this Part~~, then the additional Cryptosporidium treatment requirements are a 2-log treatment.

9) If the supplier's bin classification is Bin 3, and the supplier uses alternative filtration technologies in full compliance with the applicable provisions of Subparts B, R, and X ~~of this Part~~, then the additional Cryptosporidium treatment requirements are as determined by the Agency, by a SEP ~~issued pursuant to Section 611.110~~, such that the total Cryptosporidium removal and inactivation is at least 5.0-log.

10) If the supplier's bin classification is Bin 4, and the supplier uses conventional filtration treatment (including softening) in full compliance with the applicable provisions of Subparts B, R, and X ~~of this Part~~, then the additional Cryptosporidium treatment requirements are a 2.5-log treatment.

11) If the supplier's bin classification is Bin 4, and the supplier uses direct filtration in full compliance with the applicable provisions of Subparts B,

R, and X ~~of this Part~~, then the additional Cryptosporidium treatment requirements are a 3-log treatment.

12) If the supplier's bin classification is Bin 4, and the supplier uses slow sand or diatomaceous earth filtration in full compliance with the applicable provisions of Subparts B, R, and X ~~of this Part~~, then the additional Cryptosporidium treatment requirements are a 2.5-log treatment.

13) If the supplier's bin classification is Bin 4, and the supplier uses alternative filtration technologies in full compliance with the applicable provisions of Subparts B, R, and X ~~of this Part~~, then the additional Cryptosporidium treatment requirements are as determined by the Agency, by a SEP ~~issued pursuant to Section 611.110~~, such that the total Cryptosporidium removal and inactivation is at least 5.5-log.

b) Required treatment.

1) A filtered system supplier must use one or more of the treatment and management options listed in Section 611.1015, termed the microbial toolbox, to comply with the additional Cryptosporidium treatment required in subsection (a).

2) A supplier classified in Bin 3 or Bin 4 must achieve at least 1-log of the additional Cryptosporidium treatment required under~~pursuant to~~ subsection (a) using either one or a combination of the following: bag filters, bank filtration, cartridge filters, chlorine dioxide, membranes, ozone, or UV, as described in Sections 611.1016 through 611.1020.

c) A failure by a supplier in any month to achieve treatment credit by meeting criteria in Sections 611.1016 through 611.1020 for microbial toolbox options that is at least equal to the level of treatment required in subsection (a) is a violation of the treatment technique requirement.

d) If the Agency determines, by a SEP ~~issued pursuant to Section 611.110~~, during a sanitary survey or an equivalent source water assessment that after a supplier completed the monitoring conducted under~~pursuant to~~ Section 611.1001(a) or 611.1001(b), significant changes occurred in the supplier's watershed that could lead to increased contamination of the source water by Cryptosporidium, the supplier must take actions specified by the Agency in the SEP to address the

contamination. These actions may include additional source water monitoring or implementing microbial toolbox options listed in Section 611.1015.

BOARD NOTE: Derived from 40 CFR 141.711 (2016).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 611.1013 Treatment Technique Requirements: Schedule for Compliance with Cryptosporidium Treatment Requirements

a) Following initial bin classification underpursuant to Section 611.1010(c), a filtered system supplier must provide the level of treatment for Cryptosporidium required by Section 611.1011 according to the applicable schedule set forth in subsection (c).

b) Following initial determination of the mean Cryptosporidium level underpursuant to Section 611.1012(a)(1), an unfiltered system supplier must provide the level of treatment for Cryptosporidium required by Section 611.1012 according to the applicable schedule set forth in subsection (c).

c) Cryptosporidium treatment compliance dates.

1) A supplier that serves 100,000 or more persons is required to have complied with Cryptosporidium treatment requirements before April 1, 2012.

2) A supplier that serves 50,000 to 99,999 persons is required to have complied with Cryptosporidium treatment requirements before October 1, 2012.

3) A supplier that serves 10,000 to 49,999 persons must comply with Cryptosporidium treatment requirements before October 1, 2013.

4) A supplier that serves fewer than 10,000 persons must comply with Cryptosporidium treatment requirements before October 1, 2014.

5) The Agency may, by a SEP issued pursuant to Section 611.110, allow up to an additional two years from the applicable date set forth in this subsection (c) for complying with the treatment requirement if it

determines that the additional time is necessary for the supplier to make capital improvements to implement the treatment.

d) If the bin classification for a filtered system supplier changes following the second round of source water monitoring, as determined underpursuant to Section 611.1010(d), the supplier must provide the level of treatment for Cryptosporidium required by Section 611.1011 on a schedule approved by the Agency by a SEP issued pursuant to Section 611.110.

e) If the mean Cryptosporidium level for an unfiltered system supplier changes following the second round of monitoring, as determined underpursuant to Section 611.1012(a)(2), and if the supplier must provide a different level of Cryptosporidium treatment underpursuant to Section 611.1012 due to this change, the supplier must meet this treatment requirement on a schedule approved by the Agency by a SEP issued pursuant to Section 611.110.

BOARD NOTE: Derived from 40 CFR 141.713 (2016).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 611.1016 Requirements for Microbial Toolbox Components: Source Toolbox Components

a) Watershed control program. A supplier receives 0.5-log Cryptosporidium treatment credit for implementing a watershed control program that meets the requirements of this Section.

1) A supplier that intends to apply for the watershed control program credit must notify the Agency of its intent no later than two years prior to the treatment compliance date applicable to the supplier in Section 611.1013.

2) A supplier must submit to the Agency a proposed watershed control plan no later than one year before the applicable treatment compliance date in Section 611.1013. The Agency must approve the watershed control plan for the supplier to receive watershed control program treatment credit. The watershed control plan must include the following elements:

A) Identification of an "area of influence" outside of which the likelihood of Cryptosporidium or fecal contamination affecting the

treatment plant intake is not significant. This is the area to be evaluated in future watershed surveys underpursuant to subsection (a)(5)(B);

B) Identification of both potential and actual sources of Cryptosporidium contamination and an assessment of the relative impact of these sources on the supplier's source water quality;

C) An analysis of the effectiveness and feasibility of control measures that could reduce Cryptosporidium loading from sources of contamination to the supplier's source water; and

D) A statement of goals and specific actions the supplier will undertake to reduce source water Cryptosporidium levels. The plan must explain how the actions are expected to contribute to specific goals, identify watershed partners and their roles, identify resource requirements and commitments, and include a schedule for plan implementation with deadlines for completing specific actions identified in the plan.

3) A supplier with an existing watershed control program (i.e., a program in place on January 5, 2006) is eligible to seek this credit. Its watershed control plans must meet the criteria in subsection (a)(2) and must specify ongoing and future actions that will reduce source water Cryptosporidium levels.

4) If the Agency does not respond to a supplier regarding approval of a watershed control plan submitted underpursuant to this Section and the supplier meets the other requirements of this Section, the watershed control program will be considered approved and 0.5 log Cryptosporidium treatment credit will be awarded, unless and until the Agency subsequently withdraws such approval by a SEP issued pursuant to Section 611.110.

5) A supplier must complete each of the following actions to maintain the 0.5-log credit.

A) It must submit an annual watershed control program status report to the Agency. The annual watershed control program status

report must describe the supplier's implementation of the approved plan and assess the adequacy of the plan to meet its goals. The report must explain how the supplier is addressing any shortcomings in plan implementation, including those previously identified by the Agency or as the result of the watershed survey conducted underpursuant to subsection (a)(5)(B). The report must also describe any significant changes that have occurred in the watershed since the last watershed sanitary survey. If a supplier determines during implementation that making a significant change to its approved watershed control program is necessary, the supplier must notify the Agency prior to making any such changes. If any change is likely to reduce the level of source water protection, the supplier must also list in its notification the actions the supplier will take to mitigate this effect;

B) The supplier must undergo a watershed sanitary survey every three years for a CWS supplier and every five years for a non-CWS supplier and submit the survey report to the Agency. The survey must be conducted according to Agency guidelines and by persons that the Agency approves.

i) The watershed sanitary survey must meet the following criteria: it must encompass the region identified in the Agency-approved watershed control plan as the area of influence; assess the implementation of actions to reduce source water Cryptosporidium levels; and identify any significant new sources of Cryptosporidium.

ii) If the Agency determines that significant changes may have occurred in the watershed since the previous watershed sanitary survey, the supplier must undergo another watershed sanitary survey before a date the Agency requires by a SEP issued pursuant to Section 611.110, which may be earlier than the regular date in subsection (a)(5)(B); and

C) The supplier must make the watershed control plan, annual status reports, and watershed sanitary survey reports available to the public upon request. These documents must be in a plain language

style and include criteria by which to evaluate the success of the program in achieving plan goals. The Agency may, by a SEP ~~issued pursuant to Section 611.110~~, approve that a supplier withhold from the public portions of the annual status report, watershed control plan, and watershed sanitary survey based on water supply security considerations.

6) If the Agency determines that a supplier is not carrying out the approved watershed control plan, the Agency may, by a SEP ~~issued pursuant to Section 611.110~~, withdraw the watershed control program treatment credit.

b) Alternative source.

1) A supplier may conduct source water monitoring that reflects a different intake location (either in the same source or for an alternate source) or a different procedure for the timing or level of withdrawal from the source (alternative source monitoring). If the Agency approves by a SEP ~~issued pursuant to Section 611.110~~, a supplier may determine its bin classification under~~pursuant to~~ Section 611.1010 based on the alternative source monitoring results.

2) If a supplier conducts alternative source monitoring under~~pursuant to~~ subsection (b)(1), it must also monitor their current plant intake concurrently as described in Section 611.1001.

3) Alternative source monitoring under~~pursuant to~~ subsection (b)(1) must meet the requirements for source monitoring to determine bin classification, as described in Sections 611.1001 through 611.1006. A supplier must report the alternative source monitoring results to the Agency, along with supporting information documenting the operating conditions under which the samples were collected.

4) If a supplier determines its bin classification under~~pursuant to~~ Section 611.1010 using alternative source monitoring results that reflect a different intake location or a different procedure for managing the timing or level of withdrawal from the source, the supplier must relocate the intake or permanently adopt the withdrawal procedure, as applicable, no later than the applicable treatment compliance date in Section 611.1013.

BOARD NOTE: Derived from 40 CFR 141.716 (2016).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 611.1017 Requirements for Microbial Toolbox Components: Pre-Filtration Treatment Toolbox Components

a) Presedimentation. A supplier receives 0.5-log Cryptosporidium treatment credit for a presedimentation basin during any month the process meets the criteria in this subsection (a).

1) The presedimentation basin must be in continuous operation and must treat the entire plant flow taken from a surface water or groundwater under the direct influent of surface water source.

2) The supplier must continuously add a coagulant to the presedimentation basin.

3) The presedimentation basin must achieve both of the following performance criteria:

A) It demonstrates at least 0.5-log mean reduction of influent turbidity. This reduction must be determined using daily turbidity measurements in the presedimentation process influent and effluent, and it must be calculated as follows: $\log_{10}$ (monthly mean of daily influent turbidity) - $\log_{10}$ (monthly mean of daily effluent turbidity); and

B) It complies with Agency-approved performance criteria that demonstrate at least 0.5-log mean removal of micronsized particulate material through the presedimentation process.

b) Two-stage lime softening. A supplier receives an additional 0.5-log Cryptosporidium treatment credit for a two-stage lime softening plant if chemical addition and hardness precipitation occur in two separate and sequential softening stages prior to filtration. Both softening stages must treat the entire plant flow taken from a surface water or groundwater under the direct influent of surface water source.

c) Bank filtration. A supplier receives Cryptosporidium treatment credit for bank filtration that serves as pretreatment to a filtration plant by meeting the criteria in this subsection (c). A supplier using bank filtration when it begins source water monitoring underpursuant to Section 611.1001(a) must collect samples as described in Section 611.1003(d), and it is not eligible for this credit.

1) A well with a groundwater flow path of at least 25 feet receives 0.5-log treatment credit, or a well with a groundwater flow path of at least 50 feet receives 1.0-log treatment credit. The groundwater flow path must be determined as specified in subsection (c)(4).

2) Only a well in granular aquifers is eligible for treatment credit. A granular aquifer is one comprised of sand, clay, silt, rock fragments, pebbles or larger particles, and minor cement. A supplier must characterize the aquifer at the well site to determine aquifer properties. A supplier must extract a core from the aquifer and demonstrate that in at least 90 percent of the core length, grains less than 1.0 mm in diameter constitute at least 10 percent of the core material.

3) Only a horizontal or vertical well is eligible for treatment credit.

4) For a vertical well, the groundwater flow path is the measured distance from the edge of the surface water body under high flow conditions (determined by the 100 year floodplain elevation boundary or by the floodway, as defined in Federal Emergency Management Agency flood hazard maps) to the well screen. For a horizontal well, the groundwater flow path is the measured distance from the bed of the river under normal flow conditions to the closest horizontal well lateral screen.

5) The supplier must monitor each wellhead for turbidity at least once every four hours while the bank filtration process is in operation. If monthly average turbidity levels, based on daily maximum values in the well, exceed 1 NTU, the supplier must report this result to the Agency and conduct an assessment within 30 days to determine the cause of the high turbidity levels in the well. If the Agency determines that microbial removal has been compromised, it may, by a SEP issued pursuant to Section 611.110, revoke treatment credit until the supplier implements corrective actions approved by the Agency to remediate the problem.

6) Springs and infiltration galleries are not eligible for treatment credit underpursuant to this Section, but are eligible for credit underpursuant to Section 611.1018(c).

7) Bank filtration demonstration of performance. The Agency may, by a SEP issued pursuant to Section 611.110, approve Cryptosporidium treatment credit for bank filtration based on a demonstration of performance study that meets the criteria in this subsection. This treatment credit may be greater than 1.0-log and may be awarded to bank filtration that does not meet the criteria in subsections (c)(1) through (c)(5).

A) The study must follow an Agency-approved protocol and must involve the collection of data on the removal of Cryptosporidium or a surrogate for Cryptosporidium and related hydrogeologic and water quality parameters during the full range of operating conditions.

B) The study must include sampling both from the production wells and from monitoring wells that are screened and located along the shortest flow path between the surface water source and the production wells.

BOARD NOTE: Derived from 40 CFR 141.717 (2016).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 611.1018 Requirements for Microbial Toolbox Components: Treatment Performance Toolbox Components

a) Combined filter performance. A supplier that uses conventional filtration treatment or direct filtration treatment receives an additional 0.5-log Cryptosporidium treatment credit during any month it meets the criteria in this subsection (a). Its combined filter effluent (CFE) turbidity must be less than or equal to 0.15 NTU in at least 95 percent of the measurements. Turbidity must be measured as described in Sections 611.531 and 611.533.

b) Individual filter performance. A supplier that uses conventional filtration treatment or direct filtration treatment receives 0.5-log Cryptosporidium treatment credit, which can be in addition to the 0.5-log credit underpursuant to subsection (a), during any month it meets the criteria in this subsection (b). Compliance with these criteria must be based on individual filter turbidity monitoring as described in Section 611.744 or 611.956(a), as applicable.

1) The filtered water turbidity for each individual filter must be less than or equal to 0.15 NTU in at least 95 percent of the measurements recorded each month.

2) No individual filter may have a measured turbidity greater than 0.3 NTU in two consecutive measurements taken 15 minutes apart.

3) Any supplier that has received treatment credit for individual filter performance and fails to meet the requirements of subsection (b)(1) or (b)(2) during any month does not receive a treatment technique violation underpursuant to Section 611.1011(c) if the Agency determines the following:

A) The failure was due to unusual and short-term circumstances that could not reasonably be prevented through optimizing treatment plant design, operation, and maintenance; and

B) The supplier has experienced no more than two such failures in any calendar year.

c) Demonstration of performance. The Agency may, by a SEP issued pursuant to Section 611.110, approve Cryptosporidium treatment credit for drinking water treatment processes based on a demonstration of performance study that meets the criteria in this subsection (c). This treatment credit may be greater than or less than the prescribed treatment credits in Section 611.1011 or Sections 611.1017 through 611.1020 and may be awarded to treatment processes that do not meet the criteria for the prescribed credits.

1) The supplier cannot receive the prescribed treatment credit for any toolbox option in Sections 611.1017 through 611.1020 if that toolbox option is included in a demonstration of performance study for which treatment credit is awarded underpursuant to this subsection (b).

2) The demonstration of performance study must follow an Agency-approved protocol and must demonstrate the level of Cryptosporidium reduction the treatment process will achieve under the full range of expected operating conditions for the supplier.

3) Approval by the Agency must be in writing and may include monitoring and treatment performance criteria that the supplier must demonstrate and report on an ongoing basis to remain eligible for the treatment credit. The Agency may, by a SEP ~~issued pursuant to Section 611.110~~, designate such criteria where necessary to verify that the conditions under which the demonstration of performance credit was approved are maintained during routine operation.

BOARD NOTE: Derived from 40 CFR 141.718 (2016).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 611.1019 Requirements for Microbial Toolbox Components: Additional Filtration Toolbox Components

a) Bag and cartridge filters. A supplier receives Cryptosporidium treatment credit of up to 2.0-log for individual bag or cartridge filters and up to 2.5-log for bag or cartridge filters operated in series by meeting the criteria set forth in subsections (a)(1) through (a)(10). To be eligible for this credit, the supplier must report the results of challenge testing that meets the requirements of subsections (a)(2) through (a)(9) to the Agency. The filters must treat the entire plant flow taken from a Subpart B source.

1) The Cryptosporidium treatment credit awarded to bag or cartridge filters must be based on the removal efficiency demonstrated during challenge testing that is conducted according to the criteria set forth in subsections (a)(2) through (a)(9). A factor of safety equal to 1-log for individual bag or cartridge filters and 0.5-log for bag or cartridge filters in series must be applied to challenge testing results to determine removal credit. A supplier may use results from challenge testing conducted prior to January 5, 2006 if the prior testing was consistent with the criteria specified in subsections (a)(2) through (a)(9).

2) Challenge testing must be performed on full-scale bag or cartridge filters, and the associated filter housing or pressure vessel, that are identical in material and construction to the filters and housings the supplier will use for removal of Cryptosporidium. Bag or cartridge filters must be challenge tested in the same configuration that the supplier will use, either as individual filters or as a series configuration of filters.

3) Challenge testing must be conducted using Cryptosporidium or a surrogate that is removed no more efficiently than Cryptosporidium. The microorganism or surrogate used during challenge testing is referred to as the challenge particulate. The concentration of the challenge particulate must be determined using a method capable of discreetly quantifying the specific microorganism or surrogate used in the test; gross measurements such as turbidity may not be used.

4) The maximum feed water concentration that can be used during a challenge test must be based on the detection limit of the challenge particulate in the filtrate (i.e., filtrate detection limit) and must be calculated using the following equation:

Maximum Feed Concentration = 1×10^4 x (Filtrate Detection Limit)

5) Challenge testing must be conducted at the maximum design flow rate for the filter as specified by the manufacturer.

6) Each filter evaluated must be tested for a duration sufficient to reach 100 percent of the terminal pressure drop, which establishes the maximum pressure drop under which the filter may be used to comply with the requirements of this Subpart Z.

7) Removal efficiency of a filter must be determined from the results of the challenge test and expressed in terms of log removal values using the following equation:

$$LRV = Log_{10} (C_f) – Log_{10} (C_p)$$

Where:

LRV = log removal value demonstrated during challenge testing

C_f = the feed concentration measured during the challenge test

C_p = the filtrate concentration measured during the challenge test. In applying this equation, the same units must be used for the feed and filtrate concentrations. If the challenge particulate is not detected in the filtrate, then the term C_p must be set equal to the detection limit.

8) Each filter tested must be challenged with the challenge particulate during three periods over the filtration cycle: within two hours after start-up of a new filter; when the pressure drop is between 45 and 55 percent of the terminal pressure drop; and at the end of the cycle after the pressure drop has reached 100 percent of the terminal pressure drop. An LRV must be calculated for each of these challenge periods for each filter tested. The LRV for the filter (LRV_{filter}) must be assigned the value of the minimum LRV observed during the three challenge periods for that filter.

9) If fewer than 20 filters are tested, the overall removal efficiency for the filter product line must be set equal to the lowest LRV_{filter} among the filters tested. If 20 or more filters are tested, the overall removal efficiency for the filter product line must be set equal to the 10^{th} percentile of the set of LRV_{filter} values for the various filters tested. The percentile is defined by (i/(n+1)) where i is the rank of n individual data points ordered lowest to highest. If necessary, the 10^{th} percentile may be calculated using linear interpolation.

10) If a previously tested filter is modified in a manner that could change the removal efficiency of the filter product line, challenge testing to demonstrate the removal efficiency of the modified filter must be conducted and submitted in writing to the Agency.

b) Membrane filtration.

1) A supplier receives Cryptosporidium treatment credit for membrane filtration that meets the criteria of this subsection (b). Membrane cartridge filters that meet the definition of membrane filtration in Section 611.102 are eligible for this credit. The level of treatment credit a supplier receives is equal to the lower of the following values:

A) The removal efficiency demonstrated during challenge testing conducted underpursuant to the conditions in subsection (b)(2); or

B) The maximum removal efficiency that can be verified through direct integrity testing used with the membrane filtration process underpursuant to the conditions in subsection (b)(3).

2) Challenge testing. The membrane used by the supplier must undergo challenge testing to evaluate removal efficiency, and the supplier must report the results of challenge testing to the Agency. Challenge testing must be conducted according to the criteria set forth in subsections (b)(2)(A) through (b)(2)(G). A supplier may use data from challenge testing conducted prior to January 5, 2006 if the prior testing was consistent with the criteria set forth in subsections (b)(2)(A) through (b)(2)(G).

A) Challenge testing must be conducted on either a full-scale membrane module, identical in material and construction to the membrane modules used in the supplier's treatment facility, or a smaller-scale membrane module, identical in material and similar in construction to the full-scale module. A module is defined as the smallest component of a membrane unit in which a specific membrane surface area is housed in a device with a filtrate outlet structure.

B) Challenge testing must be conducted using Cryptosporidium oocysts or a surrogate that is removed no more efficiently than Cryptosporidium oocysts. The organism or surrogate used during challenge testing is referred to as the challenge particulate. The concentration of the challenge particulate, in both the feed and filtrate water, must be determined using a method capable of discretely quantifying the specific challenge particulate used in the test; gross measurements such as turbidity may not be used.

C) The maximum feed water concentration that can be used during a challenge test is based on the detection limit of the challenge particulate in the filtrate and must be determined according to the following equation:

$$\text{Maximum Feed Concentration} = 3.16 \times 10^{6} \times (\text{Filtrate Detection Limit})$$

D) Challenge testing must be conducted under representative hydraulic conditions at the maximum design flux and maximum design process recovery specified by the manufacturer for the membrane module. Flux is defined as the throughput of a pressure driven membrane process expressed as flow per unit of membrane area. Recovery is defined as the volumetric percent of feed water that is converted to filtrate over the course of an operating cycle uninterrupted by events such as chemical cleaning or a solids removal process (i.e., backwashing).

E) Removal efficiency of a membrane module must be calculated from the challenge test results and expressed as a log removal value according to the following equation:

$$LRV = Log_{10} (C_f) - Log_{10} (C_p)$$

Where:

LRV = log removal value demonstrated during the challenge test

C_f = the feed concentration measured during the challenge test

C_p = the filtrate concentration measured during the challenge test. Equivalent units must be used for the feed and filtrate concentrations. If the challenge particulate is not detected in the filtrate, the term C_p is set equal to the detection limit for the purpose of calculating the LRV. An LRV must be calculated for each membrane module evaluated during the challenge test.

F) The removal efficiency of a membrane filtration process demonstrated during challenge testing must be expressed as a log removal value ($LRV_{C\text{-}Test}$). If fewer than 20 modules are tested, then $LRV_{C\text{-}Test}$ is equal to the lowest of the representative LRVs among the modules tested. If 20 or more modules are tested, then $LRV_{C\text{-}Test}$ is equal to the 10^{th} percentile of the representative LRVs

among the modules tested. The percentile is defined by (i/(n+1)) where i is the rank of n individual data points ordered lowest to highest. If necessary, the 10^{th} percentile may be calculated using linear interpolation.

G) The challenge test must establish a quality control release value (QCRV) for a non-destructive performance test that demonstrates the Cryptosporidium removal capability of the membrane filtration module. This performance test must be applied to each production membrane module used by the supplier that was not directly challenge tested in order to verify Cryptosporidium removal capability. Production modules that do not meet the established QCRV are not eligible for the treatment credit demonstrated during the challenge test.

H) If a previously tested membrane is modified in a manner that could change the removal efficiency of the membrane or the applicability of the non-destructive performance test and associated QCRV, additional challenge testing to demonstrate the removal efficiency of, and determine a new QCRV for, the modified membrane must be conducted and submitted to the Agency.

3) Direct integrity testing. A supplier must conduct direct integrity testing in a manner that demonstrates a removal efficiency equal to or greater than the removal credit awarded to the membrane filtration process and meets the requirements described in subsections (b)(3)(A) through (b)(3)(F). A "direct integrity test" is defined as a physical test applied to a membrane unit in order to identify and isolate integrity breaches (i.e., one or more leaks that could result in contamination of the filtrate).

A) The direct integrity test must be independently applied to each membrane unit in service. A membrane unit is defined as a group of membrane modules that share common valving that allows the unit to be isolated from the rest of the treatment system for the purpose of integrity testing or other maintenance.

B) The direct integrity method must have a resolution of three micrometers or less, where resolution is defined as the size of the

smallest integrity breach that contributes to a response from the direct integrity test.

C) The direct integrity test must have a sensitivity sufficient to verify the log treatment credit awarded to the membrane filtration process by the Agency, where sensitivity is defined as the maximum log removal value that can be reliably verified by a direct integrity test. Sensitivity must be determined using the appropriate of the following approaches, considering the type of direct integrity test the supplier uses:

i) For a direct integrity test that uses an applied pressure or vacuum, the direct integrity test sensitivity must be calculated according to the following equation:

$$LRV_{DIT} = Log_{10}\left(\frac{Q_p}{VCF \times Q_{breach}}\right)$$

Where:

LRV_{DIT} = the sensitivity of the direct integrity test
Q_p = total design filtrate flow from the membrane unit
Q_{breach} = flow of water from an integrity breach associated with the smallest integrity test response that can be reliably measured
VCF = volumetric concentration factor. The volumetric concentration factor is the ratio of the suspended solids concentration on the high pressure side of the membrane relative to that in the feed water; or

ii) For a direct integrity test that uses a particulate or molecular marker, the direct integrity test sensitivity must be calculated according to the following equation:

$$LRV_{DIT} = Log_{10}(C_f) - Log_{10}(C_p)$$

Where:

LRV_{DIT} = the sensitivity of the direct integrity test

C_f = the typical feed concentration of the marker used in the test

C_p = the filtrate concentration of the marker from an integral membrane unit

D) A supplier must establish a control limit within the sensitivity limits of the direct integrity test that is indicative of an integral membrane unit capable of meeting the removal credit awarded by the Agency.

E) If the result of a direct integrity test exceeds the control limit established underpursuant to subsection (b)(3)(D), the supplier must remove the membrane unit from service. The supplier must conduct a direct integrity test to verify any repairs, and it may return the membrane unit to service only if the direct integrity test is within the established control limit.

F) A supplier must conduct direct integrity testing on each membrane unit at a frequency of not less than once each day that the membrane unit is in operation. The Agency may, by a SEP issued pursuant to Section 611.110, approve less frequent testing, based on demonstrated process reliability, the use of multiple barriers effective for Cryptosporidium, or reliable process safeguards.

4) Indirect integrity monitoring. A supplier must conduct continuous indirect integrity monitoring on each membrane unit according to the criteria in subsections (b)(4)(A) through (b)(4)(E). "Indirect integrity monitoring" is defined as monitoring some aspect of filtrate water quality that is indicative of the removal of particulate matter. A supplier that implements continuous direct integrity testing of membrane units in accordance with the criteria in subsections (b)(3)(A) through (b)(3)(E) is not subject to the requirements for continuous indirect integrity monitoring. The supplier must submit a monthly report to the Agency summarizing all continuous indirect integrity monitoring results triggering direct integrity testing and the corrective action that was taken in each case.

A) Unless the Agency approves an alternative parameter by a SEP ~~issued pursuant to Section 611.110~~, continuous indirect integrity monitoring must include continuous filtrate turbidity monitoring.

B) Continuous indirect integrity monitoring must be conducted at a frequency of no less than once every 15 minutes.

C) Continuous indirect integrity monitoring must be separately conducted on each membrane unit.

D) If continuous indirect integrity monitoring includes turbidity and if the filtrate turbidity readings are above 0.15 NTU for a period greater than 15 minutes (i.e., two consecutive 15-minute readings above 0.15 NTU), direct integrity testing must immediately be performed on the associated membrane unit, as specified in subsections (b)(3)(A) through (b)(3)(E).

E) If indirect integrity monitoring includes an Agency-approved alternative parameter and if the alternative parameter exceeds an Agency-approved control limit for a period greater than 15 minutes, direct integrity testing must immediately be performed on the associated membrane units, as specified in subsections (b)(3)(A) through (b)(3)(E).

c) Second stage filtration. A supplier receives 0.5-log Cryptosporidium treatment credit for a separate second stage of filtration that consists of sand, dual media, GAC, or other fine grain media following granular media filtration if the Agency approves by a SEP ~~issued pursuant to Section 611.110~~. To be eligible for this credit, the first stage of filtration must be preceded by a coagulation step and both filtration stages must treat the entire plant flow taken from a surface water or groundwater under the direct influence of surface water source. A cap, such as GAC, on a single stage of filtration is not eligible for this credit. The Agency must approve the treatment credit based on an assessment of the design characteristics of the filtration process.

d) Slow sand filtration (as secondary filter). A supplier is eligible to receive 2.5-log Cryptosporidium treatment credit by a SEP ~~issued pursuant to Section 611.110~~ for a slow sand filtration process that follows a separate stage of filtration if both filtration stages treat entire plant flow taken from a surface water or groundwater

under the direct influence of surface water source and no disinfectant residual is present in the influent water to the slow sand filtration process. The Agency must approve the treatment credit based on an assessment of the design characteristics of the filtration process. This subsection (d) does not apply to treatment credit awarded to slow sand filtration used as a primary filtration process.

BOARD NOTE: Derived from 40 CFR 141.719 (2016).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 611.1020 Requirements for Microbial Toolbox Components: Inactivation Toolbox Components

a) Calculation of CT values.

1) CT is the product of the disinfectant contact time (T, in minutes) and disinfectant concentration (C, in milligrams per liter). A supplier with treatment credit for chlorine dioxide or ozone under~~pursuant to~~ subsection (b) or (c) must calculate CT at least once each day, with both C and T measured during peak hourly flow, as specified in Sections 611.531 and 611.532.

2) A supplier with several disinfection segments in sequence may calculate CT for each segment, where a disinfection segment is defined as a treatment unit process with a measurable disinfectant residual level and a liquid volume. Under this approach, the supplier must add the Cryptosporidium CT values in each segment to determine the total CT for the treatment plant.

b) CT values for chlorine dioxide and ozone.

1) A supplier receives the Cryptosporidium treatment credit listed in Table H to this Part by meeting the corresponding chlorine dioxide CT value for the applicable water temperature, as described in subsection (a).

2) A supplier receives the Cryptosporidium treatment credit listed in Table I to this Part by meeting the corresponding ozone CT values for the applicable water temperature, as described in subsection (a).

c) Site-specific study. The Agency may, by a SEP ~~issued pursuant to Section 611.110~~, approve alternative chlorine dioxide or ozone CT values to those listed in Tables H and I to this Part on a site-specific basis. The Agency must base this approval on a site-specific study conducted by the supplier according to an Agency-approved protocol.

d) Ultraviolet light. A supplier receives Cryptosporidium, Giardia lamblia, and virus treatment credits for ultraviolet (UV) light reactors by achieving the corresponding UV dose values shown in Table J to this Part. The supplier must validate and monitor UV reactors, as described in subsections (d)(2) and (d)(3), to demonstrate that they are achieving a particular UV dose value for treatment credit.

1) UV dose table. The treatment credits listed in Table J to this Part are for UV light at a wavelength of 254 nm as produced by a low-pressure mercury vapor lamp. To receive treatment credit for other lamp types, a supplier must demonstrate an equivalent germicidal dose through reactor validation testing, as described in subsection (d)(2). The UV dose values in this table are applicable only to post-filter applications of UV in a filtered system supplier and to an unfiltered system supplier.

2) Reactor validation testing. A supplier must use UV reactors that have undergone validation testing to determine the operating conditions under which the reactor delivers the UV dose required in subsection (d)(1) (i.e., validated operating conditions). These operating conditions must include flow rate; UV intensity, as measured by a UV sensor; and UV lamp status.

A) When determining validated operating conditions, a supplier must account for the following factors: UV absorbance of the water; lamp fouling and aging; measurement uncertainty of on-line sensors; UV dose distributions arising from the velocity profiles through the reactor; failure of UV lamps or other critical treatment system components; and inlet and outlet piping or channel configurations of the UV reactor.

B) Validation testing must include the following: Full scale testing of a reactor that conforms uniformly to the UV reactors used by the supplier and inactivation of a test microorganism whose dose

response characteristics have been quantified with a low pressure mercury vapor lamp.

C) The Agency may, by a SEP ~~issued pursuant to Section 611.110~~, approve an alternative approach to validation testing.

3) Reactor monitoring.

A) A supplier must monitor its UV reactors to determine if the reactors are operating within validated conditions, as determined under~~pursuant to~~ subsection (d)(2). This monitoring must include UV intensity, as measured by a UV sensor; flow rate; lamp status; and other parameters that the Agency has designated by a SEP ~~issued pursuant to Section 611.110~~ based on UV reactor operation. A supplier must verify the calibration of UV sensors and must recalibrate sensors in accordance with a protocol that the Agency has approved by the SEP ~~issued pursuant to Section 611.110~~.

B) To receive treatment credit for UV light, a supplier must treat at least 95 percent of the water delivered to the public during each month by UV reactors operating within validated conditions for the required UV dose, as described in subsections (d)(1) and (d)(2). The supplier must demonstrate compliance with this condition by the monitoring required under~~pursuant to~~ subsection (d)(3)(A).

BOARD NOTE: Derived from 40 CFR 141.720 (2016).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 611.1021 Reporting and Recordkeeping Requirements: Reporting Requirements

a) A supplier must report sampling schedules under~~pursuant to~~ Section 611.1002 and source water monitoring results under~~pursuant to~~ Section 611.1006 unless it notifies the Agency that it will not conduct source water monitoring because the supplier meets the criteria of Section 611.1001(d).

b) A supplier must report the use of uncovered finished water storage facilities to the Agency, as described in Section 611.1014.

c) A filtered system supplier must report its Cryptosporidium bin classification, as described in Section 611.1010.

d) An unfiltered system supplier must report its mean source water Cryptosporidium level, as described in Section 611.1012.

e) A supplier must report disinfection profiles and benchmarks to the Agency, as described in Sections 611.1008 and 611.1009, prior to making a significant change in disinfection practice.

f) A supplier must report to the Agency in accordance with subsections (f)(1) through (f)(15) for any microbial toolbox options used to comply with treatment requirements under~~pursuant to~~ Section 611.1011 or Section 611.1012. Alternatively, the Agency may, by a SEP ~~issued pursuant to Section 611.110~~, approve a supplier to certify operation within required parameters for treatment credit rather than reporting monthly operational data for toolbox options.

1) A supplier that uses the watershed control program toolbox option must submit the following information on the indicated schedule:

A) A notice of intention to develop a new or continue an existing watershed control program no later than two years before the applicable treatment compliance date in Section 611.1013;

B) A watershed control plan no later than one year before the applicable treatment compliance date in Section 611.1013;

C) An annual watershed control program status report every 12 months, beginning one year after the applicable treatment compliance date in Section 611.1013; and

D) A watershed sanitary survey report: for a CWS supplier, every three years beginning three years after the applicable treatment compliance date in Section 611.1013 or, for a non-CWS supplier, every five years beginning five years after the applicable treatment compliance date in Section 611.1013.

2) A supplier that uses the alternative source or intake management toolbox option must submit verification that it has relocated the intake or adopted

the intake withdrawal procedure reflected in monitoring results no later than the applicable treatment compliance date in Section 611.1013.

3) A supplier that uses the presedimentation toolbox option must submit monthly verification of the information set forth in each of subsections (f)(3)(A) through (f)(3)(D), subject to the limitations of subsection (f)(3)(E).

A) Continuous basin operation;

B) Treatment of 100% of the flow;

C) Continuous addition of a coagulant; and

D) At least 0.5-log mean reduction of influent turbidity or compliance with alternative Agency-approved performance criteria.

E) Monthly reporting must occur within 10 days following the month in which the monitoring was conducted, beginning on the applicable treatment compliance date in Section 611.1013.

4) A supplier that uses the two-stage lime softening toolbox option must submit monthly verification of the information set forth in each of subsections (f)(4)(A) and (f)(4)(B), subject to the limitations of subsection (f)(4)(C).

A) That chemical addition and hardness precipitation occurred in two separate and sequential softening stages prior to filtration; and

B) That both stages treated 100% of the plant flow.

C) Monthly reporting must occur within 10 days following the month in which the monitoring was conducted, beginning on the applicable treatment compliance date in Section 611.1013.

5) A supplier that uses the bank filtration toolbox option must submit the following information on the indicated schedule:

A) An initial demonstration of the following no later than the applicable treatment compliance date in Section 611.1013:

i) The existence of unconsolidated, predominantly sandy aquifer; and

ii) A setback distance of at least 25 ft. (0.5-log credit) or 50 ft. (1.0-log credit).

B) If the monthly average of daily maximum turbidity is greater than 1 NTU, then the supplier must report that result and submit an assessment of the cause within 30 days following the month in which the monitoring was conducted, beginning on the applicable treatment compliance date in Section 611.1013.

6) A supplier that uses the combined filter performance toolbox option must submit monthly verification of combined filter effluent (CFE) turbidity levels less than or equal to 0.15 NTU in at least 95 percent of the four-hour CFE measurements taken each month. Monthly reporting must occur within 10 days following the month in which the monitoring was conducted, beginning on the applicable treatment compliance date in Section 611.1013.

7) A supplier that uses the individual filter performance toolbox option must submit monthly verification of the information set forth in each of subsections (f)(7)(A) and (f)(7)(B), subject to the limitations of subsection (f)(7)(C).

A) That individual filter effluent (IFE) turbidity levels were less than or equal to 0.15 NTU in at least 95 percent of samples each month in each filter; and

B) That no individual filter measured greater than 0.3 NTU in two consecutive readings 15 minutes apart.

C) Monthly reporting must occur within 10 days following the month in which the monitoring was conducted, beginning on the applicable treatment compliance date in Section 611.1013.

8) A supplier that uses the demonstration of performance toolbox option must submit the information set forth in each of subsections (f)(8)(A) and (f)(8)(B) on the indicated schedule:

A) Results from testing following an Agency-approved protocol no later than the applicable treatment compliance date in Section 611.1013; and

B) As required by the Agency, monthly verification of operation within conditions of Agency approval for demonstration of performance credit within 10 days following the month in which monitoring was conducted, beginning on the applicable treatment compliance date in Section 611.1013.

9) A supplier that uses the bag filters and cartridge filters toolbox option must submit the information set forth in each of subsections (f)(9)(A) and (f)(9)(B) on the indicated schedule:

A) A demonstration, no later than the applicable treatment compliance date in Section 611.1013, that the following criteria are met:

i) It must demonstrate that the process meets the definition of bag or cartridge filtration; and

ii) It must demonstrate that the removal efficiency established through challenge testing that meets criteria in this Subpart Z; and

B) Monthly verification, within 10 days following the month in which monitoring was conducted, beginning on the applicable treatment compliance date in Section 611.1013, that 100% of plant flow was filtered.

10) A supplier that uses the membrane filtration toolbox option must submit the following information on the indicated schedule:

A) Results of verification testing no later than the applicable treatment compliance date in Section 611.1013 that demonstrate the following:

i) It must demonstrate that the removal efficiency established through challenge testing that meets criteria set forth in this Subpart Z; and

ii) It must demonstrate the integrity test method and parameters, including resolution, sensitivity, test frequency, control limits, and associated baseline; and

B) A monthly report within 10 days following the month in which monitoring was conducted, beginning on the applicable treatment compliance date in Section 611.1013, that summarizes the following:

i) It must summarize all direct integrity tests above the control limit; and

ii) If applicable, it must summarize any turbidity or alternative Agency-approved indirect integrity monitoring results triggering direct integrity testing and the corrective action that was taken.

11) A supplier that uses the second stage filtration toolbox option must submit monthly verification within 10 days following the month in which monitoring was conducted, beginning on the applicable treatment compliance date in Section 611.1013, that 100% of flow was filtered through both stages and that first stage was preceded by coagulation step.

12) A supplier that uses the slow sand filtration (as secondary filter) toolbox option must submit monthly verification within 10 days following the month in which monitoring was conducted, beginning on the applicable treatment compliance date in Section 611.1013, that both a slow sand filter and a preceding separate stage of filtration treated 100% of flow from Subpart B sources.

13) A supplier that uses the chlorine dioxide toolbox option must submit a monthly summary of CT values for each day within 10 days following the month in which monitoring was conducted, beginning on the applicable

treatment compliance date in Section 611.1013, as described in Section 611.1020.

14) A supplier that uses the ozone toolbox option must submit a monthly summary of CT values for each day within 10 days following the month in which monitoring was conducted, beginning on the applicable treatment compliance date in Section 611.1013, as described in Section 611.1020.

15) A supplier that uses the UV toolbox option must submit the following information on the indicated schedule:

A) Validation test results no later than the applicable treatment compliance date in Section 611.1013, that demonstrate operating conditions that achieve required UV dose.

B) A monthly report summarizing the percentage of water entering the distribution system that was not treated by UV reactors operating within validated conditions for the required dose within 10 days following the month in which monitoring was conducted, beginning on the applicable treatment compliance date in Section 611.1013, as specified in Section 611.1020(d).

BOARD NOTE: Derived from 40 CFR 141.721 (2016).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

SUBPART AA: REVISED TOTAL COLIFORM RULE

Section 611.1053 General Monitoring Requirements for all PWSs

a) Sample siting plans.

1) A supplier must develop a written sample siting plan that identifies sampling sites and a sample collection schedule that are representative of water throughout the distribution system. These plans are subject to Agency review and revision. The supplier must collect total coliform samples according to the written sample siting plan. Monitoring required by Sections 611.1054 through 611.1058 may take place at a customer's premises, a dedicated sampling station, or another designated compliance

sampling location. Routine and repeat sample sites and any sampling points necessary to meet the requirements of Subpart S must be reflected in the sampling plan.

2) A supplier must collect samples at regular time intervals throughout the month, except that systems that use only ground water and serve 4,900 or fewer people may collect all required samples on a single day if they are taken from different sites.

3) A supplier must take at least the minimum number of required samples even if the system has had an E. coli MCL violation or has exceeded the coliform treatment technique triggers in Section 611.1059(a).

4) A supplier may conduct more compliance monitoring than is required by this Subpart AA to investigate potential problems in the distribution system and use monitoring as a tool to assist in uncovering problems. A supplier may take more than the minimum number of required routine samples and must include the results in calculating whether the coliform treatment technique trigger in Section 611.1059(a)(1)(A) and (a)(1)(B) has been exceeded only if the samples are taken in accordance with the existing sample siting plan and are representative of water throughout the distribution system.

5) A supplier must identify repeat monitoring locations in the sample siting plan. Unless the provisions of subsection (a)(5)(A) or (a)(5)(B) are met, the supplier must 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 service connection away from the end of the distribution system, the supplier must still take all required repeat samples. However, the Agency may grant a SEP ~~pursuant to Section 611.110~~ that allows an alternative sampling location in lieu of the requirement to collect at least one repeat sample upstream or downstream of the original sampling site. Except as provided for in subsection (a)(5)(B), a supplier required to conduct triggered source water monitoring underpursuant to Section 611.802(a) must take ground water

source samples in addition to repeat samples required under this Subpart AA.

A) A supplier may propose repeat monitoring locations to the Agency that the supplier believes to be representative of a pathway for contamination of the distribution system. A supplier may elect to specify either alternative fixed locations or criteria for selecting repeat sampling sites on a situational basis in a standard operating procedure (SOP) in its sample siting plan. The supplier must design its SOP to focus the repeat samples at locations that best verify and determine the extent of potential contamination of the distribution system area based on specific situations. The Agency may, by a SEP ~~issued pursuant to Section 611.110~~, modify the SOP or require alternative monitoring locations as the Agency determines is necessary.

B) A GWS supplier that serves 1,000 or fewer people may propose repeat sampling locations to the Agency that differentiate potential source water and distribution system contamination (e.g., by sampling at entry points to the distribution system). A GWS supplier that has a single well and which is required to conduct triggered source water monitoring may, as allowed by a SEP ~~issued pursuant to Section 611.110~~, take one of its repeat samples at the monitoring location required for triggered source water monitoring under~~pursuant to~~ Section 611.802(a). The supplier must justify an Agency determination that the sample siting plan remains representative of water quality in the distribution system. If approved by a SEP ~~issued pursuant to Section 611.110~~, the supplier may use that sample result to meet the monitoring requirements in both Section 611.802(a) and this Section.

i) If a repeat sample taken at the monitoring location required for triggered source water monitoring is E. coli-positive, the supplier has violated the E. coli MCL and must also comply with Section 611.802(a)(3). If a supplier takes more than one repeat sample at the monitoring location required for triggered source water monitoring, the supplier may reduce the number of additional source water samples required under Section 611.802(a)(3) by the number of

repeat samples taken at that location that were not E. coli-positive.

ii) If a supplier takes more than one repeat sample at the monitoring location required for triggered source water monitoring under Section 611.802(a), and more than one repeat sample is E. coli-positive, the supplier has violated the E. coli MCL and must also comply with Section 611.803(a)(1).

iii) If all repeat samples taken at the monitoring location required for triggered source water monitoring are E. coli-negative and a repeat sample taken at a monitoring location other than the one required for triggered source water monitoring is E. coli-positive, the supplier has violated the E. coli MCL, but is not required to comply with Section 611.802(a)(3).

6) The Agency may, by a SEP ~~issued pursuant to Section 611.110~~, review, revise, and approve, as appropriate, repeat sampling proposed by a supplier under~~pursuant to~~ subsections (a)(5)(A) and (a)(5)(B). The supplier must justify an Agency determination that the sample siting plan remains representative of the water quality in the distribution system. The Agency may determine that monitoring at the entry point to the distribution system (especially for undisinfected ground water systems) is effective to differentiate between potential source water and distribution system problems.

b) Special purpose samples. 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 whether the coliform treatment technique trigger has been exceeded. Repeat samples taken under~~pursuant to~~ Section 611.1058 are not considered special purpose samples, and must be used to determine whether the coliform treatment technique trigger has been exceeded.

c) Invalidation of total coliform samples. A total coliform-positive sample invalidated under this subsection (c) does not count toward meeting the minimum monitoring requirements of this Subpart AA.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) The Agency may, by a SEP ~~issued pursuant to Section 611.110~~, invalidate a total coliform-positive sample only if the conditions of subsection (c)(1)(A), (c)(1)(B), or (c)(1)(C) are met.

A) The laboratory establishes that improper sample analysis caused the total coliform-positive result.

B) The Agency, on the basis of the results of repeat samples collected as required under Section 611.1058(a), 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 at a location other than the original tap are total coliform-negative (e.g., a 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 system has only one service connection).

C) The Agency has substantial grounds to believe that a total coliform-positive result is due to a circumstance or condition that does not reflect water quality in the distribution system. In this case, the system must still collect all repeat samples required under Section 611.1058(a), and use them to determine whether a coliform treatment technique trigger in Section 611.1059 has been exceeded. To invalidate a total coliform-positive sample under this subsection (c)(1), the decision and supporting rationale must be documented in writing and approved and signed by the Agency, as a SEP ~~issued pursuant to Section 611.110~~. The Agency must 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 may not invalidate a total coliform-positive sample solely on the grounds that all repeat samples are total coliform-negative.

2) A laboratory must 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 presence-absence (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 must collect another sample from the same location as the original sample within 24 hours after being notified of the interference problem, and have it analyzed for the presence of total coliforms. The supplier must continue to re-sample within 24 hours and have the samples analyzed until it obtains a valid result. The Agency may, by a SEP ~~issued pursuant to Section 611.110~~, waive the 24-hour time limit on a case-by-case basis. Alternatively, the Agency or any interested person may file a petition for rulemaking, under~~pursuant to~~ Sections 27 and 28 of the Act [415 ILCS 5/27 and 28], to establish criteria for waiving the 24-hour sampling time limit to use in lieu of case-by-case extensions.

BOARD NOTE: Derived from 40 CFR 141.853 (2016).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 611.1054 Routine Monitoring Requirements for Non-CWSs That Serve 1,000 or Fewer People Using Only Groundwater

a) General.

1) This Section applies to non-CWS suppliers that use only groundwater (except groundwater under the direct influence of surface water, as defined in Section 611.102) and which serve 1,000 or fewer people.

2) Following any total coliform-positive sample taken under~~pursuant to~~ this Section, a supplier must comply with the repeat monitoring requirements and E. coli analytical requirements in Section 611.1058.

3) Once all monitoring required by this Section and Section 611.1058 for a calendar month has been completed, a supplier must determine whether

any coliform treatment technique triggers specified in Section 611.1059 have been exceeded. If any trigger has been exceeded, the supplier must complete assessments as required by Section 611.1059.

4) For the purpose of determining eligibility for remaining on or qualifying for quarterly monitoring under the provisions of subsections (f)(4) and (g)(2), respectively, for transient non-CWS suppliers, the Agency may elect to not count monitoring violations under Section 611.1060(c)(1) if the missed sample is collected no later than the end of the monitoring period following the monitoring period in which the sample was missed. The supplier must collect the make-up sample in a different week than the routine sample for that monitoring period and should collect the sample as soon as possible during the monitoring period. The Agency may not use this provision under subsection (h). This authority does not affect the provisions of Sections 611.1060(c)(1) and 611.1061(a)(4) ~~of this Part~~.

b) Monitoring frequency for total coliforms. A supplier must monitor each calendar quarter that the supplier provides water to the public, except for a seasonal system supplier or as provided under subsections (c) through (h) and (j). A seasonal system supplier must meet the monitoring requirements of subsection (i).

c) Transition to this Subpart AA. The Agency must perform a special monitoring evaluation during each sanitary survey to review the status of the supplier's system, including the distribution system, to determine whether the supplier is on an appropriate monitoring schedule. After the Agency has performed the special monitoring evaluation during each sanitary survey, the Agency may modify the supplier's monitoring schedule, as the Agency determines is necessary, or the Agency may allow the supplier to stay on its existing monitoring schedule, consistent with the provisions of this Section. The Agency may not allow a supplier to begin less frequent monitoring under the special monitoring evaluation unless the supplier has already met the applicable criteria for less frequent monitoring in this Section. For a seasonal system supplier on quarterly or annual monitoring, this evaluation must include review of the approved sample siting plan, which must designate the time periods for monitoring based on site-specific considerations (e.g., during periods of highest demand or highest vulnerability to contamination). The seasonal system supplier must collect compliance samples during these time periods.

d) Annual site visits. A supplier on annual monitoring, including a seasonal system supplier, must have an initial and recurring annual site visit by the Agency that is equivalent to a Level 2 assessment or an annual voluntary Level 2 assessment that meets the criteria in Section 611.1059(b) to remain on annual monitoring. The periodic required sanitary survey may be used to meet the requirement for an annual site visit for the year in which the sanitary survey was completed.

e) Criteria for annual monitoring. The Agency may, by a SEP ~~issued pursuant to Section 611.110~~, reduce the monitoring frequency for a well-operated GWS supplier from quarterly routine monitoring to no less than annual monitoring, if the supplier demonstrates that it meets the criteria for reduced monitoring in subsections (e)(1) through (e)(3), except for a supplier that has been on increased monitoring under the provisions of subsection (f). A supplier on increased monitoring under subsection (f) must meet the provisions of subsection (g) to go to quarterly monitoring and must meet the provisions of subsection (h) to go to annual monitoring.

1) The supplier's system has a clean compliance history for a minimum of 12 months;

2) The most recent sanitary survey shows that the supplier's system is free of sanitary defects or has corrected all identified sanitary defects, has a protected water source, and meets Agency-approved construction standards; and

3) The Agency has conducted an annual site visit within the last 12 months, and the supplier has corrected all identified sanitary defects. The supplier may substitute a Level 2 assessment that meets the criteria in Section 611.1059(b) for the Agency annual site visit.

f) Increased monitoring requirements for suppliers on quarterly or annual monitoring. A supplier on quarterly or annual monitoring that experiences any of the events identified in subsections (f)(1) through (f)(4) must begin monthly monitoring the month following the event. A supplier on annual monitoring that experiences the event identified in subsections (f)(5) must begin quarterly monitoring the quarter following the event. The supplier must continue monthly or quarterly monitoring until the requirements in subsection (g) for quarterly monitoring or subsection (h) for annual monitoring are met. A supplier on monthly monitoring for reasons other than those identified in subsections (f)(1)

through (f)(4) is not considered to be on increased monitoring for the purposes of subsections (g) and (h).

1) The supplier's system triggers a Level 2 assessment or two Level 1 assessments under the provisions of Section 611.1059 in a rolling 12-month period.

2) The supplier's system has an E. coli MCL violation.

3) The supplier's system has a coliform treatment technique violation.

4) The supplier's system has two Subpart AA monitoring violations or one Subpart AA monitoring violation and one Level 1 assessment under the provisions of Section 611.1059 in a rolling 12-month period for a system on quarterly monitoring.

5) The supplier's system has one Subpart AA monitoring violation for a system on annual monitoring.

g) Requirements for returning to quarterly monitoring. The Agency may, by a SEP ~~issued pursuant to Section 611.110~~, reduce the monitoring frequency for a supplier on monthly monitoring triggered under subsection (f) to quarterly monitoring if the supplier's system meets the criteria in subsections (g)(1) and (g)(2).

1) Within the last 12 months, the supplier must have a completed sanitary survey or a site visit of its system by the Agency or a voluntary Level 2 assessment of its system by a party approved by the Agency, the supplier's system must be free of sanitary defects, and the supplier's system must have a protected water source; and

2) The supplier's system must have a clean compliance history for a minimum of 12 months.

h) Requirements for a supplier on increased monitoring to qualify for annual monitoring. The Agency may, by a SEP ~~issued pursuant to Section 611.110~~, reduce the monitoring frequency for a supplier on increased monitoring under subsection (f) if the supplier's system meets the criteria in subsection (g) and the criteria in subsections (h)(1) and (h)(2).

1) An annual site visit by the Agency and correction of all identified sanitary defects. The supplier may substitute a voluntary Level 2 assessment by a party approved by the Agency for the Agency annual site visit in any given year.

2) The supplier must have in place or adopt one or more of the following additional enhancements to the water system barriers to contamination:

A) Cross connection control, as approved by the Agency.

B) An operator certified by an appropriate Agency certification program or regular visits by a circuit rider certified by an appropriate Agency certification program.

C) Continuous disinfection entering the distribution system and a residual in the distribution system in accordance with criteria specified by the Agency.

D) Demonstration of maintenance of at least a four-log removal or inactivation of viruses as provided for under Section 141.403(b)(3).

E) Other equivalent enhancements to water system barriers as approved by the State.

i) Seasonal systems.

1) All seasonal system suppliers must demonstrate completion of an Agency-approved start-up procedure, which may include a requirement for startup sampling prior to serving water to the public.

2) A seasonal system supplier must monitor every month that it is in operation unless it meets the criteria in subsections (i)(2)(i) through (iii) to be eligible for monitoring less frequently than monthly, except as provided under subsection (c).

A) Seasonal a system supplier monitoring less frequently than monthly must have an approved sample siting plan that designates

the time period for monitoring based on site-specific considerations (e.g., during periods of highest demand or highest vulnerability to contamination). A seasonal system supplier must collect compliance samples during this time period.

B) To be eligible for quarterly monitoring, the supplier must meet the criteria in subsection (g).

C) To be eligible for annual monitoring, the supplier must meet the criteria under subsection (h).

3) The Agency may, by a SEP ~~issued pursuant to Section 611.110~~, exempt any seasonal system supplier from some or all of the requirements for seasonal system suppliers if the entire distribution system remains pressurized during the entire period that the supplier's system is not operating, except that a supplier that monitors less frequently than monthly must still monitor during the vulnerable period designated by the Agency.

j) Additional routine monitoring the month following a total coliform-positive sample. A supplier that collects samples on a quarterly or annual frequency must conduct additional routine monitoring the month following one or more total coliform-positive samples (with or without a Level 1 treatment technique trigger). The supplier must collect at least three routine samples during the next month, except that the Agency may, by a SEP ~~issued pursuant to Section 611.110~~, waive this requirement if the conditions of subsection (j)(1), (j)(2), or (j)(3) are met. The supplier may either collect samples at regular time intervals throughout the month or may collect all required routine samples on a single day if samples are taken from different sites. The supplier must use the results of additional routine samples in coliform treatment technique trigger calculations under Section 611.1059(a).

1) The Agency may, by a SEP ~~issued pursuant to Section 611.110~~, waive the requirement to collect three routine samples the next month in which the supplier provides water to the public if the Agency, or an agent approved by the Agency, performs a site visit before the end of the next month in which the supplier's system 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. The Agency cannot approve an employee of the supplier to perform this site visit, even if the employee is an agent approved by the Agency to perform sanitary surveys.

2) The Agency may, by a SEP ~~issued pursuant to Section 611.110~~, waive the requirement to collect three routine samples the next month in which the supplier provides water to the public if the Agency has determined why the sample was total coliform-positive and has established that the supplier has corrected the problem or will correct the problem before the end of the next month in which the supplier's system serves water to the public. In this case, the Agency must document this decision to waive the following month's additional monitoring requirement in writing, have it approved and signed by the supervisor of the Agency official who recommends such a decision, and make this document available to USEPA and 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 this problem.

3) The Agency may not waive the requirement to collect three additional routine samples the next month in which the supplier's system provides water to the public solely on the grounds that all repeat samples are total coliform-negative. If the Agency determines that the supplier has corrected the contamination problem before the supplier takes the set of repeat samples required in Section 611.1058, and all repeat samples were total coliform-negative, the Agency may, by a SEP ~~issued pursuant to Section 611.110~~, waive the requirement for additional routine monitoring the next month.

BOARD NOTE: Derived from 40 CFR 141.854 (2016).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 611.1055 Routine Monitoring Requirements for CWSs That Serve 1,000 or Fewer People Using Only Groundwater

a) General.

1) This Section applies to CWS suppliers that use only ground water (except ground water under the direct influence of surface water, as defined in Section 611.102) and which serve 1,000 or fewer people.

2) Following any total coliform-positive sample taken under the provisions of this Section, the supplier must comply with the repeat monitoring requirements and E. coli analytical requirements in Section 611.1058.

3) Once all monitoring required by this Section and Section 611.1058 for a calendar month has been completed, the supplier must determine whether any coliform treatment technique triggers specified in Section 611.1059 have been exceeded. If any trigger has been exceeded, the supplier must complete assessments as required by Section 611.1059.

b) Monitoring frequency for total coliforms. The monitoring frequency for total coliforms is one sample per month, except as provided for under subsections (c) through (f).

c) Transition to Subpart AA. The Agency must perform a special monitoring evaluation during each sanitary survey to review the status of the supplier's system, including the distribution system, to determine whether the system is on an appropriate monitoring schedule. After the Agency has performed the special monitoring evaluation during each sanitary survey, the Agency may, by a SEP issued pursuant to Section 611.110, modify the supplier's monitoring schedule, as necessary. Alternatively, the Agency may allow the supplier to stay on its existing monitoring schedule, consistent with the provisions of this Section. The Agency may not allow a supplier to begin less frequent monitoring under the special monitoring evaluation unless the supplier has already met the applicable criteria for less frequent monitoring in this Section.

d) Criteria for reduced monitoring.

1) The Agency may, by a SEP ~~issued pursuant to Section 611.110~~, reduce the monitoring frequency from monthly monitoring to no less than quarterly monitoring if the supplier is in compliance with Agency-certified operator provisions and demonstrates that it meets the criteria in subsections (d)(1)(A) through (d)(1)(C). A supplier that loses its certified operator must return to monthly monitoring the month following that loss.

A) The supplier has a clean compliance history for a minimum of 12 months.

B) The most recent sanitary survey shows the supplier is free of sanitary defects (or has an approved plan and schedule to correct them and is in compliance with the plan and the schedule), has a protected water source, and meets Agency-approved construction standards.

C) The supplier meets at least one of the following criteria:

i) An annual site visit by the Agency that is equivalent to a Level 2 assessment or an annual Level 2 assessment by a party approved by the Agency and correction of all identified sanitary defects (or an approved plan and schedule to correct them and is in compliance with the plan and schedule).

ii) Cross connection control, as approved by the Agency.

iii) Continuous disinfection entering the distribution system and a residual in the distribution system in accordance with criteria specified by the Agency.

iv) Demonstration of maintenance of at least a 4-log removal or inactivation of viruses as provided for under Section 611.803(b)(3).

v) Other equivalent enhancements to water system barriers as approved by the Agency.

2) This subsection (d)(2) corresponds with 40 CFR 141.855(d)(2), which USEPA has marked "reserved". This statement maintains structural consistency with the corresponding federal provision.

e) Return to routine monthly monitoring requirements. A supplier on quarterly monitoring that experience any of the events in subsections (e)(1) through (e)(4) must begin monthly monitoring the month following the event. The supplier must

continue monthly monitoring until it meets the reduced monitoring requirements in subsection (d).

1) The supplier triggers a Level 2 assessment or two Level 1 assessments in a rolling 12-month period.

2) The supplier has an E. coli MCL violation.

3) The supplier has a coliform treatment technique violation.

4) The supplier has two Subpart AA monitoring violations in a rolling 12-month period.

f) Additional routine monitoring the month following a total coliform-positive sample. A supplier collecting samples on a quarterly frequency must conduct additional routine monitoring the month following one or more total coliform-positive samples (with or without a Level 1 treatment technique trigger). A supplier must collect at least three routine samples during the next month, except that the Agency may, by a SEP issued underpursuant to Section 611.110, waive this requirement if the conditions of subsection (f)(1), (f)(2), or (f)(3) are met. A supplier may either collect samples at regular time intervals throughout the month or may collect all required routine samples on a single day if samples are taken from different sites. A supplier must use the results of additional routine samples in coliform treatment technique trigger calculations.

1) The Agency may, by a SEP issued pursuant to Section 611.110, waive the requirement to collect three routine samples the next month in which the supplier's system provides water to the public if the Agency, or an agent approved by the Agency, performs a site visit before the end of the next month in which the supplier's system 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. The Agency cannot approve an employee of the supplier to perform this site visit, even if the employee is an agent approved by the Agency to perform sanitary surveys.

2) The Agency may, by a SEP issued pursuant to Section 611.110, waive the requirement to collect three routine samples the next month in which the supplier's system provides water to the public if the Agency has

determined why the sample was total coliform-positive and has established that the supplier has corrected the problem or will correct the problem before the end of the next month in which the supplier's system serves water to the public. In this case, the Agency must document this decision to waive the following month's additional monitoring requirement in writing, have it approved and signed by the supervisor of the Agency official who recommends such a decision, and make this 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 this problem.

3) The Agency may not waive the requirement to collect three additional routine samples the next month in which the supplier's system provides water to the public solely on the grounds that all repeat samples are total coliform-negative. If the Agency determines that the supplier has corrected the contamination problem before the supplier takes the set of repeat samples required in Section 611.1058, and all repeat samples were total coliform-negative, the Agency may, by a SEP ~~issued pursuant to Section 611.110~~, waive the requirement for additional routine monitoring the next month.

BOARD NOTE: Derived from 40 CFR 141.855 (2016).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 611.1056 Routine Monitoring Requirements for Subpart B Systems That Serve 1,000 or Fewer People

a) General.

1) The provisions of this Section apply to a Subpart B system supplier that serves 1,000 or fewer people.

2) Following any total coliform-positive sample taken under the provisions of this Section, a supplier must comply with the repeat monitoring requirements and E. coli analytical requirements in Section 611.1058.

3) Once all monitoring required by this Section and Section 611.1058 for a calendar month has been completed, a supplier must determine whether

any coliform treatment technique triggers specified in Section 611.1059 have been exceeded. If any trigger has been exceeded, the supplier must complete assessments as required by Section 611.1059.

4) Seasonal system suppliers.

A) All seasonal system suppliers must demonstrate completion of an Agency-approved start-up procedure, which may include a requirement for start-up sampling prior to serving water to the public.

B) The Agency may, by a SEP ~~issued pursuant to Section 611.110~~, exempt any seasonal system supplier from some or all of the requirements for seasonal system suppliers if the supplier's entire distribution system remains pressurized during the entire period that the supplier's system is not operating.

b) Routine monitoring frequency for total coliforms. A Subpart B system supplier (including a consecutive system supplier) must monitor monthly. A supplier may not reduce monitoring.

c) Unfiltered Subpart B system suppliers. A Subpart B system supplier that does not practice filtration in compliance with Subparts B, R, X, and Z ~~of this Part~~ must collect at least one total coliform sample near the first service connection each day that the turbidity level of the source water, measured as specified in Section 611.532(b), exceeds 1 NTU. When one or more turbidity measurements in any day exceed 1 NTU, the supplier must collect this coliform sample within 24 hours after the first exceedance, unless the Agency determines that the supplier, for logistical reasons outside the supplier's control, cannot have the sample analyzed within 30 hours after collection, and the Agency identifies an alternative sample collection schedule. Sample results from the coliform monitoring required by this subsection (c) must be included in determining whether the coliform treatment technique trigger in Section 611.1059 has been exceeded.

BOARD NOTE: Derived from 40 CFR 141.856 (2016).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 611.1057 Routine Monitoring Requirements for PWSs That Serve More Than 1,000 People

a) General.

1) The provisions of this Section apply to public water systems serving more than 1,000 persons.

2) Following any total coliform-positive sample taken under the provisions of this Section, the supplier must comply with the repeat monitoring requirements and E. coli analytical requirements in Section 611.1058.

3) Once all monitoring required by this Section and Section 611.1058 for a calendar month has been completed, a supplier must determine whether any coliform treatment technique triggers specified in Section 611.1059 have been exceeded. If any trigger has been exceeded, the supplier must complete assessments as required by Section 611.1059.

4) Seasonal systems.

A) A seasonal system supplier must demonstrate completion of an Agency-approved start-up procedure, which may include a requirement for start-up sampling prior to serving water to the public.

B) The Agency may, by a SEP ~~issued pursuant to Section 611.110~~, exempt any seasonal system supplier from some or all of the requirements for seasonal system suppliers if the supplier's entire distribution system remains pressurized during the entire period that the supplier's system is not operating.

b) Monitoring frequency for total coliforms. The monitoring frequency for total coliforms is based on the population served by the supplier's system, as follows:

TOTAL COLIFORM MONITORING FREQUENCY FOR PUBLIC WATER SYSTEMS SERVING MORE THAN 1,000 PEOPLE

Population served	Minimum number of samples per month

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1,001 to 2,500	2
2,501 to 3,300	3
3,301 to 4,100	4
4,101 to 4,900	5
4,901 to 5,800	6
5,801 to 6,700	7
6,701 to 7,600	8
7,601 to 8,500	9
8,501 to 12,900	10
12,901 to 17,200	15
17,201 to 21,500	20
21,501 to 25,000	25
25,001 to 33,000	30
33,001 to 41,000	40
41,001 to 50,000	50
50,001 to 59,000	60
59,001 to 70,000	70
70,001 to 83,000	80
83,001 to 96,000	90
96,001 to 130,000	100
130,001 to 220,000	120

220,001 to 320,000	150
320,001 to 450,000	180
450,001 to 600,000	210
600,001 to 780,000	240
780,001 to 970,000	270
970,001 to 1,230,000	300
1,230,001 to 1,520,000	330
1,520,001 to 1,850,000	360
1,850,001 to 2,270,000	390
2,270,001 to 3,020,000	420
3,020,001 to 3,960,000	450
3,960,001 or more	480

c) Unfiltered Subpart B systems. A Subpart B system supplier that does not practice filtration in compliance with Subparts B, R, X, and Z ~~of this Part~~ must collect at least one total coliform sample near the first service connection each day that the turbidity level of the source water, measured as specified in Section 611.532(b), exceeds 1 NTU. When one or more turbidity measurements in any day exceed 1 NTU, the supplier must collect this coliform sample within 24 hours after the first exceedance, unless the Agency determines that the supplier, for logistical reasons outside the supplier's control, cannot have the sample analyzed within 30 hours after collection, and the Agency identifies an alternative sample collection schedule. Sample results from this coliform monitoring must be included in determining whether the coliform treatment technique trigger in Section 611.1059 has been exceeded.

d) Reduced monitoring. A supplier may not reduce monitoring, except for a non-CWS supplier that uses only ground water (and not ground water under the direct influence of surface water) and which serves 1,000 or fewer people in some

months and more than 1,000 persons in other months. In months when more than 1,000 persons are served, the supplier must monitor at the frequency specified in subsection (a). In months when the supplier serves 1,000 or fewer people, the Agency may, by a SEP ~~issued pursuant to Section 611.110~~, reduce the monitoring frequency, in writing, to a frequency allowed under Section 611.1054 for a similarly situated supplier that always serves 1,000 or fewer people, taking into account the provisions in Section 611.1054(e) through (g).

BOARD NOTE: Derived from 40 CFR 141.857 (2016).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 611.1058 Repeat Monitoring and E. coli Requirements

a) Repeat monitoring.

1) If a sample taken under Sections 611.1054 though 611.1057 is total coliform-positive, the supplier must collect a set of repeat samples within 24 hours after being notified of the positive result. The supplier must collect no fewer than three repeat samples for each total coliform-positive sample found. The Agency may, by a SEP ~~issued pursuant to Section 611.110~~, extend the 24-hour limit on a case-by-case basis if the supplier has a logistical problem in collecting the repeat samples within 24 hours that is beyond its control. Alternatively, the Agency may implement criteria for the supplier to use in lieu of case-by-case extensions. In the case of an extension, the Agency must specify how much time the supplier has to collect the repeat samples. The Agency cannot waive the requirement for a supplier to collect repeat samples in subsections (a)(1) through (a)(3).

2) The supplier must collect all repeat samples on the same day, except that the Agency may, by a SEP ~~issued pursuant to Section 611.110~~, allow a supplier with a single service connection to collect the required set of repeat samples over a three-day period or to collect a larger volume repeat samples in one or more sample containers of any size, as long as the total volume collected is at least 300 mℓ.

3) The supplier must collect an additional set of repeat samples in the manner specified in subsections (a)(1) through (a)(3) if one or more repeat

samples in the current set of repeat samples is total coliform-positive. The supplier must collect the additional set of repeat samples within 24 hours after being notified of the positive result, unless the Agency extends the limit as provided in subsection (a)(1). The supplier must continue to collect additional sets of repeat samples until either total coliforms are not detected in one complete set of repeat samples or the supplier determines that a coliform treatment technique trigger specified in Section 611.1059(a) has been exceeded as a result of a repeat sample being total coliform-positive and notifies the Agency. If a trigger identified in Section 611.1059 is exceeded as a result of a routine sample being total coliform-positive, the supplier is required to conduct only one round of repeat monitoring for each total coliform-positive routine sample.

4) After a supplier collects a routine sample and before it learns the results of the analysis of that sample, if the supplier collects another routine sample from within five adjacent service connections of the initial sample, and the initial sample, after analysis, is found to contain total coliforms, then the system may count the subsequent sample as a repeat sample instead of as a routine sample.

5) Results of all routine and repeat samples taken under Sections 611.1054 through 611.1058 not invalidated by the Agency must be used to determine whether a coliform treatment technique trigger specified in Section 611.1059 has been exceeded.

b) Escherichia coli (E. coli) testing.

1) If any routine or repeat sample is total coliform-positive, the supplier must analyze that total coliform-positive culture medium to determine if E. coli are present. If E. coli are present, the supplier 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 and the Agency does not have either an after-hours phone line or an alternative notification procedure, in which case the supplier must notify the Agency before the end of the next business day.

2) The Agency has the discretion to allow a supplier, on a case-by-case basis, to forego E. coli testing on a total coliform-positive sample if that supplier assumes that the total coliform-positive sample is E. coli-positive.

Accordingly, the supplier must notify the Agency as specified in subsection (b)(1) and the provisions of Section 141.63(c) apply.

BOARD NOTE: Derived from 40 CFR 141.858 (2016).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 611.1059 Coliform Treatment Technique Triggers and Assessment Requirements for Protection Against Potential Fecal Contamination

a) Treatment technique triggers. A supplier must conduct assessments in accordance with subsection (b) after exceeding treatment technique triggers in subsections (a)(1) and (a)(2).

1) Level 1 treatment technique triggers.

A) For a supplier taking 40 or more samples per month, the supplier exceeds 5.0% total coliform-positive samples for the month.

B) For a supplier taking fewer than 40 samples per month, the supplier has two or more total coliform-positive samples in the same month.

C) The supplier fails to take every required repeat sample after any single total coliform-positive sample.

2) Level 2 treatment technique triggers.

A) An E. coli MCL violation, as specified in Section 611.1060(a).

B) A second Level 1 trigger as defined in subsection (a)(1), within a rolling 12-month period, unless the Agency, by a SEP ~~issued pursuant to Section 611.110~~, has determined a likely reason that the samples that caused the first Level 1 treatment technique trigger were total coliform-positive and has established that the supplier has corrected the problem.

C) For a supplier with approved annual monitoring, a Level 1 trigger in two consecutive years.

b) Requirements for assessments.

1) A supplier must ensure that Level 1 and Level 2 assessments are conducted in order to identify the possible presence of sanitary defects and defects in distribution system coliform monitoring practices. Level 2 assessments must be conducted by parties approved by the Agency.

2) When conducting assessments, the supplier must ensure that the assessor evaluates minimum elements that include review and identification of inadequacies in sample sites; sampling protocol; sample processing; atypical events that could affect distributed water quality or indicate that distributed water quality was impaired; changes in distribution system maintenance and operation that could affect distributed water quality (including water storage); source and treatment considerations that bear on distributed water quality, where appropriate (e.g., small ground water systems); and existing water quality monitoring data. The supplier must conduct the assessment consistent with any Agency directives that tailor specific assessment elements with respect to the size and type of the system and the size, type, and characteristics of the distribution system.

3) Level 1 assessments. A supplier must conduct a Level 1 assessment consistent with Agency requirements if the supplier exceeds one of the treatment technique triggers in subsection (a)(1).

A) The supplier must complete a Level 1 assessment as soon as practical after any trigger in subsection (a)(1). In the completed assessment form, the supplier must describe sanitary defects detected, corrective actions completed, and a proposed timetable for any corrective actions not already completed. The assessment form may also note that no sanitary defects were identified. The supplier must submit the completed Level 1 assessment form to the Agency within 30 days after the supplier learns that it has exceeded a trigger.

B) If the Agency reviews the completed Level 1 assessment and determines that the assessment is not sufficient (including any proposed timetable for any corrective actions not already completed), the Agency must consult with the supplier. If the

Agency, by a SEP ~~issued pursuant to Section 611.110~~, requires revisions after consultation, the supplier must submit a revised assessment form to the Agency on an agreed-upon schedule not to exceed 30 days from the date of the consultation.

C) Upon completion and submission of the assessment form by the supplier, the Agency must determine if the supplier has identified a likely cause for the Level 1 trigger and, if so, establish that the supplier has corrected the problem, or has included a schedule acceptable to the Agency for correcting the problem.

4) Level 2 assessments. A supplier must ensure that a Level 2 assessment consistent with Agency requirements is conducted if the supplier exceeds one of the treatment technique triggers in subsection (a)(2). The supplier must comply with any expedited actions or additional actions required by the Agency, by a SEP ~~issued pursuant to Section 611.110~~, in the case of an E. coli MCL violation.

A) The supplier must ensure that a Level 2 assessment is completed by the Agency or by a party approved by the Agency as soon as practical after any trigger in subsection (a)(2). The supplier must submit a completed Level 2 assessment form to the Agency within 30 days after the supplier learns that it has exceeded a trigger. The assessment form must describe sanitary defects detected, corrective actions completed, and a proposed timetable for any corrective actions not already completed. The assessment form may also note that no sanitary defects were identified.

B) The supplier may conduct Level 2 assessments if the supplier has staff or management with the certification or qualifications specified by the Agency unless otherwise directed by the Agency, by a SEP ~~issued pursuant to Section 611.110~~.

C) If the Agency reviews the completed Level 2 assessment and determines that the assessment is not sufficient (including any proposed timetable for any corrective actions not already completed), the Agency must consult with the system. If the Agency requires revisions after consultation, the supplier must

submit a revised assessment form to the Agency on an agreed-upon schedule not to exceed 30 days.

D) Upon completion and submission of the assessment form by the supplier, the Agency must determine if the system has identified a likely cause for the Level 2 trigger and determine whether the supplier has corrected the problem, or has included a schedule acceptable to the Agency for correcting the problem.

c) Corrective action. A supplier must correct sanitary defects found through either Level 1 or 2 assessments conducted under subsection (b). For corrections not completed by the time of submission of the assessment form, the supplier must complete the corrective actions in compliance with a timetable approved by the Agency, by a SEP ~~issued pursuant to Section 611.110~~, in consultation with the supplier. The supplier must notify the Agency when each scheduled corrective action is completed.

d) Consultation. At any time during the assessment or corrective action phase, either the water supplier or the Agency may request a consultation with the other party to determine the appropriate actions to be taken. The supplier may consult with the Agency on all relevant information that may impact on its ability to comply with a requirement of this Subpart AA, including the method of accomplishment, an appropriate timeframe, and other relevant information.

BOARD NOTE: Derived from 40 CFR 141.859 (2016).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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.

	MCL/MRDL/TT violations[2]		Monitoring and testing procedure violations	
Contaminant	Tier of public notice required	Citation	Tier of public notice required	Citation
I. Violations of National Primary Drinking Water Regulations (NPDWR):[3]				
A. Microbiological Contaminants				
1a. Corresponding row 1a in appendix A to subpart Q to 40 CFR 141 no longer applies by its own terms. This statement maintains structural consistency with the federal regulations.				
1b. Total coliform (TT violations resulting from failure to perform assessments or corrective actions, monitoring violations, and reporting violations)	2	611.1060(b)(1)	3	611.1060(c)(1) 611.1060(d)(1)
1c. Seasonal system failure to follow State-approved start-up plan prior to serving water to the public or failure to provide certification to the Agency	2	611.1060(b)(2)	3	611.1060(d)(3)

2a. Corresponding row 2a in appendix A to subpart Q to 40 CFR 141 no longer applies by its own terms. This statement maintains structural consistency with the federal regulations.				
2b. E. coli (MCL, monitoring, and reporting violations)	1	611.1060(a)	3	611.1060(c) 611.1060(d)(2)
2c. E. coli (TT violations resulting from failure to perform Level 2 assessments or corrective action)	2	611.1060(b)(1)		
3. Turbidity MCL	2	611.320(a)	3	611.560
4. Turbidity MCL (average of two days' samples greater than 5 NTU)	[5] 2, 1	611.320(b)	3	611.560
5. Turbidity (for TT violations resulting from a single exceedance of maximum allowable turbidity level)	[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)	3	611.531(a), 611.532(b), 611.533(a), 611.744, 611.956(a)(1)-(a)(3), 611.956(b)
6. Surface Water Treatment Rule violations, other than violations resulting from single exceedance of max. allowable turbidity level (TT)	2	611.211, 611.213, 611.220, 611.230-611.233, 611.240-611.242, 611.250	3	611.531-611.533

7. Interim Enhanced Surface Water Treatment Rule violations, other than violations resulting from single exceedance of max. turbidity level (TT)	2	[7] 611.740-611.743, 611.950-611.955	3	611.742, 611.744, 611.953, 611.954, 611.956
8. Filter Backwash Recycling Rule violations	2	611.276(c)	3	611.276(b), (d)
9. Long Term 1 Enhanced Surface Water Treatment Rule violations	2	611.950-611.955	3	611.953, 611.954, 611.956
10. LT2ESWTR violations	2	611.1010-611.1020	[19] 2, 3	611.1001-611.1005 and 611.1008-611.1009
11. Groundwater Rule violations	2	611.804	3	611.802(h)

B. Inorganic Chemicals (IOCs)

1. Antimony	2	611.301(b)	3	611.600, 611.601, 611.603
2. Arsenic	2	611.301(b)	3	611.601, 611.603
3. Asbestos (fibers greater than 10 µm)	2	611.301(b)	3	611.600, 611.601, 611.602
4. Barium	2	611.301(b)	3	611.600, 611.601, 611.603
5. Beryllium	2	611.301(b)	3	611.600, 611.601, 611.603
6. Cadmium	2	611.301(b)	3	611.600, 611.601, 611.603
7. Chromium (total)	2	611.301(b)	3	611.600, 611.601, 611.603

8. Cyanide	2	611.301(b)	3	611.600, 611.601, 611.603
9. Fluoride	2	611.301(b)	3	611.600, 611.601, 611.603
10. Mercury (inorganic)	2	611.301(b)	3	611.600, 611.601, 611.603
11. Nitrate	1	611.301(b)	[8] 1, 3	611.600, 611.601, 611.604, 611.606
12. Nitrite	1	611.301(b)	[8] 1, 3	611.600, 611.601, 611.605, 611.606
13. Total Nitrate and Nitrite	1	611.301(b)	3	611.600, 611.601
14. Selenium	2	611.301(b)	3	611.600, 611.601, 611.603
15. Thallium	2	611.301(b)	3	611.600, 611.601, 611.603

C. Lead and Copper Rule (Action Level for lead is 0.015 mg/ℓ, for copper is 1.3 mg/ℓ)

1. Lead and Copper Rule (TT)	2	611.350-611.355	3	611.356-611.359

D. Synthetic Organic Chemicals (SOCs)

1. 2,4-D	2	611.311(c)	3	611.648
2. 2,4,5-TP (silvex)	2	611.311(c)	3	611.648
3. Alachlor	2	611.311(c)	3	611.648
4. Atrazine	2	611.311(c)	3	611.648
5. Benzo(a)pyrene (PAHs)	2	611.311(c)	3	611.648
6. Carbofuran	2	611.311(c)	3	611.648
7. Chlordane	2	611.311(c)	3	611.648

8. Dalapon	2	611.311(c)	3	611.648
9. Di(2-ethylhexyl)adipate	2	611.311(c)	3	611.648
10. Di(2-ethylhexyl)phthalate	2	611.311(c)	3	611.648
11. Dibromochloropropane (DBCP)	2	611.311(c)	3	611.648
12. Dinoseb	2	611.311(c)	3	611.648
13. Dioxin (2,3,7,8-TCDD)	2	611.311(c)	3	611.648
14. Diquat	2	611.311(c)	3	611.648
15. Endothall	2	611.311(c)	3	611.648
16. Endrin	2	611.311(c)	3	611.648
17. Ethylene dibromide	2	611.311(c)	3	611.648
18. Glyphosate	2	611.311(c)	3	611.648
19. Heptachlor	2	611.311(c)	3	611.648
20. Heptachlor epoxide	2	611.311(c)	3	611.648
21. Hexachlorobenzene	2	611.311(c)	3	611.648
22. Hexachlorocyclopentadiene	2	611.311(c)	3	611.648
23. Lindane	2	611.311(c)	3	611.648
24. Methoxychlor	2	611.311(c)	3	611.648
25. Oxamyl (Vydate)	2	611.311(c)	3	611.648
26. Pentachlorophenol	2	611.311(c)	3	611.648
27. Picloram	2	611.311(c)	3	611.648
28. Polychlorinated biphenyls (PCBs)	2	611.311(c)	3	611.648
29. Simazine	2	611.311(c)	3	611.648
30. Toxaphene	2	611.311(c)	3	611.648

E. Volatile Organic Chemicals (VOCs)

1. Benzene	2	611.311(a)	3	611.646
2. Carbon tetrachloride	2	611.311(a)	3	611.646
3. Chlorobenzene (monochlorobenzene)	2	611.311(a)	3	611.646
4. o-Dichlorobenzene	2	611.311(a)	3	611.646
5. p-Dichlorobenzene	2	611.311(a)	3	611.646
6. 1,2-Dichloroethane	2	611.311(a)	3	611.646
7. 1,1-Dichloroethylene	2	611.311(a)	3	611.646
8. cis-1,2-Dichloroethylene	2	611.311(a)	3	611.646
9. trans-1,2-Dichloroethylene	2	611.311(a)	3	611.646
10. Dichloromethane	2	611.311(a)	3	611.646

11. 1,2-Dichloropropane	2	611.311(a)	3	611.646
12. Ethylbenzene	2	611.311(a)	3	611.646
13. Styrene	2	611.311(a)	3	611.646
14. Tetrachloroethylene	2	611.311(a)	3	611.646
15. Toluene	2	611.311(a)	3	611.646
16. 1,2,4-Trichlorobenzene	2	611.311(a)	3	611.646
17. 1,1,1-Trichloroethane	2	611.311(a)	3	611.646
18. 1,1,2-Trichloroethane	2	611.311(a)	3	611.646
19. Trichloroethylene	2	611.311(a)	3	611.646
20. Vinyl chloride	2	611.311(a)	3	611.646
21. Xylenes (total)	2	611.311(a)	3	611.646

F. Radioactive Contaminants

1. Beta/photon emitters	2	611.330(d)	3	611.720(a), 611.732
2. Alpha emitters	2	611.330(c)	3	611.720(a), 611.731
3. Combined radium (226 and 228)	2	611.330(b)	3	611.720(a), 611.731
4. Uranium	2	611.330(e)	3	611.720(a), 611.731

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]

1. Total trihalomethanes (TTHMs)	2	[11]611.312(b)	3	Subparts W and Y
2. Haloacetic Acids (HAA5)	2	611.312(b)	3	Subpart Y
3. Bromate	2	611.312(a)	3	611.382(a)-(b)
4. Chlorite	2	611.312(a)	3	611.382(a)-(b)
5. Chlorine (MRDL)	2	611.313(a)	3	611.382(a), (c)
6. Chloramine (MRDL)	2	611.313(a)	3	611.382(a), (c)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

7. Chlorine dioxide (MRDL), where any two consecutive daily samples at entrance to distribution system only are above MRDL	2	611.313(a), 611.383(c)(3)	2[12], 3	611.382(a), (c), 611.383(c)(2)
8. Chlorine dioxide (MRDL), where samples in distribution system the next day are also above MRDL	[13]1	611.313(a), 611.383(c)(3)	1	611.382(a), (c), 611.383(c)(2)
9. Control of DBP precursors – TOC (TT)	2	611.385(a)-(b)	3	611.382(a), (d)
10. Benchmarking and disinfection profiling	N/A	N/A	3	611.742, 611.953, 611.954
11. Development of monitoring plan	N/A	N/A	3	611.382(f)

H. Other Treatment Techniques

1. Acrylamide (TT)	2	611.296	N/A	N/A
2. Epichlorohydrin (TT)	2	611.296	N/A	N/A

II. Unregulated Contaminant Monitoring: [14]

A. Unregulated contaminants	N/A	N/A	3	as required by USEPA pursuant to 40 CFR 141.40
B. Nickel	N/A	N/A	3	611.603, 611.611

III. Public Notification for Relief Equivalent to a SDWA section 1415 Variance or a section 1416 Exemption.

A. Operation under relief equivalent to a SDWA section 1415 variance or a section 1416 exemption	3	[15] 1415, 1416	N/A	N/A

B.	Violation of conditions of relief equivalent to a SDWA section 1415 variance or a section 1416 exemption	2	1415, 1416, [16] 611.111, 611.112	N/A	N/A

IV. Other Situations Requiring Public Notification.

A.	Fluoride secondary maximum contaminant level (SMCL) exceedance	3	611.858	N/A	N/A
B.	Exceedance 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	as required by USEPA pursuant to 40 CFR 141.40	N/A	N/A
D.	Waterborne disease outbreak	1	611.101, 611.233(b)(2)	N/A	N/A
E.	Other waterborne emergency [17]	1	N/A	N/A	N/A
F.	Source water sample positive for Groundwater Rule fecal indicators: E. coli, enterococci, or coliphage	1	611.802(g)	N/A	N/A
G.	Other situations as determined by the Agency by a SEP ~~issued pursuant to Section 611.110~~	[18]1, 2, 3	N/A	N/A	N/A

Appendix G – Endnotes

1. Violations and other situations not listed in this table (e.g., failure to prepare Consumer Confidence Reports) do not require notice, unless otherwise determined by the Agency by a SEP ~~issued pursuant to Section 611.110~~. The Agency may, by a 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 a 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.

6. A supplier with a treatment technique violation involving a single exceedance 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 a 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. The Surface Water Treatment Rule (SWTR) remains in effect for a supplier that serves at least 10,000 persons; the Interim Enhanced Surface Water Treatment Rule adds additional requirements and does not in many cases supersede the SWTR.

8. 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.

9. 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.

10. A Subpart B community or non-transient non-community system supplier must comply with new DBP MCLs, disinfectant MRDLs, and related monitoring requirements. A Subpart B transient non-community system supplier that serves 10,000 or more persons that uses chlorine dioxide as a disinfectant or oxidant or 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.

11. Sections 611.312(b)(1) and 611.382(a) and (b) apply until Subpart Y takes effect under the schedule set forth in Section 611.970(c).

12. 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.

13. 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.

14. Some water suppliers must monitor for certain unregulated contaminants as required by USEPA underpursuant to 40 CFR 141.40.

15. 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...."

16. 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.

17. 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.

18. The Agency may place any other situation in any tier it deems appropriate in writing, based on the prospective threat which it determines that the situation poses to public health, and subject to Board review underpursuant to Section 40 of the Act.

19. A failure to collect three or more samples for Cryptosporidium analysis is a Tier 2 violation requiring special notice, as specified in Section 611.911. All other monitoring and testing procedure violations are Tier 3.

BOARD NOTE: Derived from appendix A to subpart Q of 40 CFR 141 (2016).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 611.TABLE C Frequency of RDC Measurement

System Size (Persons Served)			Samples per Day
500	or	fewer	1
501	to	1,000~~1000~~	2
1001	to	2,500	3
2501	to	3,300	4

The day's samples cannot be taken at the same time. The sampling intervals are subject to Agency review and approval by a SEP ~~issued pursuant to Section 611.110~~.

BOARD NOTE: Derived from 40 CFR 141.74(b)(5) and (c)(2) (2012).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Testing of Breath, Blood and Urine for Alcohol, Other Drugs, and Intoxicating Compounds

2) Code Citation: 20 Ill. Adm. Code 1286

3)

Section Numbers:	Proposed Actions:
1286.75	Amendment
1286.210	Amendment
1286.230	Amendment
1286.240	Amendment
1286.300	Amendment

4) Statutory Authority: Authorized by Section 2605-15 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-15]. Implementing and authorized by Section 6-106.1a of the Illinois Vehicle Code [625 ILCS 5/6-106.1a]. Implementing and authorized by Section 11-501.2 of the Illinois Vehicle Code [625 ILCS 5/11-501.2]. Implementing Section 11-501.5 of the Illinois Vehicle Code [625 ILCS 5/11-501.5]. Implementing Section 11-501.6 of the Illinois Vehicle Code [625 ILCS 5/11-501.6]. Implementing and authorized by Section 11-501.8 of the Illinois Vehicle Code [625 ILCS 5/11-501.8]. Implementing Section 5-7.5 of the Snowmobile Registration and Safety Act [625 ILCS 40/5-7.5]. Implementing Section 5-16b of the Boat Registration and Safety Act [625 ILCS 45/5-16b]. Implementing and authorized by Section 6-1 of the Boat Registration and Safety Act [625 ILCS 45/6-1].

5) A Complete Description of the Subjects and Issues Involved: The proposed amendments will update the procedures for responding to subpoenas to include use of the Intoxnet report. The Intoximeters EC/IR and Intoxilyzer 8000 will no longer be approved for use in Illinois after January 1, 2019. Section 1286.230, paragraph (e) gives the Director or his/her designee the ability to remove any evidential instrument from active service due to lack of use. Reference to PBT S-D5, manufactured by CMI, Inc., is being removed as it is no longer used in Illinois. The phrase "other bodily substance" is being added to Section 1286.300(d) in compliance with PA 99-697.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

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

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

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENTS

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other rulemakings pending on this Part? No

11) Statement of Statewide Policy Objective: These proposed amendments will remove from use older breath testing instruments that are being replaced with state of the art devices. Law enforcement agencies have been previously notified that these instruments are being removed from the approved list. If the agencies have not already replaced those devices, they may be required to expend funds to purchase new instruments prior to the deadline.

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Within 45 days after the publication of this Notice, any interested person may submit comments, data, views or argument regarding the proposed amendments. The submissions must be in writing and directed to:

Matthew R. Rentschler
Chief Legal Counsel
Illinois State Police
801 South 7th Street, Suite 1000-S
Springfield IL 62703

217/782-7658

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Municipal law enforcement agencies may be minimally affected as certain breath testing instruments will not be approved for use.

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

C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda which this rulemaking was summarized: January 2018

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

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENTS

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER II: DEPARTMENT OF STATE POLICE

PART 1286
TESTING OF BREATH, BLOOD AND URINE
FOR ALCOHOL, OTHER DRUGS, AND INTOXICATING COMPOUNDS

SUBPART A: GENERAL PROVISIONS

Section
1286.10 Definitions
1286.20 Grievances
1286.30 Additional Testing
1286.40 Conversion of a Blood Serum or Blood Plasma Alcohol Concentration to a Whole Blood Equivalent
1286.50 Passive Sensors
1286.60 Department Notification
1286.70 Maintenance of Records for Approved Evidentiary Instruments
1286.75 Subpoena Procedure for Evidentiary Instruments
1286.80 Installation of Approved Stationary Evidentiary Instruments, Ethernet Connectivity, and Logbook and Portable Evidentiary Instrument Availability
1286.90 Reporting Laboratory Results

SUBPART B: APPROVAL PROCEDURES FOR PERSONS AND LABORATORIES TO PERFORM SPECIFIC FUNCTIONS

Section
1286.100 Licensing BAOs
1286.110 Renewal of BAO License
1286.120 Revocation and Denial of BAO License
1286.130 Authorization of BATs
1286.140 Revocation and Denial of BAT Authorization
1286.150 Accrediting BAIs
1286.160 Revocation and Denial of BAI Accreditation
1286.170 Certification of Laboratories and Laboratory Technicians
1286.180 Revocation and Denial of Laboratory Certification

SUBPART C: EQUIPMENT

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENTS

Section
1286.200 Equipment Approval and Accuracy
1286.210 Evidentiary Instrument Approval
1286.220 Checking Approved Evidentiary Instruments for Accuracy
1286.230 Checking Approved Evidentiary Instruments for Continued Accuracy
1286.240 PBT Approval
1286.250 Checking Approved PBTs for Accuracy
1286.260 Operation of PBTs

SUBPART D: SAMPLING PROCEDURES

Section
1286.300 General Sampling Protocol
1286.310 Approved Evidentiary Instrument Operation
1286.320 Blood Collection for Determining the Presence of Alcohol, Other Drugs or Intoxicating Compounds
1286.330 Urine Collection for Determining the Presence of Alcohol, Other Drugs or Intoxicating Compounds
1286.340 Urine Collection for Determining the Concentration of Urine Alcohol (Repealed)
1286.350 Operation of PBTs (Repealed)

AUTHORITY: Authorized by Section 2605-15 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-15]. Implementing and authorized by Section 6-106.1a of the Illinois Vehicle Code [625 ILCS 5/6-106.1a]. Implementing and authorized by Section 11-501.2 of the Illinois Vehicle Code [625 ILCS 5/11-501.2]. Implementing Section 11-501.5 of the Illinois Vehicle Code [625 ILCS 5/11-501.5]. Implementing Section 11-501.6 of the Illinois Vehicle Code [625 ILCS 5/11-501.6]. Implementing and authorized by Section 11-501.8 of the Illinois Vehicle Code [625 ILCS 5/11-501.8]. Implementing Section 5-7.5 of the Snowmobile Registration and Safety Act [625 ILCS 40/5-7.5]. Implementing Section 5-16b of the Boat Registration and Safety Act [625 ILCS 45/5-16b]. Implementing and authorized by Section 6-1 of the Boat Registration and Safety Act [625 ILCS 45/6-1].

SOURCE: Adopted by emergency rulemaking at 25 Ill. Reg. 239, effective January 1, 2001, for a maximum of 150 days; adopted at 25 Ill. Reg. 3023, effective February 1, 2001; amended at 28 Ill. Reg. 10017, effective June 30, 2004; amended at 31 Ill. Reg. 7305, effective May 1, 2007; emergency amendment at 31 Ill. Reg. 10188, effective July 9, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 15107, effective October 29, 2007; amended at 33 Ill. Reg. 8529, effective June 4, 2009; amended at 35 Ill. Reg. 18897, effective October 31, 2011; amended at

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENTS

39 Ill. Reg. 11670, effective July 29, 2015; amended at 42 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 1286.75 Subpoena Procedure for Evidentiary Instruments

a) Subpoena requests for accuracy checks, subject tests, quick tests, calibrations, and maintenance/repair records will be responded to as quickly as possible. If the response cannot be provided within the timeframe requested, the requesting party shall be notified by telephone. If further information is needed to determine the material requested, the requesting party shall be contacted by telephone to obtain this information and the subpoena response completed.

b) The timeframe for the information provided in response to a subpoena request for accuracy checks, subject tests, quick tests, calibrations, and maintenance/repair records shall be from 62 days prior to the subject's arrest date through 62 days following the arrest date.

c) Responses to subpoenas that request accuracy checks, subject tests, quick tests, calibrations and maintenance/repair records may be in the form of an Intoxnet report. The terms "test success" and "certified accurate" are synonymous.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

SUBPART C: EQUIPMENT

Section 1286.210 Evidentiary Instrument Approval

Approved evidentiary instruments shall print and display a breath analysis reading. Approved evidentiary instruments can print and display two or three digits to the right of the decimal point. Whether the approved evidentiary instrument prints and displays two or three digits to the right of the decimal point, the breath analysis reading consists of the first two digits to the right of the decimal point.

a) The Department shall only approve evidentiary instruments enumerated in NHTSA's list. The Department approves the following instruments for obtaining breath analysis readings:

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENTS

1) Intoximeters EC/IR, manufactured by Intoximeters, Inc., may be used until January 1, 2019, at which time the Intoximeters EC/IR will no longer be approved for use in Illinois.

2) RBT IV, in conjunction with a printer, manufactured by Intoximeters, Inc.

3) Intoximeters EC/IR II, manufactured by Intoximeters, Inc.

4) Intoxilyzer 8000, manufactured by CMI, Inc., may be used until January 1, 2019, at which time the Intoxilyzer 8000 will no longer be approved for use in Illinois.

5) Intoximeters EC/IR II, with serial numbers 10001 and above, manufactured by Intoximeters, Inc.

6) Alco-Sensor VXL, in conjunction with a printer, manufactured by Intoximeters, Inc.

b) Should an instrument in subsection (a) be removed from NHTSA's list, the instrument will remain an approved evidentiary instrument under this Part for a period of 18 months subsequent to removal or until this Section is amended.

c) The Department may temporarily approve additional evidential instrumentation from NHTSA's list after conducting a program suitability evaluation. The Department shall maintain a list of evidentiary instruments temporarily approved for breath testing in addition to those provided in subsection (a). Evidentiary instruments may be temporarily approved for a maximum period of 18 months. The list of temporarily approved evidentiary instruments, if any, shall be available to the public upon request to the Alcohol and Substance Testing Section.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 1286.230 Checking Approved Evidentiary Instruments for Continued Accuracy

To ensure the continued accuracy of approved evidentiary instruments, a BAT or automated system shall perform accuracy checks.

a) Checks shall be performed at least once every 62 days.

b) Checks shall consist of at least two tests of the instrument in which the instrument quantitates a reference sample.

c) Approved evidentiary instruments must quantitate a reference sample within 10 percent of the reference sample's value, as adjusted for environmental factors.

d) The accuracy check results shall be recorded in the instrument's logbook or internal memory, or in the central repository. The automatic accuracy checks or accuracy checks performed remotely will not be entered in the logbook. If the accuracy check was performed by a BAT at the instrument location, the accuracy check results shall be recorded in the instrument's logbook.

e) The Director or his/her designee, at his/her discretion, may remove any approved evidential instrument located in any department, agency, or sheriff's office from active service due to lack of use.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 1286.240 PBT Approval

PBTs shall display a breath analysis reading. PBTs can display two or three digits to the right of the decimal point. Whether the PBT displays two or three digits to the right of the decimal point, the breath analysis reading consists of the first two digits to the right of the decimal point.

a) The Department shall only approve PBTs enumerated in NHTSA's list. The Department approves the following PBTs for obtaining breath analysis readings:

1) S-D2, manufactured by CMI, Inc.

2) Alcosensor III, manufactured by Intoximeters, Inc.

3) Alcosensor III (Enhanced with serial numbers above 1,200,000), manufactured by Intoximeters, Inc.

4) Alcosensor IV, manufactured by Intoximeters, Inc.

~~5) S-D5, manufactured by CMI, Inc., until March 31, 2016, at which time the S-D5 will no longer be approved for use in Illinois.~~

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENTS

5~~6~~) Alcosensor FST, manufactured by Intoximeters, Inc.

6~~7~~) Alco-Sensor VXL, manufactured by Intoximeters, Inc.

7~~8~~) Intoxilyzer 500, manufactured by CMI, Inc.

b) The Department may temporarily approve additional PBTs from NHTSA's list after conducting a program suitability evaluation. The Department shall maintain a list of PBTs temporarily approved for screening instrument testing in addition to those provided in subsection (a). PBTs may be temporarily approved for a maximum period of 18 months. The list of temporarily approved PBTs, if any, shall be available to the public upon request to the Alcohol and Substance Testing Section.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

SUBPART D: SAMPLING PROCEDURES

Section 1286.300 General Sampling Protocol

The arresting officer has discretion to determine whether a subject will be required to submit a breath, blood, and/or urine sample for testing.

a) If the subject has been in a vehicle crash and must be treated or is currently being treated by a physician licensed to practice medicine for injuries sustained in the crash, the arresting officer will consult with the treating physician to determine when best to test the subject without unreasonably jeopardizing the subject's treatment.

b) The arresting officer or BAO shall deem a subject who fails to submit to a requested test or additional testing to have refused testing. If a subject refuses a breath test, no 20-minute observation period is required, but rather the refusal of the test may be noted and the refusal ticket printed immediately.

c) When a subject has submitted an insufficient sample or otherwise failed to adequately complete a requested test or tests, the arresting officer or BAO has discretion to determine if the subject:

1) has refused testing; or

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENTS

2) will be required to undergo additional testing.

d) The procedures contained in this Subpart are the only procedures required to obtain a valid breath, blood, other bodily substance and/or urine sample. There are no additional sampling procedures.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

1) Heading of the Part: Minimum Safety Standards for Construction of Type I School Buses

2) Code Citation: 92 Ill. Adm. Code 440

3)

Section Numbers:	Proposed Actions:
440.10	Repealed
440.20	Repealed
440.30	Repealed
440.110	Repealed
440.120	Repealed
440.130	Repealed
440.140	Repealed
440.150	Repealed
440.160	Repealed
440.205	Repealed
440.210	Repealed
440.220	Repealed
440.305	Repealed
440.310	Repealed
440.320	Repealed
440.405	Repealed
440.420	Repealed
440.505	Repealed
440.520	Repealed
440.ILLUSTRATION B	Repealed
440.ILLUSTRATION C	Repealed

4) Statutory Authority: Implementing Article VIII of Chapter 12 of the Illinois Vehicle Code [625 ILCS 5/Ch. 12, Art. VIII] and Section 14-3(m) of the Criminal Code of 1961 [720 ILCS 5/14-3(m)] and authorized by Section 12-812 of the Illinois Vehicle Code [625 ILCS 5/12-812].

5) A Complete Description of the Subjects and Issues Involved: The Department is proposing to consolidate its type I and type II school bus construction standards into one Part. This rulemaking proposes to repeal the type I standards in their entirety so that the Department may recreate this Part to include both bus types.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

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

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

9) Does this rulemaking contain incorporations by reference? Yes

10) Are there any other rulemakings pending on this Part? No

11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

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

Greg Stucka, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel
2300 South Dirksen Parkway, Room 317
Springfield IL 62764

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

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: This rulemaking affects manufacturers of school buses; however, the Department is unaware of any school bus manufacturers that are small businesses. This rulemaking may have an indirect impact on small businesses, small municipalities, and not-for-profit corporations that sell, own, or operate school buses in this State.

B) Reporting, bookkeeping, or other procedures required for compliance: No impact is anticipated.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

C) Types of professional skills necessary for compliance: No impact is anticipated.

14) Regulatory Agenda on which this rulemaking was summarized: July 2017

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

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER e: TRAFFIC SAFETY (EXCEPT HAZARDOUS MATERIALS)

PART 440
MINIMUM SAFETY STANDARDS FOR CONSTRUCTION
OF TYPE I SCHOOL BUSES (REPEALED)

SUBPART A: INTRODUCTION

Section
440.10 Order
440.20 Guidelines
440.30 Responsibilities

SUBPART B: GENERAL

Section
440.110 Purpose
440.120 Scope
440.130 Applicability
440.140 Effective Date
440.150 Quantified Requirements
440.160 Incorporation by Reference

SUBPART C: DEFINITIONS

Section
440.205 Dictionary Used
440.210 Federal Definitions
440.220 State Definitions

SUBPART D: CERTIFICATION

Section
440.305 Certification by Manufacturer
440.310 Federal Standards
440.320 State Standards

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

SUBPART E: BODY REQUIREMENTS

Section
440.405 Conformance to the Requirements
440.410 Incorporation by Reference of Federal Motor Vehicle Safety Standards (Repealed)
440.420 State Requirements

SUBPART F: CHASSIS REQUIREMENTS

Section
440.505 Conformance to the Requirements
440.510 Incorporation by Reference of Federal Motor Vehicle Safety Standards (Repealed)
440.520 State Requirements

440.APPENDIX A Federal Motor Vehicle Safety Standards (FMVSS) and Related Regulations (Repealed)
440.APPENDIX B First Aid Kit Requirements (Referred to in Section 440.420(l)) (Repealed)
440.APPENDIX C Specification Sheet Reflective Material – Encapsulated Lens (Based on FHWA Notice N 5040.17, June 15, 1976) (Repealed)
440.ILLUSTRATION A Hexagon Shaped Stop Signal Arm (Repealed)
440.ILLUSTRATION B Octagon Shaped Stop Signal Arm Panel
440.ILLUSTRATION C Exhaust Discharge Prohibited Zones

AUTHORITY: Implementing Article VIII of Chapter 12 of the Illinois Vehicle Code [625 ILCS 5/Ch. 12, Art. VIII] and Section 14-3(m) of the Criminal Code of 1961 [720 ILCS 5/14-3(m)] and authorized by Section 12-812 of the Illinois Vehicle Code [625 ILCS 5/12-812].

SOURCE: Filed June 20, 1977; amended at 6 Ill. Reg. 7147, effective June 2, 1982; codified at 8 Ill. Reg. 15502; amended at 11 Ill. Reg. 15947, effective September 21, 1987; amended at 12 Ill. Reg. 8463, effective May 3, 1988; amended at 16 Ill. Reg. 1655, effective January 14, 1992; amended at 17 Ill. Reg. 3530, effective March 2, 1993; amended at 18 Ill. Reg. 14764, effective September 20, 1994; amended at 22 Ill. Reg. 19354, effective October 15, 1998; expedited correction at 23 Ill. Reg. 5918, effective October 15, 1998; emergency amendment at 24 Ill. Reg. 4993, effective March 10, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 12111, effective July 31, 2000; emergency amendment at 24 Ill. Reg. 16391, effective October 20, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 3307, effective February 20, 2001; amended

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

at 26 Ill. Reg. 3219, effective February 19, 2002; amended at 31 Ill. Reg. 1881, effective January 8, 2007; amended at 32 Ill. Reg. 17983, effective November 10, 2008; repealed at 42 Ill. Reg. _____, effective _____.

SUBPART A: INTRODUCTION

Section 440.10 Order

The Department, through its Division of Traffic Safety, has the responsibility to ensure that the public and private agencies engaged in the transportation of passengers on school buses are cognizant of and meet minimum safety standards related to vehicle construction.

Section 440.20 Guidelines

This Part provides:

a) General information on the appropriate portions of the Illinois Vehicle Code [625 ILCS 5], the applicability of the standards to public and private agencies, the purpose of the standards and the scope of the standards.

b) Definitions of terms used in this Part.

c) Requirements for manufacturer's certification related to federal and State standards.

d) Federal and State standards applicable to the bodies of school buses.

e) Federal and State standards applicable to the chassis of school buses.

Section 440.30 Responsibilities

The Bureau of Safety Programs, Division of Traffic Safety, is responsible for enforcement of these standards.

SUBPART B: GENERAL

Section 440.110 Purpose

These standards are intended to heighten the safety of school bus passengers in compliance with

the oft-expressed desires of parents and other promoters of school bus safety features.

Section 440.120 Scope

These standards show the basic federal motor vehicle safety standards that must be met and in addition set forth certain minimum requirements established by the State to govern aspects not governed by the federal motor vehicle safety standards. In compliance with the desires of school bus owners and operators, some of the State requirements relate to bus traffic characteristics and to durability and maintenance rather than to safety.

Section 440.130 Applicability

These standards apply to the construction of any new Type I School Bus obtained by a person or organization for operation on the public roads in Illinois. Requirements for body and chassis are stated separately, in order to facilitate application of the standards to the commonly used body-on-chassis bus. In the case of an integral type bus the body and chassis requirements (Subpart E & F) should be read together as one set of requirements. In any case, these standards apply to the completed bus.

Section 440.140 Effective Date

These standards become effective July 1, 1977, on each incomplete vehicle manufactured on or after April 1, 1977, and on each component either assembled to or altered on such incomplete vehicle so as to construct a school bus; provided, however, a new school bus constructed of an incomplete vehicle manufactured before April 1, 1977, may not be sold or used in Illinois if its final stage of manufacture is completed after October 1, 1977.

Section 440.150 Quantified Requirements

Nearly all quantified requirements are stated in SI (metric) units as well as U.S. customary units. Where a requirement stated in U.S. customary units is not identical to the requirement stated in SI units, the SI requirement shall prevail.

Section 440.160 Incorporation by Reference

a) Each bus body and chassis must conform to the applicable provisions of the Federal Motor Vehicle Safety Standards (FMVSS) (49 CFR 571.1 through 571.404). Those applicable provisions of the FMVSS are incorporated by

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

reference as that part of the FMVSS was in effect on October 1, 2007. No later amendments to or editions of 49 CFR 571 are incorporated.

b) Each bus body and chassis must conform to the applicable provisions of 49 CFR 567, Certification, and 49 CFR 568, Vehicles Manufactured in Two or More Stages, that were in effect on the first day of the month in which the chassis manufacturer completed the last manufacturing operation on the incomplete bus. Those applicable provisions are incorporated by reference as they were in effect on October 1, 2007. No later amendments to or editions of 49 CFR 567 and 49 CFR 568 are incorporated.

c) Each school bus must conform to the applicable Standards and Recommended Practices of the Society of Automotive Engineers Handbook (Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale PA 15096-0001, (724)776-4841). Those applicable provisions of the SAE Standards and Recommended Practices are incorporated by reference as of the 2005 edition date. No later amendments to or editions of the SAE Standards and Recommended Practices are incorporated.

d) Copies of the above materials incorporated by reference are available for inspection at the Division of Traffic Safety, 3215 Executive Park Drive, 3rd Floor, Springfield, Illinois 62703 or by calling (217)785-1181. The federal standards are available on the National Archives and Records Administration's website at http://ecfr.gpoaccess.gov. The Division of Traffic Safety's rules are available on the Department's website at http://www.dot.il.gov/safety.html .

SUBPART C: DEFINITIONS

Section 440.205 Dictionary Used

Words and terms are used in the appropriate meaning defined in Webster's Third New International Dictionary of the English Language unless a different meaning is referred to or stated herein below.

Section 440.210 Federal Definitions

Terms are used as defined in 49 CFR 567, 568, or 571.

Section 440.220 State Definitions

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

The terms referred to in Section 440.210 are applicable to this Section unless any definitions are displaced either by a statutory definition in 625 ILCS 5 or by a definition found in this Section:

"ANSI" means the American National Standards Institute (11 West 42nd Street, New York NY 10036).

"Body" means the portion of a bus that encloses the occupant and cargo spaces and separates those spaces from the chassis frame, engine compartment, driveline, and other chassis components, except certain chassis controls used by the driver.

"Body-on-Chassis" means a completed vehicle consisting of a passenger seating body mounted on a truck type chassis (or other separate chassis) so that the body and chassis are separate entities, although one may reinforce or brace the other.

"Child Check System" means an optional mechanical or electronic monitoring system used for ensuring that no passengers remain on the school bus at the end of a route, a work shift, or the work day. The system shall require the school bus driver to walk to the rear of the bus to deactivate the system before the driver leaves the bus. The vehicle's interior lights must illuminate when the ignition is turned off to assist the driver in seeing in and under the seats during a visual sweep of the bus. (See P.A. 95-0260, effective August 17, 2007.)

"Code" means the Illinois Vehicle Code [625 ILCS 5].

"Driver" means *every person who drives or is in actual physical control of a vehicle*. (Section 1-116 of the Code)

"Empty Weight" means the unloaded vehicle weight; i.e., the weight of a vehicle with maximum capacity of all fluids necessary for operation of the vehicle but without cargo or occupant (49 CFR 571.3), plus 350 lbs allowance for driver and equipment.

"FMVSS" means the Rules and Standards set forth in 49 CFR 571 and known as the Federal Motor Vehicle Safety Standards.

"Forward Control" means a configuration in which more than half of the engine length is rearward of the foremost point of the windshield base and the steering wheel hub is in the forward quarter of the vehicle length (49 CFR 571.3) −

includes mid-engine and rear-engine "pusher" buses.

"Gross Vehicle Weight Rating" or "GVWR" means the value specified by the manufacturer as the loaded weight of the school bus. (See Section 1-124.5 of the Code.)

"Incomplete Vehicle" means an assemblage consisting, as a minimum, of frame and chassis structure, power train, steering system, suspension system, and braking system, to the extent that those systems are to be part of the completed vehicle, that requires further manufacturing operations (other than the addition of readily attachable components such as mirrors or tire and rim assemblies or minor finishing operations, such as painting) to become a completed school bus for use in Illinois. (Based on 49 CFR 568.3)

"Integral Type" bus means a completed vehicle either without separate body and chassis or with body and chassis joined into one unit.

"m", following a numeral, means either "meter" or "meters."

"mm", following a numeral, means either "millimeter" or "millimeters."

"Manufacturer" (unless otherwise indicated at the point of use) means the person or organization whose name follows "MANUFACTURED BY" OR "MFD BY" on the label required in Section 440.310.

"Multiple Glazed Unit" means two or more sheets of safety glazing material separated by air spaces and assembled in a common mounting (ANSI Z26.1-1996).

"Passenger" means every bus occupant who is not the driver.

"SAE" means the Society of Automotive Engineers (400 Commonwealth Drive, Warrendale PA 15096).

"School Bus" –

> *Every motor vehicle, except as provided below, owned or operated by or for any of the following entities for the transportation of persons regularly enrolled as students in grade 12 or below in connection with any activity*

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

of such entity:

Any public or private primary or secondary school;

Any primary or secondary school operated by a religious institution; or

Any public, private or religious nursery school.

This definition shall not include the following:

A bus operated by a public utility, municipal corporation or common carrier authorized to conduct local or interurban transportation of passengers when such bus is not traveling a specific school bus route but is:

On a regularly scheduled route for the transportation of other fare paying passengers;

Furnishing charter service for the transportation of groups on field trips or other special trips or in connection with other special events; or

Being used for shuttle service between attendance centers or other educational facilities.

A motor vehicle of the first division.

A motor vehicle designed for the transportation of not less than 7 nor more than 16 persons that is operated by or for a public or private primary or secondary school, including any primary or secondary school operated by a religious institution, for the purpose of transporting not more than 15 students to and from interscholastic athletic or other interscholastic or school sponsored activities. (Section 1-182 of the Code)

"SI" means Systeme International d'Unites (International System of Units); officially abbreviated SI in all languages; the modernized metric system defined in ANSI IEEE-ASTM-SI-10-1997.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

The symbol ", following a numeral, means either "inch" or "inches."

"Type I School Bus" means *a school bus with a GVWR of more than 10,000 pounds.* (Section 1-213.4 of the Code)

"Type I-A School Bus" means a term commonly used by school bus manufacturers to classify a certain type of school bus that is a conversion or body constructed upon a van-type or cutaway front-section vehicle with a left side driver's door, designed for carrying more than 10 persons. The Type I-A school bus has a GVWR of more than 10,000 pounds.

"Type II School Bus" *means a school bus with a GVWR of 10,000 pounds or less.* (Section 1-213.5 of the Code)

SUBPART D: CERTIFICATION

Section 440.305 Certification by Manufacturer

The manufacturer shall certify the bus conforms to the applicable federal standards in effect on the first day of the month shown in the statement, "This Vehicle Conforms To All Applicable Federal Motor Vehicle Safety Standards In Effect in (month, year)" on the label required under Section 440.310. The manufacturer must also certify that the bus conforms to all applicable State standards. (See Section 440.320.) The certification shall be present in the bus when delivered to the purchaser as well as when submitted to the safety test conducted under provisions of Section 13-109 of the Code [625 ILCS 5/13-109].

Section 440.310 Federal Standards

The manufacturer, and all incomplete vehicle and intermediate manufacturers, shall comply with the applicable provisions of Part 567, "Certification", and Part 568, "Vehicles Manufactured in Two or More Stages", in Title 49 of the Code of Federal Regulations (49 CFR 567 & 568), including the permanent affixing of a label in conformance with the above mentioned federal regulations. This label shall constitute the manufacturer's certification to the People of the State of Illinois that the bus conforms to all applicable provisions of the Federal Motor Vehicle Safety Standards (49 CFR 571).

Section 440.320 State Standards

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

The manufacturer shall prepare a certification bearing his name, identifying the bus by Vehicle Identification Number (VIN), and stating the bus conforms to all applicable provisions of "Illinois Minimum Safety Standards For Construction of Type I School Buses" in effect on the first day of (month and year appearing in the statement quoted in Section 440.305, above or a later month). This certification shall be in the form of an additional label manufactured, lettered, and affixed in the same manner and location as the label required in Section 440.310, above.

SUBPART E: BODY REQUIREMENTS

Section 440.405 Conformance to the Requirements

At the time of the safety test conducted under provisions of Section 13-109 of the Code [625 ILCS 5/13-109], and when delivered to the purchaser, the body of each Type I School Bus shall conform to the requirements stated or referred to in this Subpart. Some chassis requirements also applicable to the body are stated or referred to herein.

Section 440.410 Incorporation by Reference of Federal Motor Vehicle Safety Standards (Repealed)

Section 440.420 State Requirements

Except for mirrors, which may project 153 mm (6") beyond each side of the bus, a school bus shall not exceed 2.44 m (8 feet) in width, 4.12 m (13 feet 6 inches) in height, nor 12.81 m (42 feet) in length. (Sections 15-102, 15-103 and 15-107 of the Code) Each bus body shall be constructed so as to preclude road splash, road dust, or the bus engine's fumes or gas entering either the driver, passenger, or service entrance space through any joint, crack, hole, or opening other than an opened door or window. In addition, various portions of the bus body shall conform to the requirements set forth under the following subsections.

a) Aisle. An aisle, easily negotiated ("easily negotiated" means that an aisle meets the dimension requirements set forth in this subsection from front of bus to back of bus) and free of tripping hazards ("tripping hazards" are tears, wrinkles and other imperfections in the floor covering material, or the floor itself causing the walking surface to be uneven), shall extend from the forward edge of the service entrance stairway to the emergency door in the rear of the bus or, when such door is absent, to the forward edge of the rearmost seat. This aisle shall be no less than 305 mm (12") wide at every location between floor covering and the top of each seat cushion and, in a bus manufactured in July 1987 or later, shall be no less than 380 mm (15") wide at and above a level 50 mm (2") below the top of any seat

back. At least 1.75m (68.9") floor-to-ceiling height shall be provided above the entire required width of this aisle between the forward edge of the rearmost seat and the forward edge of the service entrance stairway. A dedicated aisle that conforms to 49 CFR 571.217 may be adjacent to any side emergency door.

b) Barriers, Guard. A restraining guard barrier shall be installed in front of the right and left front passenger seats. (See 92 Ill. Adm. Code 444 for exceptions for special education school buses.)

1) Barriers shall be constructed to guard passengers from being thrown into the stairwell, dash, windshield or driver's compartment. Barriers shall be padded to give knee and head impact protection. Barriers shall conform to S5.2 through S5.2.3 of FMVSS 222.

2) The vertical distance from the floor covering to the top of a barrier positioned in front of a student's seat shall measure not less than the vertical distance from the floor covering to the top of the seat back on the seat back installed behind that barrier.

c) Battery. Either one battery or two or more suitably connected batteries may be installed.

1) When rated in conformance with SAE Standard J537 (September 2000) the batteries shall provide a current flow for engine cranking no less than the engine manufacturer's recommended Cold Cranking Current (amperes for 30 seconds) at -18˚ C (0˚ F) or, at the purchaser's option, at -29˚ C (-20˚ F).

2) When rated in conformance with SAE Standard J537 (September 2000) the batteries shall provide a Reserve Capacity (duration of 25 ampere current flow) at 27˚ C (80˚ F) no less than 135 minutes.

d) Battery Carrier. When the battery is mounted outside the engine compartment it shall be attached securely in a closed, weather-tight, and vented compartment that is located and arranged so as to provide for convenient routine servicing. The battery compartment door, or cover, shall be secured by an adequate manually operated latches or other fasteners. Each electrical cable connecting the batteries in this carrier to the body or chassis shall be one-piece between the battery terminal connector and the first body or chassis terminal connector.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

e) Bumper, Rear. The rear bumper shall be of channel type cross section with the top edge at least 225 mm (8.9") above the bottom edge, shall be formed from rolled steel at least 4.55 mm (.18") thick, and shall wrap around the rear corners of the body to a point at least 300 mm (11.8") forward of the rearmost point of the body at floor line. The rear bumper shall be attached to the chassis frame with provisions for removal by means of commonly available hand tools and the prevention of hitching-to or riding thereon. The rear bumper shall be of sufficient strength to permit the bus being pushed by another vehicle without permanent distortion.

f) Capacity, Passenger. *The vehicle maximum passenger capacity recommended by the manufacturer of the bus shall be based upon a provision for 13 inches of seating space for each passenger, exclusive of the driver.* (Section 12-802 of the Code) Examples: A seat 990 mm (39") in width provides 3 passenger spaces; A seat 985 mm (38.8") in width provides 2 passenger spaces; A device resembling a seat but less than 330 mm (13") in width would not provide a passenger space. Neither a space not conforming to FMVSS 222 nor the driver's space shall be counted as a passenger space. However, any space used for transporting an orthopedically challenged passenger shall be counted as a passenger space when computing passenger capacity to be displayed on the exterior of the bus as required in subsection (v)(7).

g) Certificate and Registration Card Holder. At least 1 card holder with a transparent face no less than 150 mm by 100 mm (5.9" by 3.9") shall be securely affixed to the interior header panel out of the students' easy reach.

h) Child Check System (Optional). If a mechanical or electronic child check system is installed, the system must illuminate the interior lights on the bus when the ignition is turned off. (See P.A. 95-0260, effective August 17, 2007.)

i) Color and Paint, Exterior. *The exterior of each school bus shall be national school bus glossy yellow except* as indicated in subsections (i)(1)-(6):

1) *The rooftop may be white.* Optional white roof shall terminate at any point from top of drip rail to 6" above drip rail. The front and rear roof caps shall remain national school bus glossy yellow.

2) *Body trim, rub rails, lettering other than on a stop signal arm and*

bumpers shall be glossy black (Federal Standard No. 595a, glossy black enamel No. 170381).

3) *Lettering on a stop signal arm shall be white on a red background.*

4) *The hood and upper cowl may be lusterless black* (595a, 37038) *or lusterless school bus yellow.*

5) *Grilles on the front, lamp trim and hubcaps may be a bright finish.* Wheels and rims may be black or gray.

6) *The name or emblem of a manufacturer may be colorless or any color.*

7) *The exterior paint of any school bus shall match the central value, hue and chroma set forth* in this Part. (Section 12-801 of the Code)

8) Each opening for a required emergency exit window or door must be outlined around its exterior perimeter with, at a minimum, 1 inch (2.54 cm) wide yellow retroreflective tape. All retroreflective tape must be on the exterior surface of the bus and conform to all requirements of 49 CFR 571.217. Emergency roof exits may be outlined in either yellow or white retroreflective tape.

9) Yellow retroreflective tape can be located on the rear bumper or rub rail provided the space under the emergency exit door or emergency exit window is not adequate to accommodate the tape, or, provided rivets are present that prohibit the tape from being applied properly.

AGENCY NOTE: To be certain of glare reduction, a purchaser should specify a lusterless paint.

j) Crossing Control Arm:

1) Must meet or exceed the wiring requirements of SAE Recommended Practice J1133 (November 2004).

2) Must be capable of full operation between, and including, the temperatures -40º F and 160º F.

3) The arm, when activated, must extend a minimum of five feet from the front face of the bumper.

4) The arm must be mounted on the far right side (entry side) of the front bumper.

5) Appropriate brackets shall be used to attach the arm to the front bumper for proper operation and storage.

6) All component parts must meet or exceed any applicable federal motor vehicle safety standards in effect at the time of manufacture.

7) The arm must extend at the same time the stop arm panel extends. An independent "on/off" switch is prohibited.

8) If the driver can stop the arm from extending with the use of an optional override switch, the arm sequence must automatically reset once the service door is closed.

9) Red lights and/or red reflectors are prohibited.

k) Defrosters. Defrosting equipment shall be installed so as to help keep the window to the left of the driver and the glass in the service door clear of fog or frost. This defrosting equipment shall conform to those FMVSS 103 (49 CFR 571.103) performance requirements that are applicable to school bus windshields.

l) Emergency Exits. All emergency exits shall conform to the applicable requirements of FMVSS 217 (49 CFR 571.217).

1) Each emergency exit shall be equipped with an interior opening device that may be quickly released but that is designed to offer protection against accidental release. Each exterior release handle must be nonhitchable.

AGENCY NOTE: "Nonhitchable" is defined as the rear of the bus being designed and maintained to prevent or discourage riding or grasping rear of bus so as to "hitch" rides.

2) Each opening for a required emergency exit window or door must be

outlined around its exterior perimeter with, at a minimum, 1 inch (2.54 cm) wide yellow retroreflective tape. All retroreflective tape must be on the exterior surface of the bus and conform to all requirements of 49 CFR 571.217. Yellow retroreflective tape can be located on the rear bumper or rub rail provided the space under the emergency exit door or emergency exit window is not adequate to accommodate the tape, or, provided rivets are present that prohibit the tape from being applied properly. Emergency roof exits may be outlined in either yellow or white retroreflective tape.

3) Both audible and visible alarms shall alert the driver when the engine is running and any emergency exit door either:

A) Is not fully latched, or

B) Is locked and not readily operated manually.

4) An audible alarm shall alert the driver when the engine is running and any emergency exit window either:

A) Is not fully latched, or

B) Is locked and not readily operated manually.

5) The engine starting system shall not operate while any emergency exit door or window (optional or required) is locked from either inside or outside the bus. "Locked" means that the release mechanism cannot be activated and the exit cannot be opened by a person at the exit without a special device such as a key or special information such as a combination.

6) An alarm cut-off or "squelch" control is prohibited.

7) Exception: No alarm is required for roof hatches.

m) Fire Extinguisher.

AGENCY NOTE: A fire extinguisher is required to be carried on each school bus transporting pupils. The manufacturer may elect to install the fire extinguisher at the time the school bus is manufactured; however, a fire extinguisher can also be installed by the owner after the school bus is purchased.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

The fire extinguisher shall be of the dry chemical type, with pressure gauge, mounted in a quick-release bracket of automotive type located in view of and readily accessible to the driver, except when carried in the locked compartment authorized under subsection (w). The fire extinguisher shall be of a type approved by the Underwriters' Laboratories, Inc., with a rating not less than 10-BC. The operating mechanism shall be sealed with a type of seal that will not interfere with the use of the fire extinguisher. Halon fire extinguishers (10-BC) are approved.

n) First-Aid Kit.

AGENCY NOTE: A first aid kit is required to be carried on each school bus transporting pupils. The manufacturer may elect to install the first aid kit at the time the school bus is manufactured; however, a first aid kit can also be installed by the owner after the school bus is purchased.

1) The first aid kit must be readily identifiable and readily accessible to the driver. The kit must be dust tight and substantially constructed of durable material. If the kit is not carried in the locked compartment as authorized in subsection (w)(2), it must be in view of the driver.

2) The first aid kit must include, but is not limited to, the following:

A) 4" bandage compress – 2 packages

B) 2" bandage compress – 2 packages

C) 1" bandage or adhesive compress – 1 package

D) 40" triangle bandage with two safety pins – 1

E) Splint, wire or wood – 1

3) A tourniquet or any type of ointment, antiseptic or other medicine cannot be included.

o) Floor Covering.

1) All portions of the floor that come in contact with passengers' or driver's footwear shall be covered with a waterproof material. This floor covering shall not crack when subjected to sudden temperature change and shall be bonded securely to the floor with a waterproof substance. All seams and openings shall be filled with a waterproof sealer.

2) The floor covering in the aisles and entrance area shall be of non-skid, wear-resistance type material commonly used in commercial passenger transportation vehicles.

p) Fuel System. The fuel system shall conform to all applicable provisions of FMVSS 301 (49 CFR 571.301).

q) Glazing Materials.

1) The following applies to glazing on Type I school buses:

A) Laminated safety glass is optional on Type I school buses. All applicable provisions of FMVSS 205 (49 CFR 571.205) apply to the optional laminated safety glass and also to any plastic material used in multiple-glazed unit, including meeting the pertinent tests indicated below, that are specified in ANSI Standard Z26.1-1996, Z26.1a-1996, and are grouped in Table No. 1 of that Standard. Glazing shall be identified as shown below.

Glazing installed in:	Shall meet tests grouped in Z26.1 Table No. 1 under:	Shall bear one of the following identification markings:
Windshield	Item 1, either laminated glass or multiple glazed unit.	AS 1 Glass;
Window or door forward of rearmost location of driver's seat back		AS 1 Glass; or AS 2 Glass
All Other locations		AS 1 Glass, or AS 2

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

Glass, or AS 3 Glass

B) In addition, any exposed plastic layer of a multiple glazed unit shall be identified in conformance with FMVSS 205 (49 CFR 571.205).

2) All glazing shall be installed so the identification markings are legible.

3) All glazing in the rear of the bus, except a rear emergency exit window, shall be the fixed type.

r) Heaters.

1) An interior temperature of not less than 10º Celsius (50º F) shall be maintained throughout the bus while the bus is moving at 75 kilometers per hour (46.6 miles per hour) in calm air at the average minimum January temperature, as established by the Weather Bureau, U.S. Department of Commerce, for the area in which the bus is to be operated.

2) Each heater shall bear a nameplate that shall identify the heater manufacturer and state the heater capacity rating when tested as recommended in SAE Recommended Practice J638 (November 1998), or when tested in accordance with other nationally recognized standard or code. The recommended practice, standard, or code under which the heater is rated shall be identified on the nameplate. Such nameplate shall constitute certification by the heater manufacturer that the heater performance is as shown on the plate.

3) Heater hoses shall be supported so as to prevent wear due to vibration. The hoses shall not dangle or rub against the chassis or sharp edges and shall neither interfere with nor restrict the operation of any engine function (such as an emission or ignition control mechanism). Heater hoses shall be protected or baffled between the point at which they enter the passenger compartment and the point of attachment to the heater so that, in the event of hose rupture or disconnection, passengers and/or driver will not be subject to hot water burns.

4) Auxiliary fuel-fired heating systems are permitted, provided they comply with the following:

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

A) The auxiliary heating system fuel shall utilize the same type of fuel as specified for the vehicle engine;

B) The heater or heaters may be direct hot air or connected to the engine's coolant system;

C) An auxiliary heating system, when connected to the engine's coolant system, may be used to preheat the engine coolant or preheat and add supplementary heat to the bus's heating system;

D) Auxiliary heating systems must be installed pursuant to the manufacturer's recommendations and shall not direct exhaust in such a manner that will endanger bus passengers. The auxiliary heating system must not direct exhaust into any portion of the prohibited zone as shown in Illustration C of this Part;

E) Auxiliary heating systems that operate on diesel fuel shall be capable of operating on:

i) a hot water and/or combustion type heater; or

ii) if only one heater is used, a fresh-air or combination fresh-air and recirculation type heater; or

iii) blended diesel fuel without the need for system adjustment; and

F) The auxiliary heating system shall be low voltage.

s) Heater Hose Connections at Engine. Each heater hose connection to the engine shall include a shutoff valve located as close to the engine as practical. Such connection and valve shall not interfere with any engine function whether closed, partially open, or fully open, with heater hoses installed properly.

t) Interior.

1) Thermal and acoustic materials shall be installed in the ceiling and the sides of the body to reduce heat transfer and the interior noise level.

2) The passenger compartment of the bus, including the ceiling, shall be free of any visible or concealed projections likely to cause injury. Exposed lapped joints shall be connected and/or treated to reduce likelihood of injury from exposed edges. Materials or components in the passenger compartment located within 59 inches from the floor shall be free of any sharp corner or projections or shall be padded so as to make injury unlikely.

u) Lamps and Signals. Light Emitting Diode (LED) lamps that meet applicable FMVSS or SAE Standards or SAE Recommended Practices are acceptable.

1) Alternately Flashing Signal Lamps. Each bus shall be equipped with an eight lamp alternately flashing signal system that conforms to S5.1.4(b) of FMVSS 108 (49 CFR 571.108) and Section 12-805 of the Code. A separate circuit breaker and a master switch shall be provided for this signal system. When in its "off" position, this master switch shall prevent operation of the eight lamp system; shall prevent operation of any lamps mounted on the stop signal arm panel required under subsection (hh); and shall prevent operation of any electrically controlled mechanism that would cause the stop signal arm panel to extend. The controls for the eight lamp flashing signals, the stop signal arm panel, and the service entrance door shall be arranged so as to provide for the following sequence of operations while the engine is running:

A) Place the alternately flashing signal system master switch in its "off" position. Close and secure the service entrance door. Actuate the alternately flashing signal system hand or foot control. The alternately flashing signal lamps of either yellow (amber) or red color shall not go on.

B) With the master switch "off" and the hand or foot control actuated, open the service door. The alternately flashing signals of either color shall not go on and the stop signal arm panel shall not extend.

C) Deactivate the hand or foot control. Place the alternately flashing signal system master switch in its "on" position. Close and secure the service door. Then open the service door. The alternately flashing signal lamps of either color shall not go on and the stop

signal arm panel shall not extend.

D) Close and secure the service door. Actuate the alternately flashing signal system by hand or foot control. A yellow pilot lamp in the view of the driver and the yellow alternately flashing signals shall go on.

E) Desecure but do not open the service door. The yellow pilot and the yellow alternately flashing signals shall go off. A red pilot lamp in the view of the driver and the red alternately flashing signals shall go on. The stop signal arm panel shall extend.

F) Fully open the service door. The red pilot and red signals shall remain on and the stop arm shall remain extended.

G) Close but do not secure the service door. The red pilot and red signals shall remain on and the stop arm shall remain extended.

H) Open the service door. The red pilot and red signals shall remain on and the stop arm shall remain extended.

I) Close and secure the service door. The red pilot and red signals shall go off and the stop arm shall retract.

J) Open the service door. Alternately flashing signals of either color shall not go on and the stop arm shall not extend.

2) Interior Lighting. At least the white nosings of the service entrance steps (subsection (gg)(3)), the floor around the stepwell, the entire aisle, and each emergency door and emergency exit shall be illuminated by lamps emitting a white light. For buses designed to transport 33 or more passengers, at least two interior illumination lamps shall be installed. At least the nosings of the service entrance steps and the floor around the stepwell shall be illuminated automatically by opening of the service door. No lamp shall be installed at or near the eye level of a pupil moving through the service entranceway to the aisle unless such lamp does not shine directly into the eyes of any such pupil.

3) Rear Turn Signals. Yellow turn signal lamps shall be mounted on the rear

as far apart as practical and as high as practical but below the rear window. The effective projected illuminated area of these turn signal lamps shall be no less than required for the yellow alternately flashing signal lamps required under subsection (u)(1); i.e., .0122 m^2 (19 in^2).

4) Side Turn Signals. Two yellow side turn signal lamps conforming to SAE Standard J914 (July 2003) shall be installed on each bus designed to transport 33 or more passengers. Except as provided in this subsection, this SAE Standard shall be read as setting forth mandatory requirements. The lamps shall be "armored" and mounted on the body between the rub rails required under subsection (dd). The right lamp shall be within 1 m (39.4") of the rear of the service entrance but, on a forward control bus, not forward of the front axle. The left lamp shall be approximately the same distance from the front bumper as the right lamp.

5) Stop Signals. Red stop lamps shall be mounted on the rear as far apart as practical but closer to the vertical centerline of the bus than the rear turn signal lamps required under subsection (u)(3), and at the same height as those turn signal lamps. The effective projected illuminated area of these stop lamps shall be no less than required for the red alternately flashing signal lamps required under subsection (u)(1); i.e., .0122 m^2 (19 in^2).

6) Strobe.

A) *One per bus;*

B) *Shall emit white or bluish-white light;*

C) *Shall be visible from any direction;*

D) *Shall flash 60 to 120 times per minute;*

E) *Shall be visible in normal sunlight;*

F) *Mounted at or behind center of rooftop and equal distance from each side. Distance from rear will be calculated by measuring height of filament and multiplying same by 30 inches* (i.e., filament height measured from the base of the strobe x 30 = distance from rear of bus where lamp is to be located). (Section 12-815 of the

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

Code)

G) If a roof exit, air conditioner, or the size of the bus interferes with the placement of a strobe as required by (u)(6)(F), the strobe can be placed to the rear of the roof exit or air conditioner as near as practicable above the rear axle, horizontally centered between the rear tires.

v) Lettering.

1) General. Except where otherwise required or allowed, lettering on the exterior of the body shall be black against a national school bus glossy yellow background. All required letters and numerals shall conform to Series "B", or heavier series, of the Standard Alphabets for Highway Signs issued by the Federal Highway Administration, Washington, D.C. 20591. Decals may be used instead of paint. Signs, numbers, or letterings, other than those either required by Section 12-802 of the Code or required or permitted by this Part shall not be affixed permanently on either the exterior or the interior of the bus. Interior lettering shall contrast with its background.

2) The words "SCHOOL BUS" shall be displayed against a national school bus glossy yellow background as high as practical and approximately centered on the front and rear of the bus body, in letters at least 200 mm (8") high (see Section 12-802 of the Code). These words may be painted on or applied to the bus body or displayed on a sign firmly attached to or built into the body. The background of an illuminated sign shall approximate the national school bus glossy yellow color as closely as feasible.

3) A school bus identification number, supplied by the purchaser, shall be displayed as high as practical on the front and rear of the bus in numerals not less than 100 mm (4") high. Such number may be displayed on the sides of the bus as specified by the purchaser. As an option, identification numbers may also be located on the rooftop.

4) *Either the owner's name or the school district number or both must be displayed on both sides of the bus at least four inches high, approximately centered and as high as practicable below the window line.* (Section 12-

802 of the Code) The lettering must be located on one line.

5) The body and/or chassis manufacturer's name, emblem, or other identification may be displayed, colorless or in any color, on any unglazed surface of the bus so as not to be mistaken for the name required in subsection (v)(4), and so as not to interfere with any required letters or numerals.

6) The words "EMPTY WEIGHT", or the abbreviation "EMPTY WT.", or the letters "E.W.", followed by the empty weight of the bus, as defined in Section 440.220, stated in pounds, shall be displayed on the exterior of the body near the rear edge of the service entrance in numerals and letters at least 50 mm (2") high (see Section 12-802 of the Code).

Examples: EMPTY WEIGHT 16,800 lb E.W. 16,800 lb

7) The word "CAPACITY", or the abbreviation "CAP.", and the rated passenger capacity (see subsection (f) of this Section) followed by the word "PASSENGERS", or the abbreviation "PASS.", shall be displayed on the exterior of the body near the rear edge of the service entranceway, and on the interior above the right portion of the windshield, in numerals and letters at least 50 mm (2") high (see Section 12-802 of the Code).

8) The words "NO STANDEES" shall be displayed only on the interior above the windshield, approximately opposite the aisle but to the right of the mirror and sun visor, in letters at least 50 mm (2") high.

9) The words "EMERGENCY DOOR" or "EMERGENCY EXIT" in letters at least 5 cm high must be displayed on the interior and exterior of the bus. "EMERGENCY DOOR" must be displayed at the top of, or directly above, any emergency exit door. "EMERGENCY EXIT" must be displayed at the top of, or directly above, or at the bottom of, any emergency exit window. They may be displayed on a separate colorless background (such as white, aluminum, or silver) that extends no more than 15 mm (.6") above or below the words and no more than 25 mm (1") to the right or left of the words.

10) A black arrow, curved or straight, at least 150 mm (5.9") in length and 15 mm (.6") in width, showing the direction each exterior emergency exit

release mechanism is to be moved to open the emergency exit, shall be painted or permanently affixed on the exterior yellow portion of the bus within 150 mm (5.9") of each release mechanism.

11) An arrow showing the direction each interior emergency exit release mechanism is to be moved to open the emergency exit shall be painted or permanently affixed on the interior of the bus within 150 mm (5.9") of each emergency exit release mechanism. Each interior arrow shall contrast with its background and, where suitable space is limited, may be smaller than the exterior arrows but must be conspicuous.

12) Alternate Fuel

A) *If the bus uses alternate fuel (e.g., propane, CNG), the vehicle must be marked with an identifying decal. Such decal shall be diamond shaped with white or silver scotchlite letters one inch in height and a stroke of the brush at least ¼ inch wide on a black background with a white or silver scotchlite border bearing either the words or letters:*

"PROPANE" = If propelled by liquefied petroleum gas other than liquefied natural gas; or

"CNG" = If propelled by compressed natural gas. The sign or decal shall be maintained in good legible condition.

B) *The alternate fuel decal shall be displayed near the rear bumper and visible from the rear of the vehicle.* (Section 12-704.3 of the Code)

13) The vehicle's length (rounded up to nearest whole foot) must be displayed on or adjacent to the interior bulkhead clearly within the driver's view. (For example: vehicle length of 39.1 feet will be displayed as 40 feet.) Each letter or numeral must be at least two inches high and black in color. The measurement must be taken from the front bumper to the rear bumper.

14) A "Stop Line" in contrasting color is required between 5.9 and 6.1 inches below the top of each side window opening. The line shall be located between each window that slides downward.

15) The decal described in this subsection (v)(15) is required to be displayed on every school bus registered in Illinois. The school bus manufacturer may elect to apply the decal at the time the school bus is manufactured or the decal may be applied by the school bus owner after the school bus is purchased. A white decal with black lettering and numerals that measure one inch high must be displayed on the rear of the bus. The decal must display the words TO REPORT ERRATIC DRIVING followed by the area code and phone number of the bus owner. The decal shall be located on the rear window glazing below the rear seat back, on the bus body below the window line, or on the rear bumper. The decal must be visible to the motoring public from the rear of the bus and cannot obstruct any required lettering or numerals. The decal cannot be located on any emergency door glazing or any emergency window glazing. Magnetic signs are not allowed. (See P.A. 95-0176, effective January 1, 2008.)

16) The decals described in this subsection (v)(16) are required to be displayed on every school bus registered in Illinois if an audio and/or visual recording will be made of the interior of the school bus. The school bus manufacturer may elect to apply the decals at the time the school bus is manufactured or the decals may be applied by the school bus owner after the school bus is purchased. Two white decals with black lettering measuring one inch high shall be displayed, one on the exterior of the service (e.g., entrance) door or on the bus body adjacent to the service door if the door is not adequate to accommodate the decal and a second on the front interior bulkhead. The decals shall serve as a notice of audio and/or visual recordings. The exterior decal must not be located on any service door glazing and the interior decal must not obstruct any other required lettering on the bulkhead. Magnetic signs are not allowed. (See P.A. 95-0352, effective August 23, 2007.)

w) Locked Compartment (Optional). If specified by the purchaser, a lockable compartment may be installed for storage of fire extinguisher, first-aid kit, warning devices, wheel chocks, or other items.

1) The compartment locking device shall be connected with an automatic audible and visible alarm that will alert the driver when the engine is running and the compartment is locked. No alarm disconnect, "squelch control", or other alarm defeating mechanism shall be installed.

2) A red cross, formed of five equal squares, and the words "FIRST-AID KIT" shall be displayed on the compartment door, or cover, if the first-aid kit is to be carried in the locked compartment.

3) The words "FIRE EXTINGUISHER" shall be displayed on the compartment door, or cover, if the fire extinguisher is to be carried in the locked compartment.

x) Metal Treatment.

1) Unless excluded below, all steel or iron used in construction of the bus body and attached equipment shall be either resistant to atmospheric corrosion, or zinc coated, or treated by equivalent process. Particular attention shall be given to each fastener or attaching device, lapped surface, welded connection or fastening, cut edge, punched or drilled hole, surface subjected to abrasion, closed or box section, and any unvented or undrained area or space. The number of unvented or undrained areas or spaces is to be minimized. Excluded are door handles, grab handles, and interior decorative parts.

2) As evidence that above requirements have been met, a sample of fastener, material, or section of body, coated or finished as installed in the bus, when subjected to a 1,000-hour salt spray test in accordance with American Society for Testing and Materials (ASTM) Standard B-117-1997 "Method of Salt Spray (Fog) Testing" shall not exhibit more than 10 percent reduction in weight after all adherent corrosion products are removed.

y) Mirrors.

1) Interior Mirror – A mirror that measures at least 6 inches x 30 inches overall shall be located inside the bus. The mirror shall afford the operator a good view of the bus interior and portions of the roadway to the rear. It shall be firmly supported, constructed of clear-view safety glass and securely backed and framed. It shall have rounded corners. Edges shall be padded to reduce danger of injury upon impact. Exception: For buses that meet the definition of a Type I-A school bus, as defined in Section 440.220, the interior mirror may meet manufacturer's specifications.

2) All exterior mirror systems shall conform to the applicable requirements of FMVSS 111 (49 CFR 571.111).

3) More convex mirrors than required above may be installed, if specified by the purchaser.

4) The reflecting surface on the backside of each mirror glass shall be protected from abrasion, scratching, and atmospheric corrosion.

z) Mounting of Body. This subsection does not apply to an integral type bus.

1) After the date of manufacture of the incomplete vehicle, the chassis frame shall not be altered so as to extend the wheelbase. Other extensions of the chassis frame may be accomplished only by the incomplete vehicle, intermediate, or final-stage manufacturer or by an agent of such manufacturer properly instructed and authorized by such manufacturer to make such extensions.

2) Insulating material shall be placed at all mounting points between the body and chassis frame. This material shall be at least 5 mm (.2") thick, may have the quality of the sidewall of an automobile tire, and shall be so secured that it will not move, vibrate, or "crawl" out of place during normal operations.

3) The body front shall be attached and sealed to the chassis cowl so as to prevent the entry of water, dust, or fumes through the joint between the chassis cowl and the body.

aa) Radio Noise. Radio/stereo speakers must be located at least four feet behind the rearmost position of the driver's seat.

AGENCY NOTE: Two-way communication radios are allowed.

bb) Rack, Book. Not permissible.

cc) Reflectors.

1) Front

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

A) *Two yellow rigid or sheet type (tape) front reflex reflectors shall be attached securely and as far forward as practicable.* (Section 12-202 of the Code) They shall be located between 15 and 60 inches above the roadway at either fender, cowl, or body and installed so as to mark the outer edge of the maximum width of the bus. No part of the required reflecting material may be obscured by a lamp, mirror, bracket, or any other portion of the bus. No part of the required reflecting material may be more than 11.8 inches (300 mm) inboard of the outer edge of the nearest rub rail. The reflector may be any shape (e.g., square, rectangle, circle, oval, etc.). A rigid type reflex reflector may be any size if permanently marked either DOT, SAE A, or SAE J 594; otherwise, it shall display at least seven square inches of reflecting material (about three inch diameter if a solid circle).

B) A sheet type (tape) reflex reflector which conforms to FMVSS 108 (49 CFR 571.108 (S5.7.1.2)) may be used but its forward projected reflecting area shall be at least eight square inches.

2) Left Side. *One amber no more than 12 inches from the front and one red no more than 12 inches from the rear. Mounted at a height not less than 15 inches and not more than 60 inches above the surface of the road.* (Section 12-202 of the Code) On buses 20 feet or more in length, one amber reflector as near center as practicable must also be provided. The reflector must measure a minimum of three inches in diameter.

3) Right Side. *One amber no more than 12 inches from the front and one red no more than 12 inches from the rear. Mounted at a height not less than 15 inches and not more than 60 inches above the surface of the road.* (Section 12-202 of the Code) On buses 20 feet or more in length, one amber reflector as near center as practicable must also be provided. The reflector must measure a minimum of three inches in diameter.

4) Rear. *Two red reflectors on rear body within 12 inches of lower right and lower left corners.* (Section 12-202 of the Code) The reflectors must measure a minimum of three inches in diameter.

dd) Rub Rails.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

1) Each rub rail shall be 4" or more in width in its finished form, shall be constructed of 16-gauge steel or suitable material of equivalent strength and shall be constructed in corrugated or ribbed fashion.

2) There shall be one rub rail located approximately at seat level that shall extend from the rear of the service entrance completely around the exterior of the bus body without interruption, except at a rear emergency door or a rear compartment, to a point of curvature near the front of the body on the left side.

3) There shall be one rub rail on each side located approximately at floor line that shall extend over the same longitudinal distance as the rub rail required under subsection (dd)(2), except:

A) This rub rail need not extend across a wheel housing, and

B) This rub rail may terminate at the radii of the right and left rear corners of the body.

4) More than two rub rails may be installed on a side and/or the rear of a bus.

ee) Seating. Each seat and each barrier are required to conform to FMVSS 222 (49 CFR 571.222).

1) Seat, Driver's. The driver's seat shall be rigidly positioned, and shall afford both vertical and fore-and-aft adjustments of not less than 100 mm (3.9"), without the use of a tool or other non-attached device. The shortest distance between the steering wheel and the back rest of the operator's seat shall be no less than 280 mm (11").

2) Seats, Students'.

A) Each seat (except as provided in subsection (ee)(2)(E)) shall be constructed so that the shortest straight-line distance from the top of the seat back to the empty seat cushion is 28" when measured near the transverse center of the seat at the front of the seat back and along the angle of rearward inclination of the seat back. Since the height of a seat back is difficult to measure precisely on a

repeated basis, a measurement of 27.5" or more is deemed acceptable.

B) Each seat shall be forward facing (except as provided in subsection (ee)(2)(E)).

C) A flip-up seat may be located only immediately adjacent to any side emergency door. The flip-up seat must conform to the following:

i) The seat must be designed so that, when in the folded position, the seat cushion is flat against the seat back to prevent a child's limb from becoming lodged between the seat cushion and seat back.

ii) The seat must be designed to discourage a child from standing on the seat cushion when in the folded position.

iii) The working mechanism under the seat must be covered to eliminate any tripping hazard.

iv) All sharp metal edges on the seat must be padded to prevent any snagging hazard.

v) No portion of the door latch mechanism can be obstructed by a seat.

vi) There must be at least 11.7 inches (30 cm) measured from the door opening to the seat back in front.

D) Optional seat safety belts must be installed according to specifications provided by the bus body manufacturer. This may include reinforced seats and seat frames.

E) In the case of a seat to be occupied by a student with special needs, seating requirements shall be changed only as necessary to meet the needs of the student with special needs (e.g., seat missing to accommodate wheelchair, hard surfaced stretcher installed to accommodate child who is not capable of sitting in an upright

position) (see 92 Ill. Adm. Code 444).

ff) Safety Belt, Driver's.

1) Each driver's safety belt assembly shall be arranged so that all portions of the assembly remain above the floor when not in use. If retractors are installed, they shall be the emergency locking type.

2) Buses must be equipped with a lap belt/shoulder harness design for the driver.

gg) Service Entrance and Door.

1) The service entrance shall be located on the right side near the front, in unobstructed and convenient view of the driver. The service entrance shall have a minimum vertical opening of 1.7 m (67") and a minimum horizontal opening of 610 mm (24").

2) A steel grab handle not less than 250 mm (9.8") in length shall be firmly attached in an unobstructed location on the left side of the entranceway as a person enters the bus. An optional grab handle can also be located on the right side of the entranceway.

3) The bottom step in the entranceway shall not extend beyond the exterior of the body. With all seats empty, the bottom step shall be not less than 300 mm (11.8") and not more than 400 mm (15.7") from the roadway. At least two steps shall be provided. The steps shall be enclosed. Risers shall be approximately equal. Each step, including the floor at the top riser, shall be surfaced with a nonskid material with a 40 mm (1.6") to 80 mm (3.1") white nosing as an integral piece.

4) The service door shall be either manually or power operated by the seated driver. When in the closed and secured position, the door operating mechanism shall prevent accidental opening but shall afford prompt release and opening by the driver. No exposed parts of a door operating mechanism shall come together so as to shear or crush fingers. The vertical closing edges of a service door shall be padded to lessen chance of injury.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

5) A power operated door shall be equipped for emergency manual operation in case of power failure. Instructions for emergency operation of a power operated door shall be affixed permanently on the interior of the door in letters at least 12 mm (.5") high.

6) A single-section service door shall be hinged at the front of the service entrance.

7) Glazed panels shall be installed in the service door to afford the driver a view of small children outside the door, traffic signs, and intersecting roadways. The bottom of each lower glass panel shall not be more than 10 inches from the top surface of the bottom step. The top of each upper glass panel when viewed from the interior shall be not more than 3 inches below the interior door control cover or header pad.

8) Service Door Lock (Optional). If ordered by the purchaser, a lock may be installed on or at the service door. Any type service door locking system installed in the bus shall conform to at least one of the following requirements.

A) Requirement 1: A locking system shall not be capable of preventing the driver from easily and quickly opening the service door; or

B) Requirement 2: A locking system that is capable of preventing the driver from easily and quickly opening the service door shall include an audible and visible alarm to alert the driver when the engine is running and the service door is locked. No alarm disconnect, "squelch control", or other alarm defeating or attenuating device shall be installed; or

C) Requirement 3: A locking system shall not be capable of preventing the driver from easily and quickly opening the service door except when, and only when, a person outside the bus uses a key that is not capable of locking more than one of at least 1000 of the door manufacturer's key locking systems.

hh) Steering Wheel Clearance. The rim grip of the steering wheel shall have at least 50 mm (2") clearance in all directions, except at the spokes.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

ii) Steps, Body Front. On each side at the front of the body at least one grab handle and recessed foothold or folding stirrup step shall be installed so as to provide easy access to the windshield for cleaning purposes. Exception: Type I-A school buses are exempt.

jj) Stop Signal Arm Panel.

1) A stop signal arm panel must be installed on the left side of the bus that conforms to 49 CFR 571.131. Decals may be used in lieu of painting. Strobe lamps are acceptable on stop signal arm panels.

2) Section 440.Illustration B depicts the octagon shaped semaphore required in subsection (jj)(1).

3) Additional stop signal arm panels may be added at the purchaser's request. Additional panels must be located on the left side of the bus. Additional panels must operate in conjunction with the required panel and meet all stop arm panel requirements except as follows. The additional panel must not contain any marking or reflective material on the front side of the panel. The additional panel must be located in the rear half of the bus adjacent to the rearmost window.

kk) Storage Compartments (Optional).

1) If installed, the storage compartments shall be fire-resistant and of adequate strength and capacity for the storage of the items to be carried, such as tire chains, tow chains, tools for roadside or minor repairs, school activity equipment, etc. The compartments shall provide reasonable security for the contents and shall be constructed and installed so as to preclude passenger injury due to the compartments or the contents becoming dislodged when the bus is subjected to the maximum possible braking force and to minimize chances of such injury when the bus is subjected to a collision impact.

2) If a relatively small storage compartment is located inside the passenger compartment, seat cushions alone may not serve as the cover for the compartment.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

ll) Sun Visor. An interior, adjustable, transparent, tinted sun visor not less than 150 mm (5.9") high by 760 mm (29.9") wide shall be so installed that it can be turned up and will remain up when not in use. It may be supported so that it can be moved for use on the driver's left, but when used in front of the driver and in a position approximately parallel to the windshield it shall be supported at or near each of its ends so as to minimize its vibration. Exception: For school buses that meet the definition of a Type I-A school bus, as defined in Section 440.220, the sun visor may meet manufacturer's specifications.

mm) Tow Hook, Rear (Optional). Any tow hooks installed on the rear shall be attached or braced to the chassis frame, or to an equivalent structural member of an integral type bus. A tow hook may not extend beyond the rear face of the rear bumper.

nn) Undercoating. The underside of the body, including floor members and the side panels below the floor, shall be coated with a fire-resistant undercoating material applied by the spray method so as to seal, insulate, reduce corrosion, and reduce interior noise. Non-metallic components need not be coated.

oo) Ventilation. The body shall be equipped with a controlled ventilation system of sufficient capacity to maintain a satisfactory ratio of outside to inside air under cool and cold operating conditions without opening of windows. With a powered ventilation system, air outlet openings shall be located, sized, and manufactured so that, with doors and windows closed, a positive pressure is maintained in the driver and passenger spaces, to lessen chances of dangerous gas entering such spaces. Fresh air inlets shall be located so as to minimize entrance of either dangerous engine gas or obnoxious engine fumes.

pp) Warning Devices.

AGENCY NOTE: Warning devices are required to be carried on each school bus transporting pupils. The manufacturer may elect to install the warning devices at the time the school bus is manufactured; however, warning devices can also be installed by the owner after the school bus is purchased.

1) *Emergency warning devices are required to be carried on school buses weighing more than 8,000 pounds and operated upon any highway outside an urban district.* The warning devices must be securely stored. *The warning devices* required for use when lighted lamps are required (see

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

Section 12-201(b) of the Code) *shall consist of:*

A) At least three liquid-burning flares and three red-burning 15-minute fusees; or

B) Three red electric lanterns; or

C) Three portable red emergency reflectors that meet FMVSS No. 125.

2) In addition, the following warning devices are also required for use when lighted lamps are not required (see Section 12-201(b) of the Code):

A) Two red cloth flags (not less than 12 inches square with standards to support flags); or

B) Two portable emergency reflectors that meet FMVSS No. 125. (The reflectors in subsection (pp)(1)(c) qualify for this option.) (See Section 12-702(a) and (c) of the Code.)

qq) Weight Distribution and Gross Weight. Storage or cargo spaces, if installed, and seats shall be located so that when the bus is fully loaded as specified or advertised by the manufacturer the loads exerted on the roadway will exceed neither a tire load rating, nor a gross axle weight rating, nor the gross vehicle weight rating indicated by the data displayed on the label permanently affixed in compliance with Section 440.310.

rr) Wheel Housings.

1) Each wheel housing opening shall allow for unimpeded wheel and tire service or removal.

2) Each rear wheel housing shall provide the clearance recommended in SAE Information Report J683 (August 1985) for installation and use of tire chains on the dual or single tires installed on the rear wheels.

ss) Windows or Glazed Panels, Rear. Glazed panels, or windows, shall be installed in the rear of the bus so as to afford the seated driver a reflected view through the rear of the bus as wide and as high as practical without unduly weakening or

increasing the cost of the body structure. Such view shall be as low as allowed by the backs of the rear seats except that, when the aisle required under subsection (a), extends to a rear emergency door, an additional lower glazed panel shall be installed to afford the driver an additional view through such panel at least the width of the required aisle and as low and high as practical.

tt) Window Openings, Side. This subsection does not apply to a window or glazed panel installed forward of a front passenger seat, and is optional for a window installed either beside a rear passenger seat, special service door, or in a side emergency exit.

1) All side windows shall open from the top only and shall operate freely.

2) There shall be one vertical opening side window for each seat.

3) Each side window shall provide an unobstructed emergency egress opening at least 9" high and 22" wide. The opening may extend to 18" above the unoccupied passenger seat cushion but no closer (to the seat cushion).

4) A stop line for the window opening shall be applied 6" from the top of the window opening.

5) The side windows may be split sash.

6) The window latches shall be recessed.

AGENCY NOTE: See Section 440.420(q) for glazing material requirements.

uu) Windshield.

1) The windshield shall be large enough to permit the operator to see the highway clearly, and shall be curved or slanted to reduce glare. The front cornerposts and other supports shall be shaped and located so as to cause as little obstruction to the driver's view of the highway as practical.

2) The windshield shall have a graduated glazing shade band across the top. The definition and boundary of this shade band shall be as recommended in SAE Recommended Practice J100 (November 1999).

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

vv) Windshield Wipers. See the FMVSS for requirements (49 CFR 571.104).

ww) Windshield Washer. See the FMVSS for requirements (49 CFR 571.104).

xx) Wiring.

1) All wiring for lamps and other electrical devices shall be as recommended for automobiles, motor coaches, and heavy duty starting motor circuits in SAE Recommended Practices J1292 (October 1981) and J541a (October 1996) and in other practices or standards referenced therein, unless preempted by FMVSS. (See the FMVSS (49 CFR 571) for requirements.)

2) All circuits, except those for the alternately flashing signal lamps and the stop signal arm lamps, may be divided into independent circuits. Whenever feasible, all other electrical functions (sanders, windshield wipers, heaters, defrosters, etc.) shall be provided with independent and properly protected circuits.

3) Each body circuit shall be coded either by numerals and/or letters at approximately 100 mm (3.9") intervals, or by color and numerals and/or letters, or by colors only. The codes shall appear on a diagram of the circuits in a readily accessible location.

4) A separate fuse, circuit breaker, or electronic circuit protection shall be provided for all circuits, except that components of the engine starter and ignition circuits may be protected by other means.

5) Wires not enclosed within the body shall be fastened securely at intervals of not more than 460 mm (18.1").

6) All terminals and splice clips shall be accessible.

7) The chassis manufacturer shall install a readily accessible electrical terminal so that the net body and chassis electrical current flow can be indicated through a chassis ammeter without dismantling or disassembling the chassis component. The chassis wiring to this terminal shall have a current carrying capacity at least equal to the maximum generator output.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

8) All school buses manufactured on or after January 1, 2006 must be manufactured with a noise suppression switch that is capable of turning off noise producing accessories, including, but not limited to, heater blowers, defroster fans, auxiliary fans and radios. (See Section 12-815.2 of the Code.)

SUBPART F: CHASSIS REQUIREMENTS

Section 440.505 Conformance to the Requirements

At the time of the safety test conducted under provision of Section 13-109 of the Code, and when delivered to the purchaser, the chassis of each Type I School Bus shall conform to the requirements stated or referred to in this Subpart. Some body requirements also applicable to the chassis are repeated or referred to herein.

Section 440.510 Incorporation by Reference of Federal Motor Vehicle Safety Standards (Repealed)

Section 440.520 State Requirements

Except for mirrors, which may project 152 mm (6 inches), a school bus shall not exceed 2.625 m (8 feet) in width, 4.429 m (13 feet 6 inches) in height, nor 13.78 m (42 feet) in length (Sections 15-102 and 15-107 of the Code). Exceptions to the above are shown in Section 440.420 of this Part. Various portions of the bus chassis shall conform to the requirements set forth under the following subsections.

a) Air Cleaner.

1) A dry element type air cleaner shall be provided.

2) All diesel engine air filters shall include a latch-type restriction indicator that retains the maximum restriction developed during operation of the engine. The indicator should include a reset control so the indicator can be returned to zero when desired. Diesel-powered school buses that meet the definition of a Type I-A school bus, as defined in Section 440.220, are exempt from the restriction indicator requirement.

b) Axles. Must meet federal chassis requirements as indicated on the federal certification label as required by 49 CFR 567 and 49 CFR 568.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

c) Battery. See Section 440.420(c) of this Part.

d) Brakes. See the FMVSS for requirements (49 CFR 571.105).

e) Bumper, Front. The front bumper shall be of channel type cross section, shall be formed from rolled steel at least 4.5 mm (.177 inches) thick, shall have not less than a 200 mm (7.9 inches) vertical face, and shall extend to protect the outer edges of the fenders, or the body of a forward control bus. The bumper shall be of sufficient strength to permit pushing another vehicle of equal gross weight without permanent distortion. Exception: For school buses that meet the definition of a Type I-A school bus, as defined in Section 440.220, the bumper may meet manufacturer's specifications when the Type I-A school bus is equipped with a driver side air bag.

f) Clutch. A bus having a manual shift transmission shall be equipped with the type and size of clutch recommended by the incomplete vehicle manufacturer for heavy duty service between the engine and transmission installed in the bus.

g) Color and Paint. See Section 440.420(i) of this Part.

h) Drive Shaft. A suitable guard shall be provided for each segment of the drive shaft to prevent accident or injury if the shaft breaks or becomes disconnected.

i) Engine. Type and displacement may be specified by the purchaser.

j) Exhaust System.

1) The exhaust pipe, muffler and tail pipe shall be outside the bus body and attached to the chassis.

AGENCY NOTE: As mandated by the United States Environmental Protection Agency (USEPA), diesel-powered engines manufactured after December 31, 2006 are required to meet stricter standards that will reduce emissions of particulate matter and nitrogen oxides into the atmosphere. School bus manufacturers may be required to modify exhaust systems to meet the USEPA requirements, e.g., mufflers may be replaced with after-treatment devices that significantly reduce toxins released into the atmosphere. Modifications to exhaust systems made in compliance with

the USEPA requirements are acceptable provided they do not impact the safe operation of the school bus.

2) The exhaust system shall be insulated from any insulated wire, flammable material, brake hose or line, or fuel system component by a securely attached metal shield at any point where the exhaust system is 11.8 inches (300 mm) or less (four inches (101.6 mm) or less if diesel powered engine) from the components listed in this subsection (j)(2).

3) The tail pipe shall be extended to exit the exhaust gases either to the right or left side, or rear of the bus, except for prohibited zones as shown in Illustration C of this Part.

4) The tail pipe shall extend out to but not more than 1 inch (25.4 mm) beyond the perimeter of the body or the bumper.

5) The shielding of engine compartment components shall be governed by the chassis manufacturer's standards.

6) Each gas conducting component that is not of stainless steel shall be of commercial heat and corrosion resistant exhaust system material and shall be nonflexible.

7) For school buses that meet the definition of a Type I-A school bus, as defined in Section 440.220, the tail pipe may meet the chassis manufacturer's standard configuration. However, the tail pipe shall not exit beneath any fuel filler location or beneath any emergency exit door.

k) Frame. See Section 440.420(z)(1) of this Part.

l) Generating System. The generating system may utilize either mechanical rectification (commutator type) or diode rectification (alternator type).

1) The generator output shall be regulated automatically so as to provide for efficient battery charging without causing damaging potentials or currents in any part of the electrical system. Automatic means shall be provided to prevent battery discharge through the generator while the generator is not delivering current.

2) The generator in a nominal 12 volt system shall be able to deliver a continuous current of 60 amperes, or more, while its automatic regulating devices are connected and functioning properly and the engine is running no faster than the speed at which it delivers its maximum net torque at the engine flywheel.

3) The generator in a nominal 12 volt system shall be able to deliver a continuous current of 20 amperes, or more, while its automatic regulating devices are connected and functioning properly and the engine is running no faster than the curb idle speed recommended by the engine manufacturer.

4) The generator in a nominal voltage system higher or lower than 12 volts shall be able to deliver at least the same continuous power (watts) as indicated under subsections (l)(2) and(3) of this Section, at the engine speeds indicated therein.

AGENCY NOTE: Where a bus must operate under adverse conditions such as low engine speeds, frequent periods of engine idle, and/or with high electrical load (frequent use of signals and interior lamps, high heater/defroster loads, etc.) for prolonged periods of time, the purchaser should specify a larger generator commensurate with operating conditions.

m) Horns.

1) At least one horn shall be installed giving an audible warning at a distance of 200 feet. The horns shall be controlled conveniently by the seated driver and tested in accordance with SAE Standard J377 (March 2001).

2) A siren, whistle, or bell may not be installed to attract attention of pedestrians or drivers outside the bus (Section 12-601(b) of the Code). This prohibition shall not be interpreted to prohibit use of such devices inside the bus body to provide warnings to the bus driver.

n) Instruments. The bus shall be equipped with at least the following nonglare illuminated instruments and gauges mounted for easy maintenance and repair and in such a manner that each is clearly visible to the seated driver:

1) Ampere meter or volt meter, with "charge" and "discharge" indications,

provisions for 100 ampere, or more, continuous current indication, and arranged so as to remain unharmed by any ampere meter current flow resulting from the installed generator operating at its maximum output;

2) Gauge, Air Pressure or Vacuum (where air pressure or vacuum is utilized either to apply or to assist in applying the service brakes);

3) Gauge, Engine Coolant Temperature;

4) Gauge, Engine Oil Pressure;

5) Gauge, Fuel;

6) Odometer (may be combined with speedometer; may indicate kilometers traveled if such indication is shown, clearly and conspicuously);

7) Speedometer, with both miles per hour and kilometers per hour scales that are easily readable.

o) Lamps and Signals. See Section 440.420(u) of this Part.

p) Oil Filter. A "full flow" type engine oil filter of approximately 1 liter (1 quart) capacity shall be installed. The purchaser may specify additional "full flow" or "by-pass" type filters, or oil treatment devices.

q) Shock Absorbers. Two front and two rear double-acting shock absorbers of adequate capacity shall be installed.

r) Spare Tire (Optional). The spare tire and rim, if supplied, shall be of the same size designation and load rating as the largest tire and rim installed on the bus. Each spare tire and rim shall be suitably mounted in an accessible location outside the passenger compartment.

s) Springs and Suspension. Each spring and other component in any of the suspension systems shall be capable of supporting its share of the rated gross axle weight during normal operations. Where spring failure could result in total loss of control of the bus, suitable means shall be provided to make such total loss most unlikely.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

t) Steering Mechanism. Power steering is optional. The steering mechanisms shall provide safe and accurate performance at maximum load and speed and shall be adjustable while installed on the completed bus. After the date of manufacture of the incomplete vehicle, the steering mechanisms shall not be modified unless such modification is done with the concurrence of the incomplete vehicle manufacturer and in accordance with the incomplete vehicle manufacturer's instructions.

u) Tow Hooks, Front (Optional). A front tow hook may not extend beyond the front of the front bumper. Each front tow hook not fastened securely to the chassis frame shall be connected to the frame by suitable braces.

v) Transmission. Unless otherwise specified by the purchaser, the transmission shall be manual-shift.

1) A manual-shift transmission shall provide not less than 4 forward gear ratios and 1 reverse gear ratio. A synchromesh shifting mechanism shall be provided for each forward gear ratio except for the highest ratio; i.e., "first gear" or "low gear". (Synchromesh may be specified for "first" or "reverse" gears at the purchaser's option.)

2) An automatic transmission may be specified by the purchaser. Such transmission shall provide not less than 3 forward gear ratios and 1 reverse gear ratio.

w) Undercoating. The entire underside of front fenders or wheel wells shall be coated with a fire-resistant undercoating material in order to seal joints and to reduce corrosion and noise. Nonmetallic components need not be coated.

x) Wiring. See Section 440.420(xx) of this Part.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

Section 440.APPENDIX A Federal Motor Vehicle Safety Standards (FMVSS) and Related Regulations (Repealed)

Section 440.APPENDIX B First Aid Kit Requirements (Referred to in Section 440.420(l) (Repealed)

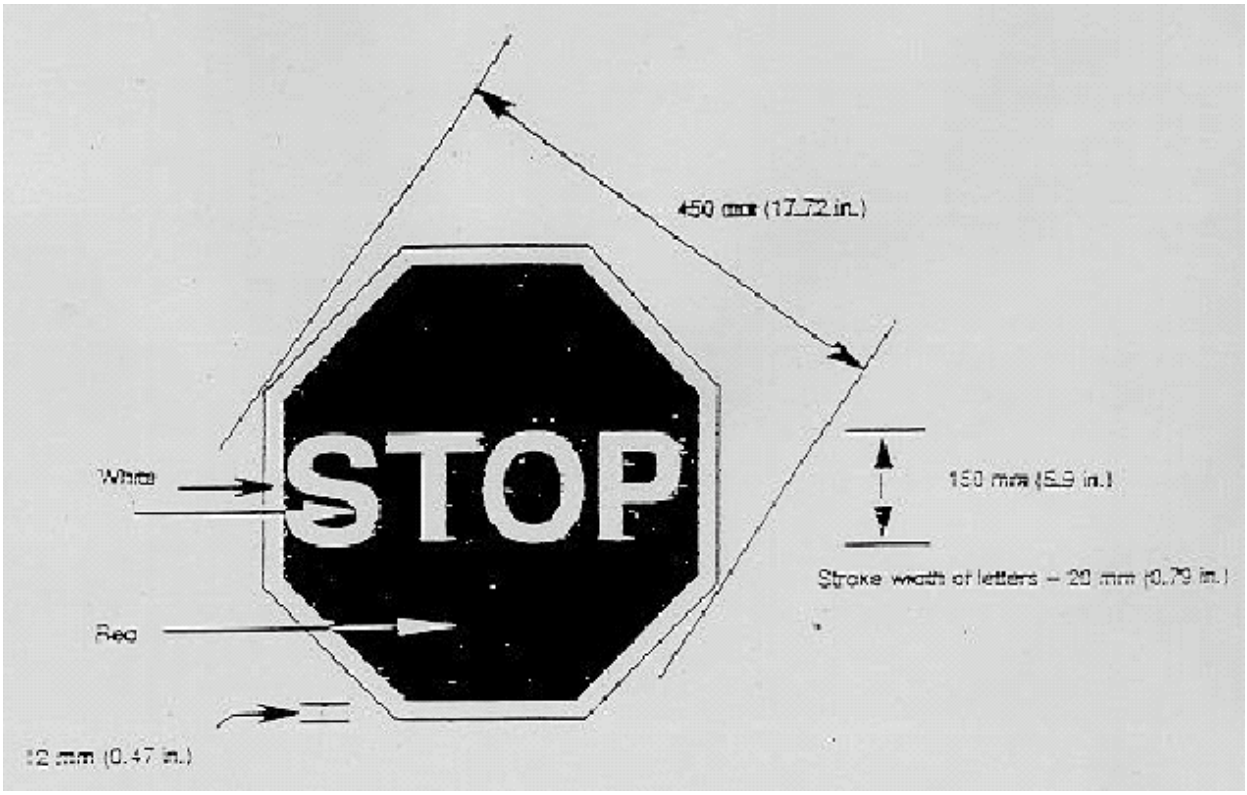
Section 440.APPENDIX C Specification Sheet Reflective Material − Encapsulated Lens (Based on FHWA Notice N 5040.17, June 15, 1976) (Repealed)

Section 440.ILLUSTRATION A Hexagon Shaped Stop Signal Arm (Repealed)

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

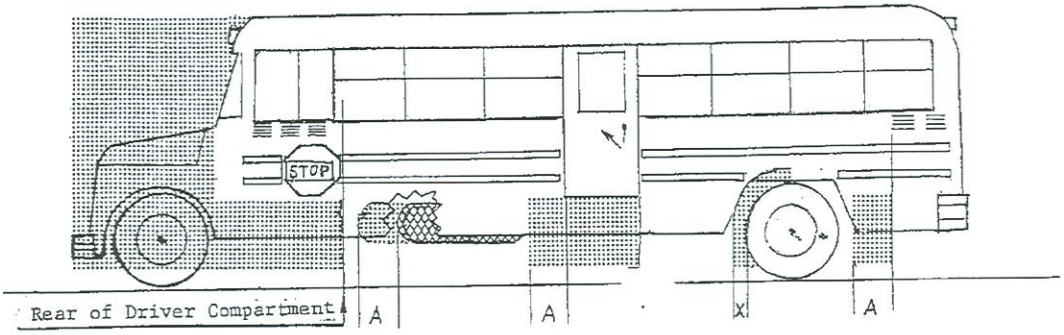
Section 440.ILLUSTRATION B Octagon Shaped Stop Signal Arm Panel



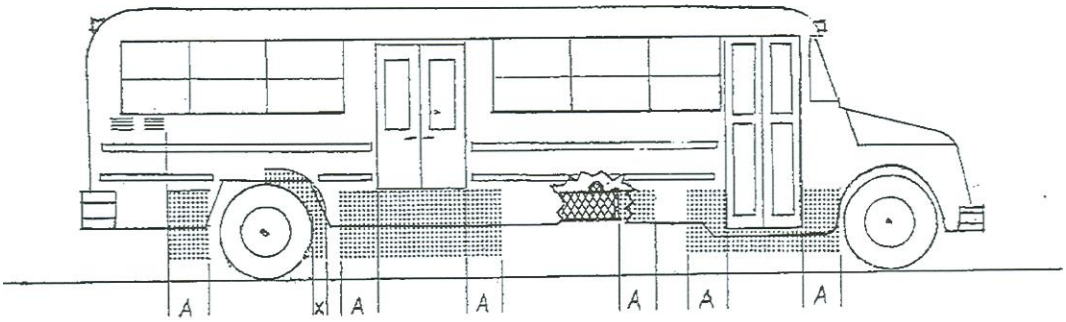
DEPARTMENT OF TRANSPORTATION

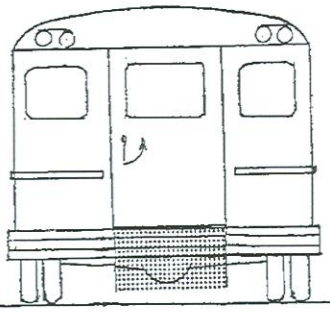
NOTICE OF PROPOSED REPEALER

Section 440.ILLUSTRATION C Exhaust Discharge Prohibited Zones



NOT TO SCALE





Distance A = 1 meter (39 3/8")

Distance x = 150 millimeters (5 7/8")

Prohibited Zone

Ventilating Air Intake (anywhere on side)

Fuel Tank

Heat shield between tank & discharge eliminates prohibited zone at tank.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

1) Heading of the Part: Construction Standards for School Buses

2) Code Citation: 92 Ill. Adm. Code 440

3)

Section Numbers:	Proposed Actions:
440.1000	New Section
440.2000	New Section
440.3000	New Section
440.4000	New Section
440.5000	New Section
440.Table A	New Section

4) Statutory Authority: Implementing Article VIII of Chapter 12 of the Illinois Vehicle Code [625 ILCS 5/Ch. 12, Art. VIII] and Section 14-3(m) of the Criminal Code of 1961 [720 ILCS 5/14-3(m)] and authorized by Section 12-812 of the Illinois Vehicle Code [625 ILCS 5/12-812].

5) A Complete Description of the Subjects and Issues Involved: The Department is proposing this rulemaking to combine the Type I and Type II school bus construction standards which are currently codified at 92 Ill. Adm. Code 440 and 442 respectively. Elsewhere in the *Register,* the Department is proposing to repeal those standards in their current form to be replaced by these rules.

In addition to the combination of the two Parts, this rulemaking adopts the latest federal regulations at Section 440.3000.

For buses manufactured after January 1, 2019, the Department will now require buses measuring 28 feet or longer to be equipped with a second stop signal arm panel. School buses manufactured after that date must also be equipped with a battery disconnect switch that is accessible from the exterior of the bus.

The Department also proposes to allow an override switch for the 8-way warning lamps to follow the sequence of operations as identified in Table A.

The Department is also removing the requirement that side turn signals must be armored.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

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

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

9) Does this rulemaking contain incorporations by reference? Yes

10) Are there any other rulemakings pending on this Part? No

11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

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

Greg Stucka, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel
2300 South Dirksen Parkway, Room 317
Springfield IL 62764

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

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking directly affects manufacturers of school buses; however, the Department is unaware of any school bus manufacturers that are small businesses. This rulemaking may have an indirect impact on small businesses, small municipalities, and not-for-profit corporations that sell, own, or operate school buses in this State.

B) Reporting, bookkeeping, or other procedures required for compliance: No impact is anticipated.

C) Types of professional skills necessary for compliance: No impact is anticipated.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

14) Regulatory Agenda on which this rulemaking was summarized: July 2017

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

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER e: TRAFFIC SAFETY (EXCEPT HAZARDOUS MATERIALS)

PART 440
CONSTRUCTION STANDARDS FOR SCHOOL BUSES

Section
440.1000 Applicability
440.2000 Definitions
440.3000 Incorporations by Reference
440.4000 Certification by Manufacturer
440.5000 Body and Chassis Requirements

440.TABLE A Eight Lamp Sequencing

AUTHORITY: Implementing Article VIII of Chapter 12 of the Illinois Vehicle Code [625 ILCS 5/Ch. 12, Art. VIII] and Section 14-3(m) of the Criminal Code of 1961 [720 ILCS 5/14-3(m)] and authorized by Section 12-812 of the Illinois Vehicle Code [625 ILCS 5/12-812].

SOURCE: Filed June 20, 1977; amended at 6 Ill. Reg. 7147, effective June 2, 1982; codified at 8 Ill. Reg. 15502; amended at 11 Ill. Reg. 15947, effective September 21, 1987; amended at 12 Ill. Reg. 8463, effective May 3, 1988; amended at 16 Ill. Reg. 1655, effective January 14, 1992; amended at 17 Ill. Reg. 3530, effective March 2, 1993; amended at 18 Ill. Reg. 14764, effective September 20, 1994; amended at 22 Ill. Reg. 19354, effective October 15, 1998; expedited correction at 23 Ill. Reg. 5918, effective October 15, 1998; emergency amendment at 24 Ill. Reg. 4993, effective March 10, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 12111, effective July 31, 2000; emergency amendment at 24 Ill. Reg. 16391, effective October 20, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 3307, effective February 20, 2001; amended at 26 Ill. Reg. 3219, effective February 19, 2002; amended at 31 Ill. Reg. 1881, effective January 8, 2007; amended at 32 Ill. Reg. 17983, effective November 10, 2008; old Part repealed at 42 Ill. Reg. _____ and new Part adopted at 42 Ill. Reg. _____, effective _____.

Section 440.1000 Applicability

This Part applies to the construction of any Type I or Type II school bus manufactured for use in Illinois or operated by or for an Illinois school K-12 (public or private). The Department's Bureau of Investigations and Compliance is responsible for the enforcement of this Part.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Section 440.2000 Definitions

"Anti-ride" means being of a design to prevent standing, riding, or grasping any portion of the bus.

"Body" means the portion of a bus that encloses the occupant and cargo spaces and separates those spaces from the chassis frame, engine compartment, driveline, and other chassis components, except certain chassis controls used by the driver.

"Chassis" means every frame or supportive element of a vehicle whether or not a manufacturer's identification number, serial number, or other identifying numbers are present on said part. (IVC Section 1-111.1b)

"Child Check System" means an electronic or manual monitoring system used for ensuring that no passengers remain on the school bus at the end of a route, a work shift, or the work day.

"Code" or "IVC" means the Illinois Vehicle Code [625 ILCS 5].

"Curb Weight" or "Empty Weight" means the weight of a motor vehicle with standard equipment; maximum capacity of engine fuel, oil, and coolant; and, if so equipped, air conditioning and additional weight optional engine. (49 CFR 571.3)

"Diameter" means a straight line passing from side to side through the center of a body or figure, especially a circle or sphere.

"Driver" means every person who drives or is in actual physical control of a vehicle. (IVC Section 1-116)

"Federal Motor Vehicle Safety Standards" or "FMVSS" means the rules and standards set forth in 49 CFR 571.

"Forward Control" means a configuration in which more than half of the engine length is rearward of the foremost point of the windshield base and the steering wheel hub is in the forward quarter of the vehicle length (includes mid-engine and rear-engine "pusher" buses). (FMVSS 3(b))

"Gross Vehicle Weight Rating" or "GVWR" means the value specified by the manufacturer as the loaded weight of a single vehicle. (IVC Section 1-124.5)

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

"Incomplete Vehicle" means an assemblage consisting, at a minimum, of frame and chassis structure, power train, steering system, suspension system, and braking system, to the extent that those systems are to be part of the completed vehicle, that requires further manufacturing operations (other than the addition of readily attachable components such as mirrors or tire and rim assemblies or minor finishing operations, such as painting) to become a completed school bus for use in Illinois (see 49 CFR 565.12(f)).

"Integral Type" bus means a completed vehicle either without separate body and chassis or with body and chassis joined into one unit.

"Manufacturer" (unless otherwise indicated at the point of use) means the person or organization whose name follows "MANUFACTURED BY" or "MFD BY" on the certification labels required in Section 440.4000.

"Multifunction School Activity Bus" or "MFSAB" means a school bus manufactured for the purpose of transporting 11 or more persons, including the driver, whose purposes do not include transporting students to and from home or school bus stops. A MFSAB is prohibited from meeting the special requirements for school buses in IVC Sections 12-801, 12-803, and 12-805 and subsection (a) of Section 12-802. (IVC Section 1-148.3a-5)

"Passenger" means every occupant of the bus who is not the driver.

"Safety Equipment" means the fire extinguisher, first-aid kit, and warning devices.

"School Bus" or "Bus" means:

> *Every motor vehicle, except as* otherwise *provided* in this definition, *owned or operated by or for any of the following entities for the transportation of persons regularly enrolled as students in grade 12 or below in connection with any activity of such entity:*
>
> > *Any public or private primary or secondary school;*
> >
> > *Any primary or secondary school operated by a religious institution; or*

Any public, private or religious nursery school.

This definition shall not include the following:

A bus operated by a public utility, municipal corporation or common carrier authorized to conduct local or interurban transportation of passengers when such bus is not traveling a specific school bus route but is:

On a regularly scheduled route for the transportation of other fare paying passengers;

Furnishing charter service for the transportation of groups on field trips or other special trips or in connection with other special events; or

Being used for shuttle service between attendance centers or other educational facilities.

A motor vehicle of the first division.

A multifunction school-activity bus. (IVC Section 1-182)

"Type I School Bus" means a school bus with a Gross Vehicle Weight Rating of more than 10,000 pounds. (IVC Section 1-213.4)

"Type I-A School Bus" means a term commonly used by school bus manufacturers to classify a Type I school bus that is a conversion or body constructed upon a van-type or cutaway front-section vehicle with a left side driver's door. The Type I-A school bus has a GVWR of more than 10,000 pounds.

"Type II School Bus" means a school bus with a Gross Vehicle Weight Rating of 10,000 pounds or less. (IVC Section 1-213.5)

Section 440.3000 Incorporations by Reference

a) Each bus body and chassis shall conform to the applicable provisions of the following, which are hereby incorporated by reference:

1) 49 CFR 571 (October 1, 2017) – The Federal Motor Vehicle Safety Standards

2) 49 CFR 567 (October 1, 2017) – Certification

3) 49 CFR 568 (October 1, 2017) – Vehicles Manufactured in Two or More Stages

4) Society of Automotive Engineers Standards and Practices (SAESP) standards:

A) J1133 (June 2011) – School Bus Stop Arm Lamp

B) J638 (May 2011) − Heaters

C) J377 (December 2007) − Horn

D) J914 (August 2014) – Side Turn Signals

E) J1292 (January 2008) − Wiring

5) Standard Alphabet (9-1 through 9-52) of the Federal Highway Administration's Standard Highway Signs Book (2004 edition)

b) All of the materials incorporated by reference in this Section are incorporated as of the date specified and include no later amendments or editions.

c) Copies of the above materials incorporated by reference are available for inspection at the Illinois Department of Transportation, 2300 S. Dirksen Parkway, Springfield, Illinois 62764 or by calling (217)785-1181. The federal standards are available on the U.S. Government Publishing Office's website at http://www.ecfr.gov.

Section 440.4000 Certification by Manufacturer

a) The manufacturer shall certify that the bus conforms to all applicable federal and State standards in effect on the first day of the month for the month and year of manufacture.

b) The federal certification shall be in the form of a label that meets the requirements of 49 CFR 567. The federal certification label shall be affixed to the bus when the bus is delivered to the purchaser, as well as when the bus is submitted for safety tests as required by IVC Section 13-109.

c) The State certification label shall:

1) Display the manufacturer's name;

2) Identify the bus by its Vehicle Identification Number (VIN);

3) State that the bus conforms to all applicable provisions of this Part; and

4) Be affixed to the bus when the bus is delivered to the purchaser.

Section 440.5000 Body and Chassis Requirements

a) Aisle

1) For Type I and Type I-A school buses, the floor to ceiling height shall be a minimum of 1.75 m (69") above the entire width of the aisle.

2) For Type II school buses, the floor to ceiling height shall be a minimum of 1.52 m (60") above the entire width of the aisle.

3) Optional: A dedicated aisle that conforms to FMVSS 217 may be adjacent to any side emergency door.

b) Barriers, Guard

1) Guard barriers that conform to FMVSS 222 are required on all school buses.

2) Guard barriers shall be installed in front of each forward-facing passenger seat that does not directly face the rear surface of another passenger seat.

3) See 92 Ill. Adm. Code 444 for exceptions applicable to school buses used in special transportation.

c) Battery or Batteries

1) At least one properly connected battery shall be installed.

2) For buses manufactured after January 1, 2019, a corrosion-proof (i.e., marine-grade) battery disconnect switch shall be provided to shut off all power from the battery or batteries to the body and chassis. The switch shall be accessible from the exterior of the bus (i.e., a person standing outside of the bus must be able to access the switch without boarding the bus). The switch shall not be located under the hood of the bus.

d) Battery Compartment

1) If the battery is mounted outside the engine compartment, it shall be securely attached in an exterior, closed, and vented compartment that is located and arranged to provide for routine servicing.

2) A latch or fastener shall keep the compartment door closed when in the latched position.

3) Each electrical cable connecting the battery or batteries in the engine compartment to the body or chassis shall be one piece between the battery terminal connector and the first body or chassis terminal connector.

4) Exception: For Type II and Type I-A buses, the battery may be located under the driver's seat in a closed, sealed, and vented compartment. The compartment shall have an independent cover and provide a means for drainage.

e) Bumper, Front

1) The bumper shall be channel-type cross section formed from rolled steel at least 4.5 mm (.177") thick. The bumper shall have not less than a 20.32 cm (8") vertical face and shall extend to protect the outer edges of the fender (or the body of a forward control bus).

2) The bumper shall be of sufficient strength to permit pushing another vehicle of equal gross weight without permanent distortion.

3) Exception: Type II and Type I-A school buses are exempt from the 20.32 cm (8") vertical face requirement.

f) Bumper, Rear

1) The bumper shall be channel-type cross section with the top edge at least 22.86 cm (9") above the bottom edge. The bumper shall be formed from rolled steel at least 4.55 mm (.177") thick and shall wrap around the rear corners of the body to a point at least 30.48 cm (12") forward of the rearmost point of the body at floor level.

2) The bumper shall be anti-ride and mounted flush with the side of the body or protected with an end panel.

g) Cameras, Exterior and Interior (Optional)

1) If equipped, exterior cameras shall be black, school bus yellow, or gray.

2) If equipped, interior cameras shall not be located on the dash or in the driver's field of view.

3) See Lettering at subsections (x)(16) and (17) for applicable decal requirements.

h) Child Check System

1) If an electronic child check system is installed, the system shall assist the driver by illuminating the bus's interior lights when the ignition is turned off or when the ignition is turned to the "accessories" position. (See IVC Section 12-816.)

2) The electronic system shall require the school bus driver to walk to the rear of the bus to deactivate the system before the driver leaves the bus.

3) A manual child check system may be utilized by the school bus owner.

i) Communication Device
Each school bus shall contain either a cellular radio telecommunication device (i.e., cell phone) or a two-way radio.

AGENCY NOTE: The communication device may be installed by the manufacturer or purchaser.

j) Crossing Control Arm

1) Shall meet or exceed the wiring requirements of SAESP J1133.

2) Shall be capable of full operation between, and including, the temperatures -40º F and 160º F.

3) The arm, when activated, shall extend a minimum of 5 feet from the front face of the bumper.

4) The arm shall be mounted on the far right side (service door side) of the front bumper.

5) Appropriate brackets or magnets shall be used to attach the arm to the front bumper for proper operation and storage.

6) All component parts shall meet or exceed any applicable FMVSS in effect at the time of manufacture.

7) The arm shall extend at the same time the stop arm panel extends.

8) An optional momentary cancel switch may be present. The arm sequence shall automatically reset once the service door is closed.

9) Red lights and/or red reflectors are prohibited.

k) Dash
The horizontal plane of the dash shall be free of all obstructions. This includes, but is not limited to, two-way radios, GPS systems, and pencil holders.

l) Drive Shaft Guard

Each shaft that measures more than 45.72 cm (18") long shall be equipped with a guard.

m) Emergency Exits

1) All emergency exits shall conform to the applicable requirements of FMVSS 217.

2) Each rear emergency door or window exterior release handle shall be anti-ride.

3) Yellow retroreflective tape shall be used to outline the emergency exits (excluding the roof). If the design of the bus prohibits the tape from being applied properly, the tape may be located on the rear bumper or on or immediately beneath the rub rail under the emergency exits. Emergency roof exits shall be outlined in red, yellow, or white retroreflective tape.

4) A continuous audible alarm and visible indicator lamp shall alert the driver when the engine is running and any emergency exit door is not fully latched or is locked and not readily operated manually.

5) The continuous audible alarm shall be located in the driver's area and in the vicinity of the emergency exit door. The visual indicator lamp shall be located in the driver's area.

6) A continuous audible alarm shall alert the driver when the engine is running and any emergency exit window is not fully latched.

7) An alarm cut-off or "squelch" control is prohibited.

8) All emergency exits shall be surrounded with weather stripping to seal openings.

9) Exception: Emergency roof exits are exempt from alarm requirements.

n) Exhaust System

1) The exhaust pipe, muffler, and tail pipe shall be located outside the passenger and driver compartments. The entire system shall be supported and fastened to the chassis.

2) All insulated wiring, flammable materials, brake hoses or lines, and fuel system components shall be protected from the exhaust system. At any point where the exhaust system is 30.48 cm (12") or less (10.16 cm (4") or less if diesel powered engine) from the components, a metal shield shall be securely attached to the bus.

3) For Type I school buses manufactured on or after January 1, 2019, the exhaust system shall discharge at the rear of the bus and shall not terminate to more than 2.54 cm (1") on either side of the rear bumper. The tail pipe cannot be located under any rear emergency exit door.

4) For Type II and Type I-A school buses manufactured on or after January 1, 2019, the following shall be met:

   A) The exhaust system of a bus powered by a gasoline engine shall discharge to the atmosphere at or within 15.24 cm (6") forward of the rearmost part of the bus.

   B) The exhaust system of a bus using fuels other than gasoline shall discharge to the atmosphere either:

      i) At or within 38.1 cm (15") forward of the rearmost part of the bus; or

      ii) To the rear of all doors or windows designed to be open, except windows designed to be opened solely as emergency exits.

5) Exhaust components, except flexible components, shall be made of either stainless steel or a commercial heat and corrosion-resistant material. All flexible components shall be made of stainless steel.

6) See subsection (s)(5) for exhaust discharge requirements for optional auxiliary fuel-fired heating systems.

o) Fire Extinguisher

1) Except when carried in the storage compartment, a dry chemical fire extinguisher, with pressure gauge, shall be mounted in an automotive-type quick release bracket and located in the view of, and readily accessible to, the driver.

2) The fire extinguisher shall be approved by the Underwriters' Laboratories, Inc., with a rating of not less than 10-B:C.

3) Halon fire extinguishers (10-B:C) are permitted.

AGENCY NOTE: The fire extinguisher may be installed by the manufacturer or purchaser.

p) First-Aid Kit

1) A first-aid kit is required to be carried on each school bus and may be installed by either the purchaser or manufacturer.

2) If the first aid kit is not located in the storage compartment, it shall be readily identifiable to the driver. The kit shall latch and be constructed of durable material.

3) The first-aid kit shall include, at a minimum, the following individually wrapped items:

A) 4" bandage compresses – 2 compresses;

B) 2" bandage compresses – 8 compresses;

C) 1" bandages or adhesive compresses – 16 bandages or compresses.

4) A tourniquet or any type of ointment, antiseptic, or other medicines are prohibited.

5) An epinephrine auto-injector or injectors may be present in the first-aid kit. (See 105 ILCS 5/22-30(f).)

q) Floor Covering

1) All portions of the floor that come in contact with a person's footwear shall be covered with a waterproof material. This floor covering shall not crack when subjected to sudden temperature change and shall be bonded securely to the floor with a waterproof substance. All seams and openings shall be filled with a waterproof sealer.

2) The floor covering in the aisles and entrance area shall be of non-skid, wear-resistance type material commonly used in commercial passenger transportation vehicles.

3) Flush-mounted access plates are permitted.

r) Footholds and Grab Handles

1) One exterior grab handle and one recessed foothold (or folding stirrup) shall be installed on each side of the bus at the front of the body to provide access to the windshield.

2) Exception: Type II and Type I-A school buses are exempt.

s) Heaters

1) An interior temperature of not less than 10º Celsius (50º F) shall be maintained throughout the bus while the bus is moving at 75 kilometers per hour (46.6 miles per hour) in calm air.

2) Each heater shall bear a nameplate that identifies the heater manufacturer and the heater capacity rating when tested as recommended in the SAESP J638, or when tested in accordance with another nationally recognized standard or code. The recommended practice, standard, or code under which the heater is rated shall be identified on the nameplate. The nameplate shall constitute certification by the heater manufacturer that the heater performance is as shown on the plate.

3) The primary heater shall be a high output, fresh-air type.

4) The secondary heater may be a recirculating type and located so as not to interfere with aisle space.

5) Auxiliary fuel-fired heating systems are permitted provided they comply with the following:

A) Utilize the same type of fuel as specified for the vehicle's engine;

B) Be direct, hot-air type or connected to the engine's coolant system;

C) If connected to the engine's coolant system, may be used to preheat the engine coolant or preheat and add supplementary heat to the heating system;

D) Be installed pursuant to the manufacturer's recommendations;

E) Not terminate to more than 2.54 cm (1") on either side of the bus body and never under a door;

F) Not direct exhaust in such a manner to endanger passengers; and

G) Require low voltage.

6) Stepwell heaters are optional.

t) Horn

1) At least one horn shall be installed that is *capable of emitting sound audible under normal conditions from a distance of not less than 200 feet.* (IVC Section 12-601). The horn shall be controlled conveniently by the seated driver and tested in accordance with SAESP J 377.

2) An optional exterior air horn is permitted.

u) Instrument Panel
The bus shall be equipped with an illuminated instrument panel that contains the following:

1) Low air or vacuum pressure (when air pressure or vacuum is utilized either to apply or to assist in applying the service brakes) (gauge and low air or vacuum pressure warning device);

2) Alternately flashing signal system pilot lamps;

3) Ampere meter, volt meter, or discharge indicator lamp;

4) Diesel exhaust fluid level gauge or indicator lamp (if applicable);

5) Engine coolant temperature (gauge or indicator lamp);

6) Engine oil pressure (gauge or indicator lamp);

7) Fuel gauge;

8) Gear selection indicator;

9) High beam indicator lamp;

10) Odometer (may be combined with speedometer);

11) Parking brake indicator lamp;

12) Speedometer that measures miles per hour;

13) Service brake indicator lamp; and

14) Turn signal indicator lamp.

v) Insulation
The ceiling and sidewalls shall be thermally insulated with a fire-resistant material that reduces heat transfer and the interior noise level.

w) Lamps and Signals

1) General. Light Emitting Diode (LED) lamps that meet applicable FMVSS or SAESP are acceptable. Two or more lamps or reflectors may be combined if the requirements for each lamp or reflector are met.

However, no clearance lamp shall be combined with a tail lamp. (See FMVSS 108.)

2) Alternately Flashing Signal Lamps. Each bus shall be equipped with an eight-lamp alternately flashing signal system that conforms to FMVSS 108 and IVC Section 12-805. A separate circuit breaker and a separate master switch located on the instrument panel shall be provided for the signal system. When in its off position, this master switch shall prevent operation of the eight-lamp system and the stop signal arm panel or panels (including any lamps mounted on the panel or panels).

A) Buses that are equipped with air or electrically operated doors may be equipped with an override switch that will allow the red lamps to remain energized while the bus is stopped and the service door is closed. When the bus resumes movement, the stop arm panel must automatically retract, the red lamps must deactivate, and the override switch must reset.

B) The controls for the eight lamp flashing signals, the stop signal arm panel, and the service entrance door shall be arranged to provide for the sequence of operations shown in Table A.

3) Interior. At least two lamps shall illuminate the passenger aisle.

4) Stepwell. At a minimum, the nosings of the service entrance steps and the floor around the stepwell shall be illuminated with at least one white lamp when the ignition and headlights are on and the service entrance door is open.

5) Turn Signals, Rear. Amber turn signal lamps shall be mounted on the rear as far apart as practicable and as high as practicable but below the rear window. The effective projected illuminated area of these turn signal lamps shall be no less than required for the amber alternately flashing signal lamps (i.e., .0122 m^2 (19 in^2)).

6) Turn Signals, Side. Two amber side turn signal lamps conforming to SAESP J914 shall be installed on both sides of the bus. The lamps shall be mounted on the body between the rub rails. The right lamp shall be within 1 m (39.4") of the rear of the service entrance but, on a forward

control bus, not forward of the front axle. The left lamp shall be approximately the same distance from the front bumper as the right lamp. Additional (optional) side turn signals shall be amber. Exception: Type II and Type I-A school buses are exempt.

7) Stop Signals. Red stop lamps shall be mounted on the rear as far apart as practicable but closer to the vertical centerline of the bus than the rear turn signal lamps and at the same height as those turn signal lamps. The lamps shall be not less than 91.44 cm (3') apart laterally. The effective projected illuminated area of these stop lamps shall be no less than required for the red alternately flashing signal lamps (i.e., .0122 m^2 (19 in^2)).

8) Strobe

A) *One per bus;*

B) *Shall emit white or bluish-white light;*

C) *Shall be visible from any direction;*

D) *Shall flash 60 to 120 times per minute;*

E) *Shall be visible in normal sunlight;*

F) *Shall be mounted on the rooftop of the bus with the light generating element in the lamp located equidistant from each side and either at or behind the center of the rooftop.* (IVC Section 12-815) The location of the lamp from the rear of the bus is calculated by measuring the height of the filament and multiplying it by 30 inches (i.e., filament height measured from the base of the filament x 30 = distance from rear of bus where lamp is to be located).

G) If a roof exit, an air conditioner, or the size of the bus interferes with the placement of the strobe, the strobe shall be placed to the rear of the roof exit or air conditioner as near as practicable above the rear axle, horizontally centered between the rear tires.

x) Lettering

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

1) General

A) Except when otherwise required or allowed, lettering on the exterior of the body shall be black against a national school bus glossy yellow background.

B) All required or optional letters, numerals, and symbols shall contrast with their background and conform to Series "B", or heavier series, of the Standard Alphabets for Highway Signs issued by the Federal Highway Administration.

C) Any emergency exit lettering (interior or exterior) that is applied directly to a window shall be displayed on a separate colorless background (such as white, aluminum, or silver) that extends no more than 1.27 cm (.5") above or below the words and no more than 1" to the right or left of the words. Exception: Interior operating instructions for emergency exits are exempt.

D) Decals may be used instead of paint.

E) Required lettering or signs cannot be magnetic.

F) Signs, numbers, or letterings, other than those either required by IVC Section 12-802 or required or permitted by this Part, shall not be affixed permanently on either the exterior or the interior of the bus.

G) All lettering, required or optional under subsection (x), shall be unobstructed from view.

2) "SCHOOL BUS" shall be displayed against a national school bus glossy yellow background as high as practicable and approximately centered on the front and rear of the bus body, in letters at least 20.32 cm (8") high. (See IVC Section 12-802.) These words may be painted on or applied to the bus body or displayed on a sign firmly attached to or built into the body of the bus. The background of an illuminated sign shall resemble the national school bus glossy yellow color.

3) A school bus identification number shall be displayed as high as practicable on the front and rear of the bus in numerals not less than 10.16 cm (4") high. The number may be displayed on the sides of the bus and/or on the rooftop.

4) The name of the owner, entity for which the bus is operated, or both shall appear on both sides of the bus, centered as high as practicable below the window line in letters at least 10.16 cm (4") high. (See IVC Section 12-802.) The lettering shall be located on one line.

5) The body and/or chassis manufacturer's name, emblem, or other identification may be displayed, colorless or in any color, on any unglazed surface of the bus so as not to be mistaken for the name required in subsection (x)(4).

6) "EMPTY WEIGHT", "EMPTY WT.", or "E.W.", followed by the empty weight (i.e., curb weight) of the bus, stated in pounds, shall be displayed on the exterior of the body near the rear edge of the service entrance door in numerals and letters at least 5 cm (2") high. (See IVC Section 12-802.)

7) "CAPACITY" or "CAP.", and the rated passenger capacity followed by the word "PASSENGERS" or "PASS.", shall be displayed on the exterior of the body near the rear edge of the service entrance door, and on the interior front bulkhead above the windshield, viewable from the passenger area and in numerals and letters at least 5 cm (2") high. (See IVC Section 12-802.) The driver's seat is not counted as a passenger space.

8) "NO STANDEES" or "NO STANDEES PERMITTED" shall be displayed on the interior front bulkhead viewable from the passenger area in letters at least 5 cm (2") high.

9) A black arrow, curved or straight, at least 15.24 cm (6") in length and 1.27 cm (.5") in width, showing the direction each exterior emergency exit release mechanism is to be moved to open the emergency exit, shall be displayed on the exterior yellow portion of the bus within 15.24 cm (6") of each release mechanism.

10) An arrow showing the direction each interior emergency exit release mechanism is to be moved to open the emergency exit shall be painted or

permanently affixed on the interior of the bus within 15.24 cm (6") of each emergency exit release mechanism. Where space is limited, interior arrows may be smaller than the exterior arrows but must be conspicuous.

11) Alternate Fuel

A) If the bus is powered by an alternate fuel (e.g., propane, CNG), the bus shall be marked with an identifying decal. The decal shall be diamond shaped with white or silver scotchlite letters 2.54 cm (1") in height on a black background with a white or silver scotchlite border bearing either the words or letters:

"PROPANE" − If propelled by liquefied petroleum gas; or

"CNG" − If propelled by compressed natural gas.

B) The alternate fuel decal shall be displayed near the rear bumper and visible from the rear of the bus. (See IVC Section 12-704.3.)

12) The vehicle's length (rounded up to nearest whole foot) preceded by the word "LENGTH" shall be displayed on or adjacent to the interior front bulkhead in at least 5 cm (2") high lettering and within the driver's view. (For example: vehicle length of 39.1 feet will be displayed as LENGTH 40 FEET.) The measurement shall be taken from the front bumper to the rear bumper.

13) A "Stop Line" is required between 14.9 cm (5.9") and 15.4 cm (6.1") below the top of each side window opening. The line shall be located between each window that slides downward and may be intermittent.

14) A white decal with black lettering and numerals that measure 2.54 cm (1") high shall be displayed on the rear of the bus with the words "TO COMMENT ON MY DRIVING CALL" followed by the area code and phone number of the bus owner. The decal shall be located on the rear window glazing below the rear seat back or on the bus body below the rear window line. The decal shall be visible to the motoring public from the rear of the bus. The decal cannot be located on any emergency door glazing or any emergency window glazing. The decal may be applied at the time the bus is manufactured or by the school bus owner after the bus

is purchased. Optional lettering may be present that requests the bus identification number, along with the date and time of the alleged violation. (See IVC Section 12-821.)

15) For buses manufactured on or after January 1, 2019, a black 2.54 cm (1") label identifying the location of the battery disconnect switch shall be on the exterior surface of the bus.

16) If an audio and/or visual recording will be made of the interior of the bus, decals indicating the recording shall be displayed on the bus. Two white decals with black lettering measuring 2.54 cm (1") high shall be displayed, one on the exterior of the bus's body adjacent to the service entrance door and a second one on the front interior bulkhead, viewable from the passenger area. The exterior decal shall be located between 1.01 m (40") and 1.65 m (65") from the road surface. (See 720 ILCS 5/14-3(m).) The decals may be applied by the manufacturer or purchaser.

17) "TRAFFIC ENFORCEMENT CAMERA IN USE" shall be displayed if the bus is equipped with an exterior camera that monitors stop arm panel violations. The decal shall be white with black lettering that measures 2.54 cm (1") high and located on the exterior left rear window glazing, below the seat back, or on the left of the bus's body, below the window line. The decal shall be visible to the motoring public from the rear of the bus. The decal shall not be located on the rear bumper or on any emergency window or door (includes glazing).

18) One or more of the following labels, that measure at least 2.54 cm (1") high, shall be affixed to the interior storage compartment to identify its contents:

A) "FIRE EXTINGUISHER" may be displayed if the fire extinguisher is located in the storage compartment.

B) "FIRST-AID KIT" may be displayed if the first-aid kit is located in the storage compartment.

C) "WARNING DEVICES" may be displayed if the warning devices are located in the storage compartment.

D) "SAFETY EQUIPMENT" may be displayed to include the fire extinguisher, first-aid kit, and warning devices.

19) Optional: A decal or decals designating the type of fuel used, and/or the location of the alternate fuel shutoff, may be displayed on the exterior surface of the bus in lettering that measures 2.54 cm (1").

20) Optional: A "No Smoking" decal may be posted on the interior surface of the bus in 2.54 cm (1") lettering.

21) Optional: Interior route identification markers (numbers or symbols) are allowed. They must be located in the first passenger area window on either side of the bus. If interior route identification markers are installed in a permanent holder or bracket, the holder or bracket must have rounded edges or be padded.

22) Optional: Exterior route identification markers may be displayed in a holder or bracket on the left and/or right sides of the bus. If installed on the right side, the holder or bracket shall be located between 40" and 65" above the road surface directly on the body behind the service entrance door. If installed on the left side, the holder or bracket shall be located between 40" and 65" above the road surface directly behind the stop signal arm panel. The holder or bracket shall be no larger than 8" high x 12" wide.

23) Optional: A decal or decals may be present that prohibit trespassing on the bus. If present, the decal or decals shall display "NO TRESPASSING" on the first line and "Offenders will be prosecuted to the fullest extent of the law!" on the second line. The lettering shall be black and measure 2.54 cm (1") on a white background. If present, the decal or decals shall be posted on the exterior surface of the bus's body adjacent to the service entrance door or on the interior riser of the top stair or both. If present, the exterior decal shall be located between 53.34 cm (21") and 1.65 m (65") from the road surface.

24) Optional: The vehicle's height may be displayed on the interior of the vehicle within the driver's view.

y) Mirrors

1) Interior Mirror:

A) For Type I school buses, a mirror that measures at least 15.24 cm (6") x 76.2 cm (30") overall shall be located inside the bus.

B) For Type II and Type I-A school buses, a mirror that measures at least 15.24 cm (6") x 30.48 cm (12") overall shall be located inside the bus.

C) The interior mirror shall afford the driver a view of the bus's interior and portions of the roadway to the rear. The mirror shall be firmly supported and constructed of clear-view safety glass. The mirror shall be securely backed and framed with rounded corners and padded edges.

2) All exterior mirror systems shall conform to the applicable requirements of FMVSS 111.

3) Optional: If specified by the purchaser, additional convex mirrors may be installed.

z) Paint, Exterior
The exterior of each bus shall be national school bus glossy yellow except as follows:

1) The rooftop may be white. An optional white roof shall terminate at any point from the top of the drip rail to 15.24 cm (6") above the drip rail. The front and rear roof caps shall remain national school bus glossy yellow.

2) Body trim, rub rails, lettering (except on the stop signal arm panel) shall be glossy black.

3) Bumpers on a Type I bus shall be glossy black.

4) Bumpers on a Type II or Type I-A bus may be glossy black or a bright, colorless finish.

5) The hood and upper cowl may be lusterless black or lusterless school bus yellow.

6) Grilles on the front and lamp trim may be a bright finish. Grille covers (i.e., winter fronts) shall be yellow, black, or white.

7) Hubcaps may be a bright finish. Hubcap color is manufacturer's option. Wheels and rims shall be black, gray, or aluminum. Lug nut torque indicators may be any color.

8) The name or emblem of a manufacturer may be colorless or any color. (See IVC Section 12-801.)

9) Areas around the eight-way flashing lamps may be black but shall not interfere with "SCHOOL BUS" lettering.

10) Additional reflectorized tape is permitted anywhere on the bus's body provided it reflects the same color it is applied to and is not located on any bumper (except reflectorized tape required to outline emergency exits).

aa) Pedals

1) Original Equipment Manufacturer (OEM) or comparable aftermarket pedal extensions are permitted. Makeshift pedal extensions are prohibited.

2) The brake pedal and any brake pedal extension shall be a rigid nonslip design.

bb) Projections, Interior

1) Any projection located in the student seating area that is not flush with an interior wall or ceiling and is within 1.50 m (59") from the floor shall be padded. All exposed lapped joints shall be connected and/or treated to cover exposed edges.

2) Any component located in the front bulkhead area of the bus and not flush with the interior walls shall not be in the driver's head impact zone nor interfere with passengers entering or exiting the bus.

3) Overhead book and/or storage racks are prohibited.

cc) Reflectors

1) Front

A) Two amber reflectors shall be mounted on the front of the body, one near the lower left and one near the right hand corners of the vehicle. (See IVC Section 12-202.)

i) The front reflectors shall be located between 38.1 cm (15") and 1.52 m (60") above the roadway at either the fender, cowl, or body and installed as far forward as practicable, marking the widest points of the bus.

ii) No part of the required reflecting material shall be obstructed by a lamp, mirror, bracket, or any other portion of the bus.

iii) The reflector may be any shape (e.g., square, rectangle, circle, oval, etc.). A rigid type reflex reflector may be any size if permanently marked either DOT, SAE A, or SAE J 594; otherwise, it shall display at least 45 square cm (7 in^2) of reflecting material (about 7.62 cm (3") diameter if a solid circle).

B) A sheet type (tape) reflex reflector that conforms to FMVSS 108 may be used but its forward projected reflecting area shall be at least 51.61 square cm (8 in^2).

2) Side

A) On buses over 6.10 m (20') in length, one amber reflector no more than 30.48 cm (12") from the front and one 7.62 cm (3") in diameter red reflector no more than 30.48 cm (12") from the rear shall be located on both sides of the bus. The reflectors shall be mounted at a height not less than 38.1 cm (15") and not more than 1.52 m (60") above the surface of the road. (See IVC Section 12-202.)

B) On buses more than 9.14 m (30') in length, one amber reflector located at or near the midpoint between the front and rear side reflectors shall also be present. (FMVSS 108 – Table 1) The reflectors shall measure a minimum of 7.62 cm (3") in diameter.

3) Rear. Two red reflectors shall be mounted on the rear of the body, one no more than 12" from the lower left hand corner and one no more than 12" from the lower right hand corner. The reflectors shall measure a minimum of 7.62 cm (3") in diameter.

dd) Registration Card Holder
At least one card holder with a transparent face no less than 15.24 cm (6") x 10.16 cm (4") shall be securely affixed to the interior front bulkhead.

ee) Rub Rails

1) Type I and Type I-A school buses shall meet the following:

A) A minimum of two rub rails are required. Both rails shall be 10.16 cm (4") or more in width. The rub rails shall be constructed of 16-gauge steel, or suitable material of equivalent strength, and shall be constructed in a corrugated or ribbed fashion. The rails shall be securely fastened to the body by bolts, rivets, or welding.

B) One rub rail shall be located approximately at seat level that extends from the rear of the service entrance door completely around the exterior of the bus's body without interruption to a point of curvature near the front of the body on the left side. Exception: Rub rails are not required at areas on the bus where no interior designated seating positions are located.

C) One rub rail shall be located on each side approximately at the floor line that shall extend over the same longitudinal distance as the rub rail required under subsection (ee)(1)(B), except:

i) This rub rail shall not extend across a wheel housing; and

ii) This rub rail may terminate at the radii of the right and left rear corners of the body.

D) Optional: More than two rub rails may be installed on a side and/or the rear of a bus.

2) Type II school buses shall meet the following:

A) A minimum of one rub rail is required. The rub rail shall be 10.16 cm (4") or more in width. The rail shall be constructed of 16-gauge steel or suitable material of equivalent strength and shall be constructed in a corrugated or ribbed fashion. The rail shall be securely fastened to the body by bolts, rivets, or welding.

B) The rub rail shall be located approximately at seat level and shall extend from the rear of the entrance door on both sides to a point of curvature at the rear of the body. Exception: Rub rails are not required at areas on the bus where no interior designated seating positions are located.

C) Optional: More than one rub rail may be installed on a side and/or the rear of a bus.

ff) Rust/Corrosion Inhibitor

1) The underside of the body, including the floor members and the side panels below the floor, shall be coated with a fire-resistant rust inhibiting compound so as to seal, insulate, reduce corrosion, and reduce interior noise.

2) The entire underside of front fenders or wheel wells shall be coated with a fire-resistant rust inhibiting compound in order to seal joints and to reduce corrosion and noise.

3) Nonmetallic components are exempt from coating.

gg) Seat, Driver's

The driver's seat shall be rigidly positioned and have a forward and backward adjustment without the use of tools or other nonattached devices. Seat cushions shall be securely fastened to the seat frame.

hh) Seat Belt, Driver's

1) The bus shall be equipped with a lap and shoulder harness seat belt for the driver.

2) Optional: The bus may be equipped with a durable seat belt webbing cutter with a full-width handgrip and a replaceable or non-corrodible protected blade. The webbing cutter shall not be mounted on the dash but shall be mounted in a location accessible to the seated driver in an easily detachable manner.

ii) Seats, Passenger

1) Each passenger seat shall conform to FMVSS 222.

2) A flip-up seat may be located only immediately adjacent to any side emergency door. If so equipped, the flip-up seat shall conform to the following:

A) The seat shall be designed so that, when in the folded position, the seat cushion is flat against the seat back to prevent a child's limb from becoming lodged between the seat cushion and seat back.

B) The seat shall be designed to discourage a child from standing on the seat cushion when in the folded position.

C) The working mechanism under the seat shall be covered to eliminate any tripping hazard.

D) All sharp metal edges on the seat shall be padded to prevent any snagging hazard.

E) No portion of the door latch mechanism can be obstructed by a seat.

F) There shall be at least 30.48 cm (12") measured from the door opening to the seat back in front.

jj) Service Entrance Door and Area

1) The service entrance door shall be located on the right side near the front, in an unobstructed and convenient view of the driver. The service entrance door shall have a minimum vertical opening of 1.7 m (67") and a minimum horizontal opening of 61 cm (24").

2) A steel handrail that measures not less than 25.4 cm (10") in length shall be firmly attached in an unobstructed location on the left side of the entranceway as a person enters the bus. An optional handrail can also be located on the right side of the entranceway. At least a ¾" space shall be present between any handrail and the panel it is attached to for the entire length of the handrail.

3) The bottom step in the entranceway shall not extend beyond the exterior of the body. The bottom step shall be not less than 30 cm (11.8") and not more than 40 cm (15.7") from the roadway. At least two enclosed steps shall be provided. Risers shall be approximately equal. Each step, including the floor at the top riser, shall be surfaced with a non-skid material with a 4 cm (1.6") to 8 cm (3.1") white or yellow nosing as an integral piece.

4) The service door shall be either manually or power operated by the seated driver. When in the closed and secured position, the door operating mechanism shall prevent accidental opening but shall afford prompt release and opening by the driver. Exposed parts of a door operating mechanism shall come together so as to prevent injury. The vertical closing edges of a service door shall be padded to lessen chance of injury.

5) A power operated door shall be equipped for emergency manual operation in case of power failure. Upon release, the door shall remain in the unlocked position. Instructions for emergency operation shall be affixed permanently within 16 cm (6") of the release mechanism in letters at least 12 mm (.5") high.

6) A single-section service door shall be hinged at the front of the service entrance.

7) Glazed panels shall be installed in the lower and upper service door. The bottom of each lower glass panel shall be no more than 25.4 cm (10") from the top surface of the bottom step. The top of each upper glass panel shall be no more than 7.62 cm (3") below the interior door control cover or header pad.

8) Service Door Lock (Optional)
The service door may be equipped with a lock, provided at least one of the following is met:

A) The locking system does not prevent the driver from easily and quickly opening the service door;

B) The locking system prevents the driver from easily and quickly opening the service door but is equipped with an audible alarm and visible indicator lamp to alert the driver when the engine is running and the service door is locked. No alarm disconnect, "squelch control", or other alarm defeating or attenuating device shall be installed.

kk) Spare Tire (Optional)
Each spare tire and rim shall be mounted outside the passenger compartment.

ll) Stop Signal Arm Panel

1) A stop signal arm panel shall be installed on the left side of the bus that conforms to FMVSS 131. Strobe and LED lamps are acceptable on stop signal arm panels.

2) For buses manufactured after January 1, 2019 that measure 8.53 m (28') long or more from bumper to bumper, a second stop signal arm panel that meets the requirements of FMVSS 131 shall be located on the left side of the bus. The second panel shall operate in conjunction with the panel required in subsection (ll)(1) and be located as close as practicable to the left rear corner of the bus's body.

3) Optional: A second stop signal arm panel that meets the requirements of FMVSS 131 may be installed on buses that measure less than 8.53 m (28') long.

mm) Storage Compartments (Optional)

1) Safety equipment and other items may be stored in an interior, unlocked storage compartment. There shall be no locking mechanism on the storage compartment. (See subsection (x)(18) for labeling requirements.)

2) An exterior, fire resistant storage compartment of adequate strength and capacity used for the storage of miscellaneous items and equipment may also be provided. The compartment shall provide reasonable security for its contents.

3) If an interior storage compartment is located under a passenger seat, seat cushions alone shall not serve as the cover for the compartment. The compartment shall not extend into the aisle or seating area.

nn) Sun Visor

1) An interior, adjustable, transparent, tinted sun visor that measures not less than 15.24 cm (6") high by 76.26 cm (30") wide shall be installed so that it can be turned up and will remain up when not in use. For Type II and Type I-A buses, the sun visor may meet manufacturer's specifications.

2) The visor may be supported so that it can be moved for use on the driver's left, but when used in front of the driver and in a position approximately parallel to the windshield, it shall be supported at or near each of its ends so as to minimize vibration.

oo) Tow Hooks, Front and Rear (Optional)

1) Front
A front tow hook shall not extend beyond the front of the front bumper. Each front tow hook not fastened securely to the chassis frame shall be connected to the frame by suitable braces.

2) Rear

A rear tow hook may be attached or braced to the chassis frame or to an equivalent structural member of an integral type bus. A tow hook shall not extend beyond the rear face of the rear bumper.

pp) Ventilation

1) The body shall be equipped with a controlled ventilation system of sufficient capacity to maintain a satisfactory ratio of outside to inside air under cool and cold operating conditions without opening windows.

2) If the ventilation system is powered, air outlet openings shall be located, sized, and manufactured so that, with doors and windows closed, a positive pressure is maintained in the driver and passenger spaces to lessen chances of dangerous gas entering those spaces.

3) Fresh air inlets shall be located so as to minimize the entrance of obnoxious engine fumes.

qq) Warning Devices
Warning devices shall consist of (at a minimum):

1) 3 liquid-burning flares or 3 red electric lanterns or 3 portable red emergency reflectors that meet FMVSS 125;

2) 3 red burning 15 minute fusees (If red electric lanterns or portable red reflectors are used, fusees are not required.); and

3) 2 red cloth flags or 2 portable red emergency reflectors that conform to FMVSS 125 (in addition to the 3 portable emergency reflectors). (See IVC Section 12-702(a).)

AGENCY NOTE: The warning devices may be installed by the manufacturer or purchaser.

rr) Windows

1) General

A) All window glazing shall meet the requirements of FMVSS 205.

B) Laminated safety glass is optional.

2) Rear

A) Fixed windows shall be installed in the rear of the bus to provide the seated driver a view through the rear of the bus as wide and as high as practicable. Rear emergency exit windows are not fixed.

B) The rear emergency door shall have an additional lower glazed panel to provide the driver an additional view of at least the width of the required aisle and as low and as high as practicable.

3) Side, Driver's. The driver shall be provided a double-paned window that opens and closes either horizontally or vertically.

4) Side, Passenger's

A) There shall be one window that opens vertically from the top for each seat.

B) All window latches shall be recessed.

C) Each passenger side window shall provide an unobstructed opening at least 22.86 cm (9") high and at least 55.88 cm (22") wide, obtained by lowering the window.

D) This subsection (rr)(4) does not apply to a window installed in a special service door or side emergency exit.

ss) Wiring

1) All wiring for lamps and other electrical devices shall be as recommended for automobiles, motor coaches, and heavy duty starting motor circuits in SAESP J1292 and in other practices or standards referenced therein, unless preempted by FMVSS.

2) Alternately flashing signal lamps and stop signal arm panel lamps (if applicable) shall have independent circuits.

3) Wires not enclosed within the body shall be fastened securely at intervals of not more than 45.72 cm (18").

4) A separate fuse, circuit breaker, or electronic circuit protection shall be provided for each circuit. Exception: Starter motor and ignition circuits may be protected by other means.

5) A noise suppression switch that is capable of turning off noise producing accessories, including, but not limited to, heater blowers, defroster fans, auxiliary fans, and radios, shall be installed. (See IVC Section 12-815.2.) The noise suppression switch shall not silence emergency exit alarms.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Section 440.TABLE A Eight Lamp Sequencing

Air or Electrically Operated Doors

Master Switch Position	8-Way System Actuated	Service Door Position	Override Switch Actuated	Stop Arm, Stop Arm Lights	Amber Student Warning and Pilot Lights	Red Student Warning and Pilot Lights
Off	Yes	Any Position	N/A	Retracted, Off	Off	Off
Off	No	Any Position	N/A	Retracted, Off	Off	Off
On	No	Any Position	Yes or No	Retracted, Off	Off	Off
On	Yes	Closed	Yes or No	Retracted, Off	On	Off
On	Yes	Open	Yes or No	Extended, On	Off	On
On	Yes	Closed	Yes	Extended, On	Off	On
On	Yes	Closed	No	Retracted, Off	Off	Off

Manually Operated Doors

Master Switch Position	8-Way System Actuated	Service Door Position	Stop Arm, Stop Arm Lights	Amber Student Warning and Pilot Lights	Red Student Warning and Pilot Lights
Off	Yes	Any Position	Retracted, Off	Off	Off
On	No	Any Position	Retracted, Off	Off	Off
On	Yes	Closed	Retracted, Off	On	Off
On	Yes	Open	Extended, On	Off	On
On	Yes	Closed, not secure	Extended, On	Off	On
On	Yes	Closed, secure	Retracted, Off	Off	Off

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

1) Heading of the Part: Minimum Safety Standards for Construction of Type II School Buses

2) Code Citation: 92 Ill. Adm. Code 442

3)

Section Numbers:	Proposed Actions:
442.110	Repealed
442.120	Repealed
442.130	Repealed
442.205	Repealed
442.208	Repealed
442.210	Repealed
442.213	Repealed
442.214	Repealed
442.215	Repealed
442.216	Repealed
442.218	Repealed
442.220	Repealed
442.230	Repealed
442.235	Repealed
442.240	Repealed
442.245	Repealed
442.250	Repealed
442.253	Repealed
442.255	Repealed
442.258	Repealed
442.259	Repealed
442.260	Repealed
442.265	Repealed
442.270	Repealed
442.275	Repealed
442.285	Repealed
442.290	Repealed
442.295	Repealed
442.300	Repealed
442.305	Repealed
442.310	Repealed
442.315	Repealed
442.320	Repealed

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

442.325	Repealed
442.405	Repealed
442.410	Repealed
442.415	Repealed
442.420	Repealed
442.425	Repealed
442.430	Repealed
442.435	Repealed
442.440	Repealed
442.445	Repealed
442.450	Repealed
442.455	Repealed
442.460	Repealed
442.465	Repealed
442.470	Repealed
442.475	Repealed
442.480	Repealed
442.485	Repealed
442.490	Repealed
442.495	Repealed
442.605	Repealed
442.610	Repealed
442.615	Repealed
442.620	Repealed
442.705	Repealed
442.710	Repealed
442.715	Repealed
442.APPENDIX E	Repealed

4) Statutory Authority: Implementing Article VIII of Chapter 12 of the Illinois Vehicle Code [625 ILCS 5/Ch. 12, Art. VIII] and Section 14-3(m) of the Criminal Code of 1961 [720 ILCS 5/14-3(m)] and authorized by Section 12-812 of the Illinois Vehicle Code [625 ILCS 5/12-812].

5) A Complete Description of the Subjects and Issues Involved: This Part consists of the construction standards for type II school buses manufactured for use in Illinois. The Department is proposing to repeal this Part in its entirety. In connection with this rulemaking, the Department is proposing to repeal and recreate 92 Ill. Adm. Code 440 to combine the construction standards of type I and type II buses into one Part.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

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

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

9) Does this rulemaking contain incorporations by reference? Yes

10) Are there any other rulemakings pending on this Part? No

11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

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

Greg Stucka, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel
2300 South Dirksen Parkway, Room 317
Springfield IL 62764

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

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: This rulemaking affects manufacturers of school buses; however, the Department is unaware of any school bus manufacturers that are small businesses. This rulemaking may have an indirect impact on small businesses, small municipalities, and not-for-profit corporations that sell, own, or operate school buses in this State.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

B) Reporting, bookkeeping or other procedures required for compliance: No impact is anticipated.

C) Types of professional skills necessary for compliance: No impact is anticipated.

14) Regulatory Agenda on which this rulemaking was summarized: July 2017

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

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER e: TRAFFIC SAFETY (EXCEPT HAZARDOUS MATERIALS)

PART 442
MINIMUM SAFETY STANDARDS FOR CONSTRUCTION OF TYPE II SCHOOL BUSES (REPEALED)

SUBPART A: GENERAL

Section
442.110 Scope
442.120 Definitions
442.130 Incorporation by Reference and Certification

SUBPART B: CONSTRUCTION OF BODY

Section
442.205 Aisle
442.208 Barriers, Guard
442.210 Body Structure and Mounting
442.213 Bumper, Rear
442.214 Capacity, Passenger
442.215 Ceiling and Side Walls
442.216 Child Check System (Optional)
442.218 Crossing Control Arm
442.220 Defrosters
442.225 Doors (Repealed)
442.230 Emergency Exits and Door Alarms
442.235 Floor Covering
442.240 Glazing Materials
442.245 Heaters
442.250 Identification/Lettering
442.253 Metal Treatment
442.255 Mirrors
442.258 Paint/Color Requirements
442.259 Rack, Book/Luggage
442.260 Rub Rails
442.265 Seat Belts, Driver's and Passengers'

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

442.270 Seating
442.275 Service Entrance and Door
442.280 Stanchion Guard Panel or Barrier Guard (Repealed)
442.285 Stop Signal Arm Panel
442.290 Tool Compartment (Purchaser's Option)
442.295 Sun Visor
442.300 Undercoating
442.305 Ventilation
442.310 Window Openings
442.315 Windshield
442.320 Windshield Wipers
442.325 Windshield Washer

SUBPART C: CHASSIS REQUIREMENTS

Section
442.405 Air Cleaner
442.410 Axles
442.415 Brakes
442.420 Bumper, Front
442.425 Drive Shaft Guard
442.430 Engine
442.435 Exhaust System and Muffler
442.440 Frame
442.445 Fuel Tank
442.450 Heater Connections
442.455 Horn
442.460 Ignition Lock
442.465 Instruments
442.470 Oil Filter
442.475 Shock Absorbers
442.480 Springs and Suspension
442.485 Steering Mechanism
442.490 Tires and Wheels
442.495 Transmissions

SUBPART D: ELECTRICAL SYSTEMS REQUIREMENTS

Section

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

442.605 Battery and Battery Compartment
442.610 Generator or Alternator
442.615 Lamps, Reflectors, and Signals
442.620 Wiring

SUBPART E: EQUIPMENT REQUIREMENTS

Section
442.705 Fire Extinguisher (Purchaser's Option)
442.710 First-Aid Kit (Purchaser's Option)
442.715 Warning Devices (Optional)

442.APPENDIX A Hexagon Shaped Stop Signal Arm (Repealed)
442.APPENDIX B Federal Motor Vehicle Safety Standards (FMVSS) and Related Rules (Repealed)
442.APPENDIX C Specification for Sheet Reflective Material – Encapsulated Lens (Based on FHWA Notice N 5040.17, June 15, 1976) (Repealed)
442.APPENDIX D Sheeting and Tape, Reflective: Nonexposed Lens (Repealed)
442.APPENDIX E Octagon Shaped Stop Signal Arm

AUTHORITY: Implementing Article VIII of Chapter 12 of the Illinois Vehicle Code [625 ILCS 5/Ch. 12, Art. VIII] and Section 14-3(m) of the Criminal Code of 1961 [720 ILCS 5/14-3(m)] and authorized by Section 12-812 of the Illinois Vehicle Code [625 ILCS 5/12-812].

SOURCE: Adopted at 2 Ill. Reg. 45, p. 115, effective November 10, 1978; codified at 8 Ill. Reg. 15002; amended at 8 Ill. Reg. 15505, effective August 10, 1984; amended at 12 Ill. Reg. 4220, effective February 9, 1988; amended at 16 Ill. Reg. 1685, effective January 14, 1992; amended at 17 Ill. Reg. 3540, effective March 2, 1993; amended at 18 Ill. Reg. 14789, effective September 20, 1994; amended at 26 Ill. Reg. 3255, effective February 19, 2002; amended at 31 Ill. Reg. 8238, effective May 25, 2007; amended at 32 Ill. Reg. 18305, effective November 14, 2008; repealed at 42 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 442.110 Scope

This Part is intended to provide minimum standards for constructing and equipping new Type II school buses manufactured for use in Illinois. This Part assumes compliance with applicable Federal Motor Vehicle Safety Standards (FMVSS) (49 CFR 571), and the Society of Automotive

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

Engineer Standards (SAE), and implements applicable Sections of the Illinois Vehicle Code (the Code) [625 ILCS 5/Ch. 12, Art. VIII]. In addition, this Part sets forth certain other minimum standards established by the Department, and authorized by Section 12-812 of the Code, to govern aspects not governed by the FMVSS, SAE Standards, or the Code. At the request of school bus owners and operators, a few of the requirements in this Part relate to durability and maintenance of school buses rather than safety.

Section 442.120 Definitions

"ANSI" means the American National Standards Institute (11 West 42nd Street, New York NY 10036).

"Body" means the portion of a bus that encloses the occupant and cargo spaces and separates those spaces from the chassis frame, engine compartment, driveline, and other "chassis" components, except certain chassis controls used by the driver.

"Body-on-Chassis" means a completed vehicle consisting of a passenger seating body mounted on a truck type chassis (or other separate chassis) so that the body and chassis are separate entities, although one may reinforce or brace the other.

"Child Check System" means an optional mechanical or electronic monitoring system used for ensuring that no passengers remain on the school bus at the end of a route, a work shift, or the work day. The system shall require the school bus driver to walk to the rear of the bus to deactivate the system before the driver leaves the bus. The vehicle's interior lights must illuminate when the ignition is turned off to assist the driver in seeing in and under the seats during a visual sweep of the bus. (See P.A. 95-0260, effective August 17, 2007.)

"Code" means the Illinois Vehicle Code [625 ILCS 5].

"Driver" means *every person who drives or is in actual physical control of a vehicle*. (Section 1-116 of the Code)

"Empty Weight" means the unloaded vehicle weight; i.e., the weight of a vehicle with maximum capacity of all fluids necessary for operation of the vehicle but without cargo or occupant (49 CFR 571.3), plus 350 pounds allowance for driver and equipment.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

"FMVSS" means the rules and standards set forth in 49 CFR 571 and known as the Federal Motor Vehicle Safety Standards.

"Forward Control" means a configuration in which more than half of the engine length is rearward of the foremost point of the windshield base and the steering wheel hub is in the forward quarter of the vehicle length (49 CFR 571.3) – includes mid-engine and rear-engine "pusher" buses.

"Gross Vehicle Weight Rating" or "GVWR" means the value specified by the manufacturer as the loaded weight of the school bus. (See Section 1-124.5 of the Code.)

"Incomplete Vehicle" means an assemblage consisting, at a minimum, of frame and chassis structure, power train, steering system, suspension system, and braking system, to the extent that those systems are to be part of the completed vehicle, that requires further manufacturing operations (other than the addition of readily attachable components such as mirrors or tire and rim assemblies or minor finishing operations, such as painting) to become a completed school bus for use in Illinois. (Based on 49 CFR 568.3)

"Integral Type" bus means a completed vehicle either without separate body and chassis or with body and chassis joined into one unit.

"m", following a numeral, means either "meter" or "meters".

"mm", following a numeral, means either "millimeter" or "millimeters".

"Manufacturer" (unless otherwise indicated at the point of use) means the person or organization whose name follows "MANUFACTURED BY" or "MFD BY" on the label required in Section 442.130(b).

"Multiple Glazed Unit" means two or more sheets of safety glazing material separated by air spaces and assembled in a common mounting (ANSI Z26.1-1996, no later amendments or editions included).

"Passenger" means every bus occupant who is not the driver.

"SAE" means the Society of Automotive Engineers (400 Commonwealth Drive, Warrendale PA 15096).

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

"School Bus" means:

Every motor vehicle, except as provided in this definition, owned or operated by or for any of the following entities for the transportation of persons regularly enrolled as students in grade 12 or below in connection with any activity of such entity:

Any public or private primary or secondary school;

Any primary or secondary school operated by a religious institution; or

Any public, private or religious nursery school.

This definition shall not include the following:

A bus operated by a public utility, municipal corporation or common carrier authorized to conduct local or interurban transportation of passengers when such bus is not traveling a specific school bus route but is:

On a regularly scheduled route for the transportation of other fare paying passengers;

Furnishing charter service for the transportation of groups on field trips or other special trips or in connection with other special events; or

Being used for shuttle service between attendance centers or other educational facilities.

A motor vehicle of the first division.

A motor vehicle designed for the transportation of not less than 7 nor more than 16 persons that is operated by or for a public or private primary or secondary school, including any primary or secondary school operated by a religious institution, for the purpose of transporting not more than 15 students to and from

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

interscholastic athletic or other interscholastic or school sponsored activities. (Section 1-182 of the Code)

"SI" means Systeme International d'Unites (International System of Units); officially abbreviated SI in all languages; the modernized metric system defined in ANSI IEEE-ASTM-SI-10-1997.

The symbol " following a numeral means either "inch" or "inches".

"Type I School Bus" means *a school bus with a gross vehicle weight rating of more than 10,000 pounds.* (Section 1-213.4 of the Code)

"Type I-A School Bus" means a term commonly used by school bus manufacturers to classify a certain type of school bus that is a conversion or body constructed upon a van-type or cutaway front-section vehicle with a left side driver's door, designed for carrying more than 10 persons. The Type I-A school bus has a GVWR of more than 10,000 pounds.

"Type II School Bus" *means a school bus with a GVWR of 10,000 pounds or less.* (Section 1-213.5 of the Code)

Section 442.130 Incorporation by Reference and Certification

a) Each bus body and chassis must conform to the applicable provisions of the Federal Motor Vehicle Safety Standards (FMVSS) (49 CFR 571.1 through 571.404). Those applicable provisions of the FMVSS are incorporated by reference as that part of the FMVSS was in effect on October 1, 2007. No later amendments to or editions of 49 CFR 571 are incorporated.

b) Each bus body and chassis must conform to the applicable provisions of 49 CFR 567, Certification, and 49 CFR 568, Vehicles Manufactured in Two or More Stages, that were in effect on the first day of the month in which the chassis manufacturer completed his last manufacturing operation on the incomplete bus. Those applicable provisions are incorporated by reference as they were in effect on October 1, 2007. No later amendments to or editions of 49 CFR 567 and 49 CFR 568 are incorporated.

c) Each school bus must conform to the applicable Standards and Recommended Practices of the Society of Automotive Engineers Handbook. Those applicable

provisions of the SAE Standards and Recommended Practices are incorporated by reference as of the 2005 edition date. No later amendments to or editions of the SAE Standards and Recommended Practices are incorporated.

d) Copies of the above materials incorporated by reference are available for inspection at the Division of Traffic Safety, 3215 Executive Park Drive, 3rd Floor, Springfield, Illinois 62703 or by calling (217)785-1181. The federal standards are available on the National Archives and Records Administration's website at http://ecfr.gpoaccess.gov. The Division of Traffic Safety's rules are available on the Department's website at http://www.dot.il.gov/safety.html.

SUBPART B: CONSTRUCTION OF BODY

Section 442.205 Aisle

a) Minimum clearance of all aisles, including the aisle (or passageway) leading to an emergency door in the rear, shall be 12 inches.

b) A dedicated aisle which conforms to 49 CFR 571.217 may be adjacent to any side emergency door.

Section 442.208 Barriers, Guard

a) A restraining guard barrier shall be installed in front of the right and left front passenger seats. Barriers shall be constructed to guard passengers from being thrown into the stairwell, dash, windshield, or driver's compartment. Barriers shall be padded to give knee and head impact protection. Barriers shall conform to S5.2 through S5.2.3 of FMVSS 222. (See 92 Ill. Adm. Code 444 for exceptions for special education school buses.)

b) The vertical distance from the floor covering to the top of a barrier positioned in front of a student's seat shall measure not less than the vertical distance from the floor covering to the top of the seat back on the seat back installed behind that barrier.

Section 442.210 Body Structure and Mounting

a) See applicable provisions of the FMVSS for requirements (49 CFR 571.100 through 571.304).

b) Insulating material shall be placed at all mounting points between the body and chassis frame. This material shall be at least 5 mm (.2") thick, may have the quality of the sidewall of an automobile tire, and shall be so secured that it will not move, vibrate, or "crawl" out of place during normal operations.

c) The body front shall be attached and sealed to the chassis cowl so as to prevent the entry of water, dust, or fumes through the joint between the chassis cowl and the body.

Section 442.213 Bumper, Rear

a) The entire rear bumper must be of metal construction unless an energy absorbing bumper is used.

b) The rear bumper must meet chassis or body manufacturer's standards.

c) The rear bumper shall be shielded between the body and the bumper to prevent hitching or "riding on."

AGENCY NOTE: See Section 442.420 for front bumper requirements.

Section 442.214 Capacity, Passenger

a) *The vehicle maximum passenger capacity recommended by the manufacturer of the bus shall be based upon a provision for 13 inches of seating space for each passenger, exclusive of the driver.* (Section 12-802 of the Code) Examples: A seat 990 mm (39") in width provides 3 passenger spaces; a seat 985 mm (38.8") in width provides 2 passenger spaces; a device resembling a seat but less than 330 mm (13") in width would not provide a passenger space.

b) Neither a space not conforming to the FMVSS 222 nor the driver's space shall be counted as a passenger space. However, any space used for transporting an orthopedically challenged passenger shall be counted as a passenger space when computing passenger capacity to be displayed on the exterior of the bus as required in Section 442.250(g). (See 92 Ill. Adm. Code 444, Minimum Safety Standards for Construction of School Buses used in Special Education Transportation.)

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

Section 442.215 Ceiling and Side Walls

a) The ceiling and side walls shall be thermally insulated with a fire-resistant material approved by the Underwriter's Laboratories, Inc., which shall also adequately reduce the noise level and vibrations.

b) The interior of the bus shall be free of all unnecessary projections likely to cause injury. Additional projections (e.g., external speakers, air conditioners) located within 59 inches from the floor shall be padded to prevent injury. This includes inner lining of ceiling and walls. Installation of book racks is not permissible. Interior paneling is required on the ceiling and walls. Paneling shall be of steel or other suitable material of equivalent strength and durability, applied in such a manner as to present a clean, smooth and safe interior. Exposed edges of lapped joints shall be beaded, flanged or otherwise treated and connected to reduce the likelihood of injury from exposed edges.

c) Interior height shall be a minimum of 60 inches, measured from the floor to ceiling at any point on the longitudinal center line from the front vertical bow to the rear vertical bow.

Section 442.216 Child Check System (Optional)

If a mechanical or electronic child check system is installed, the system must illuminate the interior lights on the bus when the ignition is turned off. (See P.A. 95-0260, effective August 17, 2007.)

Section 442.218 Crossing Control Arm

a) Must meet or exceed the wiring requirements of SAE Recommended Practice J1133.

b) Must be capable of full operation between, and including, the temperatures -40 degrees F and 160 degrees F.

c) The arm, when activated, must extend a minimum of five feet from the front face of the bumper.

d) The arm must be mounted on the far right side (entry side) of the front bumper.

e) Appropriate brackets shall be used to attach the arm to the front bumper for proper operation and storage.

f) All component parts must meet or exceed any applicable FMVSS in effect at the time of manufacture.

g) The arm must extend at the same time the stop arm panel extends. An independent "on/off" switch is prohibited.

h) If the driver can stop the arm from extending with the use of an optional override switch, the arm sequence must automatically reset once the service door is closed.

i) Red lights and/or red reflectors are prohibited.

Section 442.220 Defrosters

Defrosting equipment shall be installed so as to help keep the window to the left of the driver and the glass in the service door clear of fog or frost. This defrosting equipment shall conform to those FMVSS 103 (49 CFR 571.103) performance requirements that are applicable to school bus windshields.

Section 442.225 Doors (Repealed)

Section 442.230 Emergency Exits and Door Alarms

a) Each emergency exit shall be equipped with an interior opening device which may be quickly released but which is designed to offer protection against accidental release. Each exterior release handle must be nonhitchable.

AGENCY NOTE: "Nonhitchable" is defined as the rear of the bus being designed and maintained to prevent or discourage riding or grasping the rear of the bus so as to "hitch" rides.

b) All emergency exits shall conform to the applicable requirements of the FMVSS 217 (49 CFR 571.217).

1) Each opening for a required emergency exit window or door must be outlined around its exterior perimeter with, at a minimum, 1 inch (2.54 cm) wide yellow retroreflective tape. All retroreflective tape must be on

the exterior surface of the bus and conform to all requirements of 49 CFR 571.217. Emergency roof exits may be outlined in either yellow or white retroreflective tape. Yellow retroreflective tape can be located on the rear bumper or rub rail provided the space under the emergency exit door or emergency exit window is not adequate to accommodate the tape or provided rivets are present that prohibit the tape from being applied properly.

2) Both audible and visible alarms shall alert the driver when the engine is running and any emergency exit door either:

A) Is not fully latched, or

B) Is locked and not readily operated manually.

3) An audible alarm shall alert the driver when the engine is running and any emergency exit window either:

A) Is not fully latched, or

B) Is locked and not readily operated manually.

4) The engine starting system shall not operate while any emergency exit door or window (optional or required) is locked from either inside or outside the bus. "Locked" means that the release mechanism cannot be activated and the exit cannot be opened by a person at the exit without a special device such as a key or special information such as a combination.

5) An alarm cut-off or "squelch" control is prohibited.

6) Exception: No alarm is required for roof hatches.

Section 442.235 Floor Covering

a) Plywood or equivalent material may be applied over the existing steel floor and securely fastened – shall be applied if specified by the purchaser. If applied, plywood shall be at least ½" exterior BB grade.

b) All portions of the floor that come in contact with passengers' or driver's footwear

shall be covered with a waterproof material. This floor covering shall not crack when subjected to sudden temperature change and shall be bonded securely to the floor with a waterproof substance. All seams and openings shall be filled with a waterproof sealer.

c) The floor covering in the aisles and entrance area shall be of non-skid, wear-resistance type material commonly used in commercial passenger transportation vehicles.

Section 442.240 Glazing Materials

a) All glazing in the rear of a school bus, including the door, shall be the fixed type.

b) Laminated safety glass is optional. All applicable provisions of the FMVSS 205 (49 CFR 205) apply to the optional laminated safety glass and also to any plastic materials used in multiple-glazed unit, including meeting the pertinent tests indicated below, that are specified in ANSI Standard Z26.1-1996 or Z26.1a-1996 and are grouped in Table No. 1 of that Standard. Glazing shall be identified as shown below.

Glazing installed in:	Shall meet tests grouped in Z26.1 Table No. 1 under:	Shall bear one of the following identification markings:
Windshield	Item 1, either laminated glass or multiple glazed unit	AS 1 Glass
Window or door forward of rearmost location of driver's seat back		AS 1 Glass or AS 2 Glass
All Other locations		AS 1 Glass, AS 2 Glass or AS 3 Glass

c) In addition, any exposed plastic layer of a multiple glazed unit shall be identified

in conformance with the FMVSS 205 (49 CFR 571.205).

d) All glazing shall be installed so the identification markings are legible.

AGENCY NOTE: See Section 442.310, Window Openings, for window operation requirements.

Section 442.245 Heaters

a) An inside temperature of not less than 50 degrees Fahrenheit at average minimum January temperature as established by the U.S. Department of Commerce, National Weather Service Office, for the area in which the vehicle is to be operated shall be maintained throughout the bus.

b) The primary heater shall be a high output, fresh air type.

c) The secondary heater may be recirculating type, and located so as not to interfere with aisle space. Each secondary heater shall display a nameplate that identifies the manufacturer and the heater capacity rating.

d) The heater hoses shall be adequately supported to guard against excessive wear due to vibration and shall not interfere with or restrict the operation of any engine function. Any hose in the passenger compartment shall be adequately protected to prevent injury from burns in the event of rupture.

e) Auxiliary fuel-fired heating systems are permitted provided they comply with the following:

1) The auxiliary heating system fuel shall utilize the same type of fuel as specified for the vehicle engine;

2) The heater or heaters may be direct hot air or connected to the engine's coolant system;

3) An auxiliary heating system, when connected to the engine's coolant system, may be used to preheat the engine coolant or preheat and add supplementary heat to the bus' heating system;

4) Auxiliary heating systems must be installed pursuant to the manufacturer's recommendations and shall not direct exhaust in a manner that will endanger bus passengers (e.g., under windows);

5) Auxiliary heating systems that operate on diesel fuel shall be capable of operating on:

A) a hot water and/or combustion type heater; or

B) if only one heater is used, a fresh-air or combination fresh-air and recirculation type heater; or

C) blended diesel fuel without the need for system adjustment.

6) The auxiliary heating system shall be low voltage.

Section 442.250 Identification/Lettering

a) Except where otherwise required or allowed, lettering on the exterior of the body shall be black against a national school bus glossy yellow background. All required letters and numerals shall conform to Series "B", or heavier series, of the Standard Alphabets for Highway Signs issued by the Federal Highway Administration, Washington, D.C. 20591. Decals may be used instead of paint. Signs, numbers, or lettering, other than those either required by Section 12-802 of the Code or this Part shall not be affixed permanently on either the exterior or interior of the bus. Interior lettering shall contrast with its background.

b) The words "SCHOOL BUS" shall be displayed against a national school bus glossy yellow background as high as practical and approximately centered on the front and rear of the bus body, in letters at least 200 mm (8") high (see Section 12-802 of the Code). These words may be painted on or applied to the bus body or displayed on a sign firmly attached to or built into the body. The background of an illuminated sign shall approximate the national school bus glossy yellow color as closely as feasible.

c) A school bus identification number, supplied by the purchaser, shall be displayed as high as practical on the front and rear of the bus in numerals not less than 100 mm (4") high. Such number may be displayed on the sides of the bus as specified by the purchaser. As an option, identification numbers may be located on the

rooftop.

d) Either the owner's name or the school district number or both must be displayed on both sides of the bus at least four inches high, approximately centered and as high as practicable below the window line. (See Section 12-802 of the Code.) The lettering must be located on one line.

e) The body and/or chassis manufacturer's name, emblem, or other identification may be displayed, colorless or in any color, on any unglazed surface of the bus so as not to be mistaken for the name required in subsection (d) of this Section, and so as not to interfere with any required letters or numerals.

f) The words "EMPTY WEIGHT", or the abbreviation "EMPTY WT.", or the letters "E.W.", followed by the empty weight of the bus (see Section 442.120), stated in pounds, shall be displayed on the exterior of the body near the rear edge of the service entrance in numerals and letters at least 50 mm (2") high (see Section 12-802 of the Code).

Examples: EMPTY WEIGHT 16,800 lb E.W. 16,800 lb

g) The word "CAPACITY", or the abbreviation "CAP.", and the rated passenger capacity, as described in Section 442.214, followed by the word "PASSENGERS", or the abbreviation "PASS.", shall be displayed on the exterior of the body near the rear edge of the service entranceway, and on the interior above the right portion of the windshield, in numerals and letters at least 50 mm (2") high (see Section 12-802 of the Code).

h) The words "NO STANDEES" shall be displayed only on the interior above the windshield, approximately opposite the aisle but to the right of the mirror and sun visor, in letters at least 50 mm (2") high.

i) The words "EMERGENCY DOOR" or "EMERGENCY EXIT" in letters at least 5 cm (2") high must be displayed on the interior and exterior of the bus. "EMERGENCY DOOR" must be displayed at the top of, or directly above, any emergency exit door. "EMERGENCY EXIT" must be displayed at the top of, or directly above, or at the bottom of, any emergency exit window. They may be displayed on a separate colorless background (such as white, aluminum, or silver) that extends no more than 15 mm (.6") above or below the words and no more than 25 mm (1") to the right or left of the words.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

j) A black arrow, curved or straight, at least 150 mm (5.9") in length and 15 mm (.6") in width, showing the direction each exterior emergency exit release mechanism is to be moved to open the emergency exit, shall be painted or permanently affixed on the exterior yellow portion of the bus within 150 mm (5.9") of each release mechanism.

k) An arrow showing the direction each interior emergency exit release mechanism is to be moved to open the emergency exit shall be painted or permanently affixed on the interior of the bus within 150 mm (5.9") of each emergency exit release mechanism. Each interior arrow shall contrast with its background and, where suitable space is limited, may be smaller than the exterior arrow(s) but must be conspicuous.

l) Alternate Fuel

1) *If the bus uses alternate fuel (e.g., propane, CNG), the vehicle must be marked with an identifying decal. Such decal shall be diamond shaped with white or silver scotchlite letters one inch in height and a stroke of the brush at least ¼ inch wide on a black background with a white or silver scotchlite border bearing either the words or letters:*

"PROPANE" = If propelled by liquefied petroleum gas other than liquefied natural gas; or

"CNG" = If propelled by compressed natural gas. The sign or decal shall be maintained in good legible condition.

2) *The alternate fuel decal shall be displayed near the rear bumper and visible from the rear of the vehicle.* (Section 12-704.3 of the Code)

m) The vehicle's length (rounded up to nearest whole foot) must be displayed on or adjacent to the interior bulkhead clearly within the driver's view. (For example: vehicle length of 39.1 feet will be displayed as 40 feet.) Each letter or numeral must be at least two inches high and black in color. The measurement must be taken from the front bumper to the rear bumper.

n) A "Stop Line" in contrasting color is required between 5.9 and 6.1 inches below the top of each side window opening. The line shall be located between each

window that slides downward.

o) The decal described in this subsection (o) is required to be displayed on every school bus registered in Illinois. The school bus manufacturer may elect to apply the decal at the time the school bus is manufactured or the decal may be applied by the school bus owner after the school bus is purchased. A white decal with black lettering and numerals that measure one inch high must be displayed on the rear of the bus. The decal must display the words TO REPORT ERRATIC DRIVING followed by the area code and phone number of the bus owner. The decal shall be located on the rear window glazing below the rear seat back, on the bus body below the window line, or on the rear bumper. The decal must be visible to the motoring public from the rear of the bus and cannot obstruct any required lettering or numerals. The decal cannot be located on any emergency door glazing or any emergency window glazing. Magnetic signs are not allowed. (See P.A. 95-0176, effective January 1, 2008.)

p) The decals described in this subsection (p) are required to be displayed on every school bus registered in Illinois if an audio and/or visual recording will be made of the interior of the school bus. The school bus manufacturer may elect to apply the decals at the time the school bus is manufactured or the decals may be applied by the school bus owner after the school bus is purchased. Two white decals with black lettering measuring one inch high shall be displayed, one on the exterior of the service (e.g., entrance) door or on the bus body adjacent to the service door if the door is not adequate to accommodate the decal and a second on the front interior bulkhead. The decals shall serve as a notice of audio and/or visual recordings. The exterior decal must not be located on any service door glazing and the interior decal must not obstruct any other required lettering on the bulkhead. Magnetic signs are not allowed. (See P.A. 95-0352, effective August 23, 2007.)

Section 442.253 Metal Treatment

a) Unless excluded by this subsection, all steel or iron used in construction of the bus body and attached equipment shall be either resistant to atmospheric corrosion, or zinc coated, or treated by equivalent process. Particular attention shall be given to each fastener or attaching device, lapped surface, welded connection or fastening, cut edge, punched or drilled hole, surface subjected to abrasion, closed or box section, and any unvented or undrained area or space. The number of unvented or undrained areas or spaces is to be minimized.

Excluded are door handles, grab handles, and interior decorative parts.

b) As evidence that above requirements have been met, a sample of fastener, material, or section of body, coated or finished as installed in the bus, when subjected to a 1,000-hour salt spray test in accordance with American Society for Testing and Materials (ASTM) Standard B-117-1997 "Method of Salt Spray (Fog) Testing" shall not exhibit more than 10 percent reduction in weight after all adherent corrosion products are removed.

Section 442.255 Mirrors

a) Interior Mirror – A mirror shall be located inside the bus. It shall be firmly supported, constructed of clear view safety glass and securely backed and framed. It shall have rounded corners. Edges shall be padded to reduce danger of injury upon impact. The mirror shall afford the operator a good view of the bus interior and portions of the roadway to the rear.

b) All exterior mirror systems shall conform to the applicable requirements of the FMVSS 111 (49 CFR 571.111).

c) More convex mirrors than required above may be installed, if specified by the purchaser.

d) The reflecting surface on the backside of each mirror glass shall be protected from abrasion, scratching, and atmospheric corrosion.

Section 442.258 Paint/Color Requirements

a) *The exterior of each school bus shall be national school bus glossy yellow except* as indicated in subsections (b) through (i) of this Section.

b) *The rooftop may be white.* Optional white roof shall terminate at any point from top of drip rail to 6" above drip rail. The front and rear roof caps shall remain national school bus glossy yellow.

c) *Body trim, rub rails, and lettering other than on a stop signal arm shall be glossy black. Bumpers may be glossy black or a bright, light or colorless finish.*

d) *Lettering on a stop signal arm shall be white on a red background.*

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

e) *The hood and upper cowl may be lusterless black or lusterless school bus yellow.*

f) *Grilles on the front, lamp trim and hubcaps may be a bright finish.* Wheels and rims may be black, gray, or manufacturer's colors.

g) *The name or emblem of a manufacturer may be colorless or any color.*

h) *The exterior paint of any school bus shall match the central value, hue and chroma set forth* in this Part. (Section 12-801 of the Code)

i) Each opening for a required emergency exit window or door must be outlined around its outside perimeter with a minimum 1 inch (2.54 cm) wide yellow retroreflective tape. All retroreflective tape must be on the exterior surface of the bus and conform to all requirements of 49 CFR 571.217. Yellow retroreflective tape can be located on the rear bumper or rub rail provided the space under the emergency exit door or emergency exit window is not adequate to accommodate the tape or provided rivets are present that prohibit the tape from being applied properly. Emergency roof exits may be outlined in either yellow or white retroreflective tape.

Section 442.259 Rack, Book/Luggage

Book/luggage racks are not allowed.

Section 442.260 Rub Rails

a) There shall be one rub rail located approximately at seat level which shall extend from the rear of the entrance door on both sides to a point of curvature at the rear of the body.

b) Rub rails shall be constructed of 16-gauge longitudinally corrugated or ribbed steel, ventilated, four inches minimum width, and securely fastened to the body by bolts, rivets, or welding.

Section 442.265 Seat Belts, Driver's and Passengers'

a) See the FMVSS for requirements (49 CFR 571.209 and 210).

b) The driver's seat belt assembly shall be arranged so that all portions of the assembly remain above the floor when not in use.

c) If a retractor or retractors are installed, they shall be the emergency locking type.

d) The driver's seat must be equipped with a lap belt/shoulder harness design.

Section 442.270 Seating

a) No bus shall be equipped with "jump" or portable seats (this does not include child restraint systems).

b) The driver's seat shall be rigidly positioned and have a fore-and-aft adjustment without the use of tools or other nonattached devices.

c) A flip-up seat for passengers may be located only immediately adjacent to any side emergency door. The flip-up seat must conform to the following:

1) The seat must be designed so that, when in the folded position, the seat cushion is flat against the seat back to prevent a child's limb from becoming lodged between the seat cushion and seat back.

2) The seat must be designed to discourage a child from standing on the seat cushion when in the folded position.

3) The working mechanism under the seat must be covered to eliminate any tripping hazard.

4) All sharp metal edges on the seat must be padded to prevent any snagging hazard.

5) No portion of the door latch mechanism can be obstructed by a seat.

6) There must be at least 11.7 inches (30 cm) measured from the door opening to the seat back in front.

Section 442.275 Service Entrance and Door

a) The service entrance shall be located on the right side near the front, in

unobstructed and convenient view of the driver. The service entrance shall have a minimum vertical opening of 1.7 m (67") and a minimum horizontal opening of 610 mm (24").

b) The service entrance steps shall be designed so that the first step shall not be more than 13½" off the ground. If necessary, a step of adequate width and length shall be installed to meet this requirement. Provision shall be made to prevent road splash from the wheel from accumulating on the step if installed outside the body.

c) The service door shall be either manually or power operated by the seated driver. When in the closed and secured position, the door operating mechanism shall prevent accidental opening but shall afford prompt release and opening by the driver. No exposed parts of a door operating mechanism shall come together so as to shear or crush finger(s). The vertical closing edge(s) of a service door shall be padded to lessen chance of injury.

d) A power operated door shall be equipped for emergency manual operation in case of power failure. Instructions for emergency operation of a power operated door shall be affixed permanently on the interior of the door in letters at least 12 mm (.5") high.

e) A single-section service door shall be hinged at the front of the service entrance.

f) Glazed panels shall be installed in the service door to afford the driver a view of small children outside the door, traffic signs, and intersecting roadways. The bottom of each lower glass panel shall not be more than 10 inches from the top surface of the bottom step. The top of each upper glass panel shall not be more than 3 inches from the top of the door.

g) Service Door Lock (Optional). If ordered by the purchaser, a lock may be installed on or at the service door. Any type service door locking system installed in the bus shall conform to at least one of the following requirements.

1) Requirement 1: A locking system shall not be capable of preventing the driver from easily and quickly opening the service door; or

2) Requirement 2: A locking system that is capable of preventing the driver from easily and quickly opening the service door shall include an audible and visible alarm to alert the driver when the engine is running and the

service door is locked. No alarm disconnect, "squelch control", or other alarm defeating or attenuating device shall be installed; or

3) Requirement 3: A locking system shall not be capable of preventing the driver from easily and quickly opening the service door except when, and only when, a person outside the bus uses a key that is not capable of locking more than one of at least 1000 of the door manufacturer's key locking systems.

h) A grab handle of steel, as long as practicable, shall be solidly attached to the left of any person entering the school bus. Forward handrails are prohibited, except when required by 92 Ill. Adm. Code 444 (Minimum Safety Standards for Construction of School Buses used in Special Education Transportation). An optional grab handle can also be located on the right side of the entranceway.

Section 442.280 Stanchion Guard Panel or Barrier Guard (Repealed)

Section 442.285 Stop Signal Arm Panel

a) A stop signal arm panel must be installed on the left side of the bus that conforms to 49 CFR 571.131. Decals may be used in lieu of painting. Strobe lamps are acceptable on stop signal arm panels. See Appendix E for example.

b) Additional stop signal arm panels may be added at the purchaser's request. Additional panels must be located on the left side of the bus. Additional panels must operate in conjunction with the required panel and meet all stop arm panel requirements except as follows. The additional panel must not contain any marking or reflective material on the front side of the panel. The additional panel must be located in the rear half of the bus adjacent to the rearmost window.

Section 442.290 Tool Compartment (Purchaser's Option)

a) A fire-resistant container of adequate strength and capacity for storage of tools, chains, curriculum equipment, activity equipment, etc., may be installed. If installed, the container shall provide reasonable security for its contents and shall be securely fastened to prevent the container or its contents from becoming accidentally dislodged.

b) If the storage container is not installed and tools, equipment, etc., are carried, each

such item must be secured to prevent its becoming dislodged and causing injury to passengers.

Section 442.295 Sun Visor

a) The driver's side shall be equipped with an interior adjustable sun visor with a minimum size of 5" X 16".

b) No sun visor shall interfere with the operator's full view of the rearview mirror(s).

c) A sun visor on the right passenger side is optional.

Section 442.300 Undercoating

The underside of the body, including floor members and the side panels below the floor, shall be coated with a fire-resistant undercoating material applied by the spray method so as to seal, insulate, reduce corrosion, and reduce interior noise. Non-metallic components need not be coated.

Section 442.305 Ventilation

The body shall be equipped with a suitable controlled ventilation system of sufficient capacity to maintain a satisfactory ratio of outside to inside air under operating conditions without opening of windows except in warm weather.

Section 442.310 Window Openings

This Section does not apply to a window or glazed panel installed forward of a front passenger seat, and is optional for a window installed either beside a rear passenger seat or a special service door or in a side emergency exit.

a) All side windows shall open from the top only and shall operate freely.

b) There shall be one vertical opening side window for each seat.

c) Each side window shall provide an unobstructed emergency egress opening at least 9 inches high and 22 inches wide. The opening may extend to 18 inches above the unoccupied passenger seat cushion but no closer (to the seat cushion).

d) A stop line for the window opening shall be applied six inches from the top of the window opening.

e) The side windows may be split sash.

f) The window latches shall be recessed.

AGENCY NOTE: See Section 442.240 for glazing material requirements.

Section 442.315 Windshield

See the FMVSS for requirements (49 CFR 571.104).
The windshield may be tinted and may have a "shade band".

Section 442.320 Windshield Wipers

See the FMVSS for requirements (49 CFR 571.104).

Section 442.325 Windshield Washer

See the FMVSS for requirements (49 CFR 571.104).

SUBPART C: CHASSIS REQUIREMENTS

Section 442.405 Air Cleaner

The bus shall be equipped with an adequate oil bath, dry element, or equivalent type air cleaner.

Section 442.410 Axles

a) Must meet federal chassis requirements as indicated on the federal certification label as required by 49 CFR 567 (Certification) and 49 CFR 568 (Vehicles Manufactured in Two or More Stages).

b) Wheel base shall not be less than 123 inches.

Section 442.415 Brakes

See the FMVSS for requirements (49 CFR 571.105).

Power brakes are required.

Section 442.420 Bumper, Front

a) The front bumper shall meet the chassis manufacturer's standards.
b) The entire front bumper must be of metal construction unless an energy absorbing bumper is used.

AGENCY NOTE: See Section 442.213 for rear bumper requirements.

Section 442.425 Drive Shaft Guard

Each segment of the drive shaft shall be equipped with a suitable guard to prevent accident or injury in the event of its fracture or disconnection.

Section 442.430 Engine

Type and displacement may be specified by the purchaser.

Section 442.435 Exhaust System and Muffler

a) The exhaust pipe, muffler and tail pipe shall be outside the bus body and attached to the chassis.

AGENCY NOTE: As mandated by the United States Environmental Protection Agency (USEPA), diesel-powered engines manufactured after December 31, 2006 are required to meet stricter standards that will reduce emissions of particulate matter and nitrogen oxides into the atmosphere. School bus manufacturers may be required to modify exhaust systems to meet the USEPA requirements, e.g., mufflers may be replaced with after-treatment devices that significantly reduce toxins released into the atmosphere. Modifications to exhaust systems made in compliance with the USEPA requirements are acceptable provided they do not impact the safe operation of the school bus.

b) The exhaust system shall be insulated from any insulated wire, flammable material, brake hose or line, or fuel system component by a securely attached metal shield at any point where the exhaust system is 11.8 inches (300 mm) or less (four inches (101.6 mm) or less if diesel powered engine) from the components listed in this subsection.

c) The tail pipe may meet the chassis manufacturer's standard configuration. However, the tail pipe shall not exit beneath any fuel filler location or beneath any emergency exit door.

d) The tail pipe shall extend out to, but not more than, 1 inch (25.4 mm) beyond the perimeter of the body or the bumper.

e) The shielding of engine compartment components shall be governed by the chassis manufacturer's standards.

f) Each gas conducting component that is not of stainless steel shall be of commercial heat and corrosion resistant exhaust system material and shall be nonflexible.

Section 442.440 Frame

After the date of manufacture of the incomplete vehicle, the chassis frame shall not be altered so as to extend the wheelbase. Other extension(s) of the chassis frame may be accomplished only by the incomplete vehicle, intermediate, or final-stage manufacturer or by an agent of the manufacturer properly instructed and authorized by the manufacturer to make the extension(s).

Section 442.445 Fuel Tank

a) See the FMVSS for requirements (49 CFR 571.301).

b) The fuel tank shall have a minimum capacity of 24 gallons.

Section 442.450 Heater Connections

Each heater installation shall include two shut off valves as close to the engine inlet and outlet connections as practicable.

Section 442.455 Horn

The bus shall be equipped with at least one horn *capable of emitting sound audible under normal conditions from a distance of not less than 200 feet.* (Section 12-601 of the Code) The horn shall be conveniently controlled from the operator’s position and tested in accordance with SAE Standard J377.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

Section 442.460 Ignition Lock

A key type lock or other device shall be provided to prevent the vehicle from being set in motion or its engine started by unauthorized persons.

Section 442.465 Instruments

The bus shall be equipped with the following nonglare illuminated instruments and gauges mounted for easy maintenance and repair and in such a manner that each is clearly visible to the seated operator. An indicator light in lieu of a pressure or temperature gauge is permissible.

a) Speedometer

b) Odometer

c) Fuel Gauge

d) Oil Pressure Gauge

e) Water Temperature Gauge

f) Ampere Meter or Volt Meter with graduated charge and discharge indications

Section 442.470 Oil Filter

An oil filter of replaceable element type or cartridge type or disposable type shall be provided. The oil filter shall have an oil capacity of at least one quart.

Section 442.475 Shock Absorbers

Two front and two rear heavy-duty double-acting shock absorbers or equivalent damping devices shall be provided.

Section 442.480 Springs and Suspension

Each spring and other component in any of the suspension systems shall be capable of supporting its share of the rated gross axle weight during normal operations.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

Section 442.485 Steering Mechanism

a) The steering gear shall provide safe and accurate performance at maximum load and speed and shall be easily adjusted. Only changes approved by the chassis manufacturer shall be permitted.

b) Power steering is the purchaser's option.

Section 442.490 Tires and Wheels

a) See the FMVSS for requirements (49 CFR 571.120).

b) Wheels and rims may be black, gray or manufacturer's colors.

c) A spare tire is the purchaser's option. If the spare tire is carried inside it shall be securely mounted so that it in no way interferes with the passenger seating accommodations, the emergency door operations or aisle space.

Section 442.495 Transmissions

a) A manual shift transmission shall be fully synchronized in all forward gears. It shall provide for at least three forward and one reverse speeds.

b) An automatic transmission is the purchaser's option.

SUBPART D: ELECTRICAL SYSTEMS REQUIREMENTS

Section 442.605 Battery and Battery Compartment

a) The storage battery shall be a nominal 12-volt type. It shall be of sufficient capacity to supply all electrical requirements but shall be rated, as specified in SAE Standard J537, not less than either 70-ampere hours at the 20-hour discharge rate or 105-minutes at the 25-ampere discharge rate.

b) When the battery is mounted outside the engine compartment, it shall be attached securely in a closed, weather-tight, and vented compartment that is located and arranged so as to provide for convenient routine servicing. The battery compartment door, or cover, shall be secured by an adequate manually-operated latch or fastener. Each electrical cable connecting the battery in this compartment

to the body or chassis shall be one piece between the battery terminal connector and the first body or chassis terminal connector.

Section 442.610 Generator or Alternator

The generator or alternator with rectifier shall have a maximum output of at least 55-amperes (in accordance with SAE rating) and shall be ventilated and voltage controlled and, if necessary, current controlled and shall be capable of supplying all electrical requirements. The purchaser should specify a larger generator or alternator if needed under his/her operating conditions.

Section 442.615 Lamps, Reflectors, and Signals

a) See the FMVSS for requirements (49 CFR 571.108). Light Emitting Diode (LED) lamps that meet applicable FMVSS or SAE Standards or SAE Recommended Practices are acceptable.

b) Alternately Flashing Signal Lamps. Each bus shall be equipped with an eight lamp alternately flashing signal system that conforms to S5.1.4(b) of the FMVSS 108 (49 CFR 571.108) and Section 12-805 of the Code. A separate circuit breaker and a master switch shall be provided for this signal system. When in its "off" position, this master switch shall prevent operation of the eight lamp system; shall prevent operation of any lamps mounted on the stop signal arm panel required under subsection (hh); and shall prevent operation of any electrically controlled mechanism that would cause the stop signal arm panel to extend. The controls for the eight lamp flashing signals, the stop signal arm panel, and the service entrance door shall be arranged so as to provide for the following sequence of operations while the engine is running:

1) Place the alternately flashing signal system master switch in its "off" position. Close and secure the service entrance door. Actuate the alternately flashing signal system hand or foot control. The alternately flashing signal lamps of either yellow (amber) or red color shall not go on.

2) With the master switch "off" and the hand or foot control actuated, open the service door. The alternately flashing signals of either color shall not go on and the stop signal arm panel shall not extend.

3) Deactivate the hand or foot control. Place the alternately flashing signal system master switch in its "on" position. Close and secure the service

door. Then open the service door. The alternately flashing signal lamps of either color shall not go on and the stop signal arm panel shall not extend.

4) Close and secure the service door. Actuate the alternately flashing signal system by hand or foot control. A yellow pilot lamp in the view of the driver and the yellow alternately flashing signals shall go on.

5) Desecure but do not open the service door. The yellow pilot and the yellow alternately flashing signals shall go off. A red pilot lamp in the view of the driver and the red alternately flashing signals shall go on. The stop signal arm panel shall extend.

6) Fully open the service door. The red pilot and red signals shall remain on and the stop arm shall remain extended.

7) Close but do not secure the service door. The red pilot and red signals shall remain on and the stop arm shall remain extended.

8) Open the service door. The red pilot and red signals shall remain on and the stop arm shall remain extended.

9) Close and secure the service door. The red pilot and red signals shall go off and the stop arm shall retract.

10) Open the service door. Alternately flashing signals of either color shall not go on and the stop arm shall not extend.

c) Interior Lighting. A minimum of two interior dome lamps shall be installed to adequately illuminate the entire aisle, the emergency passageway, and the stepwell. At least the nosings of the service entrance steps and the floor around the stepwell shall be illuminated automatically by opening of the service door. No lamp shall be installed at or near the eye level of a pupil moving through the service entranceway to the aisle unless such lamp does not shine directly into the eyes of any such pupil. For buses designed to transport 33 or more passengers, at least two interior illumination lamps shall be installed.

d) Rear Turn Signals. Yellow turn signal lamps shall be mounted on the rear as far apart as practical and as high as practical but below the rear window. The

effective projected illuminated area of these turn signal lamps shall be no less than required for the yellow alternately flashing signal lamps required under subsection (b) of this Section; i.e., .0122 m^2 (19 in^2).

e) Side Turn Signals. Two yellow side turn signal lamps conforming to SAE J914 shall be installed on each bus designed to transport 33 or more passengers. The lamps shall be "armored" and mounted on the body between the rub rails required in Section 442.260. The right lamp shall be within 1 m (39.4") of the rear of the service entrance. The left lamp shall be approximately the same distance from the front bumper as the right lamp.

f) Stop Signals. Red stop lamps shall be mounted on the rear as far apart as practical but closer to the vertical centerline of the bus than the rear turn signal lamps required in subsection (d) of this Section, and at the same height as those turn signal lamps. The effective projected illuminated area of these stop lamps shall be no less than required for the red alternately flashing signal lamps required under subsection (b) of this Section, i.e., .0122 m^2 (19 in^2).

g) Strobe:

1) *One per bus;*

2) *Shall emit white or bluish-white light;*

3) *Shall be visible from any direction;*

4) *Shall flash 60 to 120 times per minute;*

5) *Shall be visible in normal sunlight;*

6) *Mounted at or behind center of rooftop and equal distance from each side. Distance from rear will be calculated by measuring height of filament and multiplying same by 30 inches* (i.e., filament height measured from the base of the strobe x 30 = distance from rear of bus where lamp is to be located). (Section 12-815 of the Code)

7) If a roof exit, air conditioner, or the size of the bus interferes with the placement of a strobe as required by subsection (g)(6), the strobe can be placed to the rear of the roof exit or air conditioner as near as practicable

above the rear axle and horizontally centered between the rear tires.

h) Reflectors.

1) Front:

A) *Two yellow rigid or sheet type (tape) front reflex reflectors shall be attached securely and as far forward as practicable.* (Section 12-202 of the Code)

B) The front reflectors shall be located between 15 and 60 inches above the roadway at either fender, cowl, or body and installed so as to mark the outer edge of the maximum width of the bus.

C) No part of the required reflecting material may be obscured by a lamp, mirror, bracket, or any other portion of the bus. No part of the required reflecting material may be more than 11.8 inches (300 mm) inboard of the outer edge of the nearest rub rail (12 inches on a bus with chassis manufactured in March 1977 or earlier).

D) The reflector may be any shape (e.g., square, rectangle, circle, oval, etc.). A rigid type reflex reflector may be any size if permanently marked either DOT, SAE A, or SAE J 594; otherwise, it shall display at least seven square inches of reflecting material (about 3 inch diameter if a solid circle).

E) A sheet type (tape) reflex reflector may conform to the surface on which it is installed but its forward projected reflecting area shall be at least eight square inches.

F) Exception: Buses that measure less than 80 inches wide are exempt. (49 CFR 571.108)

2) Left Side:
One amber no more than 12 inches from the front and one red no more than 12 inches from the rear. Mounted at a height not less than 15 inches and not more than 60 inches above the surface of the road. (Section 12-202 of the Code) On buses 20 feet or more in length, one amber as near center as practicable must also be provided. Reflectors must measure a

minimum three inches in diameter.

3) Right Side:
One amber no more than 12 inches from the front and one red no more than 12 inches from the rear. Mounted at a height not less than 15 inches and not more than 60 inches above the surface of the road. (Section 12-202 of the Code) On buses 20 feet or more in length, one amber as near center as practicable must also be provided. Reflectors must measure a minimum three inches in diameter.

4) Rear:

A) *Two red reflectors on rear body within 12 inches of lower right and lower left corners.* (Section 12-202 of the Code) Minimum three inches in diameter.

B) Exception: Buses that measure less than 80 inches wide are exempt. (49 CFR 571.108)

AGENCY NOTE: See Section 442.258 for retroreflective tape requirements.

Section 442.620 Wiring

a) See the FMVSS for requirements (49 CFR 571).

b) All wiring for lamps and other electrical devices shall be as recommended for automobiles, motor coaches, and heavy duty starting motor circuits in SAE Recommended Practices J1292 and J541a and in other practices or standards referenced in the SAE Recommended Practices, unless specifically preempted by the FMVSS or this Part.

c) Manufacturer's circuit arrangements are acceptable; however, a separate circuit for the alternately flashing signal lamps and stop signal arm lamps shall be installed.

d) Extra fuses for each size of fuse used on the bus may be conveniently mounted on the bus body if specified by the purchaser.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

e) A noise suppression switch that is capable of turning off noise producing accessories, including, but not limited to, heater blowers, defroster fans, auxiliary fans and radios, must be present. (See Section 12-815.2 of the Code.)

SUBPART E: EQUIPMENT REQUIREMENTS

Section 442.705 Fire Extinguisher (Purchaser's Option)

a) The bus shall be equipped with a dry-chemical gauge-type fire extinguisher, mounted in a bracket of automotive type and located in the driver's compartment in full view of and readily accessible to the driver.

b) The fire extinguisher shall be of a type approved by the Underwriter's Laboratories, Inc., with a rating of not less than 10-BC. The operating mechanism shall be sealed with a type of seal that will not interfere with the use of the fire extinguisher. Halon fire extinguishers rated at 10-BC are approved.

Agency Note: At least one fire extinguisher MUST be carried in each school bus transporting pupils but the purchaser may elect to install his own extinguisher which conforms to this Section after the bus is purchased.

Section 442.710 First-Aid Kit (Purchaser's Option)

a) The bus shall either carry or provide for a first-aid kit, removable and readily identifiable and mounted in full view in an accessible place in the driver's compartment.

b) Contents of Kit: The kit shall not contain a tourniquet or any type of medicine. The kit shall contain at least the items specified below, in at least the specified quantities:

1) Unit Type – Minimum Contents

A)	4" bandage compress	* 2 packages
B)	2" bandage compress	* 2 packages
C)	1" adhesive compress	1 package
D)	40" triangular bandage with two safety pins	1 package
	Wire or wood splint	1 package

* May be longer or wider

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

AGENCY NOTE: A first-aid kit must be carried in each school bus transporting pupils but the purchaser may elect to install his own first-aid kit which conforms to this Section.

Section 442.715 Warning Devices (Optional)

AGENCY NOTE: School buses weighing more than 8,000 pounds and operated upon any highway outside an urban district must carry warning devices, but the bus purchaser may elect to install the warning devices after the bus is purchased.

a) The warning devices must be securely stored. The warning devices required for use when lighted lamps are required (see Section 12-201(b) of the Code) shall consist of:

1) At least three liquid-burning flares and three red-burning 15-minute fusees; or

2) Three red electric lanterns; or

3) Three portable red emergency reflectors that meet FMVSS 125.

b) In addition, the following warning devices are also required for use when lighted lamps are not required (see Section 12-201(b) of the Code):

1) Two red cloth flags (not less than 12 inches square with standards to support flags); or

2) Two portable emergency reflectors that meet FMVSS 125. (The reflectors in subsection (a)(3) of this Section qualify for this option.) (See Section 12-702(a) and (c) of the Code.)

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

Section 442.APPENDIX A Hexagon Shaped Stop Signal Arm (Repealed)

Section 442.APPENDIX B Federal Motor Vehicle Safety Standards (FMVSS) and Related Rules (Repealed)

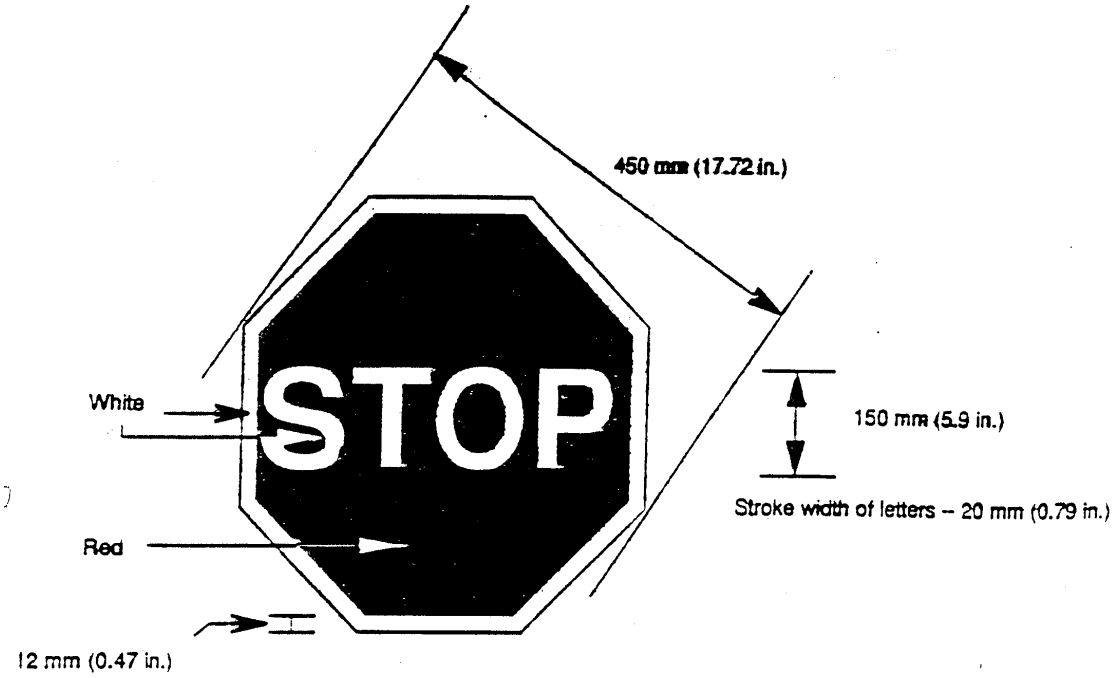
Section 442.APPENDIX C Specification Sheet for Reflective Material -- Encapsulated Lens (Based on FHWA Notice N 5040.17, June 15, 1976) (Repealed)

Section 442.APPENDIX D Sheeting and Tape, Reflective: Nonexposed Lens (Repealed)

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

Section 442.APPENDIX E Octagon Shaped Stop Signal Arm



DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: The Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985

2) Code Citation: 68 Ill. Adm. Code 1175

3)

Section Numbers:	Adopted Actions:
1175.100	Amendment
1175.105	Amendment
1175.110	Amendment
1175.120	New Section
1175.125	New Section
1175.150	New Section
1175.175	New Section
1175.200	Amendment
1175.205	Amendment
1175.206	New Section
1175.207	New Section
1175.210	Amendment
1175.215	Repealed
1175.220	Amendment
1175.221	New Section
1175.222	New Section
1175.225	Amendment
1175.230	Amendment
1175.235	Amendment
1175.300	Amendment
1175.301	New Section
1175.310	Amendment
1175.320	Amendment
1175.325	Amendment
1175.330	Amendment
1175.331	New Section
1175.332	New Section
1175.335	Amendment
1175.336	New Section
1175.340	Amendment
1175.345	Amendment
1175.350	Amendment
1175.355	Amendment

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

1175.360	Amendment
1175.365	Amendment
1175.370	Amendment
1175.375	Amendment
1175.400	Amendment
1175.405	Amendment
1175.406	New Section
1175.407	New Section
1175.410	Amendment
1175.415	Repealed
1175.420	Amendment
1175.425	Amendment
1175.430	Amendment
1175.435	Amendment
1175.440	New Section
1175.441	New Section
1175.442	New Section
1175.443	New Section
1175.444	New Section
1175.445	New Section
1175.500	Amendment
1175.501	New Section
1175.505	Amendment
1175.510	Amendment
1175.520	Amendment
1175.525	Amendment
1175.530	Amendment
1175.531	New Section
1175.532	New Section
1175.535	Amendment
1175.536	Amendment
1175.540	Amendment
1175.545	Amendment
1175.550	Amendment
1175.555	Amendment
1175.560	Amendment
1175.565	Amendment
1175.570	Amendment
1175.700	Amendment

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

1175.705	Amendment
1175.710	Amendment
1175.715	Repealed
1175.716	New Section
1175.717	New Section
1175.720	Amendment
1175.721	New Section
1175.722	New Section
1175.725	Amendment
1175.730	Amendment
1175.735	Amendment
1175.800	Amendment
1175.801	New Section
1175.805	Amendment
1175.810	Amendment
1175.815	Amendment
1175.825	Amendment
1175.830	Amendment
1175.835	Amendment
1175.836	New Section
1175.840	Amendment
1175.841	Repealed
1175.842	New Section
1175.845	Amendment
1175.850	Amendment
1175.855	Amendment
1175.860	Amendment
1175.865	Amendment
1175.870	Amendment
1175.875	Amendment
1175.1001	Amendment
1175.1005	Amendment
1175.1010	Amendment
1175.1015	Repealed
1175.1020	Amendment
1175.1021	New Section
1175.1022	New Section
1175.1025	Amendment
1175.1030	Amendment

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

1175.1035	Amendment
1175.1100	Amendment
1175.1101	New Section
1175.1105	Amendment
1175.1115	Amendment
1175.1125	Amendment
1175.1135	Amendment
1175.1136	New Section
1175.1140	Amendment
1175.1141	Repealed
1175.1142	New Section
1175.1145	Amendment
1175.1150	Amendment
1175.1155	Amendment
1175.1160	Amendment
1175.1165	Amendment
1175.1170	Amendment
1175.1175	Amendment
1175.1200	Amendment
1175.1205	Amendment
1175.1210	Amendment
1175.1215	Amendment
1175.1220	New Section
1175.1300	Amendment
1175.1305	New Section
1175.1310	New Section
1175.1315	New Section
1175.1320	New Section
1175.1325	New Section
1175.1330	New Section
1175.1335	New Section
1175.1400	Repealed
1175.1405	Amendment
1175.1410	Amendment
1175.1420	Amendment
1175.1430	Amendment
1175.1435	Amendment
1175.1500	Amendment
1175.1501	New Section

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

1175.1505	Amendment
1175.1510	Amendment
1175.1515	Amendment
1175.1525	Amendment
1175.1535	Amendment
1175.1540	Amendment
1175.1545	Amendment
1175.1550	Amendment
1175.1555	Amendment
1175.1560	Amendment
1175.1565	Amendment
1175.1570	Amendment
1175.1575	Amendment

4) Statutory Authority: Implementing the Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985 [225 ILCS 410] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

5) Effective Date of Rules: August 10, 2018

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

7) Does this rulemaking contain incorporations by reference? No

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

9) Notice of Proposal published in *Illinois Register*: 42 Ill. Reg. 3943; March 9, 2018

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

11) Differences between Proposal and Final Version: A new subsection was added to Section 1175.1220 (Domestic Violence and Sexual Assault Awareness Education) that says the Department will maintain a list of all approved domestic violence and sexual assault awareness education course instructors on its website and will also note if the courses have an associated cost.

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

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

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

15) Summary and Purpose of Rulemaking: The sunset reauthorization (PA 99-427) made significant changes to the Act. These changes included making it easier for licensed persons locating to Illinois to receive an Illinois license, making it easier for persons already licensed to apply for and receive a different license under this Act, modifying existing requirements to conform with current business practices, and overall modernization of the Act. These adopted rules implement these statutory changes. In addition, the General Assembly passed PA 99-766, which requires domestic violence awareness training for cosmetologists, estheticians, hair braiders, and nail technicians. These adopted rules implement this requirement as well.

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

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield IL 62786

217/785-0813
fax: 217/557-4451

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1175
THE BARBER, COSMETOLOGY, ESTHETICS, HAIR BRAIDING, AND NAIL TECHNOLOGY ACT OF 1985

SUBPART A: GENERAL

Section
1175.100 Fees
1175.105 English Translations
1175.110 Granting Variances
1175.115 Sanitary Standards
1175.120 Dishonorable, Unethical or Unprofessional Conduct
1175.125 Citations
1175.150 Definitions
1175.175 Applicant and Licensee Address of Record and Email Address of Record

SUBPART B: BARBER

Section
1175.200 Examination – Barber
1175.205 Licensure by Examination – Barber Teacher
1175.206 Licensure by Acceptance of Examination − Barber
1175.207 Licensure by Acceptance of Examination − Barber Teacher
1175.210 Examination Requirements
1175.215 Application for Licensure (Repealed)
1175.220 Licensure by Endorsement
1175.221 Licensed Cosmetologist or Cosmetology Teacher Seeking License as Barber
1175.222 Licensed Cosmetology Teacher Seeking License as Barber Teacher
1175.225 Renewals
1175.230 Restoration – Barber
1175.235 Restoration – Barber Teacher

SUBPART C: BARBER SCHOOLS

Section

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

1175.300 School LicensureApproval Application – Private Schools
1175.301 School Licensure Application – Public Schools
1175.305 Physical Site Requirements
1175.310 Enrollment Agreements and Refund PoliciesStudent Contracts
1175.315 Advertising
1175.320 Recordkeeping – Transcripts
1175.325 Recordkeeping – Hours Earned
1175.330 Curriculum Requirements – Barber
1175.331 Curriculum Requirements – Barber Refresher Course
1175.332 Curriculum Requirements – 500-Hour Barber Course for Licensed Cosmetologists and Licensed Cosmetology Teachers
1175.335 Curriculum Requirements – Barber Teacher
1175.336 Curriculum Requirements – Barber Teacher Refresher Courses
1175.340 Final Examination
1175.345 Change of Ownership
1175.350 Change of Location
1175.355 Change of Name
1175.360 Expansion
1175.365 Discontinuance of Program
1175.370 Withdrawal of LicensureApproval
1175.375 Cosmetology Schools Approved to Teach Barbering

SUBPART D: COSMETOLOGY

Section
1175.400 Licensure by Examination – Cosmetology
1175.405 Licensure by Examination – Cosmetology Teacher and Cosmetology Clinic Teacher
1175.406 Licensure by Acceptance of Examination – Cosmetologist
1175.407 Licensure by Acceptance of Examination − Cosmetology Teacher
1175.410 Examination Requirements
1175.415 Application for Licensure (Repealed)
1175.420 Licensure by Endorsement
1175.425 Renewals
1175.430 Restoration – Cosmetology
1175.435 Restoration – Cosmetology Teacher and Cosmetology Clinic Teacher
1175.440 Licensed Barber or Barber Teacher Seeking License as Cosmetologist
1175.441 Licensed Barber Teacher Seeking License as Cosmetology Teacher
1175.442 Licensed Esthetician or Esthetics Teacher Seeking License as Cosmetologist

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

1175.443 Licensed Esthetics Teacher Seeking License as Cosmetology Teacher
1175.444 Licensed Nail Technician or Nail Technology Teacher Seeking License as Cosmetologist
1175.445 Licensed Nail Technology Teacher Seeking License as Cosmetology Teacher

SUBPART E: COSMETOLOGY SCHOOLS

Section
1175.500 School Licensure~~Approval~~ Application – Private Schools
1175.501 School Licensure Application – Public Schools
1175.505 Physical Site Requirements
1175.510 Enrollment Agreements and Refund Policies
1175.515 Advertising
1175.520 Recordkeeping – Transcripts
1175.525 Recordkeeping – Hours Earned
1175.530 Curriculum Requirements – Cosmetology
1175.531 Curriculum Requirements – Cosmetology Refresher Course
1175.532 Curriculum Requirements – 500-Hour Cosmetology Course for Licensed Barbers and Licensed Barber Teachers
1175.535 Curriculum Requirements – Cosmetology Teacher
1175.536 Curriculum Requirements – Cosmetology Teacher and Cosmetology Clinic Teacher Refresher Courses
1175.540 Final Examination
1175.545 Change of Ownership
1175.550 Change of Location
1175.555 Change of Name
1175.560 Expansion
1175.565 Discontinuance of Program
1175.570 Withdrawal of Licensure~~Approval~~

SUBPART F: CONTINUING EDUCATION – COSMETOLOGY/COSMETOLOGY TEACHER

Section
1175.600 Sponsor Approval (Repealed)
1175.605 Department Supervision (Repealed)
1175.610 Credit Hours (Repealed)
1175.615 Waiver of Continuing Education Requirements (Repealed)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

SUBPART G: ESTHETICS

Section
1175.700 Examination – Esthetics
1175.705 Licensure by Examination – Esthetics Teacher
1175.710 Examination Requirements
1175.715 Application for Licensure (Repealed)
1175.716 Licensure by Acceptance of Examination – Esthetician
1175.717 Licensure by Acceptance of Examination – Esthetics Teacher
1175.720 Licensure by Endorsement
1175.721 Licensed Cosmetology Teacher Seeking License as Esthetics Teacher
1175.722 Licensed Nail Technology Teacher Seeking License as Esthetics Teacher
1175.725 Renewals
1175.730 Restoration – Esthetics
1175.735 Restoration – Esthetics Teacher

SUBPART H: ESTHETICS SCHOOLS

Section
1175.800 Esthetics School Application – Private Schools
1175.801 Esthetics School Application – Public Schools
1175.805 Cosmetology Schools Approved to Teach Esthetics
1175.810 Physical Site Requirements
1175.815 Enrollment Agreements and Refund Policy
1175.820 Advertising
1175.825 Recordkeeping – Transcripts
1175.830 Recordkeeping – Hours Earned
1175.835 Curriculum Requirements – Esthetics
1175.836 Curriculum Requirements – 125-Hour Esthetician Refresher Course
1175.840 Curriculum Requirements – Esthetics Teacher
1175.841 Curriculum Requirements – Esthetics Clinic Teacher (Repealed)
1175.842 Curriculum Requirements – Esthetics Teacher Refresher Course
1175.845 Final Examination
1175.850 Change of Ownership
1175.855 Change of Location
1175.860 Change of Name
1175.865 Expansion
1175.870 Discontinuance of Program
1175.875 Withdrawal of Licensure~~Approval~~

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

SUBPART I: CONTINUING EDUCATION – ESTHETICIAN/ESTHETICS TEACHER

Section
1175.900 Sponsor Approval (Repealed)
1175.905 Department Supervision (Repealed)
1175.910 Credit Hours (Repealed)
1175.915 Waiver of Continuing Education Requirements (Repealed)

SUBPART J: NAIL TECHNOLOGY

Section
1175.1000 Application for Licensure under Sections 3C-4 and 3C-5 of the Act (Grandfather) (Repealed)
1175.1001 Licensure by Examination – Nail Technician
1175.1005 Licensure by Examination – Nail Technology Teacher
1175.1010 Examination Requirements
1175.1015 Application for Licensure (Repealed)
1175.1020 Licensure by Endorsement
1175.1021 Licensed Cosmetology Teacher Seeking License as Nail Technology Teacher
1175.1022 Licensed Esthetics Teacher Seeking License as Nail Technology Teacher
1175.1025 Renewals
1175.1030 Restoration – Nail Technician
1175.1035 Restoration – Nail Technology Teacher

SUBPART K: NAIL TECHNOLOGY SCHOOLS

Section
1175.1100 Nail Technology School Application – Private Schools
1175.1101 School Approval Application – Public Schools
1175.1105 Cosmetology Schools Approved to Teach Nail Technology
1175.1110 Physical Site Requirements
1175.1115 Enrollment Agreements and Refund Policies
1175.1120 Advertising
1175.1125 Recordkeeping – Transcripts
1175.1130 Recordkeeping – Hours Earned
1175.1135 Curriculum Requirements – Nail Technology
1175.1136 Curriculum Requirements – 60-Hour Nail Technology Refresher Course
1175.1140 Curriculum Requirements – Nail Technology Teacher

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

1175.1141 Curriculum Requirements – Nail Technology Clinic Teacher (Repealed)
1175.1142 Curriculum Requirements − Nail Technology Teacher Refresher Course
1175.1145 Final Examination
1175.1150 Change of Ownership
1175.1155 Change of Location
1175.1160 Change of Name
1175.1165 Expansion
1175.1170 Discontinuance of Program
1175.1175 Withdrawal of Licensure~~Approval~~

SUBPART L: CONTINUING EDUCATION

Section
1175.1200 Sponsor Approval
1175.1205 Division Supervision
1175.1210 Credit Hours
1175.1215 Waiver of Continuing Education Requirements
1175.1220 Domestic Violence and Sexual Assault Awareness Education

SUBPART M: SALON OR SHOP REGISTRATION

Section
1175.1300 ~~Application for a~~ Barber Shop or Cosmetology, Nail Technology, Hair Braiding or Esthetics Salon Certificate of Registration
1175.1305 Application for Certificate of Registration
1175.1310 Change of Location
1175.1315 Change of Ownership
1175.1320 Change of Name
1175.1325 Renewal
1175.1330 Restoration
1175.1335 Salon or Shop Self-Inspection

SUBPART N: HAIR BRAIDING

Section
1175.1400 Requirements for Licensure under Article IIIE of the Act (Grandfather) (Repealed)
1175.1405 Application for Licensure – Hair Braider
1175.1410 Application for Licensure – Hair Braiding Teacher

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

1175.1420 Renewals
1175.1430 Restoration – Hair Braider
1175.1435 Restoration – Hair Braiding Teacher

SUBPART O: HAIR BRAIDING SCHOOLS

Section
1175.1500 Hair Braiding School Application – Private Schools
1175.1501 Hair Braiding School Licensure Application – Public Schools
1175.1505 Cosmetology Schools Approved to Teach Hair Braiding
1175.1510 Physical Site Requirements
1175.1515 Enrollment Agreements and Refund Policies
1175.1520 Advertising
1175.1525 Recordkeeping – Transcripts
1175.1530 Recordkeeping – Hours Earned
1175.1535 Curriculum Requirements – Hair Braiding
1175.1540 Curriculum Requirements – Hair Braiding Teacher
1175.1545 Final Examination
1175.1550 Change of Ownership
1175.1555 Change of Location
1175.1560 Change of Name
1175.1565 Expansion
1175.1570 Discontinuance of Program
1175.1575 Withdrawal of Licensure~~Approval~~

AUTHORITY: Implementing the Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985 [225 ILCS 410] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Adopted at 12 Ill. Reg. 20488, effective November 29, 1988; emergency amendments at 13 Ill. Reg. 6810, effective April 10, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15034, effective September 7, 1989; amended at 14 Ill. Reg. 14090, effective August 20, 1990; amended at 16 Ill. Reg. 13276, effective August 18, 1992; amended at 18 Ill. Reg. 4856, effective March 14, 1994; amended at 21 Ill. Reg. 7277, effective May 29, 1997; amended at 23 Ill. Reg. 5749, effective April 30, 1999; amended at 27 Ill. Reg. 19293, effective December 11, 2003; amended at 30 Ill. Reg. 9503, effective May 10, 2006; amended at 35 Ill. Reg. 1888, effective January 20, 2011; amended at 35 Ill. Reg. 14983, effective September 9, 2011; amended at 38 Ill. Reg. 21098, effective November 7, 2014; amended at 42 Ill. Reg. 15159, effective August 10, 2018.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

SUBPART A: GENERAL

Section 1175.100 Fees

a) Licensure fees for cosmetologists, barbers, estheticians, hair braiders, nail technicians, cosmetology teachers, cosmetology clinic teachers, barber teachers, esthetics teachers, ~~esthetics clinic teachers,~~ hair braiding teachers, and nail technology teachers ~~and nail technology clinic teachers~~ are:

1) License. The fee for a license is $30 and is to be submitted with the application.

2) Examination. Applicants for any examination shall be required to pay, either to the ~~Department of Financial and Professional Regulation –~~ Division ~~of Professional Regulation (Division)~~ or to the designated testing service, a fee covering the cost of providing the examination.

3) Licensure by Acceptance of Examination. The fee for an application to accept an examination is $30 and is to be submitted with the application.

4~~3~~) Renewal. The fee for renewal of a license shall be calculated at the rate of $25 per year.

5~~4~~) Restoration. The fee for restoration of a license is $50 plus payment of all lapsed renewal fees not to exceed $200.

6~~5~~) Restoration from~~From~~ Inactive Status. The fee for restoration of a license from inactive status is the current renewal fee.

7~~6~~) Endorsement. The fee for a license for a cosmetologist, barber, esthetician, hair braider, nail technician, cosmetology teacher, barber teacher, esthetics teacher, hair braiding teacher, or nail technology teacher licensed under the laws of another jurisdiction is $45.

b) Licensure fees for cosmetology schools, barber schools, esthetics schools, hair braiding schools or nail technology schools are:

1) License. The fee for a license is $450~~$150~~ plus the cost of inspection

($50).

2) Change of Ownership. The fee for a license resulting from a change of ownership is $150 plus the cost of inspection ($50).

3) Change of Location. The fee for a license resulting from a change of location is $150 plus the cost of inspection ($50).

4) Change of Name. The fee for a license resulting from a change of name is $20.

5) Renewal. The fee for renewal of a license shall be calculated at $100 per year.

6) Expansion. The fee for on-site and off-site expansion is $50.

7) Cosmetology School Approval to Teach Esthetics. The fee for approval to upgrade to teach esthetics shall be the cost of the inspection ($50).

8) Cosmetology School Approval to Teach Nail Technology. The fee for approval to upgrade to teach nail technology shall be the cost of the inspection ($50).

9) Cosmetology School Approval to Teach Hair Braiding. The fee for approval to upgrade to teach hair braiding shall be the cost of the inspection ($50).

10) Cosmetology School Approval to Teach Barbering. The fee for approval to upgrade to teach barbering shall be the cost of the inspection ($50).

c) Salon Fees

1) Registration. The fee for registration of a barber shop or cosmetology, nail technician, hair braiding or esthetics salon (salon) is $40.

2) Change of Name. The fee for changing the name or address of a registered barber shop or salon is $20.

3) Renewal. The fee for renewal of a registration for a barber shop or salon

is calculated at $20 per year.

4) Reissuance Reprint. The fee for reissuance of a registration with a change of name is $20.

5) Restoration. The fee for restoration of a registration for a barber shop or salon is $40.

d) Sponsor Fees

1) Registration. The fee for registration as a continuing education (CE) sponsor shall be $200~~$500~~.

2) Renewal. The fee for renewal as a CE~~continuing education~~ sponsor shall be $100~~$250~~ every two years. If a sponsor allows the registration to lapse, he/she will be required to submit $250~~$500~~ to restore the registration.

3) Registration. The fee for registration as a domestic violence and sexual assault awareness education sponsor shall be $100.

4) Renewal. The fee for renewal as a domestic violence and sexual assault awareness education sponsor shall be $50 every two years. If a sponsor allows the registration to lapse, he/she will be required to submit $100 to restore the registration.

5) State agencies, community colleges~~State colleges~~ and State universities in Illinois who are approved as CE~~continuing education~~ sponsors shall be exempt from registration and renewal fees.

e) General Fees

~~1) Duplicate/Replacement. The fee for the issuance of a duplicate or replacement license is $20.~~

12) Change of Name or Address. The fee for issuance of a license with a change of name or address other than during the renewal period is $20. ~~No fee is required for name and address changes on Division records when no license is issued.~~

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

23) Certification of Record. The fee for certification of a licensee's record for any purpose is $20.

4) Wall Certificate. The fee for a wall certificate showing licensure is the actual cost of producing such a certificate.

5) Roster. The fee for a roster of persons licensed as cosmetologists, cosmetology teachers, cosmetology clinic teachers, barbers, barber teachers, estheticians, esthetics teachers, esthetics clinic teachers, nail technicians, nail technology teachers, nail technology clinic teachers, hair braiders, hair braiding teachers, cosmetology schools, esthetics schools, nail technology schools, hair braiding schools, barber schools, and shops and salons is the actual cost of producing a roster.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.105 English Translations

Any document submitted to the Division, in accordance with the ActBarber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985 (the Act) [225 ILCS 410] and this Part, in a foreign language must be accompanied by an original, notarized English translation. The translator must be fluent in both English and the foreign language and must certify to the accuracy of the translation.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.110 Granting Variances

a)The Director of the Department of Financial and Professional Regulation-Division of Professional Regulation (Director) may grant variances from this Part in individual cases whenwhere he/she finds that:

a1) The provision from which the variance is granted is not statutorily mandated;

b2) No party will be substantially injured by granting the variance; and

c3) The rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

~~b) The Director of the Division shall notify the Barber, Cosmetology, Esthetics, Hair Braiding and Nail Technology Board (Board) of the granting of the variance, and the reasons for the variance, at the next meeting of the Board.~~

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.120 Dishonorable, Unethical or Unprofessional Conduct

The Division may suspend or revoke a license, refuse to issue or renew a license, or take other disciplinary action based upon its findings of dishonorable, unethical or unprofessional conduct (see Section 410/4-7(a)(1)q of the Act), which is interpreted to include, but is not limited to, the following acts or practices:

a) Engaging in conduct likely to deceive, defraud or harm the public, or demonstrating a willful disregard for the health, welfare or safety of a client or student. Actual injury need not be established;

b) Practicing or offering to practice beyond the scope permitted by law, or accepting and performing professional responsibilities that the licensee knows or has reason to know that he/she is not competent to perform;

c) Using products and chemicals that have not been approved by the United States Food and Drug Administration or utilizing those products or substances in a manner that is contrary to the manufacturer indication for use, e.g. using hair dye meant for hair on the scalp for dyeing eyebrows;

d) Violating labor laws in the practice of the profession under this Act, or using persons to provide services in a manner that constitutes involuntary labor and other forms of servitude to repay debts, or engaging in sex trafficking in which a commercial sex act is induced by force, fraud or coercion or in which the person induced to perform the sex act has not attained 18 years of age;

e) Engaging in conduct that is a departure from or failure to conform to the standards of practice. Actual injury to a client need not be established;

f) Demonstrating actual or potential inability to practice with reasonable skill, safety or judgment:

1) by reason of illness, use of alcohol, drugs, chemicals or any other material;

or

2) as a result of any mental or physical condition;

g) Committing gross negligence or multiple acts of negligence in practice. The Department may take into account relevant factors and practices, including but not limited to the standard of practice generally and currently followed and accepted by persons licensed to practice the profession in this State, and the current accepted teachings among licensed schools;

h) Engaging in deception regarding licensure; for example, the licensee or applicant:

1) assisted in examination fraud or cheating or other misconduct or subversion of the examination;

2) allowed a license to be used by another person;

3) allowed the license to be displayed to the public when the license has expired, is inactive, or has been revoked or suspended;

4) provided or assisted in the provision of credentials to a person who has not earned the credential in compliance with the Act, for example, selling transcripts or CE certificates to a person who did not attend or receive the training as the document asserts or providing unearned transcripts to family members or friends; or

5) produced or facilitated the production of forged or falsified licenses, transcripts, credentials or certificates to the Department.

i) Obtaining products and chemicals for sale to licensees and conveying that material to another, or allowing an unlicensed person to use the licensee's credential to obtain material that is not for sale to the public in the quantity or formulation sold only to licensees, e.g., conveying acetone, hydrochloric acid, or ammonia to unlicensed persons or those who use the product or substances in the manufacture of other chemicals or illegal substances;

j) Engaging in fraud or material deception in the course of professional services or activities, including advertising services or goods, in a false or misleading manner;

k) Failing to cooperate with the Department, which includes but is not limited to the following in regard to the licensee's practice or applicant's conduct or credentials:

1) Refusing to permit or interfering with an inspection authorized under the Act;

2) Failing to respond fully and truthfully to a question or request for information from the Department;

3) Failing to provide information or documents to the Board within the time specified by the Board;

4) Failing to appear and provide information at an interview requested by the Department;

5) Deceiving or attempting to deceive the Department regarding any matter related to the licensee's or applicant's practice, including but not limited to altering or destroying any record or document;

6) Failing to comply with the terms, conditions and recommendations of a Non-Disciplinary Order or Non-Disciplinary Consent Order issued by the Department; or

7) Interfering with or using threats or harassment to delay or obstruct any person in providing information or evidence to the Department in any matter, investigation, contested case proceeding, or other legal action instituted by the Department;

l) Engaging in fraud or misconduct or misrepresentations regarding student financial aid;

m) Failing to comply with an Order, Consent Order or other Order or Subpoena of the Department or another licensing authority or another authority having jurisdiction over the practice of the profession, or surrendering licensure to any other licensing or regulatory authority having jurisdiction over the licensee or applicant in the same occupation or related professions while an investigation or inquiry into allegations of unprofessional or unlawful conduct is in progress or after a charging document has been filed against the applicant or licensee alleging

unprofessional or unlawful conduct;

n) Engaging in conduct that constitutes the offer to sell, sale or provision of controlled substances or illegal substances or sex acts in, or in areas adjacent to, the location where professional services are provided;

o) Engaging in any act of sexual misconduct involving a client, including but not limited to any nonconsensual acts or statements of a sexual nature that do not contribute to an appropriate licensee-client relationship or the professional provision of services; or

p) Engaging in any act involving moral turpitude, including but not limited to fraud, deceit, dishonesty or illegal activity undertaken for personal gain.

(Source: Added at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.125 Citations

a) The Division may issue citations to licensees and registrants or to unlicensed or unregistered persons or entities for the following violations of the Act:

1) Unlicensed practice;

2) Practice on an expired license;

3) Failure to register a salon or shop;

4) Operating a salon or shop on an expired registration;

5) Aiding and abetting unlicensed practice;

6) Failure to display a license as required by the Act; and

7) Failure to comply with sanitary rules (Section 1175.115).

b) A nondisciplinary fee shall be assessed for a first citation for any one of the violations listed in subsection (a) in the amount of $100, with the exception that the fine (disciplinary) for a violation of subsection (a)(5) shall be $200. If there are multiple violations cited, the Division may assess a nondisciplinary fee or a

fine, as applicable, in these amounts per violation.

c) The fine to be assessed for a second citation issued within 12 months after the first citation for the same violation for any one of the violations listed in subsection (a) shall be $250, with the exception of the violation listed in subsection (a)(5), which shall be $500. If there are multiple violations cited, the Division may assess a fine in these amounts per violation.

d) Payment of the nondisciplinary fee or the fine does not absolve the person or entity cited from the responsibility to correct the violation. A continuing or repeated violation may subject the person or entity cited to a further citation or to disciplinary action as authorized by the Act and this Part.

e) Failure to timely satisfy the nondisciplinary fee or the fine assessed may result in disciplinary action for the violations noted.

(Source: Added at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.150 Definitions

"Act" means the Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985 [225 ILCS 410].

"Approved Education Credentialing Evaluation Service" means a credential evaluation services company that was an accredited member of the National Association of Credential Evaluation Services (NACES) or Association of International Credentials Evaluators (AICE) on the date that the evaluation was completed.

"Board" means the Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Board.

"Department" means the Illinois Department of Financial and Professional Regulation.

"Director" means the Director of the Division of Professional Regulation, with the authority delegated by the Secretary.

"Division" means the Illinois Department of Financial and Professional

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

Regulation-Division of Professional Regulation.

"Licensee" means a licensee under the Act.

"Private School" means any educational institution not meeting the definition of public school that conducts a cosmetology, barbering, esthetics, hair braiding or nail technology program.

"Public School" means a public high school, a community college, public university, or any other institution operated by a governmental body or agency that conducts a cosmetology, barbering, esthetics, hair braiding or nail technology program.

(Source: Added at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.175 Applicant and Licensee Address of Record and Email Address of Record

Pursuant to Section 2105-7 of the Civil Administrative Code of Illinois [20 ILCS 2105], all applicants and licensees shall:

a) provide a valid address and email address to the Department, which shall serve as the address of record and email address of record, respectively, at the time of application for licensure or renewal of a license; and

b) inform the Department of any change of address of record or email address of record within 14 days after any changes, either through the Department's website or by contacting the Department's licensure maintenance unit.

(Source: Added at 42 Ill. Reg. 15159, effective August 10, 2018)

SUBPART B: BARBER

Section 1175.200 Examination – Barber

a) Eligibility. Each applicant must meet the following requirements, pursuant to Section 2-2 or 2-3 of the Act, prior to filing an application for the barber examination.

1) Be at least 16 years of age;

2) Be a high school graduate or its equivalent or beyond the age of compulsory school attendance;

3) Either:

A) Pursuant to Section 2-2 of the Act, graduate from a barber school approved by the Division that meets the requirements set forth in Subpart C; or

B) Pursuant to Section 2-3 of the Act, graduate from a cosmetology school approved by the Division that meets the requirements set forth in Subpart E.

~~1) Each applicant must meet the requirements in Section 2-2(a), (b) and (c) or 2-3(a), (b), (c) and (d) of the Act prior to filing an application for the Division authorized examination.~~

~~2) An applicant's training must be received from a barber school approved by the Division that meets the requirements set forth in Subpart C of this Part.~~

b) Application. Each applicant shall file an application for examination, on forms provided by the Division~~, at least 45 days prior to an examination date~~. The application shall include:

1) An official transcript showing successful completion of the required training outlined in Section 2-2(c) and 2-3(c) and (d) of the Act and a passing grade on the final examination administered by the school as set forth in Section 1175.340;

2) The required fee set forth in Section 1175.100;

3) Official transcripts showing successful completion of remedial training when required by Section 2-7 of the Act or Section 1175.210;

4~~2~~) Proof of any name change (i.e., marriage license, divorce decree, affidavit, or court order) if the applicant's name is other than that shown on submitted documents; ~~and~~

~~3)~~ ~~The required examination fee.~~

5) If licensed as a barber in another state, a certification of licensure from the state of original licensure and from the state of current licensure or most recent practice; and

6) All applicants shall submit the required examination fee to the Department's testing service.

c) Examination. Each applicant shall take and pass the barber examination as required in Section 1175.210.

d) An applicant's training received from a barber school or similar institution located in another state, other jurisdiction of the United States, or foreign jurisdiction must substantially comply with the requirements set forth in Subpart C. An applicant seeking credit for training or licensure in a foreign country must provide educational training credentials and transcripts and/or evidence of licensure to determine if the applicant's program substantially complies with the requirements set forth in Subparts B and C. The Board may, as a means of assisting it in the review of foreign country training or licensure, require an applicant to submit his/her educational training credentials and transcripts and/or evidence of licensure to an approved education credentialing evaluation service or similar service approved by the Board for evaluation at the cost to the applicant. The Board may also require additional coursework or a 250-hour barber refresher course from a school licensed by the Division as set forth in Section 1175.331. The Board may also require an applicant to appear for an interview before the Board or to provide additional information to assist the Board in its evaluation of the applicant's training.

~~e)~~ ~~Individuals who do not obtain a license within 5 years of graduation from barber school will be required to complete a 250 hour refresher course before they may obtain a license.~~

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.205 Licensure by Examination – Barber Teacher

a) Eligibility. Each applicant must meet the following requirements pursuant to~~in~~ Section 2-4(a), (b), (c) and (d) of the Act prior to filing an application for the

barber teacher examination.

1) Be at least 18 years of age;

2) Be a high school graduate or its equivalent;

3) Hold a license in good standing as a barber or cosmetologist;

4) Either:

A) Complete a program of 500 hours of barber teacher training in an approved barber school and 3 years of practical experience as a licensed barber within 5 years preceding the application; or

B) Complete a program of 1000 hours of barber teacher training in an approved barber school.

b) Application. Each applicant shall file an application, on forms provided by the Division~~, at least 45 days prior to an examination date~~. The application shall include:

1) Either:

A) In the case of a barber teacher training graduate, pursuant to Section 2-4(d)(1) of the Act:~~Proof of any name change (i.e., marriage license, divorce decree, affidavit or court order);~~

i) An official transcript from an approved barber school showing successful completion of a program of 500 hours of barber teacher training as set forth in Section 1175.335; and

ii) 2 employment verification forms showing at least 3 years of practical experience as a licensed barber within the last 5 years.

B) In the case of a barber teacher training graduate, pursuant to Section 2-4(d)(2) of the Act, an official transcript from an approved barber school showing successful completion of a

program of 1000 hours of barber teaching training as set forth in Section 1175.335;

2) The applicant's Illinois barber license number;

3) If licensed as a barber teacher in another state, other jurisdiction of the United States, or foreign jurisdiction, a certification of licensure from the state or jurisdiction of original licensure and from the state or jurisdiction of current licensure or most recent practice;

4) Proof of any name change (i.e., marriage license, divorce decree, affidavit, or court order) if the applicant's name is other than that shown on any document submitted; and

5) All applicants under this Section shall submit the required examination fee to the Department's testing service.

c) Examination. Each applicant shall take and pass the barber teacher examination as required in Section 1175.210.

d) An applicant's training received from a barber or cosmetology school or similar institution located in another state, other jurisdiction of the United States, or foreign jurisdiction must substantially comply with the requirements set forth in Subpart C. An applicant seeking credit for training or licensure in a foreign country must provide educational training credentials and transcripts and/or evidence of licensure to determine if the applicant's program substantially complies with the requirements set forth in Subparts B and C. The Board may, as a means of assisting it in the review of foreign country training or licensure, require an applicant to submit his/her educational training credentials and transcripts and/or evidence of licensure to an approved education credentialing evaluation service or similar service approved by the Board for evaluation at the cost to the applicant. The Board may also require additional coursework or a 250-hour barber refresher course from a school licensed by the Division as set forth in Section 1175.331. The Board may also require an applicant to appear for an interview before the Board or to provide additional information to assist the Board in its evaluation of the applicant's training.

e) The required fee set forth in Section 1175.100.

~~2)~~ ~~The required examination fee;~~

~~3)~~ ~~Either:~~

~~A)~~ ~~An official transcript from an approved barber school (see Subpart C) showing successful completion of 500 hours of teacher training as outlined in Section 1175.335 of this Part; employment verification showing at least 3 years of practical experience as a registered barber; or~~

~~B)~~ ~~An official transcript from an approved barber school showing successful completion of 1000 hours of barber teacher training as outlined in Section 1175.335 of this Part; and~~

~~4)~~ ~~A copy of the applicant's current Illinois barber license.~~

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.206 Licensure by Acceptance of Examination − Barber

a) Eligibility. If the applicant does not hold a license as a barber or barber teacher in any jurisdiction of the United States but has completed barber training and passed a barber licensing examination in that jurisdiction substantially similar to the requirements of the Act and this Part, the applicant shall apply for licensure under this Section.

b) Application. Each applicant shall file an application for acceptance of examinations on forms provided by the Division. The application shall include:

1) An official transcript from the school or program showing successful completion of training;

2) Proof of passage of the licensing examination within 12 months preceding the application; and

3) The required fee set forth in Section 1175.100.

(Source: Added at 42 Ill. Reg. 15159, effective August 10, 2018)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

Section 1175.207 Licensure by Acceptance of Examination − Barber Teacher

a) Eligibility. If the applicant has a barber license in any jurisdiction of the United States, does not hold a barber teacher license in any jurisdiction of the United States, and has completed teacher training and passed a teacher examination in another jurisdiction of the United States other than Illinois substantially similar to the requirements of the Act and this Part, the applicant shall apply for licensure under this Section.

b) Application. Each applicant shall file an application for acceptance of examination on forms provided by the Division. The application shall include:

1) Proof of licensure as a barber in this or any other jurisdiction of the United States;

2) Proof of 3 years of practical experience as a licensed barber within 5 years preceding the application;

3) An official transcript from the school or program showing successful completion of teacher training;

4) Proof of passage of a teacher licensing examination within 12 months preceding the application; and

5) The required fee set forth in Section 1175.100.

(Source: Added at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.210 Examination Requirements

a) Examinations shall be administered by the Division or its designated testing service for barbers and teachers of barbering.

b) The passing grade on each examination is 75 or another state's passing grade.

c) Retakes

1) A barber applicant who fails to pass a third examination must submit an official transcript from a licensed barber or cosmetology school showing

successful completion of a 100-hour refresher course (see Section 1175.331), or the 250-hour barber refresher course from a school licensed by the Division as set forth in Section 1175.331, prior to taking the exam a fourth time;

2) A barber teacher applicant who fails to pass a third examination must submit an official transcript from a licensed barber or cosmetology school showing successful completion of 80 hours of additional study in teaching methodology and educational psychology prior to taking the examination a fourth time;

3) The requirement for remedial training set forth in this Section may be waived in whole or in part by the Division upon proof to the Division that the applicant has demonstrated competence to again sit for the examination. Pursuant to Section 2-7 of the Act, the Division shall consider the following factors when waiving remedial training, including but not be limited to: the percentage points by which the applicant failed the examination, the number of times the applicant failed the examination, and extenuating circumstances that explain the applicant's failure to pass the examination;

4) For purposes of the examination retakes, the fourth attempt shall count as the first;

5) An applicant shall make a written request for an examination retake at least 45 days in advance of the examination date. The request must include the required examination fee and official transcripts when further study is required in accordance with subsections (b)(1), (2) and (3).

d) If an applicant has not submitted an application for licensure within 12 months after taking and passing the examination, the applicant must retake and pass the examination prior to being granted a license.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.215 Application for Licensure (Repealed)

~~Each applicant shall submit to the Division:~~

~~a) A signed and completed licensure application which the applicant will receive with the notification of successful completion of the examination;~~

~~b) Proof of name change (i.e., marriage license, divorce decree, affidavit or court order) if different from that shown on pre-printed licensure application; and~~

~~c) The required fee set forth in Section 1175.100.~~

(Source: Repealed at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.220 Licensure by Endorsement

a) An applicant who is currently registered or licensed as a barber in another state or jurisdiction of the United States and who is seeking licensure in Illinois by endorsement shall file an application, on forms provided by the Division, that includes~~which shall include~~:

1) An official certification of licensure from the state or government board in the applicant's jurisdiction of original licensure and from the state or government board in which the applicant is currently licensed and practicing, if other than the original, stating the applicant's name, the barber license number, the original issuance date and the expiration date. The license issued must be the same or substantially similar to the barber license issued by the Division;

2) Proof of any name change (i.e., marriage license, divorce decree, affidavit or court order) if the applicant's name is other than that shown on submitted documents; and

3) The required fee set forth in Section 1175.100.

~~1) A certification from the state of original licensure stating:~~

~~A) A brief description of any licensure examination taken and the grades received; and~~

~~B) Whether the applicant's file contains any record of disciplinary actions taken or pending;~~

~~2)~~ ~~Official transcripts from the school attended by the applicant showing the courses completed and the hours received with the school seal affixed or a verification from the licensing authority of the number of hours required for licensure at the time the applicant was originally licensed;~~

~~3)~~ ~~Certification of current licensure if other than original licensure;~~

~~4)~~ ~~Two completed Verification of Employment forms showing at least 3 years of lawful practice in another jurisdiction if:~~

~~A)~~ ~~the jurisdiction of original licensure does not require a licensing examination or has not provided an examination score; or~~

~~B)~~ ~~the applicant is applying under Section 2-4a of the Act;~~

~~5)~~ ~~Proof of any name change (i.e., marriage license, divorce decree, affidavit or court order) if name is other than that shown on any of the documents submitted;~~

~~6)~~ ~~The required fee set forth in Section 1175.100; and~~

~~7)~~ ~~A copy of the jurisdiction's licensing statute applicable on the date of original licensure showing the requirements for licensure if requested by the Division in the application review. The Division will make such a request if the application materials are incomplete.~~

b) An applicant who is currently registered or licensed as a barber teacher in another state or jurisdiction of the United States and who is seeking licensure in Illinois by endorsement shall file an application, on forms provided by the Division, that includes~~which shall include~~:

1) An official certification of licensure from the state or government board in the applicant's jurisdiction of original licensure and from the state or government board in which the applicant is currently licensed and practicing, if other than the original, stating the applicant's name, the barber teacher license number, the original issuance date and the expiration date. The license issued must be the same or substantially similar to the barber teacher license issued by the Division;

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

2) Proof of any name change (i.e., marriage license, divorce decree, affidavit or court order) if the applicant's name is other than that shown on submitted documents; and

3) The required fee set forth in Section 1175.100.

~~1) A certification from the state of original licensure stating:~~

~~A) A brief description of any licensure examination taken and the grades received; and~~

~~B) Whether the applicant's file contains any record of disciplinary action taken or pending;~~

~~2) Official transcripts from the school attended by the applicant showing the courses completed and the hours received with the school seal affixed or a verification from the licensing authority of the number of hours required for licensure at the time the applicant was originally licensed;~~

~~3) Certification of current licensure if other than original licensure;~~

~~4) Two Verification of Employment forms shall be submitted by the applicant who completed at least 500 hours of teacher training but less than 1000 hours. A barber teacher applicant shall verify 3 years of lawful practice as a barber;~~

~~5) Proof of name change (i.e., marriage license, divorce decree, affidavit or court order) if name is other than that shown on any of the documents submitted;~~

~~6) A copy of the applicant's barber license or verification from the licensing authority that the applicant has the ability to practice barbering with a barber teacher license;~~

~~7) The required fee set forth in Section 1175.100; and~~

~~8) A copy of the jurisdiction's licensing statute applicable on the date of original licensure showing the requirements for licensure if requested by the Division in the application review. The Division will make such a~~

~~request if the application materials are incomplete.~~

c) An applicant who is currently registered or licensed as a barber in a foreign country and who is seeking licensure as a barber in Illinois by endorsement shall file an application, on forms provided by the Division, that includes:

1) An official document from the government agency, board or council in the applicant's original jurisdiction of practice stating the applicant's name, the barber license number, the original issuance date, the expiration date, a brief description of any licensure or exit examination taken to qualify for the license, and the grades received. The license issued in a foreign country and its requirements must be the same or substantially similar to the barber license issued by the Division;

2) An official transcript from the school or schools attended by the applicant showing the individual subject areas completed and the hours completed by the applicant, with the school seal affixed, or an official certification from the government agency, board or council showing the individual subject areas completed and the hours completed by the applicant, with the board, agency or council seal affixed. Educational training credentials and transcripts and/or evidence of licensure obtained in a foreign country must be submitted to determine if the applicant's program substantially complies with the requirements set forth in Subparts B and C. The Board may, as a means of assisting it in the review of foreign country training or licensure, require an applicant to submit his/her educational training credentials and transcripts and/or evidence of licensure to an approved education credentialing evaluation service or similar service approved by the Board for evaluation at the cost to the applicant. The scope of practice and education requirements must be the same or substantially similar to the barber license issued by the Division. The Board may require additional coursework or a 250-hour barber refresher course from a school licensed by the Division as set forth in Section 1175.331 or may require an applicant to pass the barber examination. The Board may also require an applicant to appear for an interview before the Board or to provide additional information to assist the Board in its evaluation of the applicant's training;

3) Evidence that the applicant has practiced barbering in another jurisdiction for at least 3 years after completing the requirements to qualify for

registration or licensure in that particular jurisdiction, but within 5 years preceding his/her application for endorsement. This evidence may be in the form of affidavits from at least 3 clients, coworkers or business owners who can verify the applicant's practice as a barber;

4) Proof of any name change (i.e., marriage license, divorce decree, affidavit or court order) if the applicant's name is other than that shown on submitted documents; and

5) The required fee set forth in Section 1175.100.

d) An applicant who is currently registered or licensed as a barber teacher in a foreign country and who is seeking licensure as a barber teacher in Illinois by endorsement shall file an application, on forms provided by the Division, that includes:

1) An official document from the government agency, board or council in the applicant's original jurisdiction of practice stating the applicant's name, the barber teacher license number, the original issuance date, the expiration date, a brief description of any licensure or exit examination taken to qualify for the license, and the grades received. The license issued in a foreign country and its requirements must be the same or substantially similar to the barber teacher license issued by the Division;

2) An official transcript from the school or schools attended by the applicant showing the individual subject areas completed and the hours completed by the applicant, with the school seal affixed, or an official certification from the government agency, board or council showing the individual subject areas completed and the hours completed by the applicant, with the board, agency or council seal affixed. Educational training credentials and transcripts and/or evidence of licensure obtained in a foreign country shall be submitted to determine if the applicant's program substantially complies with the requirements set forth in Subparts B and C. The Board may, as a means of assisting it in the review of foreign country training or licensure, require an applicant to submit his/her educational training credentials and transcripts and/or evidence of licensure to an approved education credentialing evaluation service or similar service approved by the Board for evaluation at the cost to the applicant. The scope of practice and education requirements must be the same or substantially similar to

the barber teacher license issued by the Division. The Board may require additional coursework or a 250-hour barber refresher course from a school licensed by the Division as set forth in Section 1175.331 or may require an applicant to pass the barber and/or barber teacher examination. The Board may also require an applicant to appear for an interview before the Board or to provide additional information to assist the Board in its evaluation of the applicant's training;

3) Evidence that the applicant has practiced as a barber teacher in another jurisdiction for at least 3 years after completing the requirements to qualify for registration or licensure in that particular jurisdiction, but within 5 years preceding his/her application for endorsement. This evidence may be in the form of affidavits from at least 3 clients, coworkers, business owners, students or school administrators who can verify the applicant's practice as a barber teacher;

4) Proof of any name change (i.e., marriage license, divorce decree, affidavit or court order) if the applicant's name is other than that shown on submitted documents; and

5) The required fee set forth in Section 1175.100.

ee) An applicant for licensure as a barber who is licensed in another jurisdiction mayshall be given 300 hours of educational credit for every 12-month period during which he/she was lawfully employed as a barber. To obtain credit for work experience, the applicant must submit verification of employment on forms provided by the Division in support of the work experience from at least three clients, coworkers or business owners. A certification of licensure from the jurisdiction in which the lawful practice is claimed must also be submitted.

fd) An applicant applying for licensure as a barber or barber teacher on the basis of endorsement who has previously failed the licensing examination in Illinois shall not be approved for licensure on the basis of endorsement unless and until he/she provides verification of successful completion of a substantially equivalent licensure examination. The successful completion of the substantially equivalent examination must occur after the most recently failed examination attempt in Illinois. An applicant may be required to appear before the Board to answer questions about any examination taken by the applicant. The Board may recommend the completion of additional education by an applicant prior to

licensure.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.221 Licensed Cosmetologist or Cosmetology Teacher Seeking License as Barber

A licensed cosmetologist or cosmetology teacher may apply for licensure as a barber. Each applicant shall file an application on forms provided by the Division that includes:

a) The applicant's current cosmetologist or cosmetology teacher license number;

b) An official transcript showing successful completion of the supplemental barber course (see Section 1175.332);

c) Proof of passage of the barber examination; and

d) The required fee set forth in Section 1175.100.

(Source: Added at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.222 Licensed Cosmetology Teacher Seeking License as Barber Teacher

A licensed cosmetology teacher may apply for licensure as a barber teacher. Each applicant shall file an application on forms provided by the Division that includes:

a) The applicant's current cosmetology teacher license number;

b) The applicant's current barber license number or an official transcript showing successful completion of the supplemental barber course (see Section 1175.332) and proof of passage of the barber examination; and

c) The required fee set forth in Section 1175.100.

(Source: Added at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.225 Renewals

a) Barber, barber teacher and barber school licenses shall expire on July 31 of each

odd numbered year. The holder of a license may renew that license during the month preceding its expiration date.

b) Applicants for renewal shall:

1) Return a completed renewal application; and

2) Submit the required fee set forth in Section 1175.100.

c) It is the responsibility of each licensee to notify the Division of any change of address. Failure to receive a renewal form from the Division shall not constitute an excuse for failure to pay the renewal fee or to renew a license.

d) Practicing or operating on a license that has expired shall be considered unlicensed activity and shall be grounds for discipline pursuant to Section 4-7 of the Act.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.230 Restoration – Barber

a) Application for Restoration

1) A person applying for restoration of a license as a barber that has been expired for less than 5 years shall submit an application on forms provided by the Division and pay the required fee set forth in Section 1175.100.

2) If restoring after active military service, the applicant shall submit a copy of the applicant's DD-214 and the current renewal fee.

~~a) A person applying for restoration of his/her license as a barber that has been expired for less than 5 years shall submit an application on forms provided by the Division and the required fee set forth in Section 1175.100. If restoring after active military service, the applicant shall submit a copy of the applicant's Honorable Discharge form (DD-214) and the current renewal fee.~~

b) A person applying for restoration of his/her license as a barber that has been expired for 5 years or more shall submit an application on forms provided by the Division along with either:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

1) All of the following:

A1) Verification of employment as a barber in another jurisdiction for at least 24 months within the 5 years preceding application for restoration from at least 3 clients, coworkers or business owners;

B2) Certification of licensure from the licensing authority in the jurisdiction of employment stating that the existing practice was authorized;

C3) A completed Restoration Questionnaire; and

D4) The required fee set forth in Section 1175.100; or

25) AIf restoring from active military service, a copy of the applicant's DD-214 and the current renewal fee, if restoring from active military service.

c) An applicant for restoration under subsection (b) who is unable to comply with one or both of subsections (b)(1)(A) and (B)(2) shall submit official transcripts showing successful completion of a 250-hour refresher course from a licensed barber or cosmetology school or successful completion of the examination set forth in Section 1175.210 within 2 years prior to or within 2 years afterbefore application for restoration. An applicant shall comply with the remaining requirements of subsection (b).

d) If an applicant takes and fails the examination, the license will not be restored until he/she has successfully completed the examination.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.235 Restoration – Barber Teacher

a) A person applying for restoration of a license as a barber teacher that has been expired for less than 5 years shall file an application, on forms provided by the Division, and the required fee (see Section 1175.100). If restoring after active military service, the applicant shall submit a copy of the applicant's DD-214 and the current renewal fee.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

b) A person applying for restoration of a license as a barber teacher that has been expired for 5 years or more shall submit an application on forms provided by the Division, along with either:

1) All of the following:

A1) Verification of employment as a barber teacher in another jurisdiction for at least 24 months within the 5 years preceding application for restoration;

B2) A certification of licensure from the ~~appropriate~~ licensing authority in the jurisdiction of employment;

C3) A completed Restoration Questionnaire;

D4) The required fee set forth in Section 1175.100; or

25) A~~If restoring after active military service, a~~ copy of the applicant's DD-214 ~~form~~ and the current renewal fee, if restoring from active military service.

c) An applicant for restoration under subsection (b) who is unable to comply with one or both of subsections (b)(1)(A) and (B)~~(2)~~ shall submit official transcripts showing successful completion of a 250-hour barber teacher refresher course set forth in Section 1175.331 or successful completion of the examination set forth in Section 1175.210 within 2 years prior to or within 2 years after applying for restoration of the license. An applicant shall comply with the remaining requirements of subsection (b).

d) If an applicant takes and fails the examination, the license will not be restored until he/she has passed~~successfully completed~~ the examination.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

SUBPART C: BARBER SCHOOL

Section 1175.300 School Licensure~~Approval~~ Application – Private Schools

a) An applicant for a private barber school license shall submit a completed

application to the Division with the following information and documentation:

1) A detailed 8½ x 11 inch floor plan that is:

A) drawn to scale;

B) shows dimensions;

C) has all areas labeled;

D) has all fixtures shown; and

E) demonstrates compliance with~~consistent with~~ the requirements of Section 1175.305;

2) A copy of:

A) a lease showing at least a 1-year commitment to the use of the school site, the address of the school site, the name of the lessor and the name of the lessee; or

B) the certification of ownership of the proposed school site;

3) If the owner is a corporation, a filed copy of the Articles of Incorporation; if the owner is a limited liability company, a filed copy of the Articles of Organization; or if the owner is a partnership, a listing of all partners and their current addresses;

4) If the owner will be conducting business under an assumed name as described in the Assumed Business Name Act [805 ILCS 405], a copy of the application to adopt an assumed name filed with the government office responsible for approving the assumed name~~owner is a partnership, a listing of all partners and their current addresses~~;

5) An official~~A signed~~ fire inspection report by the local fire inspection authority within the last 6 months giving approval for use of the site as a school;

6) A financial statement ~~prepared by a certified public accountant licensed by~~

~~the Division pursuant to the Illinois Public Accounting Act [225 ILCS 450] who is not an employee of the school,~~ indicating sufficient current finances exist to operate the school for at least 3 months. The Division will not accept a bank statement as sufficient proof to meet this requirement. The financial statement shall include reporting cash assets on hand and any liabilities and shall be prepared by either a certified public accountant or a person knowledgeable about the finances of the school. Any financial statement submitted by a person who is not a certified public accountant must contain a signed statement certifying under penalty of perjury that the information is true and accurate based upon inspection of the financial records of the school;

7) A copy of the official enrollment agreement~~student contract~~ to be used by the school, which shall be consistent with the requirements of Section 1175.310;

8) A listing of all teachers, including their teacher license numbers, who will be in the school's employ;

9) A copy of the curricula that will be followed for each program that meets the requirements of this Part;

10) A copy of the school's official transcript for each program that complies with the requirements of this Part; ~~and~~

11) A Commitment Statement, as provided in the licensure application packet, signed and dated by the school's chief administrative officer; and

12) The required fee set forth in Section 1175.100.

b) When the items required by subsection (a)~~above items~~ have been received, the Division shall inspect the school premises, prior to school approval, to determine compliance with this Subpart. School operations shall not commence, nor shall the school in any way solicit student enrollment, until the school has received written notice of approval from the Division. Approval will be granted if the requirements of this Subpart have been met.

c) Barber schools shall only offer instruction in barbering and barber teacher education.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.301 School Licensure Application – Public Schools

a) An applicant for a public barber school license shall submit a completed application to the Division with the following information and documentation:

1) A detailed 8½ x 11 inch floor plan that is:

A) drawn to scale;

B) shows dimensions;

C) has all areas labeled;

D) has all fixtures shown; and

E) demonstrates compliance with the requirements of Section 1175.305;

2) A listing of all teachers, including their teacher license numbers, who will be in the school's employ;

3) A copy of the curricula that will be followed for each program that meets the requirements of this Part;

4) A copy of the school's official transcript for each program that meets the requirements of this Part;

5) A Commitment Statement, as provided in the licensure application packet, signed and dated by the school's chief administrative officer; and

6) The required fee set forth in Section 1175.100.

b) When the items required by subsection (a) have been received, the Division shall inspect the school premises, prior to school approval, to determine compliance with Subpart C. School operations may not commence, nor shall the school in any way solicit student enrollment, until the school has received written notice of

approval from the Division. Approval will be granted if all of the requirements of this Subpart have been met.

c) Barber schools shall only offer instruction in barbering and barber teacher education.

(Source: Added at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.310 Enrollment Agreements and Refund Policies~~Student Contracts~~

a) All licensed private barber schools shall have enrollment agreements that meet the requirements of Section 3B-12 of the Act. Licensed public barber schools will be deemed to be in compliance with this provision if these schools comply with the requirements of their public institution.~~All student contracts between students or prospective students and an approved barber school shall be clearly labeled as a contract and shall include the following information:~~

~~1) The name and address of the school;~~

~~2) The date the contract is signed;~~

~~3) The total cost of the course of instruction, including any charges made by the school for tuition, books, materials, supplies and other expenses;~~

~~4) A clear and conspicuous statement that the contract is a legally binding instrument when signed by the student and accepted by the school;~~

~~5) A clear and conspicuous statement that, if an approved barber school transfers any student contract or interest in the contract to another party, the student shall have the same rights afforded to him or her by the transferee as by the transferor;~~

~~6) The contents of the following notice, in at least 10 point bold type:~~

~~"NOTICE TO THE STUDENT~~

~~Do not sign this contract before you read it or if it contains any blank spaces.~~

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

~~You are entitled to an exact copy of the contract you sign."; and~~

~~7)~~ ~~A clear and concise statement of the school's refund policy.~~

b) All licensed barber schools shall implement refund policies pursuant to Section 3B-13 of the Act and this Section~~The school shall comply with all applicable requirements of the Retail Installment Sales Act [815 ILCS 405] in its student contracts~~.

1) *When notice of cancellation is given within 5 days after the date of enrollment, all application and registration fees, tuition and any other charges shall be refunded to the student.*

2) *When notice of cancellation is given after the fifth day following enrollment but before the completion of the student's first day of class attendance, the school may retain the application and registration fee,* not to exceed $100, *and the cost of any books or materials that have been provided by the school and retained by the student.*

3) *When notice of cancellation is given after the student's completion of the first day of class attendance but prior to the student's completion of 5% of the course of instruction, the school may retain the application and registration fee,* not to exceed $100, *10% of the tuition, other instructional charges or $300, whichever is less, and the cost of any books or materials that have been provided by the school* and retained by the student.

4) *When a student has completed 5% or more of the course of instruction, the school may retain the application fee and registration fee,* not to exceed $100, *and the cost of any books or materials provided by the school, but shall refund a part of the tuition and other instructional charges in accordance with the requirements of the school's regional or national accrediting agency, if any, or in accordance with* this subsection (b). (Section 3B-13(1))

c) For students who enroll in and begin classes, the following schedule of tuition adjustment will be considered to meet the Division standards for refunds:~~No student contract shall contain a wage assignment provision or a confession of judgment clause.~~

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

PERCENTAGE OF A SCHEDULED COURSE COMPLETED	AMOUNT OF TUITION OWED TO THE SCHOOL
0.01% to 4.9%	10%
5% to 9.9%	30%
10% to 14.9%	40%
15% to 24.9%	45%
25% to 49.9%	70%
50% and over	100%

~~d)~~ ~~Any provision in a student contract that purports to waive the student's right to assert against the school, or any assignee, any claim or defense he/she may have against the school arising under the contract shall be void.~~

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.320 Recordkeeping − Transcripts

a) Each school shall provide an official transcript showing the entire course work of each student. The official transcript shall contain the following information:

1) School name, ~~and~~ address and phone number;

2) School seal;

3) School license number;

4) Signature of owner, registrar or director of the school;

5) Student's name, address and social security number;

6) Actual dates student attended, including start date, end date and graduation date;

7) Subject areas, required hours, earned hours, and grades received (in a percentage form);

8) Any transfer hours citing the name and address of school transferred from,

subject areas, hours earned, and grades received (percentage); and

9) Final examination grades (percentage).; and

~~10)~~ ~~Graduation date.~~

b) The official transcript and school records for each student shall be permanently maintained by the school in the following manner:

1) If maintained on the school premises, they shall be maintained in a locked, fire-resistant cabinet. If official transcripts are maintained on a computer system, history tapes or discs of all official records must be stored in a locked, fire-resistant cabinet or electronically stored in a secure off-site storage system.

2) If records, whether electronic or paper, cannot be maintained on the premises in locked fire-resistant cabinets, duplicate student records, including the official transcripts, shall be maintained at a separate location that shall be made known to the Division. The records shall be accessible to Division officials for inspection.

c) A copy of the transcript shall be given to the student upon graduation or other permanent exit from the school provided the student has met all financial obligations of the student contract as set forth in Section 1175.310.

d) An official transcript and school records for students who withdrew or dropped out of a program shall be maintained by the school for 5 years from the student's first day of attendance at the school.

e) Transcripts from approved schools must meet the requirements of this Section to be accepted by the Division for licensure.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.325 Recordkeeping – Hours Earned

a) Student Hours. A licensed barber school shall have a written, published attendance policy.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

1) When determining student hours, a school may define its attendance requirements to include 100% attendance for the program length or may allow excused absences for not more than 10% of the program for satisfactory completion. Satisfactory completion is defined as completion of all theory and practical work as outlined in school's curricula.

2) Student attendance policies shall be written and applied uniformly and fairly.

3) The school must maintain documentation of excused absences for at least 5 years.

4) The school must maintain attendance records for each student to verify that the minimum attendance standard set forth by the school is being met.

ba) A complete and accurate record of hours of attendance for each student must be recorded and maintained by the school.

cb) If a time clock is used, each student shall punch his/her own time card. No student, teacher or any other person shall punch the time card of another student. If a time clock is not used, there shall be another verifiable method used by the school to record student hours. The records shall be in a form that allows the student to receive a written report of hours earned. This written report of hours earned shall be provided to the student on a monthly basis and shall be placed on a cumulative record by the school.

dc) Credit for hours earned away from school premises shall be awarded only if students are supervised by a licensed instructor or by a licensed barber or cosmetologist in the case of an internship. Credit hours for outside study may include workshops, educational programs, films and demonstrations.

ed) Hours earned away from the school premises shall be recorded on school time forms. These forms shall include: the school seal, name of student, event or program attended, date attended, signature of student, signature of supervising licensed instructor.

fe) Instructors shall review the hours earned by each student monthly. Each month the instructor shall issue a signed monthly report to the student showing the actual number of hours earned by the student.

g~~f~~) Time cards may be destroyed upon the student's permanent exit from the school and after all hours earned are recorded on the official transcript.

h~~g~~) An hour shall be considered 50-60 minutes of instruction.

i~~h~~) A licensed instructor shall supervise all classroom and practical instruction. No credit shall be given for unsupervised study.

j~~i~~) A barber student is not permitted to serve the public until he/she has successfully completed a combination of a minimum of 150 hours of classroom instruction and practical application that includes hair cutting, sanitation and shaving.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.330 Curriculum Requirements − Barber

a) Each licensed barber school shall provide a program consisting of a minimum of 1500 clock hours or a 50 credit hour equivalency (1 credit hour equals 30 clock hours) of instruction. Instruction shall be a combination of classroom instruction and hands on (practical and technical) experience. The licensed barber school may provide online hours in theory, but online hours shall not exceed 10% of the hours required in each of subsection (a). The minimum subjects and number of hours shall be~~in general theory and practical application,~~ as follows for each category of training:

1) Basic Training:~~a)150 hours of classroom instruction in general theory that shall be divided into specific subject areas as specified in subsection (b). b)1350 hours shall be at the discretion of the instructor based on the instructor's evaluation of the individual student's needs. However, the training shall cover, at least, the following subject areas:~~

A~~1~~) barber~~Barber~~ history;

B~~2~~) bacteriology~~Bacteriology~~;

C~~3~~) infection~~Infection~~ control and safe work practices;

D~~4~~) implements~~Implements~~, tools and equipment;

E5) anatomyAnatomy and physiology;

F6) chemistryChemistry;

G7) electricityElectricity and light therapy;

H8) propertiesProperties and disorders of the skin;

I9) propertiesProperties and disorders of the hair and scalp;

J10) treatmentTreatment of the hair and scalp;

K11) facialFacial and scalp massage; and

L) the Act and this Part, including sanitary standards.

212) Shaving and facial hair design.;

313) Haircutting and styling:;

A) cutting;

B) thinning;

C) shaping;

D) trimming;

E) application of electrical/mechanical equipment;

F) curling;

G) hair treatments; and

H) blow drying.

414) Chemical texture services:;

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

A~~15~~) hair~~Hair~~ coloring and lightening;

B) chemical safety;

C) OSHA standards relating to chemical use;

D) permanent waving;

E) hair relaxing;

F) hair and scalp conditioning; and

G) shampooing, toning and rinsing.

5~~16~~) Barbershop management:~~;~~

A) State and local laws and rules;

B) Workers' Compensation Act;

C) labor law;

D) client relations;

E) bookkeeping; and

F) business ethics.

~~17) Pertinent State and local laws and rules; and~~

6~~18~~) Workers' Compensation Act:~~.~~

A) labor law;

B) client relations;

C) bookkeeping; and

D) business ethics.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

be) An internship program is an optional part of the curriculum. Each licensed barber school may choose to set up an internship program and shall follow the guidelines set forth in this subsection (b).

1) An internship program:

A) May be substituted forperformed in place of 150 hours of the required 1500 program hours set forth in this Section.

B) May be part of the curriculum of a licensed barber school and shall be an organized preplanned training program designed to allow a student to learn barbering under the direct supervision of a licensed barber or cosmetologist in a registered barber shop or salon.

2) A student in the internship program:

A) May participate in an internship program only after completing 750 hours of training with a minimum average grade of 80. A school may, however, set the average grade higher and set other standards that a student must meet to participate in the internship program.

B) May not spendcount more than 150 hours in an internship program for credit.

C) May not be paid while participating in the internship program, as it is a part of the barber curriculum of the school.

D) May work a maximum of 8 hours a day and shall be required to spend 1 day a week at the school.

E) Shall be under the direct on-site supervision of a licensed barber or cosmetologist. Only 1 student shall be supervised by 1 licensed barber or cosmetologist.

3) A licensed barber school shall state clearly in the enrollment agreementstudent contract that the school offers an internship program.

4) The licensed barber school shall enter into a contract with the student, the registered barber shop or salon, and a licensed barber ~~or cosmetologist~~. The contract shall contain all the provisions set forth in subsection (b~~c~~)(2) and any other requirements of the internship established by the school. The contract shall be signed by the student, the school and the licensed barber ~~or cosmetologist~~. Any party to the contract may terminate the contract at any time.

c) A school may, as part of its educational program and on school premises, offer barbering services to the public, through a student clinic, as a means of providing students with practical experience. Services shall be provided by students working under the supervision of one or more teachers. Students shall receive no compensation, including tips, but shall receive credit for hours worked towards the 1500-hour education requirement. The school may provide those services under the authority of its school license and is not required to obtain a salon registration. The school shall post a sign visible to the public advising that all services are provided by students. Except as provided in this subsection, a school and a salon shall not operate in the same premises.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.331 Curriculum Requirements – Barber Refresher Course

a) The 250-hour barber refresher course required under Section 1175.210, 1175.220 or 1175.230 shall include a minimum of 250 clock hours of training in the following categories, as defined in Section 1175.330:

1) Basic Training;

2) Shaving and Facial Hair Design;

3) Hair Cutting and Styling;

4) Chemical Texture Services; and

5) Barbershop Management;

b) The refresher course in subsection (a) shall include a minimum of 25 hours in basic training. The subjects covered in the remaining 225 hours may be

determined at the discretion of the school and/or teacher, provided the refresher course includes training in each category listed in subsection (a). Instruction shall be a combination of classroom instruction and hands on (practical and technical) experience. However, instruction may include online hours in theory not to exceed 10% of the total hours.

c) The 100-hour barber refresher course set forth in Section 1175.210 shall be similar to the refresher course in subsection (a), except that the school and/or teacher shall have the discretion to structure the course to the individual needs of the student to better prepare the student for again taking the examination.

(Source: Added at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.332 Curriculum Requirements – 500-Hour Barber Course for Licensed Cosmetologists and Licensed Cosmetology Teachers

a) The 500-hour barber course for licensed cosmetologists or licensed cosmetology teachers seeking licensure as a barber (see Section 2-10 of the Act), shall include a minimum of 500 clock hours of instruction and practical experience in subjects in the following categories as defined in Section 1175.330:

1) Basic Training − 90 Hours, including the Act and this Part and sanitary standards;

2) Shaving and Facial Hair Design – 50 Hours;

3) Haircutting and Styling – 300 Hours;

4) Chemical Texture Services – 30 Hours;

5) Barbershop Management – 30 Hours.

b) The school may provide online hours in theory, not to exceed 10% of the total hours.

c) The school may include an internship as part of this course.

(Source: Added at 42 Ill. Reg. 15159, effective August 10, 2018)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

Section 1175.335 Curriculum Requirements – Barber Teacher

a) Each licensed barber school that provides teacher training must utilize a teacher programshall provide a curriculum that includes a minimum of 1000 hours or a 34 credit hour equivalency (1 credit hour equals 30 clock hours) of instruction. The licensed barber school may provide online hours in theory, but online hours shall not exceed 10% of the hours required in each of subsections (a)(1), (2), (3) and (4). The minimum number of hours shall be as followsin the following subject areas:

1) 500 hours of Post-Graduate School Training that includes all subjects in the basic barbering curriculum (see Section 1175.330), including theory and practice. Presentation of material must include the concepts that are intended to be taught and the skills to be acquired during the various phases of basic education.Practice of barbering;

2) 20 hours of Educational Psychology that shall include, but not be limited to, topics in educational objectives, student characteristics and development, the learning process, and an evaluation of learning that relates to teaching. These hours shall be waived on behalf of barber teacher students who have completed a course in Educational Psychology at an accredited college or university.Theory of barbering;

3) 20 hours of Teaching Methods (Theory) that shall include, but not be limited to, topics in individual differences in learning, lesson planning and design, lesson delivery, assessment of learning performance, classroom management, student motivation and classroom climate. These hours shall be waived on behalf of barber teacher students who have completed a course in Teaching Methods-Secondary Level at an accredited college or university.Methods of teaching; and

4) 150 hours of Application of Teaching Methods that includes preparation and organization of subject matter to be presented on a unit by unit basis and presentation of subject matter through application of varied methods (lecture, demonstration, testing and assignments). Presentations must provide teaching objectives to be accomplished and correlate theoretical with practical application.School management.

5) 50 hours of Business Methods that includes inventory, recordkeeping,

interviewing, supplies, the Act and this Part.

6) 260 hours of Student Teaching under the on-site supervision of an Illinois licensed teacher. The student teacher shall present theoretical and practical demonstrations to students in the basic curriculum.

~~b)~~ ~~A minimum of 100 hours in each subject area shall be required. The remaining 600 hours shall be at the discretion of the instructor, based on the instructor's evaluation of the individual student's needs.~~

b~~c~~) The approved curriculum for a 500-hour Teacher Training Course shall be based upon 3 years of practical experience for a barber and shall consist of the Teacher Training Curriculum outlined in subsection (a)(2) through (6)~~a minimum of 50 hours in each of the subject areas in subsection (a). The remaining 300 hours shall be at the discretion of the instructor based on the instructor's evaluation of the individual student's needs~~.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.336 Curriculum Requirements – Barber Teacher Refresher Courses

a) The barber teacher refresher course shall include a minimum of 250 clock hours of instruction and practical experience and may include online instruction for theory not to exceed 10% of the total hours in subjects in each of the categories of training defined in Section 1175.335:

1) 20 hours of Educational Psychology;

2) 20 hours of Teaching Methods (Theory);

3) 120 hours of Application of Teaching Methods;

4) 50 hours of Business Methods; and

5) 40 additional hours of training as determined by the school or teacher.

b) In the case of barber teacher applicants who fail to pass a third examination, the remedial training required by Section 1175.335(c) shall include 80 clock hours of additional instruction in the following categories of training defined in Section

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

1175.335:

1) 20 hours of Teaching Methods (Theory); and

2) 60 hours of Application of Teaching Methods.

(Source: Added at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.340 Final Examination

a) A school shall require each candidate for graduation to pass a final examination that tests the student's theoretical and practical knowledge of the curriculum studied. A "final examination" shall include a single final examination or multiple examinations as determined by the school.

b) The practical examination shall test the candidate's skills in the following areas:

1) Hair cutting;

2) Sanitation; and

3) Shaving.

c) The examination shall be administered by the uniform application of standard performance criteria established by the school for each skill area. The standard performance criteria for each skill area shall be delineated in the examination records as specified in subsection (h).

d) A passing score of 75 or greater shall be required on both the theoretical and practical portions of the final examination or another state's passing grade.

e) The school shall allow each candidate for graduation at least 3 attempts to pass the final exam.

f) The Division may monitor the administration of the final examination:

1) As a result of a complaint received;

2) For random sampling;

3) To collect data; and/or

4) When the failure rate on the licensure examination for school graduates is greater than 25%.

g) The Division shall maintain records of each school's graduate failure rate on the licensing examination. The records shall reflect only first examination attempts for each graduate. The Division mayshall review the records on an annual basis to identify those approved schools that have an average annual failure rate greater than 25%. An average annual failure rate greater than 25% is grounds for school disapproval.

h) The school shall maintain records of the final examination for a period of no less than 5 years in the manner prescribed in Section 1175.320 of this Part. These records shall include:

1) A copy of the final examination administered; and

2) Each student's examination grades.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.345 Change of Ownership

a) For purposes of this Section, "change of ownership", "sale" or "transfer" of a corporation means the transfer of more than 50% of stock during a 14-day period. For purposes of this Section, "change of ownership", "sale" or "transfer" of a partnership means a change of more than 50% of the partners during a 14-day period. For purposes of this Section, "change of ownership", "sale" or "transfer" of an LLC means a change of more than 50% of the members during a 14-day period. Any change of ownership of a parent business entity that owns the school's owner shall not be considered a change of ownership of the school.

b) If a licensed school is to be sold or otherwise transferred, the new owner must notify the Division at least 30 days in advance of the effective date of the transfer of ownership. The notification shall include a signed and dated letter from the pre-transfer owner acknowledging the planned sale or transfer.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

c) Upon filing notice to the Division, the new owner may continue to operate the school under the previously issued license, provided that the new owner submits an application for licensure with the Division within 30 days after the effective date of the transfer of ownership by mailing to the Division:~~a)When the ownership of an approved school changes, the new owner shall, within 5 working days from the date title to the school is transferred, mail to the Division the following:~~

1) A signed and completed school application;

2) A detailed 8½ x 11 inch floor plan that is:

A) drawn to scale;

B) shows dimensions;

C) has all areas labeled;

D) has all fixtures shown; and

E) demonstrates compliance with the requirements of Section 1175.305, if any expansion is to be done by the new owner;

3) A copy of:

A) a lease agreement showing at least a 1 year commitment to the use of the school site, the name of the lessor and the name of the lessee; or

B) the certification of proposed school site ownership;

4) A copy of the enrollment agreement~~student contract~~ that will be utilized by the new owner;

5) If the new owner is a corporation, limited liability company, or partnership a~~A~~ copy of the following:~~Articles of Incorporation, if the owner is a corporation; if the owner is a limited liability company, a copy of the Articles of Organization~~;

A) if the owner is a domestic corporation, a filed copy of the Articles of Incorporation filed with the Secretary of State or, in the case of a foreign corporation, a filed copy of the Authority to Transact Business in Illinois accepted by and filed with the Secretary of State;

B) if the owner is a domestic limited liability company, a copy of the Articles of Organization that were filed with the Secretary of State, or if the owner is a foreign limited liability company, a copy of the Application for Admission to Transact Business as a Foreign Limited Liability Company accepted by and filed with the Secretary of State; or

C) if the owner is a partnership, a listing of all partners and their addresses;

~~6) A listing of all partners and their addresses, if the owner is a partnership;~~

6~~7~~) A copy of curricula that will be used by the new owner;

7~~8~~) A sample copy of the school's official transcript;

8~~9~~) A Commitment Statement, as provided in the licensure application packet, signed and dated by the school's chief administrative officer~~managing employer and a statement signed and dated by each partner or each officer of the corporation~~;

9~~10~~) List of all the names, addresses and current status of all schools in which the applicant has previously owned any interest, and a declaration as to whether any of these schools were ever denied accreditation or licensing or lost accreditation or licensing from any government body or accrediting agency;

10~~11~~) An official~~A signed~~ inspection report by the local fire inspection authority within 6 months after application approving the school site;

11~~12~~) A financial statement indicating sufficient current finances exist to operate the school for at least 3 months. The Division will not accept a bank statement as sufficient proof to meet this requirement. This financial

statement shall include reporting cash assets on hand and any liabilities and shall be prepared by either a certified public accountant or a person knowledgeable about the finances of the school. Any financial statement submitted by a person who is not a certified public accountant must contain a signed statement certifying under penalty of perjury that the information is true and accurate based upon inspection of the financial records of the school~~prepared by a certified public accountant licensed by the Division pursuant to the Illinois Public Accounting Act [225 ILCS 450] who is not an employee of the school, indicating sufficient finances exist to operate the school for 1 full year~~;

12~~13~~) If a name change is to also occur, all documents submitted must include the new name~~the new owner must submit a sample of the new school seal and a photo of the new school sign~~; and

13~~14~~) The required fee set forth in Section 1175.100.

d~~b~~) Once the items listed in subsection (c)~~(a)~~ have been received, the Division shall conduct an inspection prior to approval of the change of ownership. Approval will be granted if the requirements of Subpart C have been met.

e~~c~~) If the new owner fails to submit a new application within 30 days, or if the Division does not approve the school, the school shall remain closed until final Division approval is received.

f) The new owner is responsible for ensuring that the school is in compliance with all current provisions of the Act and this Part.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.350 Change of Location

a) When the location of a licensed ~~an approved~~ school is to be changed, the school owner shall submit to the Division the following:

1) Written notice to the Division at least 30 days in advance of the school site change;

2) A signed and completed school application;

3) A detailed 8½ x 11 inch floor plan that is:

A) drawn to scale;

B) shows dimensions;

c) has all areas labeled;

d) has all fixtures shown; and

e) demonstrates compliance with the requirements of Section 1175.305;

4) A copy of:

A) a lease agreement showing at least a 1 year commitment, the address of the school site, the name of the lessor and the name of the lessee; or

B) the certification of ownership of the school site;

5) An official~~A signed~~ fire inspection report by the local fire inspection authority, conducted within 6 months prior to application, approving the site; and

6) The required fee set forth in Section 1175.100.

b) Once the items listed in subsection (a) have been received, the Division shall inspect the premises to determine compliance with this Part. If any changes affecting the items in subsection (a) are made prior to inspection, the school owner must notify the Division in writing. School operations shall not commence at the new location until the owners have received written notice of approval from the Division. Approval will be granted if the requirements of this Subpart C have been met.

c) If the change of location is due to natural destruction of, or other severe damage to, the original premises due to circumstances beyond the control of the owner, a temporary site may be used to teach theory classes only.

1) The temporary site must be inspected prior to its use and must possess light and ventilation, tables and chairs for the number of students in a classroom, and must be clean.

2) The temporary site may be used for a period of 2 months. The 2 month period can be extended for good cause. Good cause includes, but is not limited to, unexpected delays in construction, delays in lease arrangements, or delays in equipment delivery.

d) If the site is not approved, the school shall not solicit new students for this location until the school has been approved.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.355 Change of Name

When changing the name of a licensed school, a written request for a name change, along with supporting documentation, and the required fee specified in Section 1175.100, shall be submitted~~mailed~~ 30 days in advance of any name change. The Division shall then issue an updated license~~a new certificate~~. At the time of the change of name, all identifying signs and materials must be changed to conform to~~with~~ the new name on the school license.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.360 Expansion

a) Written notice shall be given to the Division 30 days prior to any expansion of a licensed ~~an approved~~ school.

b) Off-Site Classrooms

1) When the expansion will result in an off-site classroom location, a completed school application must be submitted along with:

A~~1~~) A detailed 8½ x 11 inch floor plan that is:

i) drawn to scale;

ii) shows dimensions;

iii) has all areas labeled;

iv) has all fixtures shown; and

v) demonstrates compliance with the requirements of Section 1175.305;

B~~2~~) A copy of:

i) a lease showing at least a 1-year commitment to the use of the site, the address of the school site, the name of the lessor and the name of the lessee; or

ii) the certification of ownership of the proposed site;

C~~3~~) An official~~A signed~~ fire inspection report, from the local fire inspection authority within the last 6 months, giving approval for use of the site as an off-site classroom location;

D~~4~~) A statement from the school owner outlining the purpose of the off-site classroom location;

E~~5~~) A listing of any and all additional teachers who will be added to the teaching staff as a result of the expansion;

F~~6~~) A financial statement indicating sufficient current finances exist to operate the school for at least 3 months. The Division will not accept a bank statement as sufficient proof to meet this requirement. This financial statement shall include reporting cash assets on hand and any liabilities and shall be prepared by either a certified public accountant or a person knowledgeable about the finances of the school. Any financial statement submitted by a person who is not a certified public accountant must contain a signed statement certifying under penalty of perjury that the information is true and accurate based upon inspection of the financial records of the school~~prepared by a certified public accountant licensed by the Division pursuant to the Illinois Public~~

~~Accounting Act [225 ILCS 450] who is not an employee of the school, indicating sufficient finances exist to operate the school for 1 full year~~; and

G~~7~~) The required fee set forth in Section 1175.100.

2) An off-site classroom location is defined as a separate classroom, not continuously joined (i.e., not accessible from the current or main space), located within 5 miles of the main school site that serves to provide adequate space in which to train an overflow of students. A clinic may not be operated at an off-site classroom location. A school may establish only one off-site classroom location. All identifying signs and materials must reflect the name of the main school.

c) When an on-site expansion is to accommodate an increased enrollment, a completed school application shall be submitted along with:

1) A detailed 8½ x 11 inch floor plan that is:

A) drawn to scale;

B) with dimensions;

C) has all areas labeled;

D) has all fixtures shown; and

E) demonstrates compliance with the requirements of Section 1175.305;

2) A statement from the school owner outlining the purpose of the expansion;

3) A listing of any and all additional teachers who will be added to the teaching staff as a result of the expansion; and

4) The required inspection fee.

d) Upon receipt of the items listed in subsections (b) and (c), the Division shall inspect the expansion site to determine compliance with this Part. If any changes

affecting the items in subsections (b) and (c) are made prior to inspection, the school owner must notify the Division in writing. The site shall not be used until the inspection has occurred and the owner has received written notification of approval from the Division. Approval will be granted if all of the requirements of this Subpart C have been met.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.365 Discontinuance of Program

a) The Division shall receive a minimum of 30 days written notice of a school's intent to discontinue its program. The notice shall include the exact location where the student records are to be stored.

b) The school owner shall notify the Division in writing of the actual closing date of the school.

c) All school records shall be maintained after the school closes.

d) The school must continue to meet the requirements of the Act and this Part until the actual closing date.

e) Each student enrolled at the time of discontinuation must be provided an official transcript of all hours earned while enrolled in the program.

f) Each student shall be given a refund prorated to at least reflect the percentage of time remaining to complete the course of instruction~~equal to or greater than the percentage of time remaining to complete the course of instruction~~.

g) Students who have acquired 750 or more clock hours before their school closes shall be allowed to transfer all accumulated hours to another licensed barber school. Schools accepting these hours shall not be credited with the students' pass/fail statistics (see Section 1175.570(b)) resulting from their first attempt on the Illinois examination.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.370 Withdrawal of Licensure~~Approval~~

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

a) The Division may withdraw, suspend or place on probation, pursuant to 68 Ill. Adm. Code 1110, the licensure~~approval~~ of a school of barbering when the quality of the program has been affected by any of the following causes:

1) Gross or repeated violations of any provisions of the Act or this Part;

2) Fraud or dishonesty in furnishing transcripts or documentation for evaluation of the school;

3) Failure to meet the criteria for school approval in Section~~Section~~ 1175.300 or 1175.301;

4) Failure to administer the final examination as specified in this Part;

5) Failure to maintain final examination grades for each student and a master of the examination administered by the school as specified in this Part;

6) Fraud or dishonesty in providing transcripts to students;

7) Failure to provide transcripts to students who have fulfilled all obligations under Section 1175.310;

8) A finding by the U.S. Office of Education or Illinois Student Assistance Commission that a school has misappropriated or misused grant or loan monies or has aided in obtaining such monies by providing fraudulent or untruthful information; or

9) Any other violations of the Act or this Part.

b) ~~Performance Record on Licensing Examination1)When a school's graduates have a 25% or greater failure rate on the licensing examination, Division approval of a school shall be reviewed pursuant to Section 1175.300.2)The performance record of a school's graduates on the licensing examination as compared with the statewide performance record shall be considered by the Division when reviewing Division approval of a school. 3)~~The Division shall give written notice and a hearing pursuant to 68 Ill. Adm. Code 1110 when Division approval of a school is proposed to be withdrawn.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

Section 1175.375 Cosmetology Schools Approved to Teach Barbering

a) Existing cosmetology schools that wish to provide barbering instruction shall:

1) Provide 200 square feet of space to accommodate 5 work stations and a maximum of 10 students. If attendance exceeds 10 on the clinic floor at any time, an additional 40 square feet is required for each additional work station required by subsection (a)(4)(B). The use of this space shall not reduce the square footage for the conduct of an approved cosmetology school below the minimum requirements set forth in Section 1175.505.

2) File an application with the Division, on forms provided by the Division, that shall include:

A) A detailed 8½ x 11 inch floor plan that is:

i) drawn to scale;

ii) shows dimensions;

iii) has all areas labeled;

iv) has all fixtures shown; and

v) demonstrates compliance with the requirements of Section 1175.305;

B) An official~~A signed~~ copy of the fire inspection report from the local fire inspection authority, conducted within 6 months prior to application, giving approval for use of the site as a school;

C) A financial statement indicating sufficient current finances exist to operate the school for at least 3 months. The Division will not accept a bank statement as sufficient proof to meet this requirement. This financial statement shall include reporting cash assets on hand and any liabilities and shall be prepared by either a certified public accountant or a person knowledgeable about the finances of the school. Any financial statement submitted by a

person who is not a certified public accountant must contain a signed statement certifying under penalty of perjury that the information is true and accurate based upon inspection of the financial records of the school~~prepared by a certified public accountant licensed by the Division pursuant to the Illinois Public Accounting Act [225 ILCS 450] who is not an employee of the school, showing that the owner has sufficient finances to operate the school for at least 3 months~~;

D) A copy of the enrollment agreement to be used by the school;

E) A copy of the barbering curriculum;

F) A listing of all barber and cosmetology teachers, including their teacher license numbers, who will be in the school's employ;

G) A copy of the school's official transcript; and

H) The required fee set forth in Section 1175.100.

3) Subsections (a)(2)(B) through (D) shall not apply to a public school.

4) When the items listed in subsection (a)(2) have been received, the Division shall inspect the school premises, prior to school approval, to determine compliance.

5~~4~~) In addition, the school shall have the following:

A) At least one work station or position for every 2 students. Every work station shall include electrical outlets, mirror space and either a barber chair or styling chair.

B) Every school shall provide sufficient barbering tools, devices and supplies for each student in attendance.

b) Cosmetology schools approved to teach barbering shall be required to comply with all provisions of this Part. Space and equipment required for barber schools pursuant to ~~except for~~ Section 1175.305(a) and (b) may be utilized for both the cosmetology and barber programs offered by the cosmetology school.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

c) Cosmetology teachers shall only teach those subjects that are common to barbering and cosmetology.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

SUBPART D: COSMETOLOGY

Section 1175.400 Licensure by Examination – Cosmetology

a) Eligibility. Each applicant must meet the following requirements (see Section 3-2 or 3-3 of the Act) prior to filing an application for the cosmetologist examination:

1) Be at least 16 years of age;

2) Be a high school graduate or its equivalent or be beyond the age of compulsory school attendance;

3) Either:

A) Pursuant to Section 3-2 of the Act, graduate from a cosmetology school approved by the Division that meets the requirements set forth in Subpart E; or

B) Pursuant to Section 3-3 of the Act, graduate from a barber school approved by the Division that meets the requirements set forth in Subpart C.

~~1) Each applicant must meet the requirements in either Section 3-2(1)(a), (b) and (c) or 3-3(a), (b) and (c) of the Act prior to filing an application for the Division authorized cosmetology examination.~~

~~2) An applicant's training must be received from a school of cosmetology approved by the Division that meets the requirements set forth in Subpart E of this Part.~~

b) Application. Each applicant shall file an application for examination, on forms provided by the Division~~, at least 45 days prior to an examination date~~. The application shall include:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

1) An official transcript showing successful completion of the required training outlined in Section 3-2(c) or 3-3(c) of the Act~~; official transcripts showing successful completion of remedial training when required by Section 1175.410(c) of this Part~~ and a passing grade on the final examination administered by the school as set forth in Section 1175.540;

2) The required fee set forth in Section 1175.100;

3) Official transcripts showing successful completion of remedial training when required by Section 3-6 of the Act or Section 1175.410 of this Part;

~~2) A request, if desired, to take the written examination in the Spanish language;~~

43) Proof of any name change (i.e., marriage license, divorce decree, affidavit or court order) if the applicant's name is other than that shown on any documents submitted;

54) If licensed as a cosmetologist in another state, a certification of licensure from the state of original licensure and from the state of current licensure or most recent practice; and

~~5) The required examination fee.~~

6) The examination fee required by the Department's testing service.

c) Examination. Each applicant shall take and pass the cosmetology examination as required in Section 1175.410.

d) An applicant's training received from a cosmetology school or similar institution located in another state, other jurisdiction of the United States, or foreign jurisdiction must substantially comply with the requirements set forth in Subpart E. An applicant seeking credit for training or licensure in a foreign country must provide educational training credentials and transcripts and/or evidence of licensure to determine if the applicant's program substantially complies with the requirements set forth in Subparts D and E. The Board may, as a means of assisting it in the review of foreign country training or licensure, require an applicant to submit his/her educational training credentials and transcripts and/or

evidence of licensure to an approved education credentialing evaluation service or similar service approved by the Board for evaluation at the cost to the applicant. The Board may also require additional coursework or a 250-hour cosmetology refresher course from a school licensed by the Division as set forth in Section 1175.531. The Board may also require an applicant to appear for an interview before the Board or to provide additional information to assist the Board in its evaluation of the applicant's training.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.405 Licensure by Examination – Cosmetology Teacher ~~and Cosmetology Clinic Teacher~~

a) Eligibility. Each applicant must meet the following requirements pursuant to Section 3-4(a)(1), (2), (3) and (4)~~in Section 3-4(a) and (b)~~ of the Act prior to filing an application for the cosmetology teacher examination:~~.~~

1) Be at least 18 years of age;

2) Be a high school graduate or its equivalent;

3) Hold a license in good standing as a cosmetologist;

4) Either:

A) Complete a program of 500 hours of cosmetology teacher training in an approved cosmetology school and 2 years of practical experience as a licensed cosmetologist within 5 years preceding the application; or

B) Complete a program of 1000 hours of cosmetology teacher training in an approved cosmetology school.

b) Application. Each applicant shall file an application, on forms provided by the Division~~, at least 45 days prior to an examination date~~. The application shall include:

1) Either:

A) In the case of a cosmetology teacher training graduate (see Section 3-4(a)(4)(i) of the Act):

i) An official transcript from an approved cosmetology school showing successful completion of a program of 500 hours of cosmetology teacher training as set forth in Section 1175.535; and

ii) 2 employment verification forms showing at least 2 years of practical experience as a licensed cosmetologist within the last 5 years.

B) In the case of a cosmetology teacher training graduate, pursuant to Section 3-4(a)(4)(ii) of the Act, an official transcript from an approved cosmetology school showing successful completion of a program of 1000 hours of cosmetology teacher training as set forth in Section 1175.535;

2) The applicant's Illinois cosmetology license number;

3) If licensed as a cosmetology teacher in another state, other jurisdiction of the United States, or foreign jurisdiction, a certification of licensure from the state or jurisdiction of original licensure and from the state or jurisdiction of current licensure or most recent practice;

4~~1~~) Proof of any name change (i.e., marriage license, divorce decree, affidavit, or court order) if name is other than that shown on any document submitted; and

5) The examination fee required by the Department's testing service.

c) Examination. Each applicant shall take and pass the cosmetology teacher examination as required in Section 1175.410.

d) An applicant's training received from a cosmetology school or similar institution located in another state, other jurisdiction of the United States or foreign jurisdiction must substantially comply with the requirements set forth in Subpart E. An applicant seeking credit for training or licensure in a foreign country must provide educational training credentials and transcripts and/or evidence of

licensure to determine if the applicant's program substantially complies with the requirements set forth in Subparts D and E. The Board may, as a means of assisting it in the review of foreign country training or licensure, require an applicant to submit his/her educational training credentials and transcripts and/or evidence of licensure to an approved education credentialing evaluation service or similar service approved by the Board for evaluation at the cost to the applicant. The Board may also require additional coursework or a 250-hour cosmetology refresher course from a school licensed by the Division as set forth in Section 1175.531. The Board may also require an applicant to appear for an interview before the Board or to provide additional information to assist the Board in its evaluation of the applicant's training.

e) The required fee set forth in Section 1175.100.

~~2) The required examination fee;~~

~~3) For cosmetology teacher:~~

~~A) Either:~~

~~i) An official transcript from an approved school of cosmetology showing successful completion of a program of 500 hours of teacher training as outlined in Section 1175.535 of this Part and 2 employment verification forms showing at least 2 years of practical experience as a licensed cosmetologist; or~~

~~ii) An official transcript from an approved school of cosmetology (see Subpart E) showing successful completion of a program of 1000 hours of teacher training as outlined in Section 1175.535 of this Part; and~~

~~B) If licensed as a cosmetology teacher in another state, a certification of licensure from the state of original licensure and from the state of current licensure or most recent practice;~~

~~4) For cosmetology clinic teacher:~~

~~A) an official transcript from an approved school of cosmetology~~

~~showing successful completion of a program of 250 hours of clinic teacher training in a licensed school of cosmetology; or~~

~~B)~~ ~~Proof that the teacher, within 5 years preceding the examination, has obtained a minimum of 2 years of practical experience working at least 30 full-time hours per week as a licensed cosmetologist and has completed an instructor's institute of 20 hours, as approved by the Division, prior to submitting an application for examination; and~~

~~5)~~ ~~A copy of the applicant's current Illinois cosmetology license.~~

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.406 Licensure by Acceptance of Examination − Cosmetologist

a) Eligibility. If the applicant does not hold a license as a cosmetologist or cosmetology teacher in any jurisdiction of the United States but has completed cosmetology training and passed cosmetology licensing examination in that jurisdiction substantially similar to the requirements of the Act and this Part, the applicant shall apply for licensure under this Section.

b) Application. Each applicant shall file an application for acceptance of examination on forms provided by the Division. The application shall include:

1) An official transcript from the school or program showing successful completion of training;

2) Proof of passage of the licensing examination within 12 months of application; and

3) The required fee set forth in Section 1175.100.

(Source: Added at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.407 Licensure by Acceptance of Examination − Cosmetology Teacher

a) Eligibility. If the applicant has a cosmetology license in any jurisdiction of the United States, does not hold a cosmetology teacher license in any jurisdiction of

the United States, and has completed cosmetology teacher training and passed a teacher examination in another jurisdiction of the United States other than Illinois substantially similar to the requirements of the Act and this Part, the applicant shall apply for licensure under this Section.

b) Application. Each applicant shall file an application for acceptance of examination on forms provided by the Division. The application shall include:

1) Proof of licensure as a cosmetologist in this or any other jurisdiction of the United States;

2) Proof of 2 years of practical experience as a licensed cosmetologist within 5 years preceding the application;

3) An official transcript from the school or program showing successful completion of teacher training;

4) Proof of passage of a teacher licensing examination within 12 months preceding the application; and

5) The required fee set forth in Section 1175.100.

(Source: Added at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.410 Examination Requirements

a) Examinations shall be administered by the Division or its designated testing service and shall cover subject matter as set forth in Section 3-6 of the Act.

b) The passing grade on each examination is 75 or another state's passing grade.

c) Retakes

1) A cosmetology applicant who fails to pass a third examination must submit an official transcript from a licensed cosmetology school showing successful completion of a 100-hour refresher course, or the 250-hour cosmetology~~250 hour~~ refresher course, from a school licensed by the Division as set forth in Section 1175.531, prior to taking the examination a fourth time.

2) A cosmetology teacher ~~or cosmetology clinic teacher~~ applicant who fails to pass a third examination must submit an official transcript from a licensed cosmetology school showing successful completion of 80 hours of additional study in teaching methodology and educational psychology prior to taking the examination a fourth time.

~~3) Upon failing the fourth examination, an applicant must submit an official transcript from an approved cosmetology school showing successful repetition of the entire program of training prior to taking the examination a fifth time, or a cosmetology clinic teacher may complete training in an instructor's institute of 20 hours.~~

3~~4~~) The requirement for remedial training set forth in this Section may be waived in whole or in part by the Division upon proof to the Division that the applicant has demonstrated competence to again sit for the examination. Pursuant to Section 3-6 of the Act, the Division shall consider the following factors when waiving remedial training, including but not be limited to: the percentage points by which the applicant failed the examination, the number of times the applicant failed the examination and extenuating circumstances that explain the applicant's failure to pass the examination.

4~~5~~) For purposes of the examination retakes, the fourth~~fifth~~ attempt shall count as the first.

5~~6~~) An applicant shall make a written request for an examination retake at least 45 days in advance of the examination date. The~~Such a~~ request must include the required examination fee and official transcripts when further study is required in accordance with subsections (c)(1), (2) and (3).

d) If an applicant has not submitted an application for licensure within 12 months after taking and passing the examination, the applicant must retake and pass the examination prior to being granted a license.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.415 Application for Licensure (Repealed)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

~~a)~~ ~~Each applicant shall submit to the Division:~~

~~1)~~ ~~A signed and completed licensure application that the applicant will receive with the notification of successful completion of the examination;~~

~~2)~~ ~~Proof of name change (i.e., marriage license, divorce decree, affidavit or court order) if different from that shown on pre-printed licensure application; and~~

~~3)~~ ~~The required fee set forth in Section 1175.100.~~

~~b)~~ ~~Any licensed nail technology teacher or licensed esthetics teacher shall not be required to take the examination set forth in Section 1175.405. An application shall be submitted to the Division that includes:~~

~~1)~~ ~~A copy of his/her current nail technician teacher license or esthetics teacher license;~~

~~2)~~ ~~A copy of his/her nail technician license or esthetics license;~~

~~3)~~ ~~Either:~~

~~A)~~ ~~Proof of two years experience as an esthetician or nail technician; or~~

~~B)~~ ~~An official transcript verifying completion of 500 hours of post-graduate school training that includes all subjects in the basic cosmetology curriculum in Section 1175.535, including theory and practice. Presentation of material must include the concepts that are intended to be taught and the skills to be acquired during the various phases of basic education; and~~

~~4)~~ ~~The required fee set forth in Section 1175.100.~~

(Source: Repealed at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.420 Licensure by Endorsement

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

a) An applicant who is currently registered or licensed as a cosmetologist in another state or jurisdiction of the United States and who is seeking licensure in Illinois by endorsement shall file an application, on forms provided by the Division, that includes:

1) An official certification of licensure from the state or government board in the applicant's jurisdiction of original licensure and from the state or government board in which the applicant is currently licensed and practicing, if other than the original, stating the applicant's name, the cosmetologist license number, the original issuance date and the expiration date. The license issued must be the same or substantially similar to the cosmetology license issued by the Division;

2) Proof of any name change (i.e., marriage license, divorce decree, affidavit or court order) if the applicant's name is other than that shown on submitted documents; and

3) The required fee set forth in Section 1175.100.

b) An applicant who is currently registered or licensed as a cosmetology teacher in another state or jurisdiction of the United States and who is seeking licensure in Illinois by endorsement shall file an application, on forms provided by the Division, that includes:

1) An official certification of licensure from the state or government in the applicant's jurisdiction of original licensure and from the state or government board in which the applicant is currently licensed and practicing, if other than the original, stating the applicant's name, the cosmetology teacher license number, the original issuance date and the expiration date. The license issued must be the same or substantially similar to the cosmetology teacher license issued by the Division;

2) Proof of any name change (i.e., marriage license, divorce decree, affidavit or court order) if the applicant's name is other than that shown on submitted documents; and

3) The required fee set forth in Section 1175.100.

c~~a~~) An applicant who is currently registered or licensed as a cosmetologist in a

foreign country or province and who is seeking licensure in Illinois by endorsement shall file an application, on forms provided by the Division, that includesshall include:

1) An official documentcertification of licensure from the government agency, boardGovernment Board or councilCouncil in the applicant's original jurisdiction of practiceoriginal licensure stating the applicant's legal name, the cosmetologist license number, the original issuance date, the expiration date, a brief description of any licensure or exit examination taken to qualify for the license, and the grades received. The license issued in a foreign country and its requirements must be the same or substantially similar to the cosmetology license issued by the Division and whether the applicant's file contains any record of disciplinary actions taken or pending;

2) An official transcript from the school or schools attended by the applicant showing the individual subject areas completed and the hours completed by the applicant, with the school seal affixed, or an official certification from the government agency, boardGovernment Board or councilCouncil showing the individual subject areas completed and the hours completed by the applicant, with the board, agencyBoard or councilCouncil seal affixed. Educational training credentials and transcripts and/or evidence of licensure obtained in a foreign country must be submitted to determine if the applicant's program substantially complies with the requirements set forth in Subparts D and E. The Board may, as a means of assisting it in the review of foreign country training or licensure, require an applicant to submit his/her educational training credentials and transcripts and/or evidence of licensure to an approved education credentialing evaluation service or similar service approved by the Board for evaluation at the cost to the applicant. The scope of practice and education requirements must be the same or substantially similar to the cosmetology license issued by the Division. The Board may require additional coursework or a 250-hour cosmetology refresher course from a school licensed by the Division as set forth in Section 1175.531 or may require an applicant to pass the cosmetology examination. The Board may also require an applicant to appear for an interview before the Board or to provide additional information to assist the Board in its evaluation of the applicant's training;

3) An official certification of licensure from the state or country in which the

applicant is currently licensed and practicing, if other than the original, stating the applicant's legal name, the cosmetologist license number, the original issuance date, the expiration date, a brief description of any licensure examination taken to qualify for the license and the grades received, and whether the applicant's file contains any record of disciplinary actions taken or pending;

4) Evidence that the applicant has practiced cosmetology in another jurisdiction for at least 3 years after completing the requirements to qualify for registration or licensure in that particular jurisdiction, but within 5 years preceding his/her application for endorsement. This evidence may be in the form of affidavits from at least 3 clients, coworkers or business owners who can verify the applicant's practice as a cosmetologist;

~~5)~~ ~~Any document submitted in a foreign language must be accompanied by an original, notarized English translation. The translator must certify on the translation that he or she is fluent in English and the language of the document. The translator must certify to the accuracy of the translation;~~

5~~6~~) Proof of any name change (i.e., marriage license, divorce decree, affidavit or court order) if the applicant's name is other than that shown on submitted documents; and

6~~7~~) The required fee set forth in Section 1175.100.

~~b)~~ ~~An applicant who is currently licensed as a cosmetologist in another state or territory of the United States and who is seeking licensure in Illinois by endorsement shall file an application, on forms provided by the Division, that shall include:~~

~~1)~~ ~~An official certification of licensure from the state board in the applicant's jurisdiction of original licensure and the state in which the applicant is currently licensed and practicing, if other than the original, stating the applicant's legal name, the cosmetologist license number, the original issuance date, the expiration date, a brief description of any licensure examination taken to qualify for the license and the grades received, and whether the applicant's file contains any record of disciplinary actions taken or pending;~~

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

~~2)~~ ~~Proof of any name change (i.e., marriage license, divorce decree, affidavit or court order) if name is other than that shown on submitted documents; and~~

~~3)~~ ~~The required fee set forth in Section 1175.100.~~

d~~c~~) An applicant who is currently registered or licensed as a cosmetology teacher in a foreign country ~~or province~~ and who is seeking licensure as a cosmetology teacher in Illinois by endorsement shall file an application, on forms provided by the Division, that includes~~which shall include~~:

1) An official document~~certification of licensure~~ from the government agency, board~~Government Board~~ or council~~Council~~ in the applicant's jurisdiction of original licensure stating the applicant's ~~legal~~ name, the cosmetology teacher license number, the original issuance date, the expiration date, a brief description of any licensure or exit examination taken to qualify for the license, and the grades received. The license issued in a foreign country and its requirements must be the same or substantially similar to the cosmetology teacher license issued by the Division~~and whether the applicant's file contains any record of disciplinary action taken or pending~~;

2) An official transcript from the school or schools attended by the applicant showing the individual subject areas completed and the hours completed by the applicant, with the school seal affixed, or an official certification from the government agency, board~~Government Board~~ or council~~Council~~ showing the individual subject areas completed and the hours completed by the applicant, with the agency, board~~Board~~ or council~~Council~~ seal affixed. Educational training credentials and transcripts and/or evidence of licensure obtained in a foreign country shall be submitted to determine if the applicant's program substantially complies with the requirements set forth in Subparts D and E. The Board may, as a means of assisting it in the review of foreign country training or licensure, require an applicant to submit his/her educational training credentials and transcripts and/or evidence of licensure to an approved education credentialing evaluation service or similar service approved by the Board for evaluation at the cost to the applicant. The scope of practice and education requirements must be the same or substantially similar to the cosmetology teacher license

issued by the Division. The Board may require additional coursework or a 250-hour cosmetology refresher course from a school licensed by the Division as set forth in Section 1175.531 or require an applicant to pass the cosmetology examination and/or the cosmetology teacher examination. The Board may also require an applicant to appear for an interview before the Board or to provide additional information to assist the Board in its evaluation of the applicant's training;

3) An official certification of licensure from the state or country in which the applicant is currently licensed and practicing, if other than the original, stating the applicant's legal name, the cosmetologist license number, the original issuance date, the expiration date, a brief description of any licensure examination taken to qualify for the license and the grades received, and whether the applicant's file contains any record of disciplinary actions taken or pending;

4) Evidence that the applicant has practiced as a cosmetology teacher in another jurisdiction for at least 3 years after completing the requirements to qualify for registration or licensure in that particular jurisdiction, but within 5 years preceding his/her application for endorsement. This evidence may be in the form of affidavits from at least 3 clients, coworkers, ~~or~~ business owners, students or school administrators who can verify the applicant's practice as a cosmetology teacher;

~~5)~~ ~~Any document submitted in a foreign language must be accompanied by an original, notarized English translation. The translator must certify on the translation that he or she is fluent in English and the language of the document. The translator must certify to the accuracy of the translation;~~

5~~6~~) Proof of name change (i.e., marriage license, divorce decree, affidavit or court order) if name is other than that shown on any of the documents submitted; and

6~~7~~) The required fee set forth in Section 1175.100.

~~d)~~ ~~An applicant who is currently licensed as a cosmetology teacher in another state or territory of the United States and who is seeking licensure in Illinois by endorsement shall file an application, on forms provided by the Division, that shall include:~~

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

~~1)~~ ~~An official certification of licensure from the state board in the applicant's jurisdiction of original licensure and the state in which the applicant is currently licensed and practicing, if other than the original, stating the applicant's legal name, the cosmetology teacher license number, the original issuance date, the expiration date, a brief description of any licensure examination taken to qualify for the license and the grades received, and whether the applicant's file contains any record of disciplinary actions taken or pending;~~

~~2)~~ ~~Proof of any name change (i.e., marriage license, divorce decree, affidavit or court order) if name is other than that shown on submitted documents; and~~

~~3)~~ ~~The required fee set forth in Section 1175.100.~~

~~e)~~ ~~When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or training is questioned by the Division or the Board because of lack of information, discrepancies or conflicts in information given, or a need for clarification, the applicant seeking licensure shall be requested to:~~

~~1)~~ ~~Provide information as may be necessary;~~

~~2)~~ ~~Appear for an interview before the Board to explain the relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information; and/or~~

~~3)~~ ~~Pass an examination pursuant to Section 3-8 of the Act or complete a 250 hour refresher course at a licensed cosmetology or barber school.~~

e~~f~~) An applicant for licensure as a cosmetologist who is licensed in another jurisdiction may~~shall~~ be given up to 300 hours of educational credit for every 12-month period during which he/she was lawfully employed as a cosmetologist. To obtain credit for work experience, the applicant must submit verification of employment on forms provided by the Division in support of the work experience from at least 3 clients, coworkers or business owners. A certification of licensure from the jurisdiction in which the lawful practice is claimed must also be submitted.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

fg) An applicant applying for licensure as a cosmetologist or cosmetology teacher on the basis of endorsement who has previously failed the licensing examination under this Act in Illinois shall not be approved for licensure on the basis of endorsement unless and until he/she provides verification of successful completion of a substantially equivalent licensure examination. The successful completion of the substantially equivalent examination must occur after the most recently failed examination attempt in Illinois. An applicant may be required to appear before the Board to answer questions about any examination taken by the applicant. The Board may recommend the completion of additional education by an applicant prior to licensure.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.425 Renewals

a) Every license issued under the Act shall expire as follows:

1) Cosmetology teacher, cosmetology clinic teacher and cosmetology school licenses shall expire on September 30 of each even-numbered year.

2) Cosmetologist licenses shall expire on September 30 of each odd-numbered year. A prerenewal period is the 24-month period preceding September 30th in the year of renewal.

3) The holder of a license may renew that license during the month preceding its expiration date.

b) Applicants for renewal shall:

1) SubmitReturn a completed renewal application.

2) Cosmetologist – Certify on the renewal application to successful completion of a minimum of 14 hours of CEcontinuing education from a cosmetology sponsor registered with the Division, in accordance with Section 1175.1200 of this Part, within the 2 years prior to the expiration date of the license, if renewing a cosmetology license. Certify compliance with Section 1175.1220.

3) Cosmetology Teacher and Cosmetology Clinic Teacher – Certify on the renewal application to successful completion of a minimum of 24 hours of CE~~continuing education~~ from a sponsor registered with the Division, in accordance with Section 1175.1200 ~~of this Part~~, within the 2 years prior to renewal if renewing a cosmetology teacher or cosmetology clinic teacher license. Certify compliance with Section 1175.1220. Ten of 24 hours shall be in the following areas:

A) Teaching methodology;

B) Educational psychology;

C) Classroom management; or

D) Other teaching related courses.

4) Submit the required fee set forth in Section 1175.100.

c) A renewal applicant is not required to comply with CE~~continuing education~~ for the first renewal after issuance of original license.

~~d) A licensee who is at least 62 years of age or has been licensed as a cosmetologist, cosmetology teacher or cosmetology clinic teacher for at least 25 years is exempt from the continuing education requirement.~~

d~~e~~) The Division may require additional evidence demonstrating compliance with the CE~~continuing education~~ requirements (i.e., certificate of attendance or certificate of completion). It is the responsibility of each renewal applicant to retain or otherwise produce evidence of this~~such~~ compliance. That~~Such~~ evidence shall be required in the context of the Division's random audit.

e~~f~~) It is the responsibility of each licensee to notify the Division of any change of address. Failure to receive a renewal form from the Division shall not constitute an excuse for failure to renew a license.

f) Practicing or operating on a license that has expired shall be considered unlicensed activity and shall be grounds for discipline pursuant to Section 4-7 of the Act.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.430 Restoration – Cosmetology

a) Application for Restoration

1) A person applying for restoration of a license as a cosmetologist that has expired or been on inactive status for less than 5 years shall submit an application on forms provided by the Division and:

A) Pay the required fee set forth in Section 1175.100; and

B) Provide evidence of successful completion of 14 hours of continuing education earned within the 2 years immediately preceding the restoration.

2) If restoring after active military service, the applicant shall submit a copy of the applicant's ~~Honorable Discharge form (~~DD-214~~)~~ and the current renewal fee.

b) A person applying for restoration of a license as a cosmetologist that has been expired or been on inactive status for 5 years or more shall submit an application on forms provided by the Division along with either:

1) All of the following:

A) Verification of employment as a cosmetologist in another jurisdiction for at least 24 months within the 5 years preceding application for restoration from at least 3 clients, coworkers or business owners;

B) Certification of licensure from the licensing authority in the jurisdiction of employment stating that the~~said~~ practice was authorized;

C) A completed Restoration Questionnaire;

D) Evidence of successful completion of 14 hours of CE~~continuing education~~ earned within the 2 years immediately preceding

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

restoration ~~if restoring a cosmetology license~~; and

E) The required fee set forth in Section 1175.100; or

2) A copy of the applicant's DD-214 ~~form~~ and the current renewal fee, if restoring from active military service.

c) An applicant for restoration under subsection (b) who is unable to comply with one or both of subsections (b)(1)(A) and (B) shall submit official transcripts showing successful completion of a 250-hour refresher course from a licensed cosmetology or barber school as set forth in Section 1175.531 or passage of the examination set forth in Section 1175.410 within 2 years prior to or within 2 years after application for restoration. A cosmetology applicant who completes this refresher course or takes the examination shall not be required to complete 14 hours of CE,~~continuing education~~ but shall comply with the remaining requirements of subsection (b).

d) If an applicant takes and fails the examination, the license will not be restored until he/she has successfully completed the examination.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.435 Restoration – Cosmetology Teacher and Cosmetology Clinic Teacher

a) A person applying for restoration of a license~~certificate~~ as a licensed cosmetology teacher or cosmetology clinic teacher that has been expired or been on inactive status for less than 5 years shall file an application, on forms provided by the Division. An applicant shall also submit proof of 24 hours of CE~~continuing education~~ in accordance with Section 1175.1200 earned within the 2 years preceding the restoration and the required fee set forth in Section 1175.100. If restoring after active military service, an applicant shall submit a copy of his/her DD-214 and the current renewal fee.

b) A person applying for restoration of a license as a cosmetology teacher or cosmetology clinic teacher that has been expired for 5 years or more shall submit an application on forms provided by the Division, along with either:

1) All of the following:

A) Verification of employment as a cosmetology teacher or cosmetology clinic teacher in another jurisdiction for at least 24 months within the 5 years preceding application for restoration from at least 3 students, coworkers or school owners;

B) Certification of licensure from the licensing authority in the jurisdiction of employment;

C) Evidence of successful completion of 24 hours of CE~~continuing education~~ earned within the 2 years immediately preceding the restoration;

D) A completed Restoration Questionnaire; and

E) The required fee set forth in Section 1175.100; or

2) If restoring after active military service, a copy of the applicant's DD-214 ~~form~~ and the current renewal fee.

c) An applicant for restoration of a cosmetology teacher license under subsection (b) who is unable to comply with one or both of subsections (b)(1)(A) and (B) shall submit official transcripts showing successful completion of a 250-hour cosmetology teacher refresher course set forth in Section 1175.536 or passage of the examination set forth in Section 1175.410 within 2 years prior to or within 2 years after application for restoration of a license. Those who successfully complete a 250-hour refresher course or take the examination shall not be required to complete CE~~continuing education~~ before restoring a license, but shall comply with the remaining requirements of subsection (b).

d) An applicant for restoration of a cosmetology clinic teacher license under subsection (b) who is unable to comply with one or both of subsections (b)(1)(A) and (B) shall submit official transcripts showing successful completion of a 60 hour cosmetology teacher refresher course as set forth in Section 1175.536 or passage of the examination set forth in Section 1175.410 within 2 years prior to or within 2 years after application for restoration of a license. Those who successfully complete a 60-hour refresher course as set forth in Section 1175.536 or take the examination shall not be required to complete CE~~continuing education~~ before restoring a license but shall comply with the remaining requirements of subsection (b).

e) If an applicant takes and fails the examination, the license will not be restored until he/she has passed~~successfully completed~~ the examination.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.440 Licensed Barber or Barber Teacher Seeking License as Cosmetologist

A licensed barber or barber teacher may apply for licensure as a cosmetologist. Each applicant shall file an application on forms provided by the Division that includes:

a) The applicant's current barber or barber teacher license number;

b) An official transcript showing successful completion of the supplemental cosmetology course (see Section 1175.532);

c) Proof of passage of the cosmetology examination; and

d) The required fee set forth in Section 1175.100.

(Source: Added at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.441 Licensed Barber Teacher Seeking License as Cosmetology Teacher

A licensed barber teacher may apply for licensure as a cosmetology teacher. Each applicant shall file an application on forms provided by the Division that includes:

a) The applicant's current barber teacher license number;

b) The applicant's current cosmetology license number or an official transcript showing successful completion of the supplemental cosmetology course (see Section 1175.532) and proof of passage of the cosmetology examination; and

c) The required fee set forth in Section 1175.100.

(Source: Added at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.442 Licensed Esthetician or Esthetics Teacher Seeking License as Cosmetologist

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

A licensed esthetician or esthetics teacher may apply for licensure as a cosmetologist. Each applicant shall file an application on forms provided by the Division that includes:

a) The applicant's current esthetician or esthetics teacher license number;

b) Proof of compliance with the requirements of Section 1175.400;

c) An official transcript showing successful completion of the 1500-hour cosmetology course (see Section 3-2 or 3-3 of the Act). The school shall provide credit for all coursework previously completed by the applicant that is common to both esthetics and cosmetology. The official transcript shall indicate the coursework and hours being credited, as well as the coursework undertaken, and credits earned at the school, which shall total at least 1500 hours; and

d) The required fee set forth in Section 1175.100.

(Source: Added at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.443 Licensed Esthetics Teacher Seeking License as Cosmetology Teacher

A licensed esthetics teacher may apply for licensure as a cosmetology teacher. Each applicant shall file an application on forms provided by the Division that includes:

a) The applicant's current esthetics teacher license number;

b) The applicant's current cosmetology license number or proof of compliance with the requirements of Sections 1175.400 and 1175.442(c); and

c) The required fee set forth in Section 1175.100.

(Source: Added at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.444 Licensed Nail Technician or Nail Technology Teacher Seeking License as Cosmetologist

A licensed nail technician or nail technology teacher may apply for licensure as a cosmetologist. Each applicant shall file an application on forms provided by the Division that includes:

a) The applicant's current nail technician or nail technology teacher license number;

b) Proof of compliance with the requirements of Section 1175.400;

c) An official transcript showing successful completion of the 1500-hour cosmetology course (see Section 3-2 or 3-3 of the Act). The school shall provide credit for all coursework previously completed by the applicant that is common to both nail technology and cosmetology. The official transcript shall indicate the coursework and hours being credited, as well as the coursework undertaken, and hours earned at the school, which shall total at least 1500 hours; and

d) The required fee set forth in Section 1175.100.

(Source: Added at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.445 Licensed Nail Technology Teacher Seeking License as Cosmetology Teacher

A licensed nail technology teacher may apply for licensure as a cosmetology teacher. Each applicant shall file an application on forms provided by the Division that includes:

a) The applicant's current nail technology teacher license number;

b) The applicant's current cosmetology license number or proof of compliance with the requirements of Sections 1175.400 and 1175.444(c); and

c) The required fee set forth in Section 1175.100.

(Source: Added at 42 Ill. Reg. 15159, effective August 10, 2018)

SUBPART E: COSMETOLOGY SCHOOLS

Section 1175.500 School Licensure~~Approval~~ Application – Private Schools

a) An applicant for a private cosmetology school license shall submit a completed application to the Division with the following information and documentation:

1) A detailed 8½ x 11 inch floor plan that is:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

A) drawn to scale;

B) shows dimensions;

C) has all areas labeled;

D) has all fixtures shown; and

E) demonstrates compliance~~consistent~~ with the requirements of Section 1175.505~~ of this Part~~;

2) A copy of:

A) a lease showing at least a 1-year commitment to the use of the school site, the address of the school site, the name of the lessor and the name of the lessee; or

B) certification of ownership of the proposed school site;

3) If the owner is a corporation, a filed copy of the Articles of Incorporation; if the owner is a limited liability company, a filed copy of the Articles of Organization; or if the owner is a partnership, a listing of all partners and their current addresses;

4) If the owner will be conducting business under an assumed name as described in the Assumed Business Name Act [805 ILCS 405], a copy of the application to adopt an assumed name filed with the government office responsible for approving the assumed name~~is a partnership, a listing of all partners and their current addresses~~;

5) An official~~A signed~~ fire inspection report from the local fire inspection authority within 6 months prior to filing an application giving approval for use of the site as a school;

6) A financial statement indicating sufficient current finances exist to operate the school for at least 3 months. The Division will not accept a bank statement as sufficient proof to meet this requirement. The financial statement shall include reporting cash assets on hand and any liabilities and shall be prepared by either a certified public accountant or a person

knowledgeable about the finances of the school. Any financial statement submitted by a person who is not a certified public accountant must contain a signed statement certifying under penalty of perjury that the information is true and accurate based upon inspection of the financial records of the school~~prepared by a certified public accountant licensed by the Division pursuant to the Illinois Public Accounting Act [225 ILCS 450] who is not an employee of the school, indicating sufficient current finances exist to operate the school for at least 3 months~~;

7) A copy of the official enrollment agreement~~student contract~~ to be used by the school, which shall be consistent with the requirements of Section 1175.510;

8) A listing of all teachers, including their teacher license numbers, who will be in the school's employ;

9) A copy of the curricula that will be followed for each program that meets the requirements of Section 1175.530;

10) A copy of the school's official transcript for each program that complies with the requirements of Section 1175.530; ~~and~~

11) A Commitment Statement, as provided in the licensure application packet, signed and dated by the school's chief administrative officer; and

12~~11~~) The required fee set forth in Section 1175.100.

b) New schools that wish to offer nail technology, barbering, hair braiding and/or esthetics in addition to cosmetology shall comply with Sections 1175.375, 1175.805, 1175.1505 and/or 1175.1105.

c) When the items required by subsections (a) and (b) have been received, the Division shall inspect the school premises, prior to school approval, to determine compliance with this Subpart. School operations shall not commence, nor shall the school in any way solicit student enrollment, until the school has received written notice of approval from the Division. Approval will be granted if all of the requirements of Subpart E have been met.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

Section 1175.501 School Licensure Application – Public Schools

a) An applicant for a cosmetology school license shall submit a completed application to the Division with the following information and documentation:

1) A detailed 8½ x 11 inch floor plan;

A) drawn to scale;

B) shows dimensions;

C) has all areas labeled;

D) has all fixtures shown; and

E) demonstrates compliance with the requirements of Section 1175.505;

2) A listing of all teachers, including their teacher license numbers, who will be in the school's employ;

3) A copy of the curricula that will be followed for each program that meets the requirements of this Part;

4) A copy of the school's official transcript for each program that meets the requirements of this Part;

5) A Commitment Statement, as provided in the licensure application packet, signed and dated by the school's chief administrative officer; and

6) The required fee set forth in Section 1175.100.

b) New schools that wish to offer nail technology, barbering, hair braiding and/or esthetics in addition to cosmetology shall comply with Sections 1175.375, 1175.805, 1175.1505 and/or 1175.1105.

c) When the items required by subsections (a) and (b) have been received, the Division shall inspect the school premises, prior to school approval, to determine

compliance with this Subpart. School operations may not commence, nor shall the school in any way solicit student enrollment, until the school has received written notice of approval from the Division. Approval will be granted if all of the requirements of this Subpart have been met.

(Source: Added at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.505 Physical Site Requirements

a) Space Requirements

1) A school shall have a minimum of 10001,000 square feet of work space. If the school has more than for a maximum of 20 students, an. An additional 30 square feet of work space is required for each additional student if attendance on the clinic floor exceeds 20 at any given time.

2) Work space shall include: dispensary and laboratory area. Work space shall not include: classrooms, facial areas, rest rooms, halls, checkrooms, conference rooms, storage space or other areas or facilities for school administration.

3) Two restrooms shall be provided.

4) Cloak space separate from the work space shall be provided for the public.

5) A public waiting area must be provided.

6) Schools shall provide a student lounge area that shall be separated from the work area and sufficient space for each student to keep school related and personal items.

7) All areas of the school shall be ventilated and lighted.

b) Equipment Requirements – All equipment shall be in working condition and sufficient for the number of students enrolled. Minimum requirements for school equipment are:

1) An entrance sign designating the name of the school.

2) A school seal.

3) A time clock or other equipment necessary for verification of attendance and hours earned.

4) Two facial chairs to be placed in an enclosed or screened area. Facial chairs shall only be used for facials and/or waxing.

5) One facial supply station containing astringents, lotions, creams, makeup and other necessary supplies for facials.

6) Four shampoo chairs and 4 shampoo bowls with adequate hot and cold running water.

7) One hood hair dryer for every 10 clinic stations.

8) Clinic station shall have at least 3 feet per student in the class, including electrical outlets, mirror space, manicuring/pedicuring table, and either a barber chair or styling chair. One wet sanitizer shall be provided for each 10 clinic stations. If the barber chair or styling chair is not suitable for manicures or pedicures, then a suitable nail patron chair shall be provided.

9) A chair for each student in the classroom and, when appropriate, sufficient desk or table space.

10) Adequate number of covered disposal cans placed at convenient locations.

11) At least one covered container for soiled towels in thework space.

12) Closed or covered space equipped for storing towels and having sufficient storage space for 10 dozen towels per 20 students in the clinical work area.

13) One mannequin for each student in attendance.

c) Sanitary Regulations

1) Clean outer garments must be worn at all times. No open toed shoes shall be worn by students.

2) All instruments shall be sanitized before and after use on each patron.

3) Clean towels shall be used for each patron.

4) Shampoo bowls must be sanitized after each use.

5) Hands must be cleansed before and after serving each patron.

6) After each patron is served, combs and brushes must be cleansed, then immersed in a disinfectant, then rinsed in water and dried. Combs and brushes shall be kept in a closed or covered container or space apart from appliances that have not been disinfected.

7) The head rests of any chair shall be protected with a disposable cover or clean towel and changed after each patron.

8) Non-disposable head coverings must be laundered and sanitized after each separate use.

9) All powders, lotions, creams and other cosmetics shall be kept in clean, closed containers. All cosmetics shall be applied by sanitary applicators and removed from the container with a sanitary spatula.

10) No owner, manager, teacher or school administrator shall knowingly permit any person suffering from a serious communicable disease as defined in 77 Ill. Adm. Code 690 to work on the premises, or knowingly permit a student to serve a patron with a serious communicable disease.

11) No animals or pets, except animal assistants for the physically impaired, shall be permitted on school premises.

12) The floors, walls and furniture shall be kept clean at all times.

13) An adequate supply of hot and cold running water shall be available for school operation.

d) Textbooks/Teaching Materials – Textbooks shall be provided for each student in attendance.

e) Teachers – The student/teacher ratio during clinical instruction shall not exceed a 25 to 1 ratio.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.510 Enrollment Agreements and Refund Policies

a) All licensed private cosmetology schools shall have enrollment agreements that meet the requirements of Section 3B-12 of the Act. Licensed public cosmetology schools will be deemed to be in compliance with this provision if these schools comply with the requirements of their public institution.

b) All licensed cosmetology schools shall implement refund policies pursuant to Section 3B-13 of the Act and this Section~~Part~~.

1) When notice of cancellation is given within 5 days after the date of enrollment, all application and registration fees, tuition, and any other charges shall be refunded to the student.

2) *When notice of cancellation is given after the fifth day following enrollment but before the completion of the student's first day of class attendance, the school may retain the application and registration fee,* not to exceed $100, and *the cost of any books or materials* that *have been provided by the school and retained by the student* ~~(Section 3B-13(b) of the Act)~~.

3) *When notice of cancellation is given after the student's completion of the first day of class attendance but prior to the student's completion of 5% of the course of instruction, the school may retain the application and registration fee,* not to exceed $100, *10% of the tuition, other instructional charges or $300, whichever is less, and the cost of any books or materials that have been provided by the school and retained by the student.*

4) *When a student has completed 5% or more of the course of instruction, the school may retain the application fee and registration fee,* not to exceed $100, *and the cost of any books or materials provided by the school, but shall refund a part of the tuition and other instructional charges in accordance with the requirements of the school's regional or national*

accrediting agency, if any, or in accordance with this subsection (b~~e~~) ~~*of this Section*~~. (Section 3B-13(1) of the Act)

c) For students who enroll in and begin classes, the following schedule of tuition adjustment will be considered to meet the Division standards for refunds:

PERCENTAGE OF A SCHEDULED COURSE COMPLETED	AMOUNT OF TUITION OWED TO THE SCHOOL
0.01% to 4.9%	10%
5% to 9.9%	30%
10% to 14.9%	40%
15% to 24.9%	45%
25% to 49.9%	70%
50% and over	100%

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.520 Recordkeeping − Transcripts

a) Each school shall provide an official transcript showing the entire program work of each student. The official transcript shall contain the following information:

1) School name, ~~and~~ address and phone number;

2) School seal;

3) School license number;

4) Signature of the owner, registrar or director of the school;

5) Student's name, address and social security number;

6) Actual dates student attended, including start date, end date and graduation date;

7) Subject areas, required hours, earned hours, and grades received (in a percentage form);

8) Any transfer hours citing the name and address of school transferred from, subject areas, hours earned, and grades received (percentage); and

9) Final examination grades (percentage).; and

~~10) Graduation date.~~

b) The official transcript and school records for each student shall be permanently maintained by the school in the following manner:

1) If maintained on the school premises, they shall be maintained in a locked, fire-resistant cabinet. If official transcripts are maintained on a computer system, history tapes or discs of all official records must be stored in a locked, fire-resistant cabinet or electronically stored in a secure off-site storage system.

2) If records, whether electronic or paper, cannot be maintained on the premises in locked fire-resistant cabinets, duplicate student records, including the official transcripts, shall be maintained at a separate location that shall be made known to the Division. The records shall be accessible to Division officials for inspection.

c) An official transcript and school records for students who withdrew or dropped out of a program shall be maintained by the school for 5 years from the student's first day of attendance at the school.

d) A copy of the transcript shall be given to the student upon graduation or other permanent exit from the school provided the student has met all financial obligations set forth in the enrollment agreement set forth in Section 3B-12 of the Act and Section 1175.510.

e) Transcripts from approved schools must meet the requirements of this Section to be accepted by the Division for licensure.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.525 Recordkeeping – Hours Earned

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

a) Student Hours. A licensed school of cosmetology~~, esthetics and nail technology~~ shall have a written, published attendance policy.

1) When determining student hours, a school may define its attendance requirements to include 100% attendance for the program length or may allow excused absences for not more than 10% of the program for satisfactory completion. Satisfactory completion is defined as completion of all theory and practical work as outlined in school's curricula.

2) Student attendance policies shall be written and applied uniformly and fairly.

3) The school must maintain documentation of excused absences for at least~~a period of not less than~~ 5 years.

4) The school must maintain attendance records for each student to verify that the minimum attendance standard set forth by the school is being met.

b) A complete and accurate record of hours of attendance for each student must be recorded and maintained by the school.

c) If a time clock is used, each student shall punch his/her own time card. No student, teacher or any other person shall punch the time card of another student. If a time clock is not used, there shall be another verifiable method used by the school to record student hours. The records must be in a form that allows the student to receive a written report of hours earned. This report of hours earned shall be provided to the student on a monthly basis.

d) Credit for hours earned away from the school premises shall be awarded only if students are supervised by a licensed instructor or by a licensed cosmetologist in the case of an internship. Credit hours for outside study may include workshops, educational programs, films, demonstrations and internship training in a registered salon.

e) Hours earned away from the school premises shall be recorded on school time forms. These forms shall include the school seal, name of student, event or program attended, date attended, signature of student, signature of supervising licensed instructor.

f) Instructors shall review the hours earned by each student monthly. Each month the instructor shall issue a signed monthly report to the student showing the actual number of hours earned by the student.

g) Time cards may be destroyed upon the student's permanent exit from the school and after all hours earned are recorded on the official transcript.

h) An hour is 60 minutes of instruction but not less than 50 minutes.

i) A licensed instructor shall supervise all classroom and practical instruction. No credit shall be given for unsupervised study.

j) A cosmetology student is not permitted to serve the public until he/she has successfully completed a combination of the 150 hours of basic training requirements specified in Section 1175.530(a) ~~of this Part~~.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.530 Curriculum Requirements – Cosmetology

Each licensed cosmetology school shall provide a program consisting of a minimum of 1500 clock hours or a 50 credit hour equivalency (1 credit hour equals 30 clock hours) of instruction. The licensed cosmetology school may provide online hours in theory, but online hours shall not exceed 10% of the hours required in each of subsections (a), (b), (c), (d), (e), (f) and (g). Instruction shall be a combination of classroom instruction and hands on (practical and technical) experience. The minimum subjects and number of hours shall be as follows for each category of training~~as follows~~:

a) Basic Training – 150 hours ~~of classroom instruction in general theory and practical application shall be provided that shall include a minimum of the following subject areas~~:

1) tools and their use;

2) shampoo;

3) understanding chemicals and use;

4) types of hair;

5) sanitation;

6) hygiene;

7) skin diseases and conditions;

8) anatomy and physiology;

9) electricity;

10) ethics;

11) nail technology;

12) esthetics;~~.~~

13) eyelash extensions, tabs and strips; and

14) the Act and this Part, including sanitary standards.

b) Practical Chemical Application/Hair Treatment – 500 hours ~~of instruction, which shall be a combination of classroom instruction and hands-on experience, shall be provided in the following subject areas~~:

1) chemical safety;

2) permanent waving;

3) hair coloring, tinting and bleaching;

4) hair relaxing;

5) hair and scalp conditioning;

6) shampooing, toning and rinsing.

c) Hair Styling/Hair Dressing – 475 hours ~~of instruction in hair styling, which shall be a combination of classroom instruction and hands-on experience, shall be~~

~~provided in the following subject areas~~:

1) cutting;

2) thinning;

3) shaping;

4) trimming;

5) application of electrical/mechanical equipment;

6) curling;

7) hair treatments~~;~~.

8) blow drying.

d) Shop Management~~, Sanitation and Interpersonal Relations~~ – 200 hours ~~of classroom instruction shall be provided in the following subject areas~~:

1) labor law;

2) workers' compensation;

3) client relations;

4) bookkeeping;

5) marketing and merchandising;

6) emergency first aid;

7) right-to-know laws;

8) pertinent State and local laws and rules;

9) business ethics;

10) sanitation;

11) electrical devices;

12) personal grooming and hygiene;~~.~~

13) OSHA standards relating to chemical use.

e) Esthetics – 85 hours~~ of instruction shall be provided~~:

1) non-therapeutic massage, excluding the scalp;

2) nutrition and health of skin;

3) skin analysis;

4) cleansing the skin;

5) mask therapy and facial treatments;

6) facial treatments without the aid of machines;

7) electricity, machines and apparatus;

8) facial treatments with the aid of machines;

9) hair removal, including tweezer method, depilitators, waxing and their use;

10) professional makeup techniques, including application of eyelash extensions, tabs and strips;

11) product knowledge as it relates to esthetics.

f) Nail Technology – 55 hours~~ of instruction shall be provided~~:

1) Fabric procedures;

2) Sculpting procedures;

3) Light cured gels;

4) Machines or apparatus used in nail technology;

5) Manicures;

6) Pedicures;

7) Hand, arm and foot massage;

8) Other procedures as they relate to nail technology;

9) Product knowledge as it relates to nail technology.

g) Electives – 35 hours

h) Internship program is an optional part of the curriculum. Each licensed cosmetology school may choose to set up an internship program and shall follow the guidelines set forth in this subsection (h):

1) An internship program:

A) May be substituted for 150 hours of the 1500 hours as set forth in this Section.

B) May be part of the curriculum of a licensed cosmetology school and shall be an organized preplanned training program designed to allow a student to learn hair dressing, sanitation, safety and shop management, hair treatment, nail technology, hair braiding, and/or esthetics under the direct supervision of a licensed cosmetologist in a registered salon.

2) A student in the internship program:

A) May participate in an internship program only after completing 750 hours of training with a minimum average grade of 80. A school may, however, set the average grade higher and set other standards that a student must meet to participate in the internship

program.

B) May not spend more than 150 hours in an internship program.

C) May not be paid while participating in this internship program as it is a part of the cosmetology curriculum of the school.

D) May work a maximum of 8 hours a day and shall be required to spend 1 day a week at the school.

E) Shall be under the direct on site supervision of a licensed cosmetologist. Only 1 student shall be supervised by 1 licensed cosmetologist.

3) A licensed cosmetology school shall state clearly in the enrollment agreement~~student contract~~ that the school offers an internship program.

4) The licensed cosmetology school shall enter into a contract with the student, the registered salon and licensed cosmetologist. The contract shall contain all the provisions set forth in subsection (h)(2) and any other requirements of the internship established by the school. The contract shall be signed by the student, the school and the licensed cosmetologist. Any party to the contract may terminate the contract at any time.

i) Credit for Barber School Training – Pursuant to Section 3-2 of the Act, a school of cosmetology may, at its discretion, consistent with this Part, accept up to 1000 hours of barber school training, in topics common to both barbering and cosmetology, completed at a barber school toward the 1500-hour program requirement of cosmetology, provided that:

1) The student must provide the cosmetology school with an official barber school transcript that substantially meets the requirements of Section 1175.520, or other appropriate documentation. The cosmetology school must maintain the transcript or other appropriate documentation for 5 years from the student's graduation date from the school;

2) The cosmetology school must record the barber school course work accepted for credit in the student's official cosmetology school transcript,

including: the course name, start and end dates, and the number of clock hours/credit hours completed;

3) When the accuracy of the relevance or sufficiency of the credited course work or training is questioned by the Division or the Board because of noncompliance in whole or in part with this Part, lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure shall be requested to:

A) Provide information as may be necessary;

B) Appear for an interview before the Board to explain the relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information; and/or

C) Pass an examination pursuant to Section 3-6 of the Act, complete a 250-hour refresher course at a licensed cosmetology school licensed by the Division (see Section 1175.531) or complete other coursework as recommended by the Board.

j) Credit for Esthetics Training − Pursuant to Section 3-10 of the Act and consistent with this Part, the Division shall not require a licensed esthetician in good standing to complete the 85 hours of esthetics instruction described in subsection (e). However, a licensed esthetician must still complete the 150 hours of basic training described in subsection (a), including the coursework in esthetics, sanitation and hygiene. A school of cosmetology shall not require a licensed esthetician to complete the 85 hours of esthetics instruction described in subsection (e) as a condition of graduation.

k) Credit for Nail Technology Training − Pursuant to Section 3-10 of the Act and consistent with this Part, the Division shall not require a licensed nail technician in good standing to complete the 55 hours of nail technology instruction described in subsection (f). However, a licensed nail technician must still complete the 150 hours of basic training described in subsection (a), including the coursework in nail technology, sanitation and hygiene. A school of cosmetology shall not require a licensed nail technician to complete the 55 hours of nail technology instruction described in subsection (f) as a condition of graduation.

l) A school may, as part of its educational program and on school premises, offer cosmetology services to the public, through a student clinic, as a means of providing students with practical experience. Services shall be provided by students working under the supervision of one or more teachers. Students shall receive no compensation, including tips, but shall receive credit for hours worked towards the 1500-hour education requirement. The school may provide such services under the authority of its school license and is not required to obtain a salon registration. The school shall post a sign visible to the public advising that all services are provided by students. Except as provided in this subsection, a school and a salon shall not operate in the same premises.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.531 Curriculum Requirements – Cosmetology Refresher Course

a) The 250-hour cosmetology refresher course required under Section 1175.410, 1175.420 or 1175.430 shall include a minimum of 250 clock hours of training in the following categories, as defined in Section 1175.530:

1) Basic Training;

2) Practical Chemical Application/Hair Treatment;

3) Hair Styling/Hair Dressing;

4) Shop Management;

5) Esthetics; and

6) Nail Technology.

b) The refresher course in subsection (a) shall include a minimum of 25 hours in basic training. The subjects covered in the remaining 225 hours may be determined at the discretion of the school and/or teacher, provided the refresher course includes training in each category listed in subsection (a). Instruction shall be a combination of classroom instruction and hands on (practical and technical) experience. However, instruction may include online hours in theory not to exceed 10% of the total hours.

c) The 100-hour cosmetology refresher course set forth in Section 1175.410 shall be similar to the refresher course in subsection (a), except that the school and/or teacher shall have the discretion to structure the course to the individual needs of the student to better prepare the student for again taking the examination.

(Source: Added at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.532 Curriculum Requirements – 500-Hour Cosmetology Course for Licensed Barbers and Licensed Barber Teachers

a) The 500-hour cosmetology course for licensed barbers seeking licensure as a cosmetologist (see Section 3-9 of the Act), shall include a minimum of 500 clock hours of instruction and practical experience and may include online hours in theory not to exceed 10% of the total hours as follows:

1) Basic Training – 50 hours including the Act and this Part and sanitary standards;

2) Practical Chemical Application/Hair Treatment – 170 hours;

3) Hair Styling/Hair Dressing – 160 hours;

4) Shop Management – 65 hours;

5) Esthetics – 30 hours;

6) Nail Technology – 25 hours.

b) The school may include an internship as part of this course.

(Source: Added at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.535 Curriculum Requirements – Cosmetology Teacher

a) A licensed~~An approved~~ school that intends to provide teacher training must utilize a teacher program that includes a minimum of 1000 clock hours or a 34 credit hour equivalency (1 credit hour equals 30 clock hours) of instruction. The licensed school may provide online hours in theory, but online hours shall not exceed 10% of the hours required in each of subsections (a)(1), (2), (3), (4) and

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

(5).The minimum number of hours shall as follows:

1) 500 hours of Post-Graduate School Training that includes all subjects in the basic cosmetology curriculum ~~in~~ (see Section 1175.530), including theory and practice. Presentation of material must include the concepts that are intended to be taught and the skills to be acquired during the various phases of basic education.

2) 20 hours of Educational Psychology that shall include, but not be limited to, topics in educational objectives, student characteristics and development, the learning process, and an evaluation of learning that relates to teaching. These hours shall be waived on behalf of cosmetology teacher students who have completed a course in Educational Psychology at an accredited college or university.

3) 20 hours of Teaching Methods (Theory) that shall include, but not be limited to, topics in individual differences in learning, lesson planning and design, lesson delivery, assessment of learning performance, classroom management, student motivation and classroom climate. These hours shall be waived on behalf of cosmetology teacher students who have completed a course in Teaching Methods-Secondary Level at an accredited college or university.

4) 150 hours of Application of Teaching Methods that includes ~~include~~ preparation and organization of subject matter to be presented on a unit by unit basis and presentation of subject matter through application of varied methods (lecture, demonstration, testing and assignments). Presentations must provide teaching objectives to be accomplished and correlate theoretical with practical application.

5) 50 hours of Business Methods that includes ~~include~~ inventory, recordkeeping, interviewing, supplies, the Act and this Part.

6) 260 hours of Student Teaching under the on-site supervision of an Illinois licensed teacher. The student teacher shall present theoretical and practical demonstrations to students in the basic curriculum.

b) The approved program for a 500-hour Teacher Training Course shall be based on 2 years of practical experience and shall consist of the Teacher Training

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

Curriculum outlined in subsection (a), with the exception of the 500 hours of post-graduate training.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.536 Curriculum Requirements – Cosmetology Teacher and Cosmetology Clinic Teacher Refresher Courses

a) The 250-hour cosmetology teacher refresher course, referred to in Sections 1175.420 and 1175.435, shall include a minimum of 250 clock hours of instruction and practical experience in subjects in each of the categories of training defined in Section 1175.535 and may include online hours in theory, not to exceed 10% of the total hours, as follows~~An approved school that intends to provide cosmetology clinic teacher training must utilize a teacher program that includes a minimum of 250 clock hours or a 9 credit hour equivalency (1 credit hour equals 30 clock hours) of instruction as follows~~:

1) 20 hours of Educational Psychology~~; that shall include, but not be limited to, topics in educational objectives, student characteristics and development, the learning process and an evaluation of learning that relates to teaching. These hours shall be waived on behalf of cosmetology teacher students who have completed a course in Educational Psychology at an accredited college or university.~~

2) 20 hours of Teaching Methods (Theory)~~; that shall include, but not be limited to, topics in individual differences in learning, lesson planning and design, lesson delivery, assessment of learning performance, classroom clinic management, student motivation and clinic climate. These hours shall be waived on behalf of cosmetology teacher students who have completed a course in Teaching Methods – Secondary Level at an accredited college or university.~~

3) 120 hours of Application of Teaching Methods;

4) 50~~10~~ hours of Business Methods; and ~~that include inventory, recordkeeping, interviewing, supplies, the Act and this Part~~.

~~4) 200 hours of Student Teaching under the on-site supervision of an Illinois licensed cosmetology teacher. The student teacher shall supervise clinic~~

~~students and present practical demonstrations to students in the clinic portion of the basic cosmetology curriculum.~~

5) 40 additional hours of training as determined by the school or teacher.

b) In the case of cosmetology teacher applicants who fail to pass a third examination, the remedial training required by Section 1175.410(c)(2) shall include 80 clock hours of additional instruction in the following categories of training defined in Section 1175.535: ~~Completion of an instructor's institute of 20 hours as provided in Section 3-4 of the Act may be done in lieu of the 250 hour clinic teacher curriculum if an individual has obtained a minimum of 2 years of practical experience working at least 30 full time hours per week as a licensed cosmetologist prior to submitting an application for examination. This institute shall, at a minimum, consist of 10 hours of Educational Psychology and 10 hours of Teaching Methods (Theory).~~

1) 40 hours of Teaching Methods (Theory).

2) 40 hours of Application of Teaching Methods.

c) In the case of cosmetology clinic teachers seeking restoration by completing a cosmetology teacher refresher course, the course shall include a minimum of 60 clock hours of instruction in the following categories of training as defined in Section 1175.535:

1) 40 hours of Teaching Methods (Theory).

2) 20 hours of Application of Teaching Methods.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.540 Final Examination

a) A school shall require each candidate for graduation to pass a final examination that shall test the student's theoretical and practical knowledge of the curriculum studied. A "final examination" shall include a single final examinations or multiple examinations as determined by the school.

b) The practical examination shall test the candidate's skills in the following areas:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

1) Hair cutting;

2) Thermal curl and blow drying;

3) Chemical permanent waving and relaxing;

4) Hair coloring and lightening;

5) Esthetics; and

6) Nail technology.

c) The examination shall be administered by the uniform application of standard performance criteria established by the school for each skill area. The standard performance criteria for each skill area shall be delineated in the examination records as specified in subsection (h).

d) A passing score of 75 or greater shall be required on both the theoretical and practical portions of the final examination or another state's passing grade.

e) The school shall allow each candidate for graduation at least 3 attempts to pass the final exam.

f) The Division may monitor the administration of the final examination:

1) As a result of a complaint received;

2) For random sampling;

3) To collect data; and/or

4) When the failure rate on the licensure examination for school graduates is greater than 25%.

g) The Division shall maintain records of each school's graduate failure rate on the licensing examination. The records shall reflect only first examination attempts for each graduate. The examination results shall not count toward the failure rate on the licensing examination if the student transfers to the school from a closed

school with one-half or more of the required hours for graduation.

h) The school shall maintain records of the final examination for a period of no less than 5 years in the manner prescribed in Section 1175.520 ~~of this Part~~. These records shall include:

1) A copy of the final examination administered; and

2) Each student's examination grades.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.545 Change of Ownership

a) For purposes of this Section, "change of ownership", "sale" or "transfer" of a corporation means the transfer of more than 50% of stock during a 14 day period. For purposes of this Section, "change of ownership", "sale" or "transfer" of a partnership means a change of more than 50% of the partners during a 14 day period. For purposes of this Section, "change of ownership", "sale" or "transfer" of an LLC means a change of more than 50% of the members during a 14 day period. Any change of ownership of a parent business entity that owns the school's owner shall not be considered a change of ownership of the school. ~~When the ownership of an approved school changes, the new owner shall, within 5 working days from the date title to the school is transferred, mail to the Division the following:~~

b) If a licensed school is to be sold or otherwise transferred, the new owner must notify the Division at least 30 days in advance of the effective date of the transfer of ownership. The notification shall include a signed and dated letter from the pre-transfer owner acknowledging the planned sale or transfer.

c) Upon filing notice to the Division, the new owner may continue to operate the school under the previously issued license, provided that the new owner submits an application for licensure with the Division within 30 days after the effective date of the transfer of ownership by mailing to the Division:

~~1)~~ ~~An affidavit stating that the contract is contingent on a certificate being issued to the new owner. If this is not provided, the school must close on the date of the transfer and remain closed until a new certificate is issued;~~

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

12) A signed and completed school application;

23) A detailed 8½ x 11 inch floor plan that is:

A) drawn to scale;

B) shows dimensions;

C) has all areas labeled;

D) has all fixtures shown; and

E) demonstrates compliance with the requirements of Section 1175.505 if any expansion is to be done by the new owner;

34) A copy of:

A) a lease agreement showing at least a 1-year commitment to the use of the school site, the name of the lessor and the name of the lessee; or

B) the certification of school site ownership;

45) A copy of the enrollment agreement that will be utilized by the new owner;

6) A copy of the written, published attendance policy that will be utilized by the new owner;

57) A copy of curricula that will be used by the new owner;

68) A sample copy of the school's official transcript;

79) A Commitment Statement, as provided in the licensure application packet, signed and dated by the school's chief administrative officermanaging employer and a statement signed and dated by each partner or each officer of the corporation;

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

8) List of all the names, addresses and current status of all schools in which the applicant has previously owned any interest, and a declaration as to whether any of these schools were ever denied accreditation or licensing or lost accreditation or licensing from any government body or accrediting agency;

9~~10~~) If the new owner is a corporation, limited liability company, or partnership, a copy of the following:

A) if the owner is a domestic corporation, a filed copy of the Articles of Incorporation filed with the Secretary of State or, in the case of a foreign corporation, a filed copy of the Authority to Transact Business in Illinois accepted by and filed with the Secretary of State;

B) if the owner is a domestic limited liability company, a copy of the Articles of Organization that were filed with the Secretary of State or, if the owner is a foreign limited liability company, a copy of the Application for Admission to Transact Business as a Foreign Limited Liability Company accepted by and filed with the Secretary of State; or

C) if the owner is a partnership, a listing of all partners and their addresses;

10~~11~~) If the new owner will be conducting business under an assumed name as described in the Assumed Business Name Act [805 ILCS 405], a copy of the application to adopt an assumed name filed with the government office responsible for approving the assumed name~~is a corporation, a copy of the Articles of Incorporation; if the owner is a limited liability company, a copy of the Articles of Organization~~;

~~12~~) ~~If owner is a partnership, a listing of all partners and their addresses;~~

11~~13~~) An official~~A signed~~ fire inspection report by the local fire inspection authority conducted within 6 months prior to application approving the school site;

12~~14~~) A financial statement indicating sufficient current finances exist to operate

the school for at least 3 months. The Division will not accept a bank statement as sufficient proof to meet this requirement. This financial statement shall include reporting cash assets on hand and any liabilities and shall be prepared by either a certified public accountant or a person knowledgeable about the finances of the school. Any financial statement submitted by a person who is not a certified public accountant must contain a signed statement certifying under penalty of perjury that the information is true and accurate based upon inspection of the financial records of the school~~prepared by a public accountant licensed by the Division pursuant to the Illinois Public Accounting Act [225 ILCS 450] who is not an employee of the school, indicating sufficient current finances exist to operate the school for at least 3 months~~;

13~~15~~) If a name change is to also occur, all documents submitted must include the new name, and the new owner must submit a sample of the new school seal and a photo of the new school sign; and

14~~16~~) The required fee set forth in Section 1175.100.

d~~b~~) Once the items listed in subsection (c~~a~~) have been received, the Division shall conduct an inspection prior to approval of the change of ownership. Approval will be granted if all of the requirements of Subpart E have been met.

e) If the new owner fails to submit a new application within 30 days, or if the Division does not approve the school, the school shall remain closed until final Division approval is received.

f) The new owner is responsible for ensuring that the school is in compliance with all current provisions of the Act and this Part.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.550 Change of Location

a) When the location of a licensed~~an approved~~ school is to be changed, the school owner shall submit to the Division the following:

1) Written notice to the Division at least 30 days in advance of the school site change;

2) A signed and completed school application;

3) A detailed 8½ x 11 inch floor plan that is:

A) drawn to scale;

B) shows dimensions;

C) has all areas labeled;

D has all fixtures shown; and

E) demonstrates compliance with the requirements of Section 1175.505;

4) A copy of:

A) a lease agreement showing at least a 1-year commitment, the address of the school site, the name of the lessor, and the name of the lessee; or

B) the certification of ownership of school site;

5) An official~~A signed~~ fire inspection report by the local fire inspection authority conducted within 6 months prior to application, approving the site; and

6) The required fee set forth in Section 1175.100.

b) Once the items listed in subsection (a) have been received, the Division shall inspect the premises to determine compliance with this Part. If any changes affecting the items in subsection (a) are made prior to inspection, the school owner must notify the Division in writing. School operations shall not commence at the new location nor may the school in any way solicit student enrollment until the owners have received written notice of approval from the Division. Approval will be granted if all of the requirements of this Subpart E have been met.

c) If the change of location is due to natural destruction of, or other severe damage

to, the original premises due to circumstances beyond the control of the owner, a temporary site may be used to teach theory classes only.

1) The temporary site must be inspected prior to its use and must possess light, ventilation and tables and chairs for the number of students in a classroom and must be clean.

2) The temporary site may be used for a period of 2 months. The 2-month period can be extended for good cause. Good cause includes, but is not limited to, unexpected delays in construction, delays in lease arrangements, or delays in equipment delivery.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.555 Change of Name

When changing the name of a licensed school, a written request for a name change, along with supporting documentation and the required fee specified in Section 1175.100, shall be submitted~~mailed~~ 30 days in advance of any name change. The Division shall then issue an updated license~~a new certificate~~. At the time of the change of name, all identifying signs and materials must be changed to conform to~~with~~ the new name on the school license.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.560 Expansion

a) Written notice shall be given to the Division 30 days prior to any expansion of a licensed~~an approved~~ school.

b) Off-Site Classrooms

1) When the expansion will result in an off-site classroom location, a completed school application must be submitted along with:

A) A detailed 8½ x 11 inch floor plan that is:

i) drawn to scale;

ii) shows dimensions;

iii) that has all areas labeled;

iv) has all fixtures shown; and

v) demonstrates compliance with the requirements of Section 1175.505;

B) A copy of:

i) a lease showing at least a 1-year commitment to the use of the school site, the address of the school site, the name of the lessor, and the name of the lessee; or

ii) the certification of ownership of the proposed school site;

C) An official~~A signed~~ fire inspection report, from the local fire inspection authority conducted within 6 months prior to application, giving approval for use of the site as a classroom location;

D) A statement from the school owner outlining the purpose of the classroom location;

E) A listing of any and all additional teachers who will be added to the teaching staff as a result of the expansion; and

~~F)~~ ~~A financial statement prepared by a certified public accountant licensed by the Division pursuant to the Illinois Public Accounting Act [225 ILCS 450] who is not an employee of the school, indicating sufficient finances exist to operate the school for at least 3 months; and~~

F~~G~~) The required fee set forth in Section 1175.100.

2) An off-site classroom location is defined as a separate classroom, not continuously joined, that is located within 5 miles of the main school site that serves to provide adequate space in which to train an overflow of students. A clinic may not be operated at an off-site classroom location. A

school may establish only 1 off-site classroom location. All identifying signs and materials must reflect the name of the main school.

c) When an on-site expansion is to accommodate an increased enrollment, a completed school application shall be submitted along with:

1) A detailed 8½ x 11 inch floor plan of the entire site that has dimensions and demonstrates meeting the requirements of Section 1175.505;

2) A statement from the school owner outlining the purpose of the expansion;

3) A listing of any and all additional teachers who will be added to the teaching staff as a result of the expansion; and

4) The required inspection fee.

d) Upon receipt of the items listed in subsections (b) and (c), the Division shall inspect the expansion site to determine compliance with this Part. If any changes affecting the items in subsections (b) and (c) are made prior to inspection, the school owner must notify the Division in writing. The site shall not be used until such inspection has occurred and the owner has received written notification of approval from the Division. Approval will be granted if all of the requirements of this Subpart E have been met.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.565 Discontinuance of Program

a) The Division shall receive a minimum of 30 days written notice of a school's intent to discontinue its program. The notice shall include the exact location where the student records are to be stored.

b) The school owner shall notify the Division in writing of the actual closing date of the school.

c) All school records shall be maintained after the school closes.

d) The school must continue to meet the requirements of the Act and this Part until the actual closing date.

e) Each student enrolled at the time of discontinuation must be provided an official transcript of all hours earned while enrolled in the program.

f) Students who have acquired 750 or more clock hours before their school closes shall be allowed to transfer all accumulated hours to another licensed cosmetology school with the approval of that school. Schools accepting these hours shall not be credited with the students' pass/fail statistics, set forth in Section 1175.570(b), resulting from their first attempt on the Illinois Cosmetology examination.

g) Each student shall be given a refund prorated to at least reflect the percentage of time remaining to complete the course of instruction.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.570 Withdrawal of Licensure~~Approval~~

a) The Division may withdraw, suspend or place on probation, pursuant to 68 Ill. Adm. Code 1110, the licensure~~approval~~ of a school of cosmetology when the quality of the program has been affected by any of the following causes:

1) Gross or repeated violations of any provisions of the Act or this Part;

2) Fraud or dishonesty in furnishing transcripts or documentation for evaluation of the school;

3) Failure to meet the criteria for school approval in Section 1175.500 or 1175.501;

4) Failure to administer the final examination as specified in this Part;

5) Failure to maintain final examination grades for each student and a master of the examination administered as specified in this Part;

6) Fraud or dishonesty in providing transcripts to students who have fulfilled all obligations under Section 1175.510;

7) Failure to provide transcripts to students;

8) A finding by the U.S. Office of Education or Illinois Student Assistance Commission that a school has misappropriated or misused grant or loan monies or has aided in obtaining those monies by providing fraudulent or untruthful information; or

9) Any other violations of the Act and this Part.

b) ~~Performance Record on Licensing Examination1)When a school's graduates have 25% or greater failure rate on the licensing examination, Division approval of a school shall be reviewed pursuant to Section 1175.500. 2)The performance record of a school's graduates on the licensing examination as compared with the statewide performance record shall be considered by the Division when reviewing Division approval of a school. 3)~~The Division shall give written notice and a hearing pursuant to 68 Ill. Adm. Code 1110 when Division approval of a school is proposed to be withdrawn.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

SUBPART G: ESTHETICS

Section 1175.700 Examination – Esthetics

a) Eligibility. Each applicant must meet the following requirements (see Section 3A-2 of the Act) prior to filing an application for the esthetician examination:

1) Be at least 16 years of age;~~.~~

~~2) Pursuant to Section 3A-2 of the Act:~~

2~~A~~) Be a high school graduate or its equivalent or be beyond the age of compulsory school attendance; and

3~~B~~) Graduate from an esthetics or cosmetology school approved by the Division to teach esthetics in accordance with Subpart H ~~of this Part~~, which includes a 750 hour program in the study of esthetics extending over a period of not less than 18 weeks nor more than 4 consecutive years.

b) Application. Each applicant shall file an application for examination, on forms

provided by the Division~~, at least 45 days prior to an examination date~~. The application shall include:

1) An official transcript showing successful completion of the required training outlined in subsection (a) and a passing grade on the final examination or examinations administered by the school as set forth in Section 1175.845; ~~or official transcripts showing successful completion of remedial training (125 hour refresher course) when required by Section 3A-2 of the Act;~~

2) Official transcripts showing successful completion of remedial training (125-hour refresher course) when required by Section 3A-2 of the Act;

3~~2~~) Proof of any name change (i.e., marriage license, divorce decree, affidavit or court order) if the applicant's name is other~~different~~ than that shown on the submitted~~supporting documents~~;

4~~3~~) If licensed as an esthetician or holding a related license in another state, a certification of licensure from the state of original licensure and from the state of current licensure or most recent practice; ~~and~~

5~~4~~) The required fee set forth in Section 1175.100; and~~.~~

6) The required examination fee required by the Department's testing service.

c) Examination. Each applicant shall take and pass the esthetics examination as required in Section 1175.710.

d) An applicant's training received from a cosmetology or esthetics school or similar institution located in another state, other jurisdiction of the United States, or foreign jurisdiction must substantially comply with the requirements set forth in Subpart H. An applicant seeking credit for training or licensure in a foreign country must provide educational training credentials and transcripts and/or evidence of licensure to determine if the applicant's program substantially complies with the requirements set forth in Subparts G and H. The Board may, as a means of assisting it in the review of foreign country training or licensure, require an applicant to submit his/her educational training credentials and transcripts and/or evidence of licensure to an approved education credentialing evaluation service or similar service approved by the Board for evaluation at the

cost to the applicant. The Board may also require additional coursework or a 125-hour esthetician refresher course from a school licensed by the Division as set forth in Section 1175.836. The Board may also require an applicant to appear for an interview before the Board or to provide additional information to assist the Board in its evaluation of the applicant's training.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.705 Licensure by Examination – Esthetics Teacher ~~and Esthetics Clinic Teacher~~

a) Eligibility. Each applicant must meet the following requirements pursuant to Section 3A-3 of the Act prior to filing an application for the esthetics teacher examination:~~.~~

1) Be at least 18 years of age;

2) Be a high school graduate or its equivalent;

3) Hold a current license as a cosmetologist or esthetician;

4) Either~~For esthetics teacher~~:

A) Complete a program of 500 hours of teacher training in an approved cosmetology or esthetics school and 2 years of experience as a licensed cosmetologist or esthetician within 5 years preceding application; or

B) Complete a program of 750 hours of teacher training in a licensed cosmetology school approved to teach esthetics or in an esthetics school.~~; and~~

~~5) For esthetics clinic teacher: An official transcript from an approved school of esthetics or cosmetology showing successful completion of a program of 250 hours of clinic teacher training as outlined in Section 1175.536 or 1175.841 of this Part and 2 employment verification forms showing at least 2 years of practical experience as a licensed cosmetologist within 5 years prior to application.~~

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

b) Application. Each applicant shall file an application, on forms provided by the Division~~, at least 45 days prior to an examination date~~. The application shall include:

1) Proof of any name change (i.e., marriage license, divorce decree, affidavit or court order) if the applicant's name is other~~different~~ than that shown on submitted~~supporting~~ documents;

~~2) The required fee set forth in Section 1175.100;~~

2~~3~~) Either~~For an esthetics teacher~~:

A) An official transcript from an approved school of esthetics or cosmetology showing successful completion of a 500-hour program of teacher training as set forth~~outlined~~ in Section 1175.535 or 1175.840~~ of this Part~~ and 2 employment verification forms showing at least 2 years of the last 5 years preceding the examination of practical experience as a licensed esthetician or cosmetologist; or

B) An official transcript from an approved school of esthetics or cosmetology showing completion of a program of 750 hours of teacher training as set forth~~outlined~~ in Section 1175.535 or 1175.840~~ of this Part~~;

~~4) For an esthetics clinic teacher:~~

~~A) An official transcript from an approved school of esthetics or cosmetology showing successful completion of a program of 250 hours of clinic teacher training; or~~

~~B) Proof that the teacher, within 5 years preceding the examination, has obtained a minimum of 2 years of practical experience working at least 30 full time hours per week as a licensed esthetician and has completed an instructor's institute of 20 hours, approved by the Division, prior to submitting an application for examination;~~

3~~5~~) A copy of the applicant's current Illinois esthetician or cosmetology license;

~~6)~~ ~~For any person who holds a cosmetologist's license, a certificate of competency in the use of machines (steamer, disencrustation machine, etc.) utilized in the practice of esthetics. The certificate shall be from the school of cosmetology or esthetics or the manufacturer of machines used in esthetics; and~~

4~~7~~) If licensed in another state, a certification of licensure from the state of original licensure and from the state of current licensure or most recent practice; and~~.~~

5) The examination fee required by the Department's testing service.

c) Examination. Each applicant shall take and pass the esthetics teacher examination as required in Section 1175.710.

d) An applicant's training received from a cosmetology or esthetics school or similar institution located in another state, other jurisdiction of the United States, or foreign jurisdiction must substantially comply with the requirements set forth in Subpart H. An applicant seeking credit for training or licensure in a foreign country must provide educational training credentials and transcripts and/or evidence of licensure to determine if the applicant's program substantially complies with the requirements set forth in Subparts G and H. The Board may, as a means of assisting it in the review of foreign country training or licensure, require an applicant to submit his/her educational training credentials and transcripts and/or evidence of licensure to an approved education credentialing evaluation service or similar service approved by the board for evaluation at the cost to the applicant. The Board may also require additional coursework or a 125-hour esthetician refresher course from a school licensed by the Division as set forth in Section 1175.836. The Board may also require an applicant to appear for an interview before the Board or to provide additional information to assist the Board in its evaluation of the applicant's training.

e) The required fee set forth in Section 1175.100.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.710 Examination Requirements

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

a) Examinations shall be administered by the Division or its designated testing service for estheticians and, esthetics teachers and esthetics clinic teachers and shall cover both theoretical and practical knowledge that shall include but not be limited to:.

1) Product chemistry;

2) Sanitary rules and regulations;

3) Sanitary procedures;

4) Chemical service procedures;

5) Knowledge of the anatomy of the skin as it relates to applicable services under the Act;

6) The provisions and requirements of the Act; and

7) Labor and compensation laws.

b) The passing grade on each examination is 75 or another state's passing grade.

c) Retakes

1) Esthetician. An applicant who fails to pass a third examination to become a licensed esthetician must submit an official transcript from a cosmetology school approved to teach esthetics or an esthetics school approved by the Division showing successful completion of a 125-hour esthetician refresher course from a school licensed by the Division as set forth in Section 1175.836, prior to taking the examination a fourth time.

2) Esthetics Teacher or Esthetics Clinic Teacher. An applicant who fails to pass a third examination to become a licensed esthetics teacher or esthetics clinic teacher must submit an official transcript from a licensed esthetics or cosmetology school approved to instruct esthetics teachers showing successful completion of a 6080-hour refresher course prior to taking the examination a fourth time.

3) An applicant, upon failing the fourth examination to become a licensed

~~esthetician, esthetics teacher or esthetics clinic teacher, must submit an official transcript from an approved esthetics or cosmetology school showing successful repetition of the entire program of training prior to taking the examination a fifth time.~~

3~~4~~) For purposes of the examination retakes, the fourth~~fifth~~ attempt shall count as the first.

4~~5~~) An applicant shall make a written request for an examination retake at least 45 days in advance of the examination date. The~~Such a~~ request must include the required examination fee and official transcripts when further study is required in accordance with subsections (c)(1) and (2).

d) If an applicant has not submitted an application for licensure within 12 months after taking and passing the examination, the applicant must retake and pass the examination prior to being granted a license.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.715 Application for Licensure (Repealed)

~~a) Applicants for licensure based on examination shall submit to the Division:~~

~~1) A signed and completed licensure application that the applicant will receive with the notification of successful completion of the examination;~~

~~2) Proof of name change (i.e., marriage license, divorce decree, affidavit or court order) if different from that shown on pre-printed licensure application; and~~

~~3) The required fee set forth in Section 1175.100.~~

~~b) Cosmetology teachers licensed in Illinois who are applying for an esthetics teacher's license will not be required to take the examination set forth in Section 1175.705. An application shall be submitted to the Division that includes:~~

~~1) A copy of the applicant's current cosmetology teacher license;~~

~~2) A certificate of competency in the use of machines (steamer,~~

disencrustation machine, etc.) utilized in the practice of esthetics. The certificate shall be from the school of cosmetology or esthetics or the manufacturer of machines used in esthetics; and

3) The required fee set forth in Section 1175.100.

c) A licensed cosmetology teacher who will be teaching esthetics in an approved esthetics school or in a cosmetology school approved to teach esthetics, however, will be required to submit a written request to the Division notifying it of his/her intent to teach esthetics.

1) The written request shall be accompanied by:

A) A copy of his/her cosmetology teacher license; and

B) A certificate of competency in the use of machines (steamer, disencrustation machine, etc.) utilized in the practice of esthetics. The certificate shall be from the school of cosmetology or esthetics or the manufacturer of machines used in esthetics.

2) The Division shall issue a letter of authority to the individual that he/she is approved to teach esthetics in Illinois.

d) Nothing in this Part requires a licensed cosmetologist to obtain a license to practice esthetics or a licensed cosmetology teacher to obtain a license to practice or to teach esthetics.

e) Nail technology teachers licensed in Illinois who are applying for an esthetics teacher's license will not be required to take the examination set forth in Section 1175.710. An application shall be submitted to the Division that includes:

1) A copy of his/her current nail technology teacher license;

2) A copy of his/her esthetics license;

3) Either:

A) Proof of two years experience as an esthetician; or

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

~~B) An official transcript verifying completion of 250 hours of Post-Graduate School Training that includes all subjects in the basic esthetics curriculum in Section 1175.835, including theory and practice. Presentation of material must include the concepts that are intended to be taught and the skills to be acquired during the various phases of basic education; and~~

~~4) The required fee set forth in Section 1175.100.~~

(Source: Repealed at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.716 Licensure by Acceptance of Examination – Esthetician

a) Eligibility. If the applicant does not hold a license as an esthetician or esthetics teacher in any jurisdiction of the United States but has completed esthetics training and passed an esthetics licensing examination in that jurisdiction substantially similar to the requirements of the Act and this Part, the applicant shall apply for licensure under this Section.

b) Application. Each applicant shall file an application for acceptance of examination on forms provided by the Division. The application shall include:

1) An official transcript from the school or program showing successful completion of training;

2) Proof of passage of the licensing examination within 12 months of application; and

3) The required fee set forth in Section 1175.100.

(Source: Added at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.717 Licensure by Acceptance of Examination – Esthetics Teacher

a) Eligibility. If the applicant has an esthetician license in any jurisdiction of the United States, does not hold an esthetics teacher license in any jurisdiction of the United States, and has completed teacher training and passed a teacher examination in another jurisdiction of the United States other than Illinois substantially similar to the requirements of the Act and this Part, the applicant

shall apply for licensure under this Section.

b) Application. Each applicant shall file an application for acceptance of examination on forms provided by the Division. The application shall include:

1) Proof of licensure as an esthetician in this or another jurisdiction of the United States;

2) Proof of 2 years of practical experience as a licensed esthetician within 5 years preceding the application;

3) An official transcript from the school or program showing successful completion of teacher training;

4) Proof of passage of a teacher licensing examination within 12 months preceding the application; and

5) The required fee set forth in Section 1175.100.

(Source: Added at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.720 Licensure by Endorsement

a) An applicant who is currently registered or licensed as an esthetician in another state or jurisdiction of the United States and who is seeking licensure in Illinois by endorsement shall file an application, on forms provided by the Division, that includes~~which shall include~~:

1) An official certification of licensure from the state or government board in the applicant's jurisdiction of original licensure and from the state or government board in which the applicant is currently licensed and practicing, if other than the original, stating the applicant's name, the esthetician license number, the original issuance date and the expiration date. The license issued must be the same or substantially similar to the esthetics license issued by the Division;

2) Proof of any name change (i.e., marriage license, divorce decree, affidavit or court order) if the applicant's name is other than that shown on submitted documents; and

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

3) The required fee set forth in Section 1175.100.

~~1) A certification from the jurisdiction of original licensure stating:~~

~~A) A brief description of any licensure examination taken and the grades received; and~~

~~B) Whether the applicant's file contains any record of disciplinary actions taken or pending;~~

~~2) Official transcripts from the schools attended by the applicant showing the programs completed and the hours received with the school seal affixed;~~

~~3) Certification of current licensure if other than original licensure;~~

~~4) Proof of any name change (i.e., marriage license, divorce decree, affidavit or court order) if name is other than that shown on attached documents;~~

~~5) The required fee set forth in Section 1175.100; and~~

~~6) A copy of the licensing Act applicable on the date of original licensure showing the requirements for licensure if requested by the Division in the application review. The Division will make such a request if the application materials are incomplete.~~

b) An applicant who is currently registered or licensed as an esthetics teacher ~~or esthetics clinic teacher~~ in another state or jurisdiction of the United States and who is seeking licensure in Illinois by endorsement shall file an application, on forms provided by the Division, that includes~~shall include~~:

1) An official certification of licensure from the state or government board in the applicant's jurisdiction of original licensure and from the state or government board in which the applicant is currently licensed and practicing, if other than the original, stating the applicant's name, the esthetics teacher license number, the original issuance date and the expiration date. The license issued must be the same or substantially similar to the esthetics teacher license issued by the Division;

2) Proof of any name change (i.e., marriage license, divorce decree, affidavit or court order) if the applicant's name is other than that shown on submitted documents; and

3) The required fee set forth in Section 1175.100.

c) An applicant who is currently registered or licensed as an esthetician in a foreign country and who is seeking licensure in Illinois by endorsement shall file an application, on forms provided by the Division, that includes:

1) An official document from the government agency, board or council in the applicant's original jurisdiction of practice stating the applicant's name, the esthetician license number, the original issuance date, the expiration date, a brief description of any licensure or exit examination taken to qualify for the license, and the grades received. The license issued in a foreign country must be the same or substantially similar to the esthetics license issued by the Division;

2) An official transcript from the school or schools attended by the applicant showing the individual subject areas completed and the hours completed by the applicant, with the school seal affixed, or an official certification from the government agency, board or council showing the individual subject areas completed and the hours completed by the applicant, with the board, agency or council seal affixed. Educational training credentials and transcripts and/or evidence of licensure obtained in a foreign country must be submitted to determine if the applicant's program substantially complies with the requirements set forth in Subparts G and H. The Board may, as a means of assisting it in the review of foreign country training or licensure, require an applicant to submit his/her educational training credentials and transcripts and/or evidence of licensure to an approved education credentialing evaluation service or similar service approved by the Board for evaluation at the cost to the applicant. The scope of practice and education requirements must be the same or substantially similar to the esthetics license issued by the Division. The Board may require additional coursework or a 125-hour esthetician refresher course (see Section 1175.836) from a school licensed by the Division or may require an applicant to pass the esthetics examination. The Board may also require an applicant to appear for an interview before the Board or to provide additional information to assist the Board in its evaluation of the

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

applicant's training;

3) Evidence that the applicant has practiced esthetics in another jurisdiction for at least 3 years after completing the requirements to qualify for registration or licensure in that particular jurisdiction, but within 5 years preceding his/her application for endorsement. This evidence may be in the form of affidavits from at least 3 clients, coworkers or business owners who can verify the applicant's practice as an esthetician;

4) Proof of any name change (i.e., marriage license, divorce decree, affidavit or court order) if the applicant's name is other than that shown on submitted documents; and

5) The required fee set forth in Section 1175.100.

d) An applicant who is currently registered or licensed as an esthetics teacher in a foreign country and who is seeking licensure as an esthetics teacher in Illinois by endorsement shall file an application, on forms provided by the Division, that includes:

1) An official document from the government agency, board or council in the applicant's jurisdiction of original licensure stating the applicant's name, the esthetics teacher number, the original issuance date, the expiration date, a brief description of any licensure or exit examination taken to qualify for the license, and the grades received. The license issued in a foreign country must be the same or substantially similar to the esthetics teacher license issued by the Division;

2) An official transcript from the school or schools attended by the applicant showing the individual subject areas completed and the hours completed by the applicant, with the school seal affixed, or an official certification from the government agency, board or council showing the individual subject areas completed and the hours completed by the applicant, with the agency, board or council seal affixed. Educational training credentials and transcripts and/or evidence of licensure obtained in a foreign country shall be submitted to determine if the applicant's program substantially complies with the requirements set forth in Subparts G and H. The Board may, as a means of assisting it in the review of foreign country training or licensure, require an applicant to submit his/her educational training

credentials and transcripts and/or evidence of licensure to an approved education credentialing evaluation service or similar service approved by the Board for evaluation at the cost to the applicant. The scope of practice and education requirements must be the same or substantially similar to the esthetics teacher license issued by the Division. The Board may require additional coursework, a 125-hour esthetics refresher course from a school licensed by the Division as set forth in Section 1175.836, a 60-hour esthetics teacher refresher course, or an applicant to pass the esthetics examination and/or esthetics teacher examination. The Board may also require an applicant to appear for an interview before the Board or to provide additional information to assist the Board in its evaluation of the applicant's training;

3) Evidence that the applicant has practiced as an esthetics teacher in another jurisdiction for at least 3 years after completing the requirements to qualify for registration or licensure in that particular jurisdiction, but within 5 years preceding his/her application for endorsement. This evidence may be in the form of affidavits from at least 3 clients, coworkers, business owners, students or school administrators who can verify the applicant's practice as an esthetics teacher.

4) Proof of name change (i.e., marriage license, divorce decree, affidavit or court order) if the applicant's name is other than that shown on any of the documents submitted; and

5) The required fee set forth in Section 1175.100.

~~1) A certification from the jurisdiction of original licensure stating:~~

~~A) A brief description of any licensure examination taken and the grades received; and~~

~~B) Whether the applicant's file contains any record of disciplinary action taken or pending;~~

~~2) Official transcripts from the schools attended by the applicant showing the programs completed and the hours received with the school seal affixed;~~

~~3) Certification of current licensure if other than original licensure;~~

~~4) One of the Following:~~

~~A) Two Verification of Employment forms submitted by an applicant who completed a program of at least 500 hours of teacher training. An esthetics teacher applicant shall submit verification of 2 years of lawful practice as an esthetician; or~~

~~B) Two Verification of Employment forms submitted by an applicant who completed a program of at least 250 hours of clinic teacher training. An esthetics clinic teacher applicant shall submit verification of 2 years of lawful practice as an esthetician; or~~

~~C) Two Verification of Employment forms indicating 3 years of lawful practice in another jurisdiction submitted by an applicant who is applying as an esthetics teacher or esthetics clinic teacher on the basis of 3 years of lawful practice;~~

~~5) Proof of name change (i.e., marriage license, divorce decree, affidavit or court order) if name is other than that shown on any of the documents submitted;~~

~~6) The required fee set forth in Section 1175.100; and~~

~~7) A copy of the licensing Act applicable on the date of original licensure showing the requirements for licensure if requested by the Division in the application review. The Division will make such a request if the application materials are incomplete.~~

ee~~c~~) An applicant for licensure as an esthetician who is licensed in another jurisdiction mayshall be given 150300 hours of educational credit for every 12-month period during which he/she was lawfully employed as an esthetician. To obtain credit for work experience, the applicant must submit verification of employment in support of the work experience on forms provided by the Division from at least 3 clients, coworkers or business owners. A certification of licensure from the jurisdiction in which the lawful practice is claimed must also be submitted.

f~~d~~) An applicant applying for licensure as an esthetician or~~,~~ esthetics teacher ~~or esthetics clinic teacher~~ on the basis of endorsement who has previously failed the

licensing examination in Illinois shall not be approved for licensure on the basis of endorsement unless and until he/she provides verification of successful completion of a substantially equivalent licensure examination. The successful completion of the substantially equivalent examination must occur after the most recently failed examination attempt in Illinois. An applicant may be required to appear before the Board to answer questions about any examination taken by the applicant. The Board may recommend the completion of additional coursework by an applicant prior to licensure.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.721 Licensed Cosmetology Teacher Seeking License as Esthetics Teacher

a) A licensed cosmetology teacher may apply for licensure as an esthetics teacher. An applicant will not be required to take the esthetics teacher examination and shall file an application on forms provided by the Division that includes:

1) The applicant's current cosmetology teacher license number; and

2) The required fee set forth in Section 1175.100.

b) Nothing in this Part requires a licensed cosmetologist to obtain a license to practice esthetics or a licensed cosmetology teacher to obtain a license to practice or to teach esthetics.

(Source: Added at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.722 Licensed Nail Technology Teacher Seeking License as Esthetics Teacher

A licensed nail technology teacher may apply for licensure as an esthetics teacher. An applicant will not be required to take the esthetics teacher examination and shall file an application, on forms provided by the Division, that includes:

a) The applicant's current nail technology teacher license number;

b) The applicant's esthetics license number or proof of completion of all requirements of Section 1175.700; and

c) The required fee set forth in Section 1175.100.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.725 Renewals

a) Every license issued under the Act shall expire as follows:

1) Esthetics teacher~~, esthetics clinic teacher~~ and esthetics school licenses shall expire on September 30 of each even-numbered year.

2) Esthetician licenses shall expire on September 30 of each odd-numbered year.

3) The holder of a license may renew the license during the month preceding its expiration date.

b) Applicants for renewal shall:

1) Submit~~Return~~ a completed renewal application.

2) Esthetician. Certify on the renewal application to successful completion of a minimum of 10 hours of CE~~continuing education~~ from a sponsor registered with the Division, in accordance with Section 1175.1200~~ of this Part~~, within the 2 years prior to the expiration date of the license. Certify compliance with Section 1175.1220.

3) Esthetics Teacher~~ and Esthetics Clinic Teacher~~. Certify on the renewal application to successful completion of a minimum of 20 hours of CE~~continuing education~~ from a sponsor registered with the Division, in accordance with Section 1175.1200~~ of this Part~~, within the 2 years prior to the expiration date of the license. Certify compliance with Section 1175.1220. Ten of the 20 hours shall be in the following areas:

A) Teaching methodology;

B) Educational psychology;

C) Classroom management; or

D) Other teaching related courses.

4) Submit the required fee set forth in Section 1175.100.

c) A renewal applicant is not required to comply with CE~~continuing education~~ for the first renewal after issuance of original license.

d) The Division may require additional evidence demonstrating compliance with the CE requirements (i.e., certificate of attendance or certificate of completion). It is the responsibility of each renewal applicant to retain or otherwise produce evidence of this~~such~~ compliance. The~~Such~~ evidence shall be required in the context of the Division's random audit.

e) It is the responsibility of each licensee to notify the Division of any change of address. Failure to receive a renewal form from the Division shall not constitute an excuse for failure to renew a license.

f) Practicing or operating on a license that has expired shall be considered unlicensed activity and shall be grounds for discipline pursuant to Section 4-7 of the Act.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.730 Restoration – Esthetics

a) Application for Restoration

1) A person applying for restoration of a license as an esthetician that has been expired for less than 5 years shall submit an application on forms provided by the Division and ~~either~~:

~~1) All of the following:~~

A) Pay~~pay~~ the required fee set forth in Section 1175.100; and

B) Provide~~provide~~ evidence of successful completion of 10 hours of CE~~continuing education~~ in accordance with Section 1175.1200, earned within the 2 years immediately preceding the restoration.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

2) If restoring after active military service, a copy of the applicant's ~~Honorable Discharge form (~~DD-214~~)~~ and the current renewal fee.

b) A person applying for restoration of a license as an esthetician that has been expired for 5 years or more shall submit an application on forms provided by the Division along with either:

1) All of the following:

A) Verification of employment attesting to lawful practice in another jurisdiction for at least 24 months within the 5 years preceding application for restoration from at least 3 clients, coworkers or business owners;

B) Certification of licensure from the ~~appropriate~~ licensing authority in the jurisdiction of employment stating that the~~in which lawful~~ practice was authorized~~is claimed~~;

C) A completed Restoration Questionnaire;

D) Evidence of successful completion of 10 hours of CE~~continuing education~~ earned within the 2 years immediately preceding restoration; and

E) The required fee set forth in Section 1175.100; or

2) A~~If restoring from active military service, a~~ copy of the applicant's DD-214 and the current renewal fee if restoring from active military service.

c) An applicant for restoration under subsection (b) who is unable to comply with one or both of subsections (b)(1)(A) and (B) shall submit official transcripts showing successful completion of a 125-hour esthetics refresher course from an approved cosmetology or esthetics school or pass the esthetics licensure examination pursuant to Section 1175.710 within 2 years prior to or within 2 years after application for restoration. An applicant who completes this refresher course or takes the examination shall not also be required to complete 10 hours of CE~~continuing education~~, but shall comply with the remaining requirements of subsection (b).

d) If an applicant takes and fails the examination, the license will not be restored until he/she has successfully completed the examination.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.735 Restoration − Esthetics Teacher

a) A person applying for restoration of a license as an esthetics teacher or esthetics clinic teacher that has been expired or been on inactive status for less than 5 years shall submit an application on forms provided by the Division. An applicant shall also submit evidence of successful completion of 20 hours of CE~~continuing education~~ in accordance with Section 1175.1210 earned within the 2 years immediately preceding the restoration and the required fee set forth in Section 1175.100. If restoring after active military service, an applicant shall submit a copy of the applicant's ~~Honorable Discharge form (~~DD-214~~)~~ and the current renewal fee.

b) A person applying for restoration of a certificate as an esthetics teacher ~~or esthetics clinic teacher~~ that has been expired for 5 years or more shall submit an application on forms provided by the Division, along with either:

1) All of the following:

A) Verification of employment as an esthetics teacher~~ or esthetics clinic teacher~~ in another jurisdiction for at least 24 months within the 5 years preceding application for restoration from at least 3 students, coworkers or school owners;

B) Certification of licensure~~A certification~~ from the ~~appropriate~~ licensing authority in the jurisdiction of employment~~in which lawful practice is claimed~~;

C) Evidence of successful completion of 20 hours of CE~~continuing education~~ earned within the 2 years immediately preceding the restoration;

D) A completed Restoration Questionnaire; and

E) The required fee set forth in Section 1175.100; or

2) If restoring after active military service, a copy of the applicant's DD-214 ~~form~~ and the current renewal fee.

c) An applicant for restoration of an esthetics teacher license under subsection (b) who is unable to comply with one or both of subsections (b)(1)(A) and (B) shall submit official transcripts showing successful completion of a 125-hour teacher refresher course set forth in Section 1175.836 from an approved esthetics or cosmetology school or pass the esthetics teacher examination in accordance with Section 1175.710 within 2 years prior to or within 2 years after application for restoration. An applicant who completes this refresher course shall not also be required to complete 20 hours of CE~~continuing education~~, but shall comply with the remaining requirements of subsection (b).

d) If an applicant takes and fails the examination, the license will not be restored until he/she has passed the examination.~~An applicant for restoration of an esthetics clinic teacher license under subsection (b) who is unable to comply with one or both of subsections (b)(1)(A) and (B) shall submit official transcripts showing successful completion of a 60 hour teacher refresher course or passage of the examination set forth in Section 1175.710 within 2 years prior to or within 2 years after application for restoration of a license. Those who successfully complete a 60 hour refresher course or take the examination shall not be required to complete continuing education before restoring a license, but shall comply with the remaining requirements of subsection (b).~~

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

SUBPART H: ESTHETICS SCHOOLS

Section 1175.800 Esthetics School Application – Private Schools

a) An applicant for a private~~an~~ esthetics school license shall submit a completed application to the Division with the following information and documentation:

1) A detailed 8½ x 11 inch floor plan that is:

A) drawn to scale;

B) shows dimesions;

C) has all areas labeled;

D) has all fixtures shown; and

E) demonstrates compliance ~~consistent~~ with the requirements of Section 1175.305~~810(a)(1)~~;

2) A copy of:

A) a lease showing at least a 1-year commitment to the use of the school site, the address of the school site, the name of the lessor and the name of the lessee; or

B) the certification of ownership of the proposed school site;

3) If the owner is a corporation, a filed copy of the Articles of Incorporation; if the owner is a limited liability company, a filed copy of the Articles of Organization; if the owner is a partnership, a listing of all partners and their current addresses;

4) If the owner will be conducting business under an assumed name as described in the Assumed Business Name Act [805 ILCS 405], a copy of the application to adopt an assumed name filed with the government office responsible for approving the assumed name~~If the owner is a partnership, a listing of all partners and their current addresses~~;

5) An official~~A signed~~ fire inspection report from the local fire inspection authority conducted within 6 months prior to application giving approval for use of the site as a school;

6) A financial statement indicating sufficient current finances exist to operate the school for at least 3 months. The Division will not accept a bank statement as sufficient proof to meet this requirement. The financial statement shall include reporting cash assets on hand and any liabilities and shall be prepared by either a certified public accountant or a person knowledgeable about the finances of the school. Any financial statement submitted by a person who is not a certified public accountant must contain a signed statement certifying under penalty of perjury that the

information is true and accurate based upon inspection of the financial records of the schoolprepared by a certified public accountant licensed by the Division pursuant to the Illinois Public Accounting Act [225 ILCS 450] who is not an employee of the school, indicating sufficient current finances exist to operate the school for at least 3 months;

7) A copy of the official enrollment agreement to be used by the school, which shall be consistent with the requirements of Section 1175.815;

8) A listing of all esthetics and cosmetology teachers, including their teacher license numbers, who will be in the school's employ;

9) A copy of the curricula that will be followed for each program that meets the requirements of Section 1175.835;

10) A copy of the school's official transcript for each program that complies with the requirements of Section 1175.835; and

11) A Commitment Statement, as provided in the licensure application packet, signed and dated by the school's chief administrative officer; and

1211) The required fee set forth in Section 1175.100.

b) When the items listed in subsection (a) have been received, the Division shall inspect the school premises, prior to school approval, to determine compliance with this Subpart. School operations shall not commence, nor shall the school in any way solicit student enrollment, until the school has received written notice of approval from the Division. Approval will be granted if all of the requirements of this Subpart H have been met.

c) Esthetics schools shall only offer instruction in esthetics and esthetics teacher education.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.801 Esthetics School Application – Public Schools

a) An applicant for a public esthetics school license shall submit a completed application to the Division with the following information and documentation:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

1) A detailed 8½ x 11 inch floor plan that is:

A) drawn to scale;

B) shows dimesions;

C) has all areas labeled;

D) has all fixtures shown; and

E) demonstrates compliance with the requirements of Section 1175.305;

2) A listing of all teachers, including their teacher license numbers, who will be in the school's employ;

3) A copy of the curricula that will be followed for each program that meets the requirements of this Part;

4) A copy of the school's official transcript for each program that meets the requirements of this Part;

5) A Commitment Statement, as provided in the licensure application packet, signed and dated by the school's chief administrative officer; and

6) The required fee set forth in Section 1175.100.

b) When the items listed in subsection (a) have been received, the Division shall inspect the school premises, prior to school approval, to determine compliance with this Subpart. School operations shall not commence, nor shall the school in any way solicit student enrollment, until the school has received written notice of approval from the Division. Approval will be granted if all of the requirements of this Subpart have been met.

c) Esthetics schools shall only offer instruction in esthetics and esthetics teacher education.

(Source: Added at 42 Ill. Reg. 15159, effective August 10, 2018)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

Section 1175.805 Cosmetology Schools Approved to Teach Esthetics

a) Existing cosmetology schools that wish to provide esthetics instruction shall:

1) Provide at least~~provide~~ 200 square feet of space to accommodate 5 work stations and a maximum of 10 students. If attendance exceeds 10 on the clinic floor at any time, an additional 40 square feet is required for each additional work station required by subsection (a)(4)(A~~B~~). The use of this space shall not reduce the square footage for the conduct of an approved cosmetology school below the minimum requirements set forth in this Section~~Part~~.

2) File an application with the Division, on forms provided by the Division, which shall include:

A) A detailed 8½ x 11 inch floor plan that is:

i) drawn to scale;

ii) shows dimensions;

iii) has all areas labeled;

iv) has all fixtures shown; and

v) demonstrates compliance with the requirements of Section 1175.305;

B) An official~~A signed~~ copy of the fire inspection report from the local fire inspection authority, conducted within 6 months prior to application, giving approval for use of the site as a school;

C) A financial statement indicating sufficient current finances exist to operate the school for at least 3 months. The Division will not accept a bank statement as sufficient proof to meet this requirement. The financial statement shall include reporting cash assets on hand and any liabilities and shall be prepared by either a certified public accountant or a person knowledgeable about the

finances of the school. Any financial statement submitted by a person who is not a certified public accountant must contain a signed statement certifying under penalty of perjury that the information is true and accurate based upon inspection of the financial records of the school~~prepared by a certified public accountant licensed by the Division pursuant to the Illinois Public Accounting Act [225 ILCS 450] who is not an employee of the school, showing that the owner has sufficient finances to operate the school for at least 3 months~~;

D) A copy of the enrollment agreement to be used by the school;

E) A copy of the esthetics curriculum for each program that meets the requirements of Sections 1175.835 and 1175.840;

F) A listing of all ~~esthetics and cosmetology~~ teachers, including their teacher license numbers, who will be in the school's employ;

G) A copy of the school's official transcript for each program that complies with the requirements of Section 1175.825; and

H) The required fee set forth in Section 1175.100.

3) When the items required by~~listed in~~ subsection (a)(2) have been received, the Division shall inspect the school premises, prior to school approval, to determine compliance. No cosmetology school shall begin teaching an esthetics program until it has been approved by the Division.

4) In addition, the school shall have the following:

A) At least one work station or position for every 2 students. Every work station shall include 1 facial chair, 1 steamer, 1 magnification lamp and 1 wood lamp.

B) One~~Every school shall also have 1~~ set of facial equipment, to include manual, mechanical or electrical apparatus as follows:

i) Brushing;

ii) Vacuum/spray machine;

iii) Glass electrode or high frequency current; and

iv) Disencrustation machine.

~~D) Provide an esthetics curriculum in accordance with Sections 1175.835 and 1175.840.~~

b) Cosmetology schools approved to teach esthetics shall be required to comply with all provisions in this Part. Space and equipment required for esthetics schools pursuant to~~, except for~~ Section 1175.810(a) and (b) may be utilized for both the cosmetology and esthetics programs offered by the cosmetology school.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.810 Physical Site Requirements

a) Space Requirements

1) A school shall have a minimum of 1800~~1,800~~ square feet of work space. If the school has more than~~for a maximum of~~ 20 students, an~~. An~~ additional 40 square feet is required for each additional student ~~if attendance exceeds 20~~ on the clinic floor at any given time.

2) The school shall be partitioned to provide for the following areas:

A) Dispensary;

B) Student spa;

C) Classrooms;

D) Two restrooms;

E) Cloak space for the public;

F) Public waiting area;

G) Student lounge area separated from the work area and sufficient space for each student to keep school related and personal items;

H) Storage space;

I) Other areas for school administration;

J) Work stations.

3) All areas of the school shall be ventilated and lighted.

b) Equipment Requirements – All equipment shall be in working condition and sufficient for the number of students enrolled. Minimum requirements for school equipment are:

1) An entrance sign designating the name of the school;

2) A school seal;

3) A time clock or other equipment necessary for verification of attendance and hours earned;

4) A minimum of 5 work stations. Every work station shall include 1 facial chair, 1 steamer, 1 magnification lamp and 1 wood lamp;

5) Every school shall also have 1 set of facial equipment to include manual, mechanical, or electrical apparatus as follows:

A) Brushing;

B) Vacuum/spray machine;

C) Glass electrode or high frequency current; and

D) Disencrustation machine;

6) Trays for facial supplies;

7) One dry sterilizer per 2 work stations;

8) One facial supply station containing astringents, lotions, creams, makeup and other necessary supplies for facials;

9) A chair for each student in the classroom and, when appropriate, sufficient desk or table space;

10) Adequate covered disposal cans placed at convenient locations;

11) At least one covered container for soiled towels in a work area;

12) Closed or covered space equipped for storing 5 dozen clean towels for every 10 students in the work area; and

13) One head form or chart per class.

c) Sanitary Regulations

1) Clean outer garments must be worn at all times. No open toed shoes shall be worn by students.

2) All instruments shall be sanitized before and after use on each patron.

3) Clean towels shall be used for each patron.

4) Hands must be cleansed before and after serving each patron.

5) After each patron is served, electrical equipment must be sanitized according to manufacturer's specifications. All other equipment should be washed in water and sanitized before use.

6) The head rests of any chair shall be protected with a disposable cover or clean towel and changed after each patron.

7) Non-disposable head coverings must be laundered and sanitized after each separate use.

8) All powders, lotions, creams and other cosmetics shall be kept in clean, closed containers. All cosmetics shall be applied by sanitary applicators

and removed from the container with a sanitary spatula.

9) No owner, manager, teacher or school administrator shall knowingly permit any person suffering from a serious communicable disease, as defined in 77 Ill. Adm. Code 690, to work on the premises or knowingly permit a student to serve a patron with a serious communicable disease.

10) No animals or pets, except animal assistants for the physically impaired, shall be permitted on school premises.

11) The floors, walls and furniture shall be kept clean at all times.

12) An adequate supply of hot and cold running water shall be available for school operation.

d) Textbooks/Teaching Materials – Textbooks shall be provided for each student in attendance.

e) Teachers – The student/teacher ratio during clinical instruction shall not exceed a 25 to 1 ratio.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.815 Enrollment Agreements and Refund Policy

a) All licensed private esthetics schools shall have enrollment agreements that meet the requirements of Section 3B-12 of the Act. Licensed public esthetics schools will be deemed to be in compliance with this provision if these schools comply with the requirements of their public institution.

b) All licensed esthetics schools shall implement refund policies pursuant to Section 3B-13 of the Act and this Section~~Part~~.

1) When notice of cancellation is given within 5 days after the date of enrollment, all application and registration fees, tuition, and any other charges shall be refunded to the student.

2) *When notice of cancellation is given after the fifth day following enrollment but before the completion of the student's first day of class*

attendance, the school may retain the application and registration fee, not to exceed $100, and *the cost of any books or materials* that *have been provided by the school and retained by the student* ~~(Section 3B-13(b) of the Act)~~.

3) *When notice of cancellation is given after the student's completion of the first day of class attendance but prior to the student's completion of 5% of the course of instruction, the school may retain the application and registration fee,* not to exceed $100, *10% of the tuition, other instructional charges or $300, whichever is less, and the cost of any books or materials that have been provided by the school* and retained by the student ~~(Section 3B-13(b) of the Act~~.

4) *When a student has completed 5% or more of the course of instruction, the school may retain the application fee and registration fee,* not to exceed $100, *and the cost of any books or materials provided by the school, but shall refund a part of the tuition and other instructional charges in accordance with the requirements of the school's regional or national accrediting agency, if any, or in accordance with* this subsection (b~~c~~) ~~of this Section~~. (Section 13B-13(1) of the Act)

c) For students who enroll in and begin classes, the following schedule of tuition adjustment will be considered to meet the Division standards for refunds:

PERCENTAGE OF A SCHEDULED COURSE COMPLETED	AMOUNT OF TUITION OWED TO THE SCHOOL
0.01% to 4.9%	10%
5% to 9.9%	30%
10% to 14.9%	40%
15% to 24.9%	45%
25% to 49.9%	70%
50% and over	100%

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.825 Recordkeeping – Transcripts

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

a) Each school shall provide an official transcript showing the entire program work of each student. The official transcript shall contain the following information:

1) School name, ~~and~~ address and phone number;

2) School seal;

3) School license number;

4) Signature of owner, registrar or director of the school;

5) Student's name, address and social security number;

6) Actual dates student attended, including start date, end date and graduation date;

7) Subject areas, required hours, earned hours, and grades received (in a percentage form);

8) Any transfer hours citing the name and address of school transferred from, subject areas, hours earned, and grades received (percentage); and

9) Final examination grades (percentage).~~; and~~

~~10) Graduation date.~~

b) The official transcript and school records for each student shall be permanently maintained by the school in the following manner:

1) If maintained on the school premises, they shall be maintained in a locked, fire-resistant cabinet. If official transcripts are maintained on a computer system, history tapes or discs of all official records must be stored in a locked, fire-resistant cabinet or electronically stored in a secure off-site storage system.

2) If records, whether electronic or paper, cannot be maintained on the premises in locked fire-resistant cabinets, duplicate student records, including the official transcripts, shall be maintained at a separate location that shall be made known to the Division. The records shall be accessible

to Division officials for inspection.

c) An official transcript and school records for students who withdrew or dropped out of a program shall be maintained by the school for 5 years from the student's first day of attendance at the school.

d) A copy of the transcript shall be given to the student upon graduation or other permanent exit from the school provided the student has met all financial obligations established in the enrollment agreement as set forth in Section 3B-12 of the Act and Section 1175.815.

e) Transcripts from approved schools must meet the requirements of this Section to be accepted by the Division for licensure.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.830 Recordkeeping – Hours Earned

a) Student Hours. A licensed school of esthetics shall have a written, published attendance policy.

1) When determining student hours, a school may define its attendance requirements to include 100% ~~percent~~ attendance for the program length or may allow excused absences for not more than 10% ~~percent~~ of the program for satisfactory completion. Satisfactory completion is defined as completion of all theory and practical work as outlined in the school's curricula.

2~~1~~) Student attendance policies shall be written and applied uniformly and fairly.

3~~2~~) The school shall maintain documentation of excused absences for at least ~~a period of not less than~~ 5 years.

4~~3~~) The school shall maintain attendance records for each student to verify that the minimum attendance standard set forth by the school is being met.

b) A complete and accurate record of hours of attendance for each student shall be recorded and maintained by the school.

c) If a time clock is used, each student shall punch his/her own time card. No student, teacher or any other person shall punch the time card of another student. If a time clock is not used, there shall be another verifiable method used by the school to record student hours. The records shall be in a form that allows the student to receive a written report of hours earned. This report of hours earned shall be provided to the student on a monthly basis.

d) Credit for hours earned away from school premises shall be awarded only if students are supervised by a licensed instructor or by a licensed esthetician or licensed cosmetologist in the case of an internship. Credit hours for outside study may include workshops, educational programs, films, demonstrations and internship training in a registered salon.

e) Hours earned away from the school premises shall be recorded on school time forms. These forms shall include: the school seal, name of student, event or program attended, date attended, signature of student and signature of supervising, licensed instructor.

f) Instructors shall review the hours earned by each student monthly. Each month the instructor shall issue a signed written monthly report to the student showing the actual number of hours earned by the student.

g) Time cards may be destroyed upon the student's permanent exit from the school and after all hours earned are recorded on the official transcript.

h) An hour is 60 minutes of instruction but not less than 50 minutes.

i) A licensed instructor shall supervise all classroom, practical and clinical instruction. No credit shall be given for unsupervised study.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.835 Curriculum Requirements – Esthetics

a) Each licensed cosmetology school teaching an esthetics curriculum and each licensed esthetics school shall provide a program consisting of a minimum of 750 clock hours or a 25 credit hour equivalency (1 credit hour equals 30 clock hours) of instruction. Instruction shall be a combination of classroom instruction and

hands on (practical and technical) experience. The licensed cosmetology or esthetics school may provide online hours in theory, but online hours shall not exceed 10% of the hours required in each of subsections (a)(1), (2), (3) and (4). The minimum subjects and number of hours shall be as follows for each category of training:

1) Basic Training – 75 hours ~~of classroom instruction in general theory and practical application shall be provided which shall be divided into the following subject areas~~:

A) history of skin care;

B) personal hygiene and public health;

C) professional ethics;

D) sterilization and sanitation;

E) introduction to skin analysis and skin care and facial treatments;~~.~~

F) eyelash extensions, tabs and strips.

2) Scientific Concepts – 150 hours ~~of classroom instruction shall be provided in the following subject areas~~:

A) cells, metabolism and body systems;

B) bacteriology;

C) physiology and histology of the skin;

D) human anatomy;

E) chemistry – understanding chemicals and their use;

F) disorders of the skin and special esthetics procedures.

3) Practices and Procedures – 500 hours ~~of instruction, which shall be a combination of classroom instruction and clinical application, shall be~~

~~provided in the following subject areas~~:

A) non-therapeutic massage, excluding the scalp;

B) nutrition and health of skin;

C) skin analysis;

D) cleansing the skin;

E) mask therapy and facial treatments;

F) facial treatments without the aid of machines;

G) electricity, machines and apparatus;

H) facial treatments with the aid of machines;

I) hair removal; including tweezer method, depilitators, waxing and their use;

J) professional makeup techniques, including the application of eyelash extensions, tab and strips;

K) product knowledge as it relates to esthetics.

4) Business Practices – 25 hours ~~of classroom instruction shall be provided in the following subject areas~~:

A) the~~The~~ Act and this Part, including sanitary standards;

B) management~~Management~~;

C) OSHA standards relating to chemical use; ~~and~~

D) Workers' Compensation Act.

5) Internship Program is an optional part of the curriculum. Each licensed esthetics school may choose to set up an internship program and shall

follow the guidelines set forth in this subsection (a)(5):

A) An internship program:

i) May be substituted for 75 hours of the 750 hours set forth in this subsection (a).

ii) May be part of the curriculum of a licensed esthetics school and shall be an organized preplanned training program designed to allow a student to learn esthetics under the direct supervision of a licensed cosmetologist or licensed esthetician in a registered salon.

B) A student in the internship program:

i) May participate in an internship program only after completing 375 hours of training and have a minimum average grade of 80. A school may set the average grade higher and set other standards that a student must meet to participate in the internship program.

ii) May not spend more than 75 hours in an internship program.

iii) May not be paid while participating in this internship program as it is a part of the esthetics curriculum of the school.

iv) May work a maximum of 8 hours a day and shall be required to spend 1 day a week at the school.

v) Shall be under the direct on-site supervision of a licensed cosmetologist or licensed esthetician. Only 1 student shall be supervised by 1 licensed cosmetologist or licensed esthetician.

C) A licensed esthetics school shall state clearly in the ~~student contract or~~ enrollment agreement that the school offers an internship program.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

D) The licensed esthetics school shall enter into a contract with the student, the registered salon and licensed cosmetologist or licensed esthetician. The contract shall contain all of the provisions set forth in this subsection (a)(5) and any other requirements of the internship program established by the school. The contract shall be signed by the student, the school and the licensed cosmetologist or licensed esthetician. Any party to the contract may terminate the contract at any time.

b) An esthetics student is not permitted to practice on the public until the successful completion of 75 hours of basic training specified in subsection (a)(1).

c) A school may, as part of its educational program and on school premises, offer esthetics services to the public, through a student clinic, as a means of providing students with practical experience. Services shall be provided by students working under the supervision of one or more teachers. Students shall receive no compensation, including tips, but shall receive credit for hours worked towards the 750-hour education requirement. The school may provide those services under the authority of its school license and is not required to obtain a salon registration. The school shall post a sign visible to the public advising that all services are provided by students. Except as provided in this subsection, a school and a salon shall not operate in the same premises.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.836 Curriculum Requirements – 125-Hour Esthetician Refresher Course

a) The 125-hour esthetician refresher course required under Section 1175.710 or 1175.720 shall include a minimum of 125 clock hours of training in the following categories, as defined in Section 1175.835:

1) Basic Training;

2) Scientific Concepts;

3) Practices and Procedures; and

4) Business Practices.

b) The refresher course in subsection (a) shall include a minimum of 25 hours in basic training. The subjects covered in the remaining 100 hours may be determined at the discretion of the school and/or teacher, provided the refresher course includes training in each category listed in subsection (a). Instruction shall be a combination of classroom instruction and hands on (practical and technical) experience. However, instruction may include online hours in theory not to exceed 10% of the total hours.

(Source: Added at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.840 Curriculum Requirements – Esthetics Teacher

a) A licensed~~An approved~~ school that intends to provide teacher training must utilize a teacher curriculum that includes a program consisting of a minimum of 750 clock hours or a 25 credit hour equivalency (1 credit hour equals 30 clock hours) of instruction. The licensed cosmetology or esthetics school may provide online hours in theory, but online hours shall not exceed 10% of the hours required in each of subsections (1), (2), (3), (4) and (5). The minimum number of hours shall be as follows:

1) 250 hours of Post-Graduate School Training that includes: all subjects in the basic esthetics curriculum ~~in~~ (see Section 1175.835), including theory and practice. Presentation of material must include the concepts that are intended to be taught and the skills to be acquired during the various phases of basic education.

2) 20 hours of Educational Psychology that shall include, but not be limited to, topics in educational objectives, student characteristics and development, the learning process, and an evaluation of learning that relates to teaching. These hours shall be waived on behalf of esthetics teacher students who have completed a course in Educational Psychology at an accredited college or university.

3) 20 hours of Teaching Methods (Theory) that shall include, but not be limited to, topics in individual differences in learning, lesson planning and design, lesson delivery, assessment of learning performance, classroom management, student motivation and classroom climate. These hours shall be waived on behalf of esthetics teacher students who have

completed a course in Teaching Methods-Secondary Level at an accredited college or university.

4) 150 hours of Application of Teaching Methods that includes~~include~~: preparation and organization of subject matter to be presented on a unit by unit basis; and presentation of subject matter through application of varied methods (lecture, demonstration, testing and assignments). Presentations must provide teaching objectives to be accomplished and correlate theoretical with practical application.

5) 50 hours of Business Methods that includes~~include~~: Inventory, recordkeeping, interviewing, supplies, the Act and this Part.

6) 260 hours of Student Teaching under the on-site supervision of an Illinois licensed teacher. The student teacher shall present theoretical and practical demonstrations to students in the basic curriculum.

b) The approved program for a 500-hour Teacher Training Course shall be based upon 2 years of practical experience and shall consist of the Teacher Training Curriculum outlined in this Section with the exception of the 250 hours of Post-Graduate Training.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.841 Curriculum Requirements – Esthetics Clinic Teacher (Repealed)

~~a) An approved school that intends to provide esthetics clinic teacher training must utilize a teacher curriculum that includes a program consisting of a minimum of 250 clock hours or a 9 credit hour equivalency (1 credit hour equals 30 clock hours) of instruction as follows:~~

~~1) 20 hours of Educational Psychology that shall include, but not be limited to, topics in educational objectives, student characteristics and development, the learning process and an evaluation of learning that relates to teaching. These hours shall be waived on behalf of cosmetology teacher students who have completed a course in Educational Psychology at an accredited college or university.~~

~~2) 20 hours of Teaching Methods (Theory) that shall include, but not be~~

~~limited to, topics in individual differences in learning, lesson planning and design, lesson delivery, assessment of learning performance, classroom clinic management, student motivation and clinic climate. These hours shall be waived on behalf of cosmetology teacher students who have completed a course in Teaching Methods – Secondary Level at an accredited college or university.~~

~~3)~~ ~~10 hours of Business Methods that include inventory, recordkeeping, interviewing, supplies, the Act and this Part.~~

~~4)~~ ~~200 hours of Student Teaching under the on-site supervision of an Illinois licensed teacher. The student teacher shall supervise clinic students and present practical demonstrations to students in the clinic portion of the basic cosmetology curriculum.~~

~~b)~~ ~~Completion of an instructor's institute of 20 hours, as provided in Section 3A-3 of the Act, may be done in lieu of the 250 hour clinic teacher curriculum if an individual has obtained a minimum of 2 years of practical experience working at least 30 full time hours per week as a licensed esthetician prior to submitting an application for examination. This institute shall, at a minimum, consist of 10 hours of Educational Psychology and 10 hours of Teaching Methods (Theory).~~

(Source: Repealed at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.842 Curriculum Requirements – Esthetics Teacher Refresher Course

a) The 60-hour esthetics teacher refresher course required under Section 1175.710 or 1175.720 shall include a minimum of 60 clock hours of instruction and practical experience in subjects in each of the categories of training defined in Section 1175.840 and may include online hours in theory, not to exceed 10% of the total hours, in the following:

1) Educational Psychology;

2) Teaching Methods (Theory);

3) Application of Teaching Methods; and

4) Business Methods.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

b) In the case of esthetics teacher applicants who fail to pass a third examination, the remedial training required by Section 1175.710(b)(2) shall include 80 clock hours of additional instruction in the following categories of training defined in Section 1175.840:

1) Teaching Methods (Theory); and

2) Application of Teaching Methods.

(Source: Added at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.845 Final Examination

a) A school shall require each candidate for graduation to pass a final examination that shall test the student's theoretical and practical knowledge of the curriculum studied. A "final examination" shall include a single final examination or multiple examinations as determined by the school.

b) The practical examination shall test the candidate's skills in the following areas:

1) Non-therapeutic massage;

2) Electrical facial treatments;

3) Other kinds of facial treatments;

4) Makeup application; and

5) Hair removal.

c) The examination shall be administered by the uniform application of standard performance criteria established by the school for each skill area. The standard performance criteria for each skill area shall be delineated in the examination records as specified in subsection (h).

d) A passing score of 75 or greater shall be required on both the theoretical and practical portions of the final examination or another state's passing grade.

e) The school shall allow each candidate for graduation at least 3 attempts to pass the final exam.

f) The Division may monitor the administration of the final examination:

1) As a result of a complaint received;

2) For random sampling;

3) To collect data; and/or

4) When the failure rate on the licensure examination for school graduates is greater than 25%.

g) The Division shall maintain records of each school's graduate failure rate on the licensing examination. The records shall reflect only first examination attempts for each graduate. The examination results shall not count toward the failure rate on the licensing examination if the student transfers to the school from a closed school with one-half or more of the required hours for graduation.

h) The school shall maintain records of the final examination for a period of no less than 5 years in the manner prescribed in Section 1175.825(b) ~~of this Part~~. These records shall include:

1) A copy of the final examination administered; and

2) Each student's examination grades.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.850 Change of Ownership

a) For purposes of this Section, "change of ownership", "sale" or "transfer" of a corporation means the transfer of more than 50% of stock during a 14-day period. For purposes of this Section, "change of ownership", "sale" or "transfer" of a partnership means a change of more than 50% of the partners during a 14-day period. For purposes of this Section, "change of ownership", "sale" or "transfer" of an LLC means a change of more than 50% of the members during a 14-day period. Any change of ownership of a parent business entity that owns the

school's owner shall not be considered a change of ownership of the school. ~~When the ownership of an approved school changes, the new owner shall, within 5 working days from the date title to the school is transferred, mail to the Division the following:~~

b) If a licensed school is to be sold or otherwise transferred, the new owner must notify the Division at least 30 days in advance of the effective date of the transfer of ownership. The notification shall include a signed and dated letter from the pre-transfer owner acknowledging the planned sale or transfer.

c) Upon filing notice to the Division, the new owner may continue to operate the school under the previously issued license, provided that the new owner submits an application for licensure with the Division within 30 days after the effective date of the transfer of ownership by mailing to the Division:

~~1)~~ ~~An affidavit stating that the contract is contingent on a certificate being issued to the new owner. If this is not provided, the school must close on the date of the transfer and remain closed until a new certificate is issued;~~

1~~2~~) A signed and completed school application;

2~~3~~) A detailed 8½ x 11 inch floor plan that is:

A) drawn to scale;

B) shows dimensions;

C) has all areas labeled;

D) has all fixtures shown; and

E) demonstrates compliance with the requirements of Section 1175.305~~if any expansion is to be done by the new owner~~;

3~~4~~) A copy of:

A) a lease agreement showing at least a 1-year commitment to the use of the school site; the name of the lessor and the name of the lessee; or

B) the certification of ~~school site~~ ownership of the proposed school site;

4~~5~~) A copy of the enrollment agreement that will be utilized by the new owner;

~~6) A copy of the written, published attendance policy that will be utilized by the new owner;~~

5~~7~~) A copy of curricula that will be used by the new owner;

6~~8~~) A sample copy of the school's official transcript;

7~~9~~) A Commitment Statement, as provided in the licensure application packet, signed and dated by the school's chief administrative officer~~managing employer and a statement signed and dated by each partner or each officer of the corporation~~;

8~~10~~) List of all the names, addresses and current status of all schools in which the applicant has previously owned any interest, and a declaration as to whether any of these schools were ever denied accreditation or licensing or lost accreditation or licensing from any government body or accrediting agency;

9) If the new owner is a corporation, limited liability company, or partnership, a copy of the following:

A) if the owner is a domestic corporation, a filed copy of the Articles of Incorporation filed with the Secretary of State or, in the case of a foreign corporation, a filed copy of the Authority to Transact Business in Illinois accepted by and filed with the Secretary of State;

B) if the owner is a domestic limited liability company, a copy of the Articles of Organization that were filed with the Secretary of State or, if the owner is a foreign limited liability company, a copy of the Application for Admission to Transact Business as a Foreign

Limited Liability Company accepted by and filed with the Secretary of State; or

C) if the owner is a partnership, a listing of all partners and their addresses;

10) If the new owner will be conducting business under an assumed name as described in the Assumed Business Name Act [805 ILCS 405], a copy of the application to adopt an assumed name filed with the government office responsible for approving the assumed name;

~~11)~~ ~~If the owner is a corporation, a copy of the Articles of Incorporation; if the owner is a limited liability company, a copy of the Articles of Organization;~~

~~12)~~ ~~If owner is a partnership, a listing of all partners and their addresses;~~

11~~13~~) An official~~A signed~~ fire inspection report by the local fire inspection authority conducted within 6 months prior to application approving the school site;

12~~14~~) A financial statement indicating sufficient current finances exist to operate the school for at least 3 months. The Division will not accept a bank statement as sufficient proof to meet this requirement. This financial statement shall include reporting cash assets on hand and any liabilities and shall be prepared by either a certified public accountant or a person knowledgeable about the finances of the school. Any financial statement submitted by a person who is not a certified public accountant must contain a signed statement certifying under penalty of perjury that the information is true and accurate based upon inspection of the financial records of the school~~prepared by a certified public accountant licensed by the Division pursuant to the Illinois Public Accounting Act [225 ILCS 450] who is not an employee of the school, indicating sufficient current finances exist to operate the school for at least 3 months~~;

13~~15~~) If a name change is to also occur, all documents submitted must include the new name, and the new owner must submit a sample of the new school seal and a photo of the new school sign; and

1416) The required fee set forth in Section 1175.100.

db) Once the items listed in subsection (ca) have been received, the Division shall conduct an inspection prior to approval of the change of ownership. Approval will be granted if the requirements of this Subpart H have been met.

e) If the new owner fails to submit a new application within 30 days, or if the Division does not approve the school, the school shall remain closed until final Division approval is received.

f) The new owner is responsible for ensuring that the school is in compliance with all current provisions of the Act and this Part.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.855 Change of Location

a) When the location of a licensedan approved school is to be changed, the school owner shall submit to the Division the following:

1) Written notice to the Division at least 30 days in advance of the school site change;

2) A signed and completed school application;

3) A detailed 8½ x 11 inch floor plan that is:

A) drawn to scale;

B) shows dimensions;

C) has all areas labeled;

D) has all fixtures shown; and

E) demonstrates compliance with the requirements of Section 1175.810;

4) A copy of:

A) a lease agreement showing at least a 1-year commitment, the address of the school site, the name of the lessor and the name of the lessee; or

B) the certification of ownership of school site;

5) An official~~A signed~~ fire inspection report by the local fire inspection authority, conducted within 6 months prior to application, approving the site; and

6) The required fee set forth in Section 1175.100.

b) Once the items listed in subsection (a) have been received, the Division shall inspect the premises to determine compliance with this Part. If any changes affecting the items in subsection (a) are made prior to inspection, the school owner must notify the Division in writing. School operations shall not commence at the new location, nor may the school in any way solicit student enrollment, until the owners have received written notice of approval from the Division. Approval will be granted if the requirements of this Subpart H have been met.

c) If the change of location is due to natural destruction of, or other severe damage to, the original premises due to circumstances beyond the control of the owner, a temporary site may be used to teach theory classes only.

1) The temporary site must be inspected prior to its use and must possess light, ventilation and tables and chairs for the number of students in a classroom and must be clean.

2) The temporary site may be used for a period of 2 months. The 2-month period can be extended for good cause. Good cause includes, but is not limited to, unexpected delays in construction, delays in lease arrangements or delays in equipment delivery.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.860 Change of Name

When changing the name of a licensed school, a written request for a name change, along with

supporting documentation and the required fee specified in Section 1175.100, shall be submitted~~mailed~~ 30 days in advance of any name change. The Division shall then issue an updated license~~a new certificate~~. At the time of the change of name, all identifying signs and materials must be changed to conform to~~with~~ the new name on the school license.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.865 Expansion

a) Written notice shall be given to the Division 30 days prior to any expansion of a licensed~~an approved~~ school.

b) When the expansion will result in an off-site classroom location, a completed school application must be submitted along with:

1) A detailed 8½ x 11 inch floor plan that is:

A) drawn to scale;

B) shows dimensions;

C) has all areas labeled;

D) has all fixtures shown; and

E) demonstrates compliance with the requirements of Section 1175.305;

2) A copy of:

A) a lease showing at least a 1-year commitment to the use of the site, the address of the site, the name of the lessor and the name of the lessee; or

B) the certification of ownership of the proposed site;

3) An official~~A signed~~ fire inspection report from the local fire inspection authority, conducted within 6 months prior to application, giving approval for use of the site as an off-site classroom location;

4) A statement from the school owner outlining the purpose of the classroom location;

5) A listing of any and all additional teachers who will be added to the teaching staff as a result of the expansion; and

~~6) A financial statement prepared by a certified public accountant licensed by the Division pursuant to the Illinois Public Accounting Act [225 ILCS 450] who is not an employee of the school, indicating sufficient current finances exist to operate the school for at least 3 months; and~~

6~~7~~) The required fee set forth in Section 1175.100.

c) An off-site classroom location is defined as a separate classroom, not continuously joined, that is located within 5 miles of the main school site that serves to provide adequate space in which to train an overflow of students. A clinic may not be operated at an off-site classroom location. A school may establish only one off-site classroom location. All identifying signs and materials must reflect the name of the main school.

d) When an on-site expansion is to accommodate an increased enrollment, a completed school application shall be submitted along with:

1) A detailed 8½ x 11 inch floor plan that is:

A) drawn to scale;

B) shows dimensions;

C) has all areas labeled;

D) has all fixtures shown; and

E) demonstrates compliance with the requirements of Section 1175.305;

2) A statement from the school owner outlining the purpose of the expansion;

3) A listing of any and all additional teachers who will be added to the teaching staff as a result of the expansion; and

4) The required inspection fee set forth in Section 1175.100.

e) Upon receipt of the items listed in subsections (b) and (d~~e~~), the Division shall inspect the expansion site to determine compliance with this Part. If any changes affecting the items in subsections (b) and (d) are made prior to inspection, the school owner must notify the Division in writing. The site shall not be used until such inspection has occurred and the owner has received written notification of approval from the Division. Approval will be granted if all of the requirements of this Subpart H have been met.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.870 Discontinuance of Program

a) The Division shall receive a minimum of 30 days written notice of a school's intent to discontinue its program. The notice shall include the exact location where the student records are to be stored.

b) The school owner shall notify the Division in writing of the actual closing date of the school.

c) All school records shall be maintained after the school closes.

d) The school must continue to meet the requirements of the Act and this Part until the actual closing date.

e) Each student enrolled at the time of discontinuation must be provided an official transcript of all hours earned while enrolled in the program.

f) Each student shall be given a refund prorated to at least reflect the percentage of time remaining to complete the course of instruction.

g) Students who have acquired 375 or more clock hours before their school closes shall be allowed to transfer all accumulated hours to another licensed esthetics school with the approval of that school. Schools accepting these hours shall not be credited with the students' pass/fail statistics, set forth in Section 1175.570(b),

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

resulting from their first attempt on the Illinois Esthetician examination.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.875 Withdrawal of LicensureApproval

a) The Division may withdraw, suspend or place on probation, pursuant to 68 Ill. Adm. Code 1110, the licensureapproval of a school of cosmetology or esthetics school when the quality of the program has been affected by any of the following causes:

1) Gross or repeated violations of any provisions of the Act or this Part;

2) Fraud or dishonesty in furnishing transcripts or documentation for evaluation of the school;

3) Failure to meet the criteria for school approval in Section 1175.800 or 1175.801;

4) Failure to administer the final examination as specified in this Part;

5) Failure to maintain final examination grades for each student and a master of the examination administered by the school as specified in this Part;

6) Fraud or dishonesty in providing transcripts to students who have fulfilled all obligations under Section 1175.815;

7) Failure to provide transcripts to students;

8) A finding by the U.S. Office of Education or Illinois Student Assistance Commission that a school has misappropriated or misused grant or loan monies or has aided in obtaining thosesuch monies by providing fraudulent or untruthful information; orand

9) Any other violations of the Act or this Part.

b) Performance Record on Licensing Examination1)When a school's graduates have a 25% or greater failure rate on the licensing examination, Division approval of a school shall be reviewed pursuant to Section 1175.800.2)The performance record

~~of a school's graduates on the licensing examination as compared with the statewide performance record shall be considered by the Division when reviewing Division approval of a school.3)~~The Division shall give written notice and a hearing pursuant to 68 Ill. Adm. Code 1110 when Division licensure~~approval~~ of a school is proposed to be withdrawn.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

SUBPART J: NAIL TECHNOLOGY

Section 1175.1001 Licensure by Examination – Nail Technician

a) Eligibility. Each applicant must meet the following requirements (see Section 3C-2 of the Act) prior to filling an application for the nail technician examination:

1) Is at least 16 years of age.

2) Pursuant to Section 3C-2 of the Act:

A) Is beyond the age of compulsory school attendance or has a certificate of graduation from a school providing secondary education or the recognized equivalent of that certificate; and

B) Is a graduate of a cosmetology or nail technology school approved by the Division to teach nail technology in accordance with Subpart K ~~of this Part~~, that includes a program of 350 hours in the study of nail technology extending over a period of not less than 8 weeks nor more than 2 consecutive years.

b) Application. Each applicant shall file an application for examination, on forms provided by the Division~~, at least 45 days prior to an examination date~~. The application shall include:

~~1) An official transcript showing successful completion of the required program outlined in subsection (a)(2)(B) and a passing grade on the final examination administered by the school as set forth in Section 1175.1145; or, for those retaking the Division examination after 2 unsuccessful attempts, official transcripts showing successful completion of remedial training (60 hour refresher course) as required by Section 3C-7 of the Act;~~

12) Proof of any name change (i.e., marriage license, divorce decree, affidavit or court order) if the applicant's~~a different~~ name is other than that shown~~appears~~ on the submitted~~supporting~~ documents; and

23) The required fee set forth in Section 1175.100, which shall be submitted to the Department's testing service ~~of this Part~~.

c) Examination. Each applicant shall take and pass the nail technology examination as required in Section 1175.1010~~An applicant who has graduated from a nail technology program in another jurisdiction with less than 350 hours may only acquire a maximum of 50 hours of nail technology training from a licensed Illinois cosmetology school or nail technology school~~.

d) An applicant's training received from a nail technology program or similar institution located in another state, other jurisdiction of the United States, or foreign jurisdiction must substantially comply with the requirements set forth in Subpart K.

e) An applicant seeking credit for training or licensure in a foreign country must provide educational training credentials and transcripts and/or evidence of licensure to determine if the applicant's program substantially complies with the requirements set forth in Subparts J and K. The Board may, as a means of assisting it in the review of foreign country training or licensure, require an applicant to submit his/her educational training credentials and transcripts and/or evidence of licensure to an approved education credentialing evaluation service or similar service approved by the Board for evaluation at the cost of the applicant.

f) The Board may require additional coursework or a 60-hour nail technology refresher course from a school licensed by the Division as set forth in Section 1175.1136.

g) The Board may also require an applicant to appear for an interview before the Board or to provide additional information to assist the Board in its evaluation of the applicant's training.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.1005 Licensure by Examination – Nail Technology Teacher ~~or Nail~~

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

~~**Technology Clinic Teacher**~~

a) Eligibility. Each applicant must meet the following requirements pursuant to Section 3C-3 of the Act prior to filing an application for the nail technology teacher examination:

1) Be at least 18 years of age;

2) Have graduated from high school or its equivalent;

3) Hold a current license as a cosmetologist or nail technician;

4) Either~~For nail technology teacher, either~~:

A) Complete~~Have completed~~ a 500-hour program of teacher training in an approved cosmetology or nail technology school and have at least 2 years of full time experience as a practicing nail technician within 5 years preceding the application; or

B) Complete~~Have completed~~ a 625-hour program of teacher training in a school of cosmetology approved in accordance with Section 1175.1105 or school of nail technology approved in accordance with Section 1175.1100.~~; and~~

~~5) For nail technology clinic teacher, have completed a 250 hour program of clinic teacher training in an approved cosmetology or nail technology school or within 5 years preceding the examination, has obtained a minimum of 2 years of practical experience working at least 30 full time hours per week as a licensed nail technician and has completed an instructor's institute of 20 hours, as approved by the Division, prior to submitting an application for examination.~~

b) Application. Each applicant shall file an application, on forms provided by the Division~~, at least 45 days prior to the examination date~~. The application shall include:

1) Proof of any name change (i.e., marriage license, divorce decree, affidavit or court order) if the applicant's~~a different~~ name is other than shown~~appears~~ on submitted~~supporting~~ documents;

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

~~2)~~ ~~The required fee set forth in Section 1175.100;~~

2~~3~~) Either~~For nail technology teacher, either~~:

A) An official transcript from an approved school of nail technology or cosmetology showing successful completion of a 500-hour program of teacher training as set forth~~outlined~~ in Section 1175.535 or 1175.1140 ~~of this Part~~ and 2 employment verification forms showing at least 2 years of full-time experience as a practicing nail technician within the last 5 years; or

B) An official transcript from an approved school of nail technology or cosmetology, showing successful completion of a 625-hour program of teacher training as set forth~~outlined~~ in Section 1175.535 or 1175.1140 ~~of this Part~~;

~~4)~~ ~~For nail technology clinic teacher:~~

~~A)~~ ~~An official transcript from an approved school of nail technology or cosmetology showing successful completion of a program of 250 hours of clinic teacher training; or~~

~~B)~~ ~~Proof that the teacher, within 5 years preceding the examination, has obtained a minimum of 2 years of practical experience working at least 30 full time hours per week as a licensed nail technician and has completed an instructor's institute of 20 hours, approved by the Division, prior to submitting an application for examination.~~

3~~5~~) A copy of the applicant's current Illinois nail technology or cosmetology license; ~~and~~

4~~6~~) If the applicant is licensed in another state, a certification of licensure from the state of original licensure and from the state in which the applicant predominantly practices and is currently licensed; and~~.~~

5) All applicants under this Section shall submit the required examination fee to the Department's testing service.

c) Examination. Each applicant shall take and pass the nail technology teacher examination as required in Section 1175.1010.

d) An applicant's training received from a cosmetology or nail technology school located in another state, other jurisdiction of the United States, or foreign jurisdiction must substantially comply with the requirements set forth in Subpart K. An applicant seeking credit for training or licensure in a foreign country must provide educational training credentials and transcripts and/or evidence of licensure to determine if the applicant's program substantially complies with the requirements set forth in Subparts J and K. The Board may, as a means of assisting it in the review of foreign country training or licensure, require an applicant to submit his/her educational training credentials and transcripts and/or evidence of licensure to an approved education credentialing evaluation service or similar service approved by the Board for evaluation at the cost to the applicant. The Board may also require additional coursework or a 60-hour nail technology refresher course from a school licensed by the Division as set forth in Section 1175.1136. The Board may also require an applicant to appear for an interview before the Board or to provide additional information to assist the Board in its evaluation of the applicant's training.

e) The required fee set forth in Section 1175.100.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.1010 Examination Requirements

a) Examinations shall be administered by the Division or its designated testing service for nail technicians and, nail technology teachers ~~and nail technology clinic teachers~~ and shall cover subject matter as set forth in Section 3C-7 of the Act.

b) The passing score on each examination is 75.

c) Retakes for Nail Technicians

1) An applicant who fails to pass a third examination for licensure as a nail technician must submit an official transcript from a cosmetology school approved to teach nail technology or a nail technology school approved by the Division showing successful completion of a 60-hour nail technology

refresher course as set forth in Section 1175.1136 prior to taking the examination a fourth time.

2) The requirement for remedial training set forth in this Section may be waived in whole or in part by the Division upon proof to the Division that the applicant has demonstrated the competence to again sit for the examination. Pursuant to Section 3C-7 of the Act, the Division shall consider the following factors when waiving remedial training, including but not limited to: the percentage points by which the applicant failed the examination, the number of times the applicant failed the examination, and extenuating circumstances that explain the applicant's failure to pass the examination.~~An applicant upon failing the fourth examination must submit an official transcript from an approved nail technology or cosmetology school showing successful repetition of the entire program of nail technology training prior to taking the examination a fifth time.~~

3) For purposes of examination retakes, the fourth~~fifth~~ attempt shall count as the first.

4) An applicant shall make a written request for an examination retake at least 45 days in advance of the examination date. The~~Such~~ a request must include the required examination fee and official transcripts when further study is required in accordance with subsections (c)(1) and (2) .

d) Retakes for Nail Technology Teachers or Nail Technology Clinic Teachers

1) An applicant who fails to pass a third examination must submit an official transcript from a licensed cosmetology school approved to teach nail technology teachers or nail technology clinic teachers or a licensed nail technology school approved to teach nail technology showing successful completion of an 80 hour refresher course prior to taking the examination a fourth time.

2) An applicant, upon failing the fourth examination, must submit an official transcript from an approved nail technology or cosmetology school showing successful repetition of the entire program of teacher training prior to taking the examination a fifth time.

3) For purpose of examination retakes, the fifth attempt shall count as the

first.

4) An applicant shall make a written request for an examination retake at least 45 days in advance of the examination date. Such a request must include the required examination fee and official transcripts when further study is required in accordance with subsections (d)(1) and (2) ~~of this Section~~.

5) If the applicant is licensed in another state, a certification of licensure from the state of original licensure and from the state in which the applicant predominantly practices and is currently licensed.

6) If an applicant has not submitted an application for licensure within 12 months after taking and passing the examination, the applicant must retake and pass the examination prior to being granted a license.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.1015 Application for Licensure (Repealed)

~~a) Applicants for licensure based on successful completion of the examination shall submit to the Division:~~

~~1) A completed and signed licensure application that the applicant will receive with the notification of successful completion of the examination;~~

~~2) Proof of name change (i.e., marriage license, divorce decree, affidavit or court order) if different from that shown on pre-printed licensure application; and~~

~~3) The required fee as set forth in Section 1175.100.~~

~~b) Any cosmetology teacher licensed in Illinois who is applying for a nail technology teacher's license shall not be required to take the examination set forth in Section 1175.1005. An application shall be submitted to the Division that includes:~~

~~1) A copy of his/her current cosmetology and cosmetology teacher license; and~~

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

~~2) The required fee set forth in Section 1175.100.~~

~~c) Nothing in this Part requires a licensed cosmetologist or licensed cosmetology teacher to obtain a license to practice or to teach nail technology.~~

~~d) Esthetics teachers licensed in Illinois who are applying for a nail technician teacher's license will not be required to take the examination set forth in Section 1175.1010. An application shall be submitted to the Division that includes:~~

~~1) A copy of his/her current esthetics teacher license;~~

~~2) A copy of his/her current nail technician license;~~

~~3) Either:~~

~~A) Proof of two years experience as a nail technician; or~~

~~B) An official transcript verifying completion of 250 Post-Graduate School Training that includes all subjects in the basic esthetics curriculum in Section 1175.1140, including theory and practice. Presentation of material must include the concepts that are intended to be taught and the skills to be acquired during the various phases of basic education; and~~

~~4) The required fee set forth in Section 1175.100.~~

(Source: Repealed at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.1020 Licensure by Endorsement

a) Nail Technician

1) An applicant currently registered or licensed as a nail technician in another state or jurisdiction of the United States and who is seeking licensure in Illinois by endorsement shall file an application, on forms provided by the Division, that includes~~shall include~~:

A) An official~~A~~ certification of licensure from the state or government

board in the applicant's jurisdiction of original licensure and from the state or government board in which the applicant is currently licensed and practicing, if other than the original, stating the applicant's name, the nail technician license number, the original issuance date and the expiration date. The license issued must be the same or substantially similar to the nail technician license issued by the Divisionstating:

i) A brief description of any licensure examination taken and the scores received; and

ii) Whether the applicant's file contains any record of disciplinary actions taken or pending;

B) Official transcripts from the school attended by the applicant showing the program completed and the hours received with the school seal affixed;

C) Certification of current licensure if other than original licensure;

BD) Proof of any name change (i.e., marriage license, divorce decree, affidavit or court order) if the applicant's name is other than that shown on submittedattached documents;

C) Proof of passage of the Illinois nail technology examination; and

DE) The required fee set forth in Section 1175.100.; and

F) Successful completion of the Illinois Nail Technician Licensure Examination.

2) An applicant who has graduated from a nail technology program in another jurisdiction with less than 350 hours may only acquire a maximum of 50 hours of nail technology training from a licensed Illinois cosmetology or nail technology school.

3) If the nail technology school from which the applicant graduated has closed, verification of education hours must come from the original state of licensure.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

b) An applicant currently registered or licensed as a nail technology teacher ~~or nail technology clinic teacher~~ in another state or jurisdiction of the United States and who is seeking licensure in Illinois by endorsement shall file an application, on forms provided by the Division, includes~~that shall include~~:

1) An official~~A~~ certification of licensure from the state or government board in the applicant's jurisdiction of original licensure and from the state or government board in which the applicant is currently licensed and practicing, if other than the original, stating the applicant's name, the nail technology teacher license number, the original issuance date and the expiration date. The license issued must be the same or substantially similar to the nail technology teacher license issued by the Division;~~stating~~:

~~A) A brief description of any licensure examination taken and the scores received; and~~

~~B) Whether the applicant's file contains any record of disciplinary action taken or pending;~~

~~2) Official transcripts from the school attended by the applicant showing the program completed and the hours received with the school seal affixed;~~

~~3) Certification of current licensure if other than original licensure;~~

~~4) One of the Following:~~

~~A) Two Verification of Employment forms submitted by the applicant who completed at least a 500 hour program of teacher training. A nail technology teacher applicant shall submit verification of 2 years of lawful practice as a nail technician or cosmetologist; or~~

~~B) Two Verification of Employment forms shall be submitted by the applicant who completed at least a 250 hour program of clinic teacher training. A nail technology clinic teacher applicant shall submit verification of 2 years of lawful practice as a nail technician or cosmetologist; or~~

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

~~C)~~ ~~Two Verification of Employment forms shall be submitted by the applicant for a nail technology teacher or nail technology clinic teacher license who is applying on the basis of 3 years of lawful practice as a nail technology teacher in another jurisdiction;~~

2~~5~~) Proof of any name change (i.e., marriage license, divorce decree, affidavit or court order) if the applicant's name is other than that shown on submitted~~any of the~~ documents~~ submitted~~;

3) Proof of passage of the Illinois nail technology examination;

4) Proof of passage of a teacher examination in this or another jurisdiction; and

5~~6~~) The required fee set forth in Section 1175.100.~~; and~~

~~7)~~ ~~Successful completion of the Illinois Nail Technician Teacher Licensure Examination.~~

c) An applicant who is currently registered or licensed as a nail technician in a foreign country and who is seeking licensure in Illinois by endorsement shall file an application, on forms provided by the Division, that includes:

1) An official document from the government agency, board or council in the applicant's original jurisdiction of practice stating the applicant's name, the nail technician license number, the original issuance date, the expiration date, a brief description of any licensure or exit examination taken to qualify for the license, and the grades received. The license issued in a foreign country must be the same or substantially similar to the nail technician license issued by the Division;

2) An official transcript from the school or schools attended by the applicant showing the individual subject areas completed and the hours completed by the applicant, with the school seal affixed, or an official certification from the government agency, board or council showing the individual subject areas completed and the hours completed by the applicant with the board, agency or council seal affixed. Educational training credentials and transcripts and/or evidence of licensure obtained in a foreign country must be submitted to determine if the applicant's program substantially

complies with the requirements set forth in Subparts J and K. The Board may, as a means of assisting it in the review of foreign country training or licensure, require an applicant to submit his/her educational training credentials and transcripts and/or evidence of licensure to an approved education credentialing evaluation service or similar service approved by the Board for evaluation at the cost of the applicant. The scope of practice and education requirements must be the same or substantially similar to the nail technology license issued by the Division. The Board may require additional coursework or a 60-hour nail technology refresher course from a school licensed by the Division as set forth in Section 1175.1136. The Board may also require an applicant to appear for an interview before the Board or to provide additional information to assist the Board in its evaluation of the applicant's training;

3) Evidence that the applicant has practiced nail technology in another jurisdiction for at least 3 years after completing the requirements to qualify for registration or licensure in that particular jurisdiction, but within 5 years preceding his/her application for endorsement. This evidence may be in the form of affidavits from at least 3 clients, coworkers or business owners who can verify the applicant's practice as a nail technician;

4) Proof of any name change (i.e., marriage license, divorce decree, affidavit or court order) if the applicant's name is other than that shown on submitted documents;

5) Proof of passage of the Illinois nail technology examination; and

6) The required fee set forth in Section 1175.100.

d) An applicant who is currently registered or licensed as a nail technology teacher in a foreign country and who is seeking licensure as a nail technology teacher in Illinois by endorsement shall file an application, on forms provided by the Division, that includes:

1) An official document from the government agency, board or council in the applicant's jurisdiction of original licensure stating the applicant's name, the nail technology teacher license number, the original issuance date, the expiration date, a brief description of any licensure or exit examination

taken to qualify for the license, and the grades received. The license issued in a foreign country must be the same or substantially similar to the nail technology teacher license issued by the Division;

2) An official transcript from the school or schools attended by the applicant showing the individual subject areas completed and the hours completed by the applicant, with the school seal affixed, or an official certification from the government agency, board or council showing the individual subject areas completed and the hours completed by the applicant, with the agency, board or council seal affixed. Educational training credentials and transcripts and/or evidence of licensure obtained in a foreign country shall be submitted to determine if the applicant's program substantially complies with the requirements set forth in Subparts J and K. The Board may, as a means of assisting it in the review of foreign country training or licensure, require an applicant to submit his/her educational training credentials and transcripts and/or evidence of licensure to an approved education credentialing evaluation service or similar service approved by the Board for evaluation at the cost to the applicant. The scope of practice and education requirements must be the same or substantially similar to the nail technology teacher license issued by the Division. The Board may require additional coursework or an 80-hour nail technology teacher refresher course (see Section 1175.1142) from a school licensed by the Division. The Board may also require an applicant to appear for an interview before the Board or to provide additional information to assist the Board in its evaluation of the applicant's training;

3) Evidence that the applicant has practiced as a nail technology teacher in another jurisdiction for at least 3 years after completing the requirements to qualify for registration or licensure in that particular jurisdiction, but within 5 years preceding his/her application endorsement. This evidence may be in the form of affidavits from at least 3 clients, coworkers, business owners, students or school administrators who can verify the applicant's practice as a nail technology teacher;

4) Proof of name change (i.e., marriage license, divorce decree, affidavit or court order) if the applicant's name is other than that shown on any of the documents submitted;

5) Proof of passage of the Illinois nail technology examination;

6) Proof of passage of a teacher examination in this or another jurisdiction; and

7) The required fee set forth in Section 1175.100.

e~~c~~) An applicant for licensure as a nail technician who is licensed in another jurisdiction may~~shall~~ be given up to 70~~75~~ hours of educational credit for every 12-month period during which he/she was lawfully employed as a nail technician. To obtain credit for work experience, the applicant shall submit verification of employment in support of the work experience on forms provided by the Division. A certification of licensure from the jurisdiction in which the lawful practice is claimed must also be submitted.

f) An applicant applying for licensure as a nail technician or a nail technology teacher on the basis of endorsement who has previously failed the licensing examination in Illinois shall not be approved for licensure on the basis of endorsement unless and until he/she provides verification of successful completion of a substantially equivalent licensure examination. The successful completion of the substantially equivalent examination must occur after the most recently failed examination attempt in Illinois. An applicant may be required to appear before the Board to answer the questions about any examination taken by the applicant. The Board may recommend the completion of additional education by an applicant prior to licensure.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.1021 Licensed Cosmetology Teacher Seeking License as Nail Technology Teacher

a) A licensed cosmetology teacher may apply for licensure as a nail technology teacher. An applicant will not be required to take the nail technology teacher examination and shall file an application on forms provided by the Division that includes:

1) The applicant's current cosmetology teacher license number; and

2) The required fee set forth in Section 1175.100.

b) Nothing in this Part requires a licensed cosmetologist to obtain a license to practice nail technology or a licensed cosmetology teacher to obtain a license to teach nail technology.

(Source: Added at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.1022 Licensed Esthetics Teacher Seeking License as Nail Technology Teacher

A licensed esthetics teacher may apply for licensure as a nail technology teacher. The applicant will not be required to take the nail technology teacher examination and shall file an application, on forms provided by the Division, that includes:

a) The applicant's current esthetics teacher license number;

b) The applicant's current nail technician license number or proof of completion of all requirements under Section 1175.1001; and

c) The required fee set forth in Section 1175.100.

(Source: Added at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.1025 Renewals

a) Every nail technician, nail technology teacher~~, nail technology clinic teacher~~ and nail technology school license shall expire on October 31 of each even-numbered year. The holder of a license may renew the license during the month preceding its expiration date.

b) Applicants for renewal shall:

1) Submit~~Return~~ a completed renewal application.

2) Nail Technician. Certify on the renewal application that they have successfully completed a minimum of 10 hours of CE~~continuing education~~ from a sponsor registered with the Division in accordance with Section 1175.1200~~ of this Part~~, within the 2 years prior to the expiration date of the license. Certify compliance with Section 1175.1220.

3) Nail Technology Teacher~~ and Nail Technology Clinic Teacher~~. Certify on

the renewal application that they have successfully completed a minimum of 20 hours of CE~~continuing education~~ from a sponsor registered with the Division, in accordance with Section 1175.1200 ~~of this Part~~, within the 2 years prior to the expiration date of the license. Certify compliance with Section 1175.1220. Ten of the 20 hours shall be in the following areas:

A) Teaching Methodology;

B) Educational Psychology;

C) Classroom Management; or

D) Other teaching related courses.

4) Submit the required fee set forth in Section 1175.100.

c) A renewal applicant is not required to comply with CE~~continuing education~~ requirements for the first renewal after issuance of the original license.

d) The Division may require additional evidence demonstrating compliance with the CE~~continuing education~~ requirements (i.e., certificate of attendance or certificate of completion). It is the responsibility of each renewal applicant to retain or otherwise produce evidence of this~~such~~ compliance. The~~Such~~ evidence shall be required in the context of the Division's random audit.

e) It is the responsibility of each licensee to notify the Division of any change of address. Failure to receive a renewal form from the Division shall not constitute an excuse for failure to renew a license.

f) Practicing or operating on a license that has expired shall be considered unlicensed activity and shall be grounds for discipline pursuant to Section 4-7 of the Act.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.1030 Restoration – Nail Technician

a) A person applying for restoration of a nail technician license that has been expired or placed on inactive status for less than 5 years shall submit an application on

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

forms provided by the Division and:

1) Pay the required fee as set forth in Section 1175.100; and

2) Provide evidence of successful completion of 10 hours of CE~~continuing education~~ in accordance with Section 1175.1200(c).

b) A person applying for restoration of a nail technician license that has been expired or placed on inactive status for 5 years or more shall submit an application on forms provided by the Division along with:

1) Verification of employment as a nail technician, attesting to lawful practice in another jurisdiction for at least 24 months within the 5 years preceding application for restoration from at least 3 clients, coworkers or business owners;

2) Certification of licensure from the ~~appropriate~~ licensing authority in the jurisdiction of employment stating that the practice was authorized~~in which lawful practice is claimed~~;

3) A completed Restoration Questionnaire;

4) Evidence of successful completion of 10 hours of CE~~continuing education~~ earned within the 2 years immediately preceding restoration; and

5) The required fee as set forth in Section 1175.100.

c) If restoring after active military service, the applicant shall submit a copy of his/her ~~Honorable Discharge form (~~DD-214~~)~~ and the current renewal fee.

d) If an applicant takes and fails the examination, the license will not be restored until such time as he/she has successfully completed the examination.

e) An applicant for restoration under subsection (b) who is unable to comply with one or both of subsections (b)(1) and (2) shall submit official transcripts showing successful completion of a 60-hour nail technology refresher course from an approved cosmetology or nail technology school or pass the examination set forth in Section 1175.1010 within 2 years prior to or within 2 years after the restoration application. An applicant who completes this refresher course or takes the

examination shall not also be required to complete 10 hours of CE~~continuing education~~, but shall comply with the remaining requirements of subsection (b).

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.1035 Restoration – Nail Technology Teacher ~~or Nail Technology Clinic Teacher~~

a) A person applying for restoration of a nail technology teacher ~~or nail technology clinic teacher~~ license that has been expired or been on inactive status for less than 5 years shall submit an application on forms provided by the Division. An applicant shall also submit evidence of successful completion of 20 hours of CE~~continuing education~~ in accordance with Sections 1175.1200 and 1175.1210 earned within 2 years immediately preceding the restoration and the required fee set forth in Section 1175.100.

b) A person applying for restoration of a nail technology teacher ~~or nail technology clinic teacher~~ license that has been expired for 5 years or more shall submit an application on forms provided by the Division along with:

1) Verification of employment as a nail technology teacher ~~or nail technology clinic teacher~~ in another jurisdiction for at least 24 months within the 5 years preceding application for restoration from at least 3 students, coworkers or school owners;

2) Certification of licensure from the ~~appropriate~~ licensing authority in the jurisdiction of employment~~in which lawful practice is claimed~~;

3) A completed Restoration Questionnaire;

4) Evidence of successful completion of 20 hours of CE~~continuing education~~ earned within the 2 years immediately preceding restoration; and

5) The required fee as set forth in Section 1175.100.

c) An applicant for restoration of a nail technology teacher license under subsection (b) who is unable to comply with one or both of subsections (b)(1) and (2) shall submit official transcripts showing successful completion of an 80-~~a 125~~hour nail technology teacher refresher course from an approved cosmetology or nail

technology school or pass the teacher examination set forth in Section 1175.1010 within 2 years prior to or within 2 years after the restoration application. An applicant who completes this refresher course or takes the examination shall not also be required to complete 20 hours of CE~~continuing education~~, but shall comply with the remaining requirements of subsection (b).

~~d)~~ ~~An applicant for restoration of a nail technology clinic teacher license under subsection (b) who is unable to comply with one or both of subsections (b)(1) and (2) shall submit official transcripts showing successful completion of a 60 hour nail technology clinic teacher refresher course from an approved cosmetology or nail technology school or pass the teacher examination set forth in Section 1175.1010 within 2 years prior to or within 2 years after the restoration application. An applicant who completes the refresher course or takes the examination shall not also be required to complete 20 hours of continuing education, but shall comply with the remaining requirements of subsection (b).~~

d~~e~~) If restoring after active military service, the applicant shall submit a copy of his/her ~~Honorable Discharge form (~~DD-214~~)~~ and the current renewal fee.

e~~f~~) If an applicant takes and fails the examination, the license will not be restored until he/she has passed~~successfully completed~~ the examination.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

SUBPART K: NAIL TECHNOLOGY SCHOOLS

Section 1175.1100 Nail Technology School Application – Private Schools

a) An applicant for a private nail technology school license shall submit a completed application to the Division with the following information and documentation:

1) A detailed 8½ x 11 inch floor plan that is:

A) drawn to scale;

B) shows dimensions;

C) has all areas labeled;

D) has all fixtures shown;

E) demonstrates compliance~~consistent~~ with requirements of Section 1175.3051~~1110(a)(1)~~;

2) A copy of:

A) a lease showing at least a 1-year commitment to the use of the school site, the address of the school site, the name of the lessor and the name of the lessee; or

B) the certification of ownership of the proposed school site;

3) If the owner is a corporation, a filed copy of the Articles of Incorporation; if the owner is a limited liability company, a filed copy of the Articles of Organization; if the owner is a partnership, a listing of all partners and their current addresses;

4) If the owner will be conducting business under an assumed name as described in the Assumed Business Name Act [805 ILCS 405], a copy of the application to adopt an assumed name filed with the government office responsible for approving the assumed name~~is a partnership, a listing of all partners and their current addresses~~;

5) An official~~A signed~~ fire inspection report from the local fire inspection authority, conducted within 6 months prior to the application, giving approval for use of the site as a school;

6) A financial statement indicating sufficient current finances exist to operate the school for at least 3 months. The Division will not accept a bank statement as sufficient proof to meet this requirement. The financial statement shall include reporting cash assets on hand and any liabilities and shall be prepared by either a certified public accountant or a person knowledgeable about the finances of the school. Any financial statement submitted by a person who is not a certified public accountant must contain a signed statement certifying under penalty of perjury that the information is true and accurate based upon inspection of the financial records of the school~~prepared by a certified public accountant licensed by the Division pursuant to the Illinois Public Accounting Act [225 ILCS~~

~~450] who is not an employee of the school, indicating sufficient current finances exist to operate the school for at least 3 months~~;

7) A copy of the official enrollment agreement to be used by the school that shall be consistent with the requirements of Section 1175.1115;

8) A listing of all nail technology and cosmetology teachers, including their teacher license numbers, who will be in the school's employ;

9) A copy of the curriculum that will be followed for each program provided that meets the requirements of Section 1175.1135;

10) A copy of the school's official transcript for each program provided that meets the requirements of Section 1175.1125; ~~and~~

11) A Commitment Statement, as provided in the licensure application packet, signed and dated by the school's chief administrative officer; and

12~~11~~) The required fee set forth in Section 1175.100.

b) When the items listed in subsection (a) have been received, the Division shall inspect the school premises, prior to school approval, to determine compliance with this Subpart. School operations shall not begin, nor shall the school in any way solicit student enrollment, until the school has received written notice of approval from the Division. Approval shall be granted if all the requirements of ~~this~~ Subpart K have been met.

c) Nail technology schools shall only offer instruction in nail technology and nail technology teacher education.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.1101 School Approval Application − Public Schools

a) An applicant for a public nail technology school license shall submit a completed application to the Division with the following information and documentation:

1) A detailed 8½ x 11 inch floor plan that is:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

A) drawn to scale;

B) shows dimensions;

C) has all areas labeled;

D) has all fixtures shown; and

E) demonstrates compliance with the requirements of Section 1175.305;

2) All listing of all teachers, including their teacher license numbers, who will be in the school's employ;

3) A copy of the curricula that will be followed for each program that meets the requirements of this Part;

4) A copy of the school's official transcript for each program that meets the requirements of this Part;

5) A Commitment Statement, as provided in the licensure application packet, signed and dated by the school's chief administrative officer; and

6) The required fee set forth in Section 1175.100.

b) When the items required by subsection (a) have been received, the Division shall inspect the school premises, prior to school approval, to determine compliance with Subpart K. School operations may not commence, nor shall the school in any way solicit student enrollment, until the school has received written notice of approval from the Division. Approval will be granted if all of the requirements of Subpart K have been met.

c) Nail technology schools shall only offer instruction in nail technology and nail technology teacher education.

(Source: Added at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.1105 Cosmetology Schools Approved to Teach Nail Technology

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

a) Existing cosmetology schools that wish to provide nail technology instruction shall:

1) Provide at least 200 square feet of space to accommodate 5 work stations. If attendance exceeds 10 on the clinic floor at any time, an additional 30 square feet is required for each additional work station required by subsection (a)(4)(A). The use of this space shall not reduce the square footage for the conduct of an approved cosmetology school below the minimum requirements set forth in this Section~~Part~~.

2) File an application with the Division, on forms provided by the Division, that shall include:

A) A detailed 8½ x 11 inch floor plan that is:

i) drawn to scale;

ii) shows dimensions;

iii) has all areas labeled;

iv) has all fixtures shown; and

v) demonstrates compliance with the requirements of Section 1175.305;

B) An official~~A~~ signed copy of a fire inspection report from the local fire inspection authority, conducted within 6 months prior to the application, giving approval for use of the site as a school;

C) A financial statement indicating sufficient current finances exist to operate the school for at least 3 months. The Division will not accept a bank statement as sufficient proof to meet this requirement. The financial statement shall include reporting cash assets on hand and any liabilities and shall be prepared by either a certified public accountant or a person knowledgeable about the finances of the school. Any financial statement submitted by a person who is not a certified public accountant must contain a signed statement certifying under penalty of perjury that the

information is true and accurate based upon inspection of the financial records of the schoolprepared by a certified public accountant licensed by the Division pursuant to the Illinois Public Accounting Act [225 ILCS 450] who is not an employee of the school, indicating sufficient current finances exist to operate the school for at least 3 months;

D) A copy of the enrollment agreement to be used by the school;

E) A copy of the nail technology curriculum for each program that will be followed that meets the requirements Sections 1175.1135 and 1175.1140;

F) A listing of all nail technology and cosmetology teachers, including their teacher license numbers, who will be in the school's employ;

G) A copy of the school's official transcript for each program that meets the requirements of Section 1175.1125; and

H) The required fee set forth in Section 1175.100.

3) Subsections (a)(2)(B) and (C) shall not apply to a public school.

43) When the items required bylisted in subsection (a)(2) have been received, the Division shall inspect the school premises, prior to school approvalapproving the school, to determine compliance with this Subpart. School operations may not commence, nor shall the school in any way solicit student enrollment, until the school has received written notice of approval from the Division. Approval will be granted if all of the requirements of this Subpart K have been met.

54) In addition, the school shall meet the following:

A) The school shall have atAt least 1 patron work station, including patron chair, manicuring table and student chair, for every 2 students enrolled.

B) Every work station shall have a disinfectant tray and disinfectant

solution.

~~C)~~ ~~Provide a nail technology curriculum in accordance with Sections 1175.1135 and 1175.1140.~~

b) Cosmetology schools approved to teach nail technology shall be required to comply with all provisions in this Part. Space and equipment required for nail technology schools pursuant to~~except~~ Section 1175.1110(a) and (b) may be utilized for both cosmetology and nail technology programs offered by the cosmetology school.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.1115 Enrollment Agreements and Refund Policies

a) All licensed private nail technology schools shall have enrollment agreements that meet the requirements of Section 3B-12 of the Act. Licensed public nail technology schools will be deemed to be in compliance with this provision if these schools comply with the requirements of their public institution.

b) All licensed nail technology schools shall implement refund policies pursuant to Section 3B-13 of the Act and this Section~~Part~~.

1) When notice of cancellation is given within 5 days after the date of enrollment, all application and registration fees, tuition, and any other charges shall be refunded to the student.

2) *When notice of cancellation is given after the fifth day following enrollment but before the completion of the student's first day of class attendance, the school may retain the application and registration fee,* not to exceed $100, and *the cost of any books or materials* that *have been provided by the school and retained by the student* ~~(Section 3B-13(b))~~.

3) *When notice of cancellation is given after the student's completion of the first day of class attendance but prior to the student's completion of 5% of the course of instruction, the school may retain the application and registration fee,* not to exceed $100, *10% of the tuition, other instructional charges or $300, whichever is less, and the cost of any books or materials that have been provided by the school* and retained by the student.

4) *When a student has completed 5% or more of the course of instruction, the school may retain the application fee and registration fee,* not to exceed $100 *and the cost of any books or materials provided by the school, but shall refund a part of the tuition and other instructional charges in accordance with the requirements of the school's regional or national accrediting agency, if any, or in accordance with* this subsection (b~~c~~) ~~*of this Section*~~. (Section 3B-13(1) of the Act)

c) For students who enroll in and begin classes, the following schedule of tuition adjustment will be considered to meet the Division standards for refunds:

PERCENTAGE OF A SCHEDULED COURSE COMPLETED	AMOUNT OF TUITION OWED TO THE SCHOOL
0.01% to 4.9%	10%
5% to 9.9%	30%
10% to 14.9%	40%
15% to 24.9%	45%
25% to 49.9%	70%
50% and over	100%

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.1125 Recordkeeping – Transcripts

a) Each school shall provide an official transcript showing the entire program work of each student. The official transcript shall contain the following information:

1) School name, ~~and~~ address and phone number;

2) School seal;

3) School license number;

4) Signature of the owner, registrar or director of the school;

5) Student's name, address and social security number;

6) Actual dates student attended, including start date, end date and graduation date;

7) Subject areas, required hours, earned hours, and grades received (in a percentage form);

8) Any transfer hours, citing the name and address of the school transferred from, subject areas, hours earned, and grades received (percentage); and

9) Final examination grades (percentage).; and

~~10) Graduation date.~~

b) The official transcript and school records for each student shall be permanently maintained by the school in the following manner:

1) If maintained on the school premises, they shall be maintained in a locked, fire-resistant cabinet. If official transcripts are maintained on a computer system, history tapes or discs of all official records must be stored in a locked, fire-resistant cabinet or electronically stored in a secure off-site storage system.

2) If records, whether electronic or paper, cannot be maintained on the premises in locked, fire-resistant cabinets, duplicate student records, including the official transcripts, shall be maintained at a separate location that shall be made known to the Division. The records shall be accessible to Division officials for inspection.

c) A copy of the transcript shall be given to the student upon graduation or other permanent exit from the school provided the student has met all financial obligations in the enrollment agreement as set forth in Section 3B-12 of the Act and Section 1175.1115.

d) An official transcript and school records for students who withdrew or dropped out of a program shall be maintained by the school for 5 years from the student's first day of attendance at the school.

e) Transcripts from licensed schools must meet the requirements of this Section to

be accepted by the Division for licensure.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.1135 Curriculum Requirements – Nail Technology

a) Each licensed cosmetology school teaching a nail technology curriculum and each licensed nail technology school shall provide a program consisting of a minimum of 350 clock hours or a 12 credit hour equivalency (1 credit hour equals 30 clock hours) of instruction. Instruction shall be a combination of classroom instruction and hands on (practical and technical) experience. The licensed nail technology school may provide online hours in theory, but online hours shall not exceed 10% of the hours required in each of subsections (a)(1), (2), (3) and (4). The minimum subjects and number of hours shall be as follows for each category of training:

1) Basic Training – 50 hours ~~of classroom instruction in general theory practical application (i.e., practicing nail technology on the public) and technical application (e.g., practicing the technical application on mannequin fingers or on the fingers of another student) shall be provided in the following subject areas~~:

A) History of nail care;

B) Personal hygiene and public health;

C) Professional ethics;

D) Sterilization and disinfection;

E) Bacteriology;

F) Disorders of the nails;

G) OSHA standards relating to ~~material~~ safety data sheets (SDS~~MSDS~~) on chemicals;

H) Chemicals and their use; and

I) Technical applications of chemicals.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

2) Related Conceptsconcepts – 15 hours of classroom instruction shall be provided in the following subject areas:

A) Cells, metabolism and body systems;

B) Theory of massage; and

C) People skills.

3) Practices and Procedures – 255 hours of instruction, which shall be a combination of classroom instruction and clinical practical application, shall be provided in the following subject areas:

A) Fabric procedures;

B) Sculpting procedures;

C) Light cured gels;

D) Machines or apparatus used in nail technology;

E) Manicures;

F) Pedicures;

G) Hand, arm and foot massage;

H) Other procedures as they relate to nail technology; and

I) Product knowledge as it relates to nail technology.

4) Business Practices – 30 hours of classroom instruction shall be provided in the following subject areas:

A) The Act and this Part, including sanitary standards;

B) Management;

C) OSHA standards relating to chemical use; and

D) Workers' Compensation Act.

5) Internship Program is an optional part of the curriculum. Each licensed nail technology school may choose to set up an internship program and shall follow the guidelines set forth in this subsection (a)(5).

A) An internship program:

i) May be substituted for 35 hours of the 350 hours set forth in this subsection (a).

ii) May be part of the curriculum of a licensed nail technology school and shall be an organized preplanned training program designed to allow a student to learn nail technology under the direct supervision of a licensed cosmetologist or licensed nail technician in a registered salon.

B) A student in the internship program:

i) May participate in an internship only after completing 175 hours of training and have a minimum average grade of 80. A school may set the average grade higher and set other standards that a student must meet to participate in the internship program.

ii) May not spend more than 35 hours in an internship program.

iii) May not be paid while participating in the internship program as it is a part of the nail technology curriculum of the school.

iv) May work a maximum of 8 hours a day and shall be required to spend 1 day a week at the school.

v) Shall be under the direct on-site supervision of a licensed

cosmetologist or licensed nail technologist. Only 1 student shall be supervised by 1 licensed cosmetologist or licensed nail technologist.

C) A licensed nail technology school shall state clearly in the enrollment agreement~~student contract~~ that the school offers an internship program.

D) The licensed nail technology school shall enter into a contract with the student, the registered salon and licensed cosmetologist or licensed nail technologist that contains all of the provisions set forth in this sbsection (a)(5)~~Section~~ and any other requirements of the internship established by the school. The contract shall be signed by the student, the school and the licensed cosmetologist or licensed technologist. Any party to the contract may terminate the contract at any point.

b) A nail technology student is not permitted to practice on the public until he/she has successfully completed the 50 hours of general theory and practical application specified in subsection (a)(1).

c) A school may, as part of its educational program and on school premises, offer nail technology services to the public, through a student clinic, as a means of providing students with practical experience. Services shall be provided by students working under the supervision of one or more teachers. Students shall receive no compensation, including tips, but shall receive credit for hours worked towards the 350-hour education requirement. The school may provide those services under the authority of its school license and is not required to obtain a salon registration. The school shall post a sign visible to the public advising that all services are provided by students. Except as provided in this subsection, a school and a salon shall not operate in the same premises.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.1136 Curriculum Requirements – 60-Hour Nail Technology Refresher Course

a) The 60-hour nail technology refresher course required under Section 1175.1020 or 1175.1030 shall include a minimum of 60 clock hours of instruction and

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

practical experience in subjects in each of the categories of training, as defined in Section 1175.1135:

1) Basic Training;

2) Related Concepts;

3) Practices and Procedures; and

4) Business Practices.

b) The refresher course in subsection (a) shall include a minimum of 10 hours in basic training. The subjects covered in the remaining 50 hours may be determined at the discretion of the school and/or teacher, provided the refresher course includes training in each category listed in subsection (a). Instruction shall be a combination of classroom instruction and hands on (practical and technical) experience. However, instruction may include online hours in theory not to exceed 10% of the total hours.

(Source: Added at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.1140 Curriculum Requirements – Nail Technology Teacher

a) A licensed~~An approved~~ school that intends to provide teacher training must utilize a teacher program that includes a minimum of 625 clock hours or a 21 credit hour equivalency (1 credit hour equals 30 clock hours) of instruction. The licensed school may provide online hours in theory, but online hours shall not exceed 10% of the hours required in each of subsections (a)(1), (2), (3), (4) and (5). The minimum number of hours shall be as follows:

1) 125 hours of post-graduate school training that includes all subjects in the basic nail technology curriculum ~~in~~ (see Section 1175.1135), including theory and practice. Presentation of material must include the concepts that are intended to be taught and the skills to be acquired during the various phases of basic education.

2) 20 hours of Educational Psychology that shall include, but not be limited to, topics in educational objectives, student characteristics and development, the learning process, and an evaluation of learning that

relates to teaching. These hours shall be waived on behalf of nail technology teacher students who have completed a course in Educational Psychology at an accredited college or university.

3) 20 hours of Teaching Methods (Theory) that shall include, but not be limited to, topics in individual differences in learning, lesson planning and design, lesson delivery, assessment of learning performance, classroom management, student motivation and classroom climate. These hours shall be waived on behalf of nail technology students who have completed a course in Teaching Methods-Secondary Level at an accredited college or university.

4) 150 hours of Application of Teaching Methods that includes~~include~~: preparation and organization of subject matter to be presented on a unit by unit basis; and presentation of subject matter through application of varied methods (lecture, demonstration, testing and assignments). Presentations must provide teaching objectives to be accomplished and correlate theoretical with practical application.

5) 50 hours of Business Methods that includes ~~include~~ inventory, recordkeeping, interviewing, supplies, the Act, this Part and the Workers' Compensation Act.

6) 260 hours of Student Teaching under the on-site supervision of an Illinois licensed teacher. The student teacher shall present theoretical and practical demonstrations to students in the basic curriculum.

b) The approved program for a 500-hour Teacher Training Course shall be based upon 2 years of practical experience and shall consist of Teacher Training Curriculum outlined in this Section ~~1175.1140~~, with the exception of the 125 hours of post-graduate training.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.1141 Curriculum Requirements – Nail Technology Clinic Teacher (Repealed)

~~a) An approved school that intends to provide nail technology clinic teacher training must utilize a teacher program that includes a minimum of 250 clock hours or a 9 credit hour equivalency (1 credit hour equals 30 clock hours) of instruction as~~

~~follows:~~

~~1) 20 hours of Educational Psychology that shall include, but not be limited to, topics in educational objectives, student characteristics and development, the learning process and an evaluation of learning that relates to teaching. These hours shall be waived on behalf of cosmetology teacher students who have completed a course in Educational Psychology at an accredited college or university.~~

~~2) 20 hours of Teaching Methods (Theory) that shall include, but not be limited to, topics in individual differences in learning, lesson planning and design, lesson delivery, assessment of learning performance, classroom clinic management, student motivation and clinic climate. These hours shall be waived on behalf of cosmetology teacher students who have completed a course in Teaching Methods-Secondary Level at an accredited college or university.~~

~~3) 10 hours of Business Methods that include inventory, recordkeeping, interviewing, supplies, the Act, this Part and the Workers' Compensation Act.~~

~~4) 200 hours of Student Teaching under the on-site supervision of an Illinois licensed teacher. The student teacher shall supervise clinic students and present practical demonstrations to students in the clinic portion of the basic cosmetology curriculum.~~

~~b) Completion of an instructor's institute of 20 hours, as provided in Section 3C-3 of the Act, may be done in lieu of the 250 hour clinic teacher curriculum if an individual has obtained a minimum of 2 years of practical experience working at least 30 full time hours per week as a licensed nail technician prior to submitting an application for examination. This institute shall, at a minimum, consist of 10 hours of Educational Psychology and 10 hours of Teaching Methods (Theory).~~

(Source: Repealed at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.1142 Curriculum Requirements − Nail Technology Teacher Refresher Course

a) The 80-hour nail technology teacher refresher course, referred to in Sections

1175.1020 and 1175.1035 shall include a minimum of 80 clock hours of instruction and practical experience and may include online hours in theory, not to exceed 10% of the total hours, in the following categories of training as defined in Section 1175.1140:

1) Post-graduate School Training.

2) Educational Psychology.

3) Teaching Methods (Theory).

4) Application of Teaching Methods.

5) Business Methods.

b) The refresher course in subsection (a) shall include a minimum of 10 hours of post-graduate school training. The subjects covered in the remaining 70 hours may be determined at the discretion of the school and/or teacher, provided that the refresher course includes training in each category listed in subsection (a). Instruction shall be a combination of classroom instruction and hands on (practical and technical) experience.

c) In the case of nail technology teacher applicants who fail to pass a third examination, the remedial training required by Section 1175.1010(c) shall include 80 clock hours of additional instruction in the following categories of training defined in Section 1175.1140:

1) Teaching Methods (Theory).

2) Application of Teaching Methods.

(Source: Added at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.1145 Final Examination

a) A school shall require each candidate for graduation to pass a final examination which shall test the student's theoretical and practical knowledge of the curriculum studied. A "final examination" shall include a single final examination or multiple examinations as determined by the school.

b) The practical examination shall test the candidate's skills in the following areas:

1) Acrylic free form and overlay procedures;

2) Manicure;

3) Pedicure;

4) Gel;

5) Wrap procedures; and

6) Safety and sanitation procedures.

c) The examination shall be administered by the uniform application of standard performance criteria established by the school for each skill area. The standard performance criteria for each skill area shall be delineated in the examination records as specified in subsection (h).

d) A passing score of 75 or greater shall be required on both the theoretical and practical portions of the final examination or another state's passing grade.

e) The school shall allow each candidate for graduation at least 3 attempts to pass the final exam.

f) The Division may monitor the administration of the final examination:

1) As a result of a complaint received;

2) For random sampling;

3) To collect data; and/or

4) When the failure rate on the licensure examination for school graduates is greater than 25%.

g) The Division shall maintain records of each school's graduate failure rate on the licensing examination. The records shall reflect only first examination attempts

for each graduate. The examination results shall not count toward the failure rate on the licensing examination if the student transfers to the school from a closed school with one-half or more of the required hours for graduation.

h) The school shall maintain records of the final examination for a period of no less than 5 years in the manner prescribed in Section 1175.1125(b) ~~of this Part~~. These records shall include:

1) A copy of the final examination administered; and

2) Each student's examination grades.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.1150 Change of Ownership

a) For purposes of this Section, "change of ownership", "sale" or "transfer" of a corporation means the transfer of more than 50% of stock during a 14-day period. For purposes of this Section, "change of ownership", "sale" or "transfer" of a partnership means a change of more than 50% of the partners during a 14-day period. For purposes of this Section, "change of ownership", "sale" or "transfer" of an LLC means a change of more than 50% of the members during a 14-day period. Any change of ownership of a parent business entity that owns the school's owner shall not be considered a change of ownership of the school. ~~When the ownership of an approved school changes, the new owner shall, within 5 working days from the date title to the school is transferred, mail to the Division the following:~~

b) If a licensed school is to be sold or otherwise transferred, the new owner must notify the Division at least 30 days in advance of the effective date of the transfer of ownership. The notification shall include a signed and dated letter from the pre-transfer owner acknowledging the planned sale of transfer.

c) Upon filing notice to the Division, the new owner may continue to operate the school under the previously issued license, provided that the new owner submits an application for licensure with the Division within 30 days after the effective date of the transfer of ownership by submitting to the Division:

~~1) An affidavit stating that the contract is contingent on a certificate being~~

~~issued to the new owner. If this is not provided, the school must close on the date of the transfer and remain closed until a new certificate is issued;~~

1~~2~~) A signed and completed school application;

2~~3~~) A detailed 8½ x 11 inch floor plan that is:

A) drawn to scale;

B) shows dimensions;

C) that has all areas labeled;

D) has all fixtures shown; and

E) demonstrates compliance with the requirements of Section 1175.305~~if any expansion is to be done by the new owner~~;

3~~4~~) A copy of:

A) a lease agreement showing at least a 1-year commitment to the use of the school site, the address of the school site, the name of the lessor, and the name of the lessee; or

B) the certification of school site ownership;

4~~5~~) A copy of the enrollment agreement that will be utilized by the new owner;

~~6) A copy of the written, published attendance policy that will be utilized by the new owner;~~

5~~7~~) A copy of curricula that will be used by the new owner;

6~~8~~) A sample copy of the school's official transcript;

7~~9~~) A Commitment Statement, as provided in the licensure application packet, signed and dated by the school's chief administrative officer~~managing~~

~~employer and a statement signed and dated by each partner or each officer of the corporation~~;

8~~10~~) List of all the names, addresses and current status of all schools in which the applicant has previously owned any interest, and a declaration as to whether any of these schools were ever denied accreditation or licensing or lost accreditation or licensing from any government body or accrediting agency;

9) If the new owner is a corporation, limited liability company, or partnership, a copy of the following:

A) if the owner is a domestic corporation, a filed copy of the Articles of Incorporation filed with the Secretary of State or, in the case of a foreign corporation, a filed copy of the Authority to Transact Business in Illinois accepted by and filed with the Secretary of State;

B) if the owner is a domestic limited liability company, a copy of the Articles of Organization that were filed with the Secretary of State or, if the owner is a foreign limited liability company, a copy of the Application for Admission to Transact Business as a Foreign Limited Liability Company accepted by and filed with the Secretary of State; or

C) if the owner is a partnership, a listing of all partners and their addresses;

10) If the new owner will be conducting business under an assumed name as described in the Assumed Business Name Act [805 ILCS 405], a copy of the application to adopt an assumed name filed with the government office responsible for approving the assumed name;

~~11) If the owner is a corporation, a copy of the Articles of Incorporation; if the owner is a limited liability company, a copy of the Articles of Organization;~~

~~12) If the owner is a partnership, a listing of all partners and their addresses;~~

11~~13~~) An official~~A signed~~ fire inspection report by the local fire inspection authority conducted within 6 months prior to application approving the school site;

12~~14~~) A financial statement ~~prepared by a certified public accountant licensed by the Division pursuant to the Illinois Public Accounting Act [225 ILCS 450] who is not an employee of the school,~~ indicating sufficient current finances exist to operate the school for at least 3 months. The Division will not accept a bank statement as sufficient proof to meet this requirement. This financial statement shall include reporting cash assets on hand and any liabilities and shall be prepared by either a certified public accountant or a person knowledgeable about the finances of the school. Any financial statement submitted by a person who is not a certified public accountant must contain a signed statement certifying under penalty of perjury that the information is true and accurate based upon inspection of the financial records of the school;

13~~15~~) If a name change is to also occur, all documents submitted must include the new name, and the new owner must submit a sample of the new school seal and a photo of the new school sign; and

14~~16~~) The required fee set forth in Section 1175.100.

d~~b~~) Once the items listed in subsection (c~~a~~) have been received, the Division shall conduct an inspection prior to approval of the change of ownership. Approval will be granted if all of the requirements of this Subpart K have been met.

e) If the new owner fails to submit a new application within 30 days, or if the Division does not approve the school, the school shall remain closed until final Division approval is received.

f) The new owner is responsible for ensuring that the school is in compliance with all current provisions of the Act and this Part

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.1155 Change of Location

a) When the location of a licensed an approved school is to be changed, the school

owner shall submit to the Division the following:

1) Written notice to the Division at least 30 days in advance of the school site change;

2) A signed and completed school application;

3) A detailed 8½ x 11 inch floor plan that is:

A) drawn to a scale;

B) shows dimensions;

C) has all areas labeled; all fixtures shown; and

D) demonstrates compliance with the requirements of Section 1175.1110~~specified on the drawing~~;

4) A copy of:

A) a lease agreement showing at least a 1-year commitment, the address of the school site, the name of the lessor and the name of the lessee; or

B) the certification of ownership of the school site;

5) An official fire inspection report from~~signed by~~ the local fire inspection authority, conducted in the ~~within~~ 6 months immediately preceding ~~prior to~~ application for use of~~approving~~ the site as a school; and

6) The required fee set forth in Section 1175.100.

b) Once the items listed in subsection (a) have been received, the Division shall inspect the premises to determine compliance with this Part. If any changes affecting the items in subsection (a) are made prior to inspection, the school owner must notify the Division in writing. School operations shall not begin at the new location nor may the school in any way solicit student enrollment until the owners have received written notice of approval from the Division. Approval will be granted if all requirements of this Subpart K have been met.

c) If the change of location is due to natural destruction of, or other severe damage to, the original premises due to circumstances beyond the control of the owner, a temporary site may be used to teach theory classes only.

1) The temporary site must be inspected prior to its use and must possess light and ventilation, tables and chairs for the number of students in a classroom, and must be clean.

2) The temporary site may be used for a period of 2 months. The 2 month period can be extended for good cause. Good cause includes, but is not limited to, unexpected delays in construction, delays in lease arrangements or delays in equipment delivery.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.1160 Change of Name

When changing the name of a licensed school, a written request for a name change, along with supporting documentation and the required fee specified in Section 1175.100, shall be submitted~~mailed~~ 30 days in advance of any name change. The Division shall then issue an updated license~~a new certificate~~. At the time of the change in name, all identifying signs and materials must be changed to conform to~~with~~ the new name on the school license.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.1165 Expansion

a) Written notice shall be given to the Division 30 days prior to any expansion of a licensed~~an approved~~ school.

b) Off-Site Classroom

1) When the expansion will result in an off-site classroom location, a completed application must be submitted along with:

A) A detailed 8½ x 22 inch floor plan that is:

i) drawn to a scale;

ii) shows dimensions;

iii) has all areas labeled;

iv) has all fixtures shown; and

v) demonstrates compliance with the requirements of Section 1175.305 ~~specified on the drawing~~;

B) A copy of:

i) a lease showing at least a 1-year commitment to the use of the site, the address of the site, the name of the lessor and the name of the lessee; or

ii) the certification of ownership of the proposed site;

C) An official~~A signed~~ fire inspection report from the local fire inspection authority, conducted within 6 months prior to application, giving approval for use of the site as a classroom location;

D) A statement from the school owner outlining the purpose of the classroom location;

E) A listing of any and all additional teachers who will be added to the teaching staff as a result of the expansion; and

~~F)~~ ~~A financial statement prepared by a certified public accountant licensed by the Division pursuant to the Illinois Public Accounting Act [225 ILCS 450] who is not an employee of the school, indicating sufficient current finances exist to operate the school for at least 3 months; and~~

F~~G~~) The required fee set forth in Section 1175.100.

2) An off-site classroom location is defined as a separate classroom, not continuously joined that is located within 5 miles of the main school site

that serves to provide adequate space in which to train an overflow of students. A clinic may not be operated at an off-site classroom location. A school may establish only 1 off-site classroom location. All identifying signs and materials must reflect the name of the main school.

c) When an on-site expansion is to accommodate an increased enrollment, a completed application shall be submitted along with:

1) A detailed 8½ x 11 inch floor plan that is:

A) drawn to a scale;

B) shows dimensions;

C) has all areas labeled;

D) has all fixtures shown; and

E) demonstrates meeting the requirements of Section 1175.305 ~~specified on the drawing~~;

2) A statement from the school owner outlining the purpose of expansion;

3) A listing of any and all additional teachers who will be added to the teaching staff as a result of the expansion; and

4) The required inspection fee as set forth in Section 1175.100.

d) Upon receipt of the items listed in subsections (b) and (c), the Division shall inspect the expansion site to determine compliance with this Part. If any changes affecting the items in subsections (b) and (c) are made prior to inspection, the school owner must notify the Division in writing. The site shall not be used until the inspection has occurred and the owner has received written notification of approval from the Division. Approval will be granted if all of the requirements of this Subpart K have been met.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.1170 Discontinuance of Program

a) The Division shall receive a minimum of 30 days written notice of a school's intent to discontinue its program. The notice shall include the exact location where the student records are to be stored.

b) The school owner shall notify the Division in writing of the actual closing date of the school.

c) All school records shall be maintained after the school closes.

d) The school must continue to meet the requirements of the Act and this Part until the actual closing date.

e) Each student enrolled at the time of discontinuation must be provided an official transcript of all hours earned while enrolled in the program.

f) Each student shall be given a refund prorated to at least reflect the percentage of time remaining to complete the course of instruction.

g) Students who have acquired 175 or more clock hours before their school closes shall be allowed to transfer all accumulated hours to another licensed nail technology school. Schools accepting these hours shall not be credited with the students' pass/fail statistics, set forth in Section 1175.570(b), resulting from their first attempt on the Illinois Nail Technology examination.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.1175 Withdrawal of Licensure~~Approval~~

a) The Division may withdraw, suspend or place on probation, pursuant to 68 Ill. Adm. Code 1110, the licensure~~approval~~ of a school of cosmetology or nail technology school when the quality of the program has been affected by, but not limited to, any of the following causes:

1) Gross or repeated violations of any provisions of the Act or this Part;

2) Fraud or dishonesty in furnishing transcripts or documentation for evaluation of the school;

3) Failure to meet the criteria for school approval in Section 1175.1100 or 1175.1101;

4) Failure to administer the final examination as specified in this Part;

5) Failure to maintain final examination grades for each student and a master of the examination administered as specified in this Part;

6) Fraud or dishonesty in providing transcripts to students who have fulfilled all obligations under Section 1175.1115;

7) Failure to provide transcripts to students;

8) A finding by the U.S. Office of Education or Illinois Student Assistance Commission that a school has misappropriated or misused grant or loan monies or has aided in obtaining thosesuch monies by providing fraudulent or untruthful information; or

9) Any other violation of the Act or this Part.

b) Performance Record on Licensing Examination1)When a school's graduates have a 25% or greater failure rate on the licensing examination, Division approval of a school shall be reviewed pursuant to Section 1175.1100.2)The performance record of a school's graduates on the licensing examination as compared with the statewide performance record shall be considered by the Division when reviewing Division approval of a school.3)The Division shall give written notice and a hearing pursuant to 68 Ill. Adm. Code 1110 when Division licensureapproval of a school is proposed to be withdrawn.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

SUBPART L: CONTINUING EDUCATION

Section 1175.1200 Sponsor Approval

a) Sponsor, as used in this Section, shall mean *accredited universities and colleges, industry or trade associations, corporate salons, franchise salons, independent salons, vocational and technical schools, cosmetology schools, and other entities* (Section 4-1.5(a) of the Act) that have been approved and authorized by the

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

Division to coordinate and present CE~~continuing education~~ courses or programs for cosmetologists, cosmetology teachers, cosmetology clinic teachers, estheticians, esthetics teachers, nail technicians, ~~or~~ nail technology teachers, hair braiders and hair braiding teachers.

b) A CE~~continuing education~~ sponsor application shall be filed with the Division to be approved as a CE~~continuing education~~ sponsor. The application shall include:

1) A copy of the Certificate of Attendance, which shall contain the following information:

A) The CE sponsor name and address;

B~~A~~) Place for insertion of the~~The~~ CE sponsor registration number. The sponsor registration number must appear on all issued Certificates of Attendance~~, name and address~~;

C~~B~~) Course title, category~~Category~~ of CE (cosmetology, nail technician, esthetics, hair braiding), and place for insertion of the date of the course. The date of the course must appear on all issued Certificates of Attendance;

D~~C~~) Place of insertion of the participant's name~~Name~~ and license number. The participant's name and license number must appear on all issued Certificates of Attendance~~of the participant~~; and

E~~D~~) Number of hours awarded.~~; and~~

~~E) Course title and date of course.~~

2) A 3-hour CE course outline, including evidence of appropriate facilities, instructor qualifications and content of the course.

3) Name and address of the contact person responsible for all recordkeeping.

4) Certification that the sponsor will comply with all sponsor CE requirements set forth in this Subpart L.

5) The required fee set forth in Section 1175.100.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

c) A CE sponsor shall provide CE courses and programs that are organized programs of formal learning that contribute directly to a licensee's knowledge and ability to perform duties as a licensee. *No product sales shall be permitted during a continuing education program.* (Product sales/selling is any activity that involves a deal sheet or invoice or mention of prices or special deals. These activities are prohibited during the presentation of CE~~continuing education~~ programs.) *After the continuing education program is concluded and the certificates of attendance are distributed to the attendees, product sales shall be permitted.* (Section 4-1.5(e)(2) of the Act) A CE~~continuing education~~ program or course must meet the following minimum requirements:

1) Be developed and presented by persons with education, training and/or practical experience in the subject matter to be presented.

2) Include a student evaluation of both instructor and the course.

3) Specify the course objectives, content, prerequisites, requirements, the licensure category for which the CE applies and the number of CE hours to be earned. This information shall be specified in all promotional materials.

4) Be in the following subject areas for cosmetologists, estheticians and nail technicians:

A) Advanced product chemistry and chemical interaction;

B) The use of machines and implements;

C) Sanitary procedures;

D) Hazardous chemicals;

E) Exposure minimization;

F) Updated use of implements as they relate to applicable services under this Act;

G) Advanced knowledge of the anatomy of the skin, scalp, hair and/or

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

nails;

H) Human relations/communication skills; and

I) Management and marketing.

5) Be in the following subject areas for cosmetology, esthetics and nail technology teachers in addition to the areas set forth in subsection (c)(4): ~~of this Section.~~

A) Teaching methodology;

B) Educational psychology;

C) Classroom management; or

D) Other teaching related courses.

6) Individual study courses (correspondence, audio or video or online courses) sponsored by an approved sponsor shall include an examination and a means of verification that the licensee has successfully completed the course. (See Section 1175.1210(e).)

d) All sponsors shall verify attendance at each CE course or program. A record of attendance shall be kept for no less than 5 years. Sponsors shall give each successful participant a record of completion at the end of the course or program. All records shall include the following information: name, address and license number for each participant, category of CE (cosmetology, nail technician, esthetics, teacher education), number of hours awarded, course title and date of course. *Sponsors may delegate recordkeeping duties to one of their members or member groups.* (Section 4-1.5(a))

e) CE sponsors shall be required to renew their approval every two years upon submittal of the renewal application and the required fee. The first renewal shall be December 31, 1997.

f) All CE programs given on or after October 1, 1996, must be given by a sponsor who has been approved by the Division to provide CE~~continuing education~~.

g) All sponsors approved by the Division as of December 31, 1995, will be required to submit an application, the required fee and meet the current requirements set forth in this Part and the Act to continue to provide CE~~continuing education~~ programs on or after October 1, 1996. *An approved sponsor may subcontract with individuals and organizations to provide approved programs. These persons must meet the criteria established in Section 4-1.5(e)(1) and (2).* (Section 4-1.5(j)) Any time the sponsor subcontracts with a presenter, all advertisements, promotional materials and the Certificate of Attendance will bear the name, address and registration number of the sponsor. The name of the subcontractor may appear as the "Presenter" but no document shall imply that the subcontractor is registered as a CE sponsor.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.1205 Division Supervision

a) The Division shall audit sponsors and their programs upon written complaint or allegation that the sponsor has not fully complied with the requirements of this Subpart L.

b) A sponsor's approval will be terminated if the sponsor fails to provide information to the Division to ascertain compliance with this Subpart L.

c) Upon failure of any sponsor to comply with requirements of this Subpart L, the Division shall issue a written notification to the sponsor that it must remedy its non-compliance prior to providing further approved courses.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.1210 Credit Hours

a) With the exception of program hours earned under subsection (e)~~ of this Section~~, an approved CE program hour shall include at a minimum 50 minutes of actual class time, exclusive of time devoted by participants to pre-class or post-class preparation.

b) Participants completing courses at a university or college shall receive 15 CE credit hours for each semester hour or 10 CE hours for each quarter hour of school credit awarded.

c) A licensee who serves as an instructor, speaker or discussion leader of an approved course shall be allowed CE credit for actual presentation time. For preparation time, 1 hour of credit will be awarded for each 2 hours of actual presentation time. Preparation time for repetitious presentations shall not receive credit. No more than 10 hours can be earned under this subsection (c) during any renewal period.

d) Credit shall be awarded for successful completion of courses taken pursuant to CE~~continuing education~~ requirements in another state. Credit hours shall be awarded as stated in subsections (a), (b) and (c).

e) Renewal applicants may earn a maximum of 50% of the total hours required for each renewal through completion of individual study courses (see Section 1175.1200(c)(6)).

f) CE~~Continuing Education~~ Earned in Other States. If a licensee has earned CE hours in another state or territory for which he/she will be claiming credit toward full compliance in Illinois, the applicant shall submit an out of state CE approval form along with a $10 processing fee within 90 days after completion of the course. The Division~~Committee~~ shall review and recommend approval or disapproval of this program using the criteria set forth in this subsection (f)~~Section~~.

g) Credit shall only be recognized for courses that provide education and training in topics within the licensee's scope of practice of his/her profession, in sanitary standards, in business practices, or in teaching if applicable, except as provided in Section 1175.1220.~~For the first renewal of the license, a licensee who obtained a hair braider or hair braiding teacher license under Section 1175.1400 (grandfather) shall successfully complete at least 65 hours of relevant training in health, safety, hygiene and business management.~~

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.1215 Waiver of Continuing Education Requirements

a) Any renewal applicant seeking renewal of a license or certificate without having fully complied with these CE requirements shall file with the Division a renewal application along with the required renewal fee, a statement setting forth the facts

concerning ~~such~~ noncompliance, a request for waiver of the CE requirements on the basis of those~~such~~ facts and, if desired, a request for an interview before the Board. If the Division finds from that~~such~~ statement or any other evidence submitted or upon recommendation of the Board, that good cause has been shown for granting a waiver of the CE requirements, or any part thereof, the Division shall waive enforcement of CE~~such~~ requirements for the renewal period for which the applicant has applied.

b) Good cause shall be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:

1) Full-time *service in the armed forces* of the United States of America during a substantial part of the prerenewal~~such~~ period;

2) An *incapacitating illness* documented by a currently licensed physician; or

3) Hardship, which is defined as ~~defined in Section 3-7 of the Act~~:

A) *The licensee resides in a locality where it is demonstrated that the absence of opportunities for this~~such~~ education would interfere with the ability of the licensee to provide services to the public.*

B) *To~~That to~~ comply with the CE~~continuing education~~ requirements would cause a substantial financial hardship on the licensee.* (Section 3-7 of the Act)

~~c) A licensee who is at least 62 years of age or has been licensed as a cosmetologist, cosmetology teacher or cosmetology clinic teacher for at least 25 years is exempt from the continuing education requirement.~~

c~~d~~) If an interview is requested at the time the request for such waiver is filed with the Division, the renewal applicant shall be given at least 20 days written notice of the date, time and place of the~~such~~ interview by ~~certified~~ mail~~, return receipt requested~~.

d) This Section shall be applicable to all CE requirements under the Act, including the requirement for completion of a domestic violence and sexual assault awareness education course (see Section 1175.1220).

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.1220 Domestic Violence and Sexual Assault Awareness Education

a) No domestic violence and sexual assault awareness organization, accredited university or college, industry or trade association, corporate salon, franchise salon, independent salon, vocational or technical school, cosmetology school, esthetics school, nail technology school, hair braiding school or other entity shall offer or conduct a domestic violence and sexual assault awareness education course as a CE program for cosmetologists, estheticians, nail technicians and hair braiders as provided in Sections 3-7, 3A-6, 3C-8 and 3E-5 of the Act without first being approved and authorized by the Division as a domestic violence and sexual assault awareness education sponsor, except as provided in subsection (h). No CE sponsor approved under Section 1175.1200 shall offer or conduct a domestic violence and sexual assault awareness education program without also complying with this Section.

b) A domestic violence and sexual assault awareness education sponsor application shall be filed with the Division to be approved as a sponsor. The application shall include:

1) A copy of the Certificate of Attendance, which shall include the following information:

A) Sponsor name and address;

B) Place for insertion of the sponsor registration number. The sponsor registration number must appear on all issued Certificates of Attendance;

C) Course title and place for insertion of the date of the course. The date of the course must appear on all issued Certificates of Attendance;

D) Number of hours awarded (1 hour); and

E) Place for insertion of the participant's name and license number. The participant's name and license number must appear on all issued Certificates of Attendance.

2) The course outline, including evidence of appropriate facilities, instructor qualifications and content of the course.

3) Name, address, telephone number, and email address of the contact person responsible for all recordkeeping.

4) Certification that the sponsor will comply with all sponsor requirements set forth in this Section.

5) The required fee set forth in Section 1175.100.

c) The 1-hour domestic violence and sexual assault awareness education course must, at a minimum, include the following subject areas:

1) Providing basic information about domestic violence and sexual assault, including definitions, factual information, statistics, types of abuse, behaviors, victim-blaming, shaming, abusers, barriers for victims leaving their abusers or seeking help, and confidentiality issues;

2) Placing, within the context of a cosmetology, esthetics, nail technology or hair braiding salon or practice, exposure to and awareness of issues related to domestic violence and sexual assault; and

3) Providing licensees with the tools to assist clients with information about available options, choices and services, including listening to and communicating with clients, recognizing signs of abuse, the proper ways to support a client who is a victim, and connecting clients with available community resources.

d) The 1-hour domestic violence and sexual assault awareness education course shall be presented in a classroom setting or in an online classroom presentation.

e) The domestic violence and sexual assault awareness education course shall only be presented or taught by a qualified instructor. A qualified instructor is a person who:

1) Holds a current Illinois Certified Domestic Violence Professional certificate issued by the Illinois Certified Domestic Violence Professionals

Board or has completed a 40-hour domestic violence training program offered by the Illinois Certified Domestic Violence Professionals Board;

2) Has completed a 40-hour sexual assault training program offered by the Illinois Coalition Against Sexual Assault (ICASA), which is required for all volunteers, staff members and contractual workers who provide victim services or have access to client records at ICASA;

3) Is a post-secondary educator in the field of criminal justice with documented domestic violence and sexual assault awareness training;

4) Is a law enforcement professional (active or retired) with documented domestic violence and sexual assault awareness training; or

5) Holds a certificate or other credential or has completed a training program that is deemed by the Division to be substantially similar to that described in this subsection (e).

f) A CE sponsor approved under Section 1175.1200 or an industry or trade association may contract with an approved domestic violence and sexual assault awareness education sponsor to offer or conduct a domestic violence and sexual assault awareness education course without obtaining its own sponsor approval under this Section.

g) A domestic violence and sexual assault awareness education sponsor approved under this Section is not required to additionally obtain a CE sponsor approval under Section 1175.1200 unless it intends to offer and conduct other types of CE courses.

h) Pursuant to Sections 3-7, 3A-6, 3C-8 and 3E-5 of the Act, any cosmetologist, esthetician, nail technician or hair braider who completed a 1-hour domestic violence and sexual assault awareness education course from a domestic violence and sexual assault awareness organization between March 12 and March 15, 2016 shall satisfy the course completion requirement of the Act, notwithstanding any provision of this Part. In the same manner, any cosmetologist, esthetician, nail technician or hair braider who completed a 1-hour domestic violence and sexual assault awareness education course from a domestic violence and sexual assault awareness organization between March 25 and March 27, 2017 shall satisfy the course completion requirement of the Act, notwithstanding any provision of this

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

Part.

i) All references to cosmetologists, estheticians, nail technicians and hair braiders in this Section shall be deemed to include cosmetology teachers, cosmetology clinic teachers, esthetics teachers, nail technology teachers and hair braiding teachers.

j) The Department will maintain a list of all approved domestic violence and sexual assault awareness education course instructors on the Department's website and will note whether the education course has an associated cost.

(Source: Added at 42 Ill. Reg. 15159, effective August 10, 2018)

SUBPART M: SALON OR SHOP REGISTRATION

Section 1175.1300 ~~Application for a~~ Barber Shop or Cosmetology, Nail Technology, Hair Braiding or Esthetics Salon Certificate of Registration

a) Pursuant to Article IIID of the Act, all cosmetology, nail technology, hair braiding or esthetics salons and barber shops shall obtain a certificate of registration from the Division in order to operate in Illinois. The owner shall file an application with the Division, on forms supplied by the Division. ~~The application shall include the following:~~

b) Cosmetology, nail technology, hair braiding or esthetics salons and barber shops subject to registration include the following:

1) A salon or shop located in a physical space owned or leased by the owner, such as a storefront, building space or unit, or free-standing building;

2) A mobile salon or shop;

3) A salon or shop that rents space to individual licensees who operate their own businesses within the premises. The salon or shop owner must obtain a registration for the entire facility or each individual licensee renting space must obtain his/her own registration;

4) A salon or shop that is located and operated within the facility of another, such as a kiosk or similar temporary or semi-permanent structure; or

5) A person or business that contracts with another business, such as a healthcare or residential facility, to provide cosmetology, nail technology, hair braiding, esthetics or barbering services to residents or clients of the facility on the premises of the facility.

~~1) If the application is for a change of ownership, the salon or shop registration number of previous owner, a signed, dated statement from previous owner, and original salon or shop certificate registration;~~

~~2) Ownership structure: individual/sole proprietorship, corporation, limited liability company (LLC) or partnership;~~

~~3) Name, address and telephone number of owner. If a corporation, LLC, or partnership, the name, address and telephone number of chief executive officer (CEO) or managing partner;~~

~~4) Federal employer identification number (FEIN) of owner;~~

~~5) Name, address and telephone number of salon or shop;~~

~~6) Franchise disclosure;~~

~~7) Name and license number of any owner, managing partner or CEO holding an Illinois license in any profession regulated under the Act;~~

~~8) If an Illinois corporation, a copy of the entire Articles of Incorporation as filed with the Illinois Secretary of State;~~

~~9) If a foreign corporation, a copy of the entire Articles of Incorporation as filed with the jurisdiction where the corporation is registered and a copy of the certificate of authority to transact business in Illinois as filed with the Illinois Secretary of State;~~

~~10) If an LLC, a copy of the entire Articles of Organization as filed with the Illinois Secretary of State;~~

~~11) If a foreign LLC, a copy of the entire Articles of Organization as filed with the jurisdiction where the LLC is organized and a copy of the~~

~~certificate of authority to transact business in Illinois as filed with the Illinois Secretary of State;~~

~~12)~~ ~~If a partnership, a copy of the signed and dated partnership agreement including the name of the partnership, business address and name of each partner;~~

~~13)~~ ~~If a franchise, a copy of the signed and dated franchise agreement showing that franchisee has been granted the right to use trade name, trademark, service name, service mark or any other right to the exclusive use of names or symbols;~~

~~14)~~ ~~If using an assumed name, a certificate from the county clerk's office where the assumed name is filed or a certificate from the Illinois Secretary of State showing authorization to transact business under the assumed name;~~

~~15)~~ ~~The required fee set forth in Section 1175.100.~~

~~b)~~ ~~Registration Requirements. The requirement to obtain a certificate of registration from the Division is only applicable to salons or shops offering cosmetology, esthetics, nail technology, hair braiding or barbering services. A separate certificate of registration is required for each salon or shop location. A separate application, fee and supporting documents shall be submitted to the Division. Any physical location dedicated to providing cosmetology, esthetics, nail technology, hair braiding, or barbering services, including but not limited to kiosks, trailers or motor vehicles, is subject to registration. The Division may reject any application including a business name that states or implies a service that cannot be legally offered by the business, which is misleading to consumers, or is otherwise inconsistent with the purposes of the Act.~~

~~c)~~ ~~Change of Location. The owner shall file written notice with the Division at least 30 days in advance of the change of location of a salon or shop. The notice shall include the owner's name and signature, date, FEIN, name of salon or shop, previous address of salon or shop, new address of salon or shop and effective date of change. The notice shall be accompanied by the original certificate of registration and a $20 reprint fee. The Division shall reprint the certificate of registration with the new salon or shop address.~~

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

~~d) Change of Ownership. When the ownership of a salon or shop changes, the new owner shall, within 5 working days after the date of sale, file with the Division an affidavit stating that the sale is contingent on a certificate of registration being issued to the new owner. If this is not provided, the salon or shop must close and remain closed until a certificate of registration is issued to the new owner. The new owner shall obtain a certificate of registration from the Division as set forth in subsection (a).~~

~~e) Change of Name. The owner shall file written notice with the Division at least 30 days in advance of the change of name of a salon or shop. The notice shall include the owner's name and signature, date, FEIN, previous name of salon or shop, address of salon or shop, new name of salon or shop and effective date of change. The notice shall be accompanied by the original certificate of registration, a $20 reprint fee, and if using an assumed name, a certificate from the county clerk's office where the assumed name is filed or a certificate from the Illinois Secretary of State showing authorization to transact business under the assumed name.~~

~~f) Renewal. All certificates of registration shall expire on November 30 of even numbered years. A salon or shop may renew the certificate of registration during the 2 months preceding the expiration date by paying the required fee.~~

~~g) Restoration. An owner seeking restoration of a certificate of registration that has expired or been placed on inactive status shall file written notice with the Division. The notice shall include the owner's name and signature, date, FEIN, name of salon or shop, previous address of salon or shop, current address of salon or shop, and $40 fee. If using an assumed name, the notice shall also include a certificate from the county clerk's office where the assumed name is filed or a certificate from the Illinois Secretary of State showing authorization to transact business under the assumed name.~~

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.1305 Application for Certificate of Registration

a) The application shall include the following:

1) Ownership structure, such as individual/sole proprietorship, corporation, limited liability company (LLC) or partnership;

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

2) Name, address, email address and telephone number of owner. If a corporation, LLC or partnership, the name, address, email address and telephone number of the chief executive officer (CEO) or managing partner;

3) Federal employer identification number (FEIN) of owner;

4) Name, address and telephone number of salon or shop;

5) Franchise disclosure;

6) Name and license number of any owner, managing partner or CEO holding an Illinois license in any profession regulated under the Act;

7) If an Illinois corporation, a copy of the entire Articles of Incorporation as filed with the Illinois Secretary of State;

8) If an Illinois corporation, a copy of the entire Articles of Incorporation filed with the Illinois Secretary of State;

9) If an LLC, a copy of the entire Articles of Organization filed with the Illinois Secretary of State;

10) If a foreign LLC, a copy of the entire Articles of Organization filed with the jurisdiction where the LLC is organized and a copy of the certificate of authority to transact business in Illinois filed with the Illinois Secretary of State;

11) If a partnership, a copy of the signed and dated partnership agreement, including the name of the partnership, business address and name of each partner;

12) If a franchise, a copy of the signed and dated franchise agreement showing that franchisee has been granted the right to use a trade name, trademark, service name, service mark or any other right to the exclusive use of names or symbols;

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

13) If using an assumed name, a certificate from the county clerk's office where the assumed name is filed or a certificate from the Illinois Secretary of State showing authorization to transact business under the assumed name;

14) The required fee set forth in Section 1175.100.

b) Registration Requirements. The requirement to obtain a certificate of registration from the Division is only applicable to salons or shops offering cosmetology, esthetics, nail technology, hair braiding or barbering services. A separate certificate of registration is required for each salon or shop location, except as provided in subsection (c). A separate application, fee and supporting documents shall be submitted to the Division. Any physical location dedicated to providing cosmetology, esthetics, nail technology, hair braiding or barbering services, including but not limited to kiosks, trailers or motor vehicles, is subject to registration. The Division may reject any application including a business name that states or implies a service that cannot be legally offered by the business, which is misleading to consumers, or is otherwise inconsistent with the purposes of the Act. The use of "medical" or similar term in a business name is deemed to imply a service that cannot be legally offered by the salon or shop and to be misleading to consumers and is therefore prohibited.

c) A mobile salon or shop or a person or business that contracts with another business, such as a healthcare or residential facility, to provide licensed personnel to provide cosmetology, nail technology, hair braiding, esthetics or barbering services to residents or clients of the facility on the premises of the facility shall not be required to report the locations where services are provided, but shall report the address of its business office and may be issued one certificate of registration for the business. However, a person or a business that operates and maintains a permanent salon or shop on the premises of another business, such as a healthcare or residential facility, shall be required to obtain a certificate of registration for its salon or shop located at that facility and shall report both the address of its business office and the address of the facility. If that person or business has more than one permanent salon or shop in the same facility, only one certificate of registration is required.

(Source: Added at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.1310 Change of Location

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

The owner shall file written notice with the Division at least 30 days in advance of the change of location of a salon or shop. The notice shall include the owner's name and signature, date, FEIN, name of salon or shop, previous address of salon or shop, new address of salon or shop, and effective date of the change. The notice shall be accompanied by the original certificate of registration and a $20 reissuance fee. The Division shall issue a new certificate of registration with the new salon or shop address.

(Source: Added at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.1315 Change of Ownership

a) For purposes of this Section, "change of ownership", "sale" or "transfer" of a corporation means the transfer of more than 50% of stock during a 14-day period. For purposes of this Section, "change of ownership", "sale" or "transfer" of a partnership means a change of more than 50% of the partners during a 14-day period. For purposes of this Section, "change of ownership", "sale" or "transfer" of a limited liability company means a change of more than 50% of the members during a 14-day period. Any change of ownership of a parent business entity that owns the salon's or the shop's owner shall not be considered a change of ownership of the salon or shop.

b) If a registered salon or shop is to be sold or otherwise transferred, the new owner must notify the Division in writing at least 30 days in advance of the effective date of the transfer of ownership. The notification shall include a signed and dated letter from the pre-transfer owner acknowledging the planned sale or transfer.

c) Upon filing notice to the Division, the new owner may continue to operate the salon or shop under the previously issued registration, provided that the new owner submits an application for a certificate of registration with the Division within 30 days after the effective date of the transfer of ownership in compliance with Sections 1175.1300 and 1175.1305.

(Source: Added at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.1320 Change of Name

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

The owner shall file written notice with the Division at least 30 days in advance of the change of name of a salon or shop. The notice shall include the owner's name and the signature, date, FEIN, previous name of salon or shop, address of salon or shop, new name of salon or shop, and effective date of the change. The notice shall be accompanied by the original certificate of registration, a $20 reissuance reprint fee, and, if using an assumed name, a certificate from the county clerk's office where the assumed name is filed or a certificate from the Illinois Secretary of State showing authorization to transact business under the assumed name. The Division shall issue a new certificate of registration with the new name of the salon or shop. The proposed new name must comply with the requirements of Section 1175.1305.

(Source: Added at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.1325 Renewal

All certificates of registration shall expire on November 30 of even-numbered years. A salon or shop may renew the certificate of registration during the 2 months preceding the expiration date by paying the required fee.

(Source: Added at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.1330 Restoration

An owner seeking restoration of a certificate of registration that has expired or been placed on inactive status shall file written notice with the Division. The notice shall include the owner's name and signature, date, FEIN, name of salon or shop, previous address of salon or shop, current address of salon or shop, and $40 fee. If using an assumed name, the notice shall also include a certificate from the county clerk's office where the assumed name is filed or a certificate from the Illinois Secretary of State showing authorization to transact business under the assumed name.

(Source: Added at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.1335 Salon or Shop Self-Inspection

Every registered salon or shop shall conduct an annual self-inspection using forms provided by the Division. The annual self-inspection shall be conducted during the same month, annually, as determined by the salon or shop. Documentation of the self-inspection shall be maintained at the salon or shop for 5 years and shall be made available for review by Division investigators.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 42 Ill. Reg. 15159, effective August 10, 2018)

SUBPART N: HAIR BRAIDING

Section 1175.1400 Requirements for Licensure under Article IIIE of the Act (Grandfather) (Repealed)

~~a) An applicant for licensure as a hair braider under the grandfather provision shall file an application with the Division postmarked no later than December 31, 2012, together with:~~

~~1) Proof that the applicant has practiced hair braiding for at least 2 consecutive years immediately prior to the date of his or her application. This may be in the form of affidavits from at least 3 clients or business owners who can verify the applicant's practice as a hair braider. The applicant may provide tax records in lieu of one of the required affidavits; and~~

~~2) The required fee set forth is Section 1175.100.~~

~~b) An applicant for licensure as a hair braiding teacher under the grandfather provision shall file an application with the Division postmarked no later than December 31, 2012, together with:~~

~~1) Proof that the applicant has practiced hair braiding for at least 2 consecutive years immediately prior to the date of his or her application. This may be in the form of affidavits from at least 3 clients or business owners who can verify the applicant's practice as a hair braider. The applicant may provide tax records in lieu of one of the required affidavits; and~~

~~2) The required fee set forth in Section 1175.100.~~

~~c) When the accuracy of any submitted documentation or the relevance or sufficiency of the work experience is questioned by the Division or the Board because of lack of information, discrepancies or conflicts in information given, or a need for clarification, the applicant seeking licensure shall be requested to:~~

~~1) Provide information as may be necessary; and/or~~

~~2)~~ ~~Appear for an interview before the Board to explain the relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.~~

(Source: Repealed at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.1405 Application for Licensure – Hair Braider

a) Each~~An~~ applicant for hair braider licensure ~~who does not meet the requirements of Section 1175.1400 (grandfather)~~ shall submit to~~file an application on forms provided by~~ the Division~~, together with~~:

1) A signed and completed licensure application;

2~~1~~) An official transcript showing ~~successful~~ completion of the required training outlined in Section 3E-2(a)(3) of the Act and Section 1175.1535 ~~of this Part~~ and a passing grade on the final examination administered by the school as set forth in Section 1175.1545 ~~of this Part~~; ~~and~~

3) Proof of name change (i.e., marriage license, divorce decree, affidavit or court order) if the applicant's name is other than that shown on submitted documents; and

4~~2~~) The required fee set forth in Section 1175.100.

b) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Division because of noncompliance in whole or in part with the requirements of this Part, lack of information, discrepancies or conflicts in information given, or a need for clarification, the applicant seeking licensure shall be requested to:

1) Provide information as may be necessary; and/or

2) Appear for an interview before the Board to explain the relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

Section 1175.1410 Application for Licensure – Hair Braiding Teacher

a) Each~~An~~ applicant for hair braiding teacher licensure ~~who does not meet the requirements of Section 1175.1400 (grandfather)~~ shall submit to~~file an application on forms provided by~~ the Division~~, together with~~:

1) A signed and completed licensure application;

2~~1~~) An official transcript showing ~~successful~~ completion of the required training outlined in Section 3E-3 of the Act and Section 1175.1540~~, of this Part~~ and a passing grade on the final examination administered by the school as set forth in Section 1175.1545~~ of this Part~~; ~~and~~

3) Proof of name change (i.e., marriage license, divorce decree, affidavit or court order) if the applicant's name is other than that shown on submitted documents; and

4~~2~~) The required fee set forth in Section 1175.100.

b) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Division because of noncompliance in whole or in part with the requirements of this Part, lack of information, discrepancies or conflicts in information given, or a need for clarification, the applicant seeking licensure shall be requested to:

1) Provide information as may be necessary; and/or

2) Appear for an interview before the Board to explain the relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.1420 Renewals

a) Every license issued under the Act shall expire on October 31 of each even-numbered year. The holder of a license may renew the license during the month preceding its expiration date.~~The first hair braider, hair braiding teacher and hair~~

~~braiding school licenses issued under the Act shall expire on October 31, 2014. Thereafter, every license issued under the Act shall expire on October 31 of each even numbered year. The holder of a license may renew the license during the month preceding its expiration date.~~

b) First and Subsequent Renewal

1) For the first renewal of the license, a licensee who obtained a hair braider or hair braiding teacher license issued pursuant to the grandfather provision in Section 3E-2(c) of the Act~~under Section 1175.1400 (grandfather)~~ shall:

A) Return a completed renewal application;

B) Certify on the renewal application that he/~~ or~~ she has successfully completed at least 65 hours of relevant training in health, safety, hygiene and business management in accordance with the requirements of Section 1175.1210(g);

C) Submit the required fee set forth in Section 1175.100.

2) Subsequent renewals must comply with the renewal requirements set forth in subsection (c).

c) Applicants for renewal shall:

1) Return a completed renewal application.

2) Hair Braider – ~~.~~Certify on the renewal application that they have successfully completed a minimum of 10 hours of CE~~continuing education~~ from a sponsor registered with the Division, in accordance with Section 1175.1200, within the 2 years prior to the expiration date of the license, if renewing a hair braider license. Certify compliance with Section 1175.1220.

3) Hair Braiding Teacher – ~~.~~Certify on the renewal application that they have successfully completed a minimum of 20 hours of CE~~continuing education~~ from a sponsor registered with the Division, in accordance with Section 1175.1200, within the 2 years prior to the expiration date of the license, if

renewing a hair braiding teacher license. Certify compliance with Section 1175.1220. Ten of the 20 hours shall be in the following areas:

A) Teaching Methodology;

B) Educational Psychology;

C) Classroom Management; or

D) Other teaching related courses.

4) Submit the required fee set forth in Section 1175.100.

d) A renewal applicant is not required to comply with CE~~continuing education~~ requirements for the first renewal after issuance of the original license except for licensees who obtained a hair braider or hair braiding teacher license issued pursuant to the grandfather provision in~~under~~ Section 3E-2(c) of the Act~~1175.1400 (grandfather)~~.

e) The Division may require additional evidence demonstrating compliance with the CE~~continuing education~~ requirements (i.e., certificate of attendance or certificate of completion). It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance. The evidence shall be required in the context of the Division's random audit.

f) It is the responsibility of each licensee to notify the Division of any change of address. Failure to receive a renewal form from the Division shall not constitute an excuse for failure to renew a license.

g) Practicing or operating on a license that has expired shall be consider unlicensed activity and shall be grounds for discipline pursuant to Section 4-7 of the Act.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.1430 Restoration – Hair Braider

a) Application for Restoration

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

1) A person applying for restoration of a license as a hair braider that has expired or been on inactive status for less than 5 years shall submit an application on forms provided by the Division and:

A) Pay the required fee set forth in Section 1175.100; and

B) Provide evidence of successful completion of 10 hours of CE~~continuing education~~ from a sponsor registered with the Division, in accordance with Section 1175.1200, within the 2 years prior to the application for restoration.

2) If restoring after active military service, the applicant shall submit a copy of the applicant's ~~Honorable Discharge form (~~DD-214~~)~~ and the current renewal fee.

b) A person applying for restoration of a license as a hair braider that has been expired or been on inactive status for 5 years or more shall submit an application on forms provided by the Division along with either:

1) All of the following:

A) Verification of lawful employment as a hair braider in another jurisdiction for at least 24 months within the 5 years preceding application for restoration from at least 3 clients, coworkers or business owners;

B) Certification of licensure from the licensing authority in the jurisdiction of employment stating that the practice was authorized;

C) A completed Restoration Questionnaire;

D) Evidence of successful completion of 10 hours of CE~~continuing education~~ from a sponsor registered with the Division, in accordance with Section 1175.1200, within the 2 years prior to the application for restoration; and

E) The required fee set forth in Section 1175.100; or

2) A copy of the applicant's DD-214 ~~form~~ and the current renewal fee, if restoring from active military service.

c) A person applying for restoration under subsection (b) who is unable to comply with one or both of subsections (b)(1)(A) and (B) shall also submit evidence of successful completion of at least 65 hours of relevant training in health, safety, hygiene and business management, in accordance with the requirements of Section 3E-2 of the Act, within the 2 years prior to the application for restoration. An applicant who completes this training shall not be required to complete 10 hours of CE~~continuing education~~, but shall comply with the remaining requirements of subsection (b).

~~d) Practicing or operating on a license that has expired shall be consider unlicensed activity and shall be grounds for discipline pursuant to Section 4-7 of the Act.~~

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.1435 Restoration – Hair Braiding Teacher

a) Application for Restoration

1) A person applying for restoration of a license as a hair braiding teacher that has expired or been on inactive status for less than 5 years shall submit an application on forms provided by the Division and:

A) Pay the required fee set forth in Section 1175.100; and

B) Provide evidence of successful completion of 20 hours of CE~~continuing education~~ from a sponsor registered with the Division, in accordance with Section 1175.1200, within the 2 years prior to the application for restoration.

2) If restoring after active military service, the applicant shall submit a copy of the applicant's ~~Honorable Discharge form (~~DD-214~~)~~ and the current renewal fee.

b) A person applying for restoration of a license as a hair braiding teacher that has been expired or been on inactive status for 5 years or more shall submit an application on forms provided by the Division along with either:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

1) All of the following:

A) Verification of lawful employment as a hair braiding teacher in another jurisdiction for at least 24 months within the 5 years preceding application for restoration from at least 3 students, coworkers or school owners;

B) Certification of licensure from the licensing authority in the jurisdiction of employment stating that the practice was authorized;

C) A completed Restoration Questionnaire;

D) Evidence of successful completion of 20 hours of CE~~continuing education~~ from a sponsor registered with the Division, in accordance with Section 1175.1200, within the 2 years prior to the application for restoration; and

E) The required fee set forth in Section 1175.100; or

2) A copy of the applicant's DD-214 ~~form~~ and the current renewal fee, if restoring from active military service.

c) A person applying for restoration under subsection (b) who is unable to comply with one or both of subsections (b)(1)(A) and (B) shall submit evidence of successful completion of at least 65 hours of relevant training in health, safety, hygiene and business management, in accordance with the requirements of Section 3E-2 of the Act, within the 2 years prior to or within 2 years after the application for restoration. An applicant who completes this training shall not be required to complete 20 hours of CE~~continuing education~~, but shall comply with the remaining requirements of subsection (b).

~~d) Practicing or operating on a license that has expired shall be considered unlicensed activity and shall be grounds for discipline pursuant to Section 4-7 of the Act.~~

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

SUBPART O: HAIR BRAIDING SCHOOLS

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

Section 1175.1500 Hair Braiding School Application – Private Schools

a) An applicant for a hair braiding school license shall submit a completed application to the Division with the following information and documentation:

1) Name, address and telephone number of the person, corporation or other entity that owns the school;

2) If the school is owned by a legal entity other than an individual, the name, address and telephone number of the chief executive officer of the corporation or other legal entity that owns the school;

3) Name, address and telephone number of the school;

4) Name, address and telephone number of the chief managing employee;

~~5) If the school is owned by a legal entity formed in Illinois (domestic), a copy of the required business filing with the Illinois Secretary of State;~~

5)~~6)~~ If the school is owned by a legal entity formed outside of Illinois (foreign), a copy of the required filing from that jurisdiction and a copy of the certificate of authority to transact business in Illinois as filed with the Illinois Secretary of State;

6)~~7)~~ If the school is owned by a partnership, a copy of the signed and dated partnership agreement including the name of the partnership and the name, address and telephone number of each partner;

7)~~8)~~ If the owner will be conducting business under an assumed name, as described in the Assumed Business Name Act [805 ILCS 405], a copy of the application to adopt an assumed name filed with the government office responsible for approving the assumed name~~If the school name is different from the owner's full legal name, a certificate from the Illinois Secretary of State showing authorization to transact business under an assumed name or certificate from the county clerk's office where the assumed name is filed~~;

8)~~9)~~ A Commitment Statement, as provided in the licensure application packet, signed and dated by the school's chief administrative officer ~~from each officer of a corporation, each manager or member of a limited liability company or each member of partnership~~;

9)~~10)~~ A listing of all teachers who will be in the school's employ, showing a sufficient number of qualified teachers who are holders of a current hair braiding teacher license or cosmetology teacher license issued by the Division;

10)~~11)~~ A detailed 8½ x 11 inch floor plan that is:

A) drawn to scale;

B) shows dimensions;

C) has all areas labeled;

D) has all fixtures shown; and

E) demonstrates compliance~~consistent~~ with the requirements of Section 1175.3051~~510. Floor plan must be drawn to a scale specified on the floor plan and show each detail of the school site~~;

11)~~12)~~ A copy of:

A) a lease showing at least a 1-year commitment to the use of the school site, the address of the school site, ~~or certification of ownership of the school site~~the address of the school site, the name of the lessor and the name of the lessee; or

B) the certification of ownership of the proposed school site;

12)~~13)~~ An offical~~A signed~~ fire inspection report from the local fire inspection authority, conducted in the 6 months immediately preceding application, giving approval for use of the site as a school;

13)~~14)~~ A financial statement indicating sufficient current finances exist to operate the school for at least 3 months. The Division will not accept a bank

statement as sufficient proof to meet this requirement. The financial statement shall include reporting cash assets on hand and any liabilities and shall be prepared by either a certified public accountant or a person knowledgeable about the finances of the school. Any financial statement submitted by a person who is not a certified public accountant must contain a signed statement certifying under penalty of perjury that the information is true and accurate based upon inspection of the financial records of the school ~~prepared by a certified public accountant licensed by the Division pursuant to the Illinois Public Accounting Act [225 ILCS 450] who is not an employee of the school, showing that the owner has sufficient finances to operate the school for at least 3 months after the school license is approved~~;

14)~~15)~~ A copy of the official enrollment agreement~~student contract~~ to be used by the school, which shall be consistent with the requirements of Section 1175.1515;

15)~~16)~~ A copy of the curricula to be used by the school for each program, which shall be consistent with the requirements of this Part;

16)~~17)~~ A copy of the transcript to be used by the school for each program, which shall be consistent with the requirements of Section 1175.1525;

17)~~18)~~ A copy of the final examination to be used by the school, which shall be consistent with the requirements of Section 1175.1545;

18)~~19)~~ A sample of the school seal to be used by the school;

19)~~20)~~ A photograph of the school sign to be used by the school; and

20)~~21)~~ The required fee set forth in Section 1175.100.

b) When the items listed in subsection (a) have been received, the Division shall inspect the school premises, prior to school approval, to determine compliance with this Subpart O. School operations shall not begin nor shall the school in any way solicit student enrollment until the school has received notice of approval from the Division. Approval shall be granted if all the requirements of this Subpart O have been met.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

c) Hair braiding schools shall only offer instruction in hair braiding and hair braiding teacher education.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.1501 Hair Braiding School Licensure Application – Public Schools

a) An applicant for a public hair braiding school license shall submit a completed application to the Division, with the following information and documentation:

1) A detailed 8½ x 11 inch floor plan that is:

A) drawn to scale;

B) shows dimensions;

C) has all areas labeled;

D) has all fixtures shown; and

E) demonstrates compliance with the requirements of Section 1175.505;

2) A listing of all teachers, including their teacher license numbers, who will be in the school's employ;

3) A copy of the curricula that will be followed for each program that meets the requirements of this Part;

4) A copy of the school's official transcript for each program that meets the requirements of this Part;

5) A Commitment Statement, as provided in the licensure application packet, signed and dated by the school's chief administrative officer; and

6) The required fee set forth in Section 1175.100.

b) When the items required by subsection (a) have been received, the Division shall inspect the school premises, prior to school approval, to determine compliance

with this Subpart O. School operations may not commence, nor shall the school in any way solicit student enrollment, until the school has received written notice of approval from the Division. Approval will be granted if all of the requirements of this Subpart O have been met.

c) Hair braiding schools shall only offer instruction in hair braiding and hair braiding teacher education.

(Source: Added at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.1505 Cosmetology Schools Approved to Teach Hair Braiding

a) Existing cosmetology schools that wish to provide a course of instruction in hair braiding shall:

1) Provide at least 200 square feet of work space to accommodate 5 work stations. If attendance exceeds 10 in the work space at any time, an additional 40 square feet is required for each additional work station required by subsection (a)(4)(E). The use of this space shall not reduce the square footage for the conduct of an approved cosmetology school below the minimum requirements set forth in this Section~~Part~~.

2) File an application with the Division, on forms provided by the Division, that shall include:

A) A detailed 8½ x 11 inch floor plan that is:

i) drawn to scale;

ii) shows dimensions;

iii) that has all areas labeled;

iv) has all fixtures shown; and

v) and demonstrates compliance~~consistent~~ with the requirements of this Section 1175.305~~. The floor plan must be drawn to a scale specified on the floor plan and show each detail of the school site~~;

B) An official~~A signed~~ fire inspection report from the local fire inspection authority, conducted in the 6 months immediately preceding application, giving approval for use of the site as a school;

C) A financial statement indicating sufficient current finances exist to operate the school for at least 3 months. The Division will not accept a bank statement as sufficient proof to meet this requirement. The financial statement shall include reporting cash assets on hand and any liabilities and shall be prepared by either a certified public accountant or a person knowledgeable about the finances of the school. Any financial statement submitted by a person who is not a certified public accountant must contain a signed statement certifying under penalty of perjury that the information is true and accurate based upon inspection of the financial records of the school~~prepared by a certified public accountant licensed by the Division pursuant to the Illinois Public Accounting Act [225 ILCS 450] who is not an employee of the school, showing that the owner has sufficient finances to operate the school for at least 3 months after the school license is approved~~;

D) A copy of the official enrollment agreement~~student contract~~ to be used by the school, which shall be consistent with the requirements of Section 1175.1515;

E) A copy of the curricula for each program to be used by the school, which shall be consistent with the requirements of this Part;

F) A listing of all teachers who will be in the school's employ, showing a sufficient number of qualified teachers who are holders of a current hair braiding teacher license or cosmetology teacher license issued by the Division;

G) A copy of the transcript to be used by the school for each program, which shall be consistent with the requirements of Section 1175.1525; and

H) The required fee set forth in Section 1175.100.

3) Subsections (a)(2)(B), (C) and (D) shall not apply to a public school.

4)~~3)~~ When the items listed in subsection (a)(2) have been received, the Division shall inspect the school premises, prior to school approval, to determine compliance with this Subpart O. The school shall not solicit student enrollment for the hair braiding program until the school has received notice of approval from the Division. Approval shall be granted if all the requirements of this Section have been met.

5)~~4)~~ In addition, the school shall have the following:

A) Desk/table space and chairs suitable for demonstrating hair braiding practices for each licensed teacher in the classroom.

B) 1 mannequin practice table to accommodate at least 5 students.

C) 1 shampoo bowl and chair with adequate hot and cold running water.

D) 1 dryer and chair.

E) At least 1 work station, including a styling chair for every 2 students in attendance.

F) 1 mannequin for each student in attendance.

G) Sufficient hair braiding tools, devices and supplies for each student in attendance.

H) 1 cape for each student in attendance.

b) Cosmetology schools approved to teach hair braiding shall be required to comply with all provisions in this Part. Space and equipment required for hair braiding schools by~~except~~ Section 1175.1510(a) and (b) may be utilized for both the cosmetology and hair braiding programs offered by the cosmetology school.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

Section 1175.1510 Physical Site Requirements

a) Space Requirements

1) A hair braiding school shall have a minimum of 650 square feet of work space. If the school has more than~~for a maximum of~~ 10 students~~. If attendance exceeds 10 in the work space at any time~~, an additional 40 square feet is required for each additional work station required by subsection (b)(10).

2) Work space shall include only the dispensary and laboratory area.

3) A hair braiding school shall have at least 1 classroom of no less than 150 square feet for a maximum of 10 students. If attendance exceeds 10 in the classroom at any time, an additional 30 square feet of classroom space is required for each additional student.

4) Classroom shall be equipped with desk/table space and chairs suitable for classroom work and demonstrating hair braiding practices.

5) A student lounge area shall be provided that is separated from the work space and sufficient space shall be provided for each student to keep school related and personal items.

6) Two restrooms shall be provided.

7) A public waiting area shall be provided that is separated from the work space.

8) Cloak space shall be provided for the public. Cloak space must be separated from the work space.

9) All areas of the school shall be lighted and ventilated, except for storage closets.

b) Equipment Requirements – All equipment shall be in working condition and sufficient for the number of students enrolled. Minimum requirements for school equipment are:

1) An entrance sign designating the name of the school.

2) A school seal.

3) A time clock or other equipment necessary for verification of attendance and hours earned.

4) A chair suitable for classroom work for each student and, when appropriate, sufficient desk or table space in the classroom.

5) Desk/table space and chairs suitable for demonstrating hair braiding practices for each licensed teacher in the classroom.

6) 1 mannequin practice table to accommodate at least 5 students.

7) 1 shampoo bowl and chair with adequate hot and cold running water.

8) 1 dryer and chair.

9) 5 work stations with styling chairs. If attendance exceeds 10 in the work space at any time, at least 1 additional work station with a styling chair for every 2 students.

10) One mannequin for each student in attendance.

11) Sufficient hair braiding tools, devices and supplies for each student in attendance.

12) One cape for each student in attendance.

13) Storage drawers for hair braiding tools, devices and supplies.

14) Adequate covered waste disposal containers placed at convenient locations.

15) Closed or covered space equipped for storing clean towels. Space shall be large and sturdy enough to store 5 dozen towels per 10 students in the work area.

16) At least one covered container for soiled towels in the work area. Containers shall be large and sturdy enough to store soiled towels.

17) Adequate lighting and ventilation shall be provided as required by the city, county or municipality.

c) Sanitary Regulations

1) Clean outer garments must be worn at all times. No open toed shoes shall be worn by students.

2) New or cleaned and disinfected tools and devices shall be used for each patron.

3) After each patron is served, combs, brushes and scissors must be cleaned, then immersed in a disinfectant as specified by the manufacturer's instructions, then rinsed in water and dried. They shall be kept in a closed container separately from items that have not been disinfected.

4) Clean towels shall be used for each patron.

5) A neck strip or towel shall be placed around the patron's neck, and changed after each use, to prevent direct contact between a common use hair cloth or cape and the patron's skin.

6) The head rests of each styling chair shall be protected with a head cover or a cleaned and disinfected towel. Disposable head covers shall be changed after each patron. Non-disposable head covers shall be cleaned and disinfected before use on a patron. Towels shall be cleaned and disinfected before use on a patron.

7) Teachers and students shall observe and follow thorough hand washing with soap and water or any equally effective cleansing solution or waterless hand sanitizer before and after serving each patron.

8) Shampoo bowls and sinks shall be clean and free of hair and residue after each use.

9) All disinfecting agents shall be kept at adequate strengths to maintain effectiveness, be free of residue and be available for immediate use at all times the school is open for business.

10) Oils and other items used within the field of practice that are subject to cross-contamination shall be kept in clean, closed containers. They shall be dispensed from containers to prevent contamination of the unused portion.

11) All clean towels shall be kept in a closed or covered space, separately from soiled towels, that is equipped for storing towels.

12) All soiled towels shall be kept in a covered container. Containers shall be large and sturdy enough to store soiled towels after use.

13) Storage drawers for clean tools, devices and supplies shall be kept clean and free of residue and used only for clean tools, devices and supplies.

14) Storage cabinets, work stations and vanities shall be kept clean and free of residue.

15) Floor surfaces shall be kept clean, orderly and in good repair.

16) Walls, doors, windows and ceilings shall be clean and free of excessive spots, mildew, condensation or peeling paint.

17) Equipment, mirrors, lights and similar closures, furnishings, attached equipment, decorative materials and fixtures shall be kept clean and in good repair.

18) Outer surfaces of waste disposal containers shall be kept clean.

19) All schools shall provide adequate ventilation as required by the city, county or municipality to keep the school free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke and fumes.

20) All schools shall provide a safe and adequate supply of continuous hot and cold running water from an approved source. Sinks located in the restroom do not qualify as a water source.

21) No owner, manager, teacher or school administrator shall knowingly permit any person suffering from a serious communicable disease, as defined in 77 Ill. Adm. Code 690, to work on the premises, or knowingly permit a student to serve a patron with a serious communicable disease.

22) Pets or other animals shall not be permitted in a school at any time. This prohibition does not apply to an animal assistant for the physically impaired.

d) Textbooks/Teaching Materials – Textbooks shall be provided for each student in attendance.

e) Teachers – The student/teacher ratio during clinical instruction shall not exceed a 25 to 1 ratio.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.1515 Enrollment Agreements and Refund Policies

a) All licensed private hair braiding schools shall have enrollment agreements that meet the requirements of Section 3B-12 of the Act. Licensed public hair braiding schools will be deemed to be in compliance with this provision if these schools comply with the requirements of their public institution.

b) All licensed hair braiding schools shall implement refund policies pursuant to Section 3B-13 of the Act and this Section~~Part~~.

1) When notice of cancellation is given within 5 days after the date of enrollment, all application and registration fees, tuition and any other charges shall be refunded to the student.

2) *When notice of cancellation is given after the fifth day following enrollment but before the completion of the student's first day of class attendance, the school may retain the application and registration fee*, not to exceed $100, and *the cost of any books or materials* that *have been provided by the school and retained by the student* ~~(Section 3B-13(b) of the Act)~~.

3) *When notice of cancellation is given after the student's completion of the first day of class attendance but prior to the student's completion of 5% of the course of instruction, the school may retain the application and registration fee,* not to exceed $100, *10% of the tuition, other instructional charges or $300, whichever is less, and the cost of any books or materials that have been provided by the school* and retained by the student.

4) *When a student has completed 5% or more of the course of instruction, the school may retain the application fee and registration fee,* not to exceed $100 *and the cost of any books or materials provided by the school, but shall refund a part of the tuition and other instructional charges in accordance with the requirements of the school's regional or national accrediting agency, if any, or in accordance with* this subsection (b~~c~~) ~~*of this Section*~~. (Section 3B-13(1) of the Act)

c) For students who enroll in and begin classes, the following schedule of tuition adjustment will be considered to meet the Division standards for refunds:

PERCENTAGE OF A SCHEDULED COURSE COMPLETED	AMOUNT OF TUITION OWED TO THE SCHOOL
0.01% to 4.9%	10%
5% to 9.9%	30%
10% to 14.9%	40%
15% to 24.9%	45%
25% to 49.9%	70%
50% and over	100%

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.1525 Recordkeeping − Transcripts

a) Each hair braiding school shall provide an official transcript showing the entire program work of each student. The official transcript shall contain the following information:

1) School name, ~~and~~ address and phone number;

2) School seal;

3) School license number;

4) Signature of the owner, registrar or director of the school;

5) Student's name, address and social security number;

6) Actual dates student attended, including start date, end date, and graduation date;

7) Subject areas, required hours, earned hours, and grades received (in a percentage form);

8) Any transfer hours citing the name and address of the school transferred from, subject areas, hours earned and grades received (percentage); and

9) Final examination grades (percentage).; and

10) Graduation date.

b) The official transcript and school records for each student who completed the program shall be permanently maintained by the school in the following manner:

1) If maintained on the school premises, they shall be maintained in a locked, fire-resistant cabinet. If official transcripts are maintained on a computer system, history tapes or discs of all official records must be stored in a locked, fire-resistant cabinet or electronically stored in a secure off-site storage system.

2) If records, whether electronic or paper, cannot be maintained on the premises in locked fire-resistant cabinets, duplicate student records, including the official transcripts, shall be maintained at a separate location that shall be made known to the Division. The records shall be accessible to Division officials for inspection.

c) An official transcript and school records for students who withdrew or dropped out of a program shall be maintained by the school for 5 years from the student's first day of attendance at the school.

d) A copy of the transcript shall be given to the student upon graduation or other permanent exit from the school, provided the student has met all financial obligations set forth in the enrollment agreement set forth in Section 3B-12 of the Act.

e) Transcripts from licensed schools must meet the requirements of this Section to be accepted by the Division for licensure.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.1535 Curriculum Requirements – Hair Braiding

Each licensed hair braiding school shall provide a program consisting of a minimum of 300 clock hours or a 10 credit hour equivalency (1 credit hour~~credit hour~~ equals 30 clock hours~~clock hours~~) of instruction. Instruction shall be a combination of classroom instruction and hands on (practical and technical) experience. The licensed hair braiding school may provide online hours in theory, but online hours shall not exceed 10% of the hours required in each of subsections (a), (b), (c) and (d). The minimum subjects and number of hours shall be as follows for each category of training:

a) Basic Training – 35 hours ~~of classroom instruction in general theory, practical application and technical application shall be provided in the following subject areas~~:

1) history of hair braiding;

2) disinfection and sanitation;

3) bacteriology;

4) disorders and diseases of the hair and scalp;

~~5) OSHA standards relating to material safety data sheets (MSDS) on chemicals, hair analysis and scalp care, and technical procedures~~

5)~~6)~~ personal hygiene, ~~and~~ public health; and

6)~~7)~~ professional ethics.

b) Related Concepts – 35 hours ~~of classroom instruction shall be provided in the following subject areas~~:

1) tools and equipment;

2) basic styling knowledge;

3) client consultation and face shapes;

4) growth patterns;

5) braid removal and scalp care;

6) styles and sectioning; and

7) client education, pre-care, post-care, home care and follow-up services.

c) Practices and Procedures – 200 hours ~~of instruction, which shall be a combination of classroom instruction and clinical instruction, shall be provided in the following subject areas~~:

1) single braids with and without extensions;

2) cornrows with and without extensions;

3) twists and knots;

4) multiple strands;

5) hair locking;

6) weaving/sewn-in;

7) other procedures as they relate to hair-braiding; and

8) product knowledge as it relates to hair braiding.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

d) Business Practices – 30 hours ~~of classroom instruction shall be provided in the following subject areas~~:

1) the~~Illinois Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology~~ Act ~~of 1985~~ and this Part ~~rules~~, including sanitary standards;

2) salon management;

3) human relations and salesmanship; and

4) Workers' Compensation Act.

e) A student may practice on the public only after completing 35 hours of general theory, practical application~~,~~ and technical application instruction as specified in Section 3E-2 of the Act.

f) Internship program is an optional part of the curriculum. Each licensed hair braiding school may choose to set up an internship program and shall adhere to the following guidelines:

1) An internship program:

A) May be substituted for 30 hours of the 300 hours required by this Section.

B) May be part of the curriculum of a licensed hair braiding school and shall be an organized pre-planned training program designed to allow a student to learn hair braiding under the direct supervision of a licensed cosmetologist or licensed hair braider in a registered salon.

2) A student in the internship program:

A) May participate in an internship program only after completing 150 hours of training with a minimum average grade of 80 out of 100. A school may, however, set the average grade higher and set other standards that a student must meet to participate in the internship program.

B) May not spend more than 30 hours in an internship program.

C) May not be paid while participating in this internship program as it is a part of the hair braiding curriculum of the school.

D) May work a maximum of 8 hours a day and shall be required to spend 1 day a week at the school.

E) Shall be under the direct, on-site supervision of a licensed cosmetologist or licensed hair braider. Only 1 student shall be supervised by 1 licensed cosmetologist or 1 licensed hair braider at any given time.

3) A licensed hair braiding school shall state clearly in the enrollment agreement~~student contract~~ that the school offers an internship program.

4) The licensed hair braiding school shall enter into a written internship contract with the student, the registered salon, and the licensed cosmetologist or licensed hair braider. The contract shall contain all the provisions set forth in subsection (f)(2) and any other requirements of the internship established by the school. The contract shall be signed by the student, an authorized representative of the school, and the licensed cosmetologist or licensed hair braider who will supervise the student. Any party to the contract may terminate the contract at any time.

g) A school may, as part of its educational program and on school premises, offer hair braiding services to the public, through a student clinic, as a means of providing students with practical experience. Services shall be provided by students working under the supervision of one or more teachers. Students shall receive no compensation, including tips, but shall receive credit for hours worked towards the 300-hour education requirement. The school may provide these services under the authority of its school license and is not required to obtain a salon registration. The school shall post a sign visible to the public advising that all services are provided by students. Except as provided in this subsection (g), a school and a salon shall not operate in the same premises.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.1540 Curriculum Requirements – Hair Braiding Teacher

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

a) A licensed~~An approved~~ hair braiding school that intends to provide hair braiding teacher training must utilize a teacher program that includes a minimum of 600 clock hours or a 20 credit hour equivalency (1 credit hour equals 30 clock hours) of instruction. The licensed school may provide online hours in theory, but online hours shall not exceed 10% of the hours required in each of subsections (a)(1), (2), (3), (4), (5) and (6). The minimum number of hours shall be as follows:

1) 100 hours of Post-Graduate School Training that includes subjects in the basic curriculum in Section 1175.1535, including theory and practice. Presentation of material must include the concepts that are intended to be taught and the skills to be acquired during the various phases of basic education.

2) 20 hours of Educational Psychology that shall include, but not be limited to, topics in educational objectives, student characteristics and development, the learning process and an evaluation of learning that relates to teaching. These hours shall be waived on behalf of cosmetology teacher students who have completed a course in Educational Psychology at an accredited college or university.

3) 20 hours of Teaching Methods (Theory) that shall include, but not be limited to, topics in individual differences in learning, lesson planning and design, lesson delivery, assessment of learning performance, classroom management, student motivation and classroom climate. These hours shall be waived on behalf of cosmetology teacher students who have completed a course in Teaching Methods-Secondary Level at an accredited college or university.

4) 150 hours of Application of Teaching Methods that includes ~~include~~ preparation and organization of subject matter to be presented on a unit by unit basis and presentation of subject matter through application of varied methods (lecture, demonstration, testing and assignments). Presentations must provide teaching objectives to be accomplished and correlate theoretical with practical application.

5) 50 hours of Business Methods that includes ~~include~~ inventory, recordkeeping, interviewing, supplies, the Illinois Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985 and this Part.

6) 260 hours of Student Teaching under the on-site supervision of a qualified teacher who is the holder of a current teacher's license issued by the Division. The student teacher shall present theoretical and practical demonstrations to students in the basic curriculum.

b) A student may practice student teaching only after completing 20 hours of Educational Psychology and 20 hours of Teaching Methods as specified in subsections (a)(2) and (a)(3).

c) The approved program for a 500-hour Teacher Training Course shall be based on 2 years of practical experience as a hair braider and shall consist of the teacher training curriculum outlined in subsection (a) with the exception of the 100 hours of post-graduate training.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.1545 Final Examination

a) A hair braiding school shall require each candidate for graduation to pass a final examination that shall test the student's theoretical and practical knowledge of the curriculum studied. A "final examination" shall include a single final examination or multiple examinations as determined by the school.

b) The practical examination shall test the candidate's skills in the following areas:

1) Client Preparation, Analysis and Consultation;

2) Single Braids With and Without Extensions;

3) Cornrows With and Without Extensions;

4) Double Strand Twisting;

5) Knots;

6) Locking;

7) Weaving and Styling; and

8) Safety and Sanitation Procedures.

c) The examination shall be administered by the uniform application of standard performance criteria established by the school for each skill area. The standard performance criteria for each skill area shall be delineated in the examination records as specified in subsection (g).

d) A passing score of 75 or greater shall be required on both the theoretical and practical portions of the final examination.

e) The school shall allow each candidate for graduation at least 3 attempts to pass the final examination.

f) The Division may monitor the administration of the final examination:

1) As a result of a complaint received;

2) For random sampling; and/or

3) To collect data.

g) The school shall maintain records of the final examination for a period of no less than 5 years in the manner prescribed in Section 1175.1525(b). These records shall include:

1) A copy of the final examination administered; and

2) Each student's examination grades.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.1550 Change of Ownership

a) For purposes of this Section, "change of ownership", "sale" or "transfer" of a corporation means the transfer of more than 50% of the stock during a 14-day period. For purposes of this Section, "change of ownership", "sale" or "transfer" of a partnership means a change of more than 50% of the partners during a 14-day period. For purposes of this Section, "change of ownership", "sale" or "transfer"

of an LLC means a change of more than 50% of the members during a 14-day period. Any change of ownership of a parent business entity that owns the school's owner shall not be considered a change of ownership of the school.~~When the ownership of a licensed hair braiding school changes, the new owner shall, within 5 working days from the date the title to the school is transferred, file with the Division an affidavit stating that the sale is contingent on a license being issued to the new owner. If this is not provided, the school must close on the date of the transfer and remain closed until a hair braiding school license is issued to the new owner. The new owner shall file an application with the Division, on forms supplied by the Division, with the following information and documentation:~~

b) If a licensed school is to be sold or otherwise transferred, the new owner must notify the Division at least 30 days in advance of the effective date of the transfer of ownership. The notification shall include a signed and dated letter from the pre-transfer owner acknowledging the planned sale or transfer.

c) Upon filing notice to the Division, the new owner may continue to operate the school under the previously issued license, provided that the new owner submits an application for licensure to the Division within 30 days after the effective date of the transfer of ownership, by mailing to the Division:

1) A signed and completed school application~~Name, address and telephone number of the person, corporation or other entity that owns the school~~;

2) If the new owner is a corporation, limited liability company or partnership, a copy of the following:~~ school is owned by a legal entity other than an individual, the name, address and telephone number of the chief executive officer of the corporation or other legal entity that owns the school;~~

A) if the owner is a domestic corporation, a filed copy of the Articles of Incorporation, filed with the Secretary of State or, in the case of a foreign corporation, a filed copy of the Authority to Transact Business in Illinois accepted by and filed with the Secretary of State;

B) if the owner is a domestic limited liability company, a copy of the Articles of Organization that were filed with the Secretary of State or, if the owner is a foreign limited liability company, a copy of the

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

Application for Admission to Transact Business as a Foreign Limited Liability Company accepted by and filed with the Secretary of State; or

C) if the owner is a partnership, a listing of all partners and their addresses;

3) Name, address and telephone number of the school;

4) Name, address and telephone number of the chief managing employee;

~~5) If the school is owned by a legal entity formed in Illinois (domestic), a copy of the required business filing with the Illinois Secretary of State;~~

~~6) If the school is owned by a legal entity formed outside of Illinois (foreign), a copy of the required filing from that jurisdiction and a copy of the certificate of authority to transact business in Illinois as filed with the Illinois Secretary of State;~~

~~7) If the school is owned by a partnership, a copy of the signed and dated partnership agreement including the name of the partnership and the name, address and telephone number of each partner;~~

5)~~8)~~ If the new owner will be conducting business under an assumed name as described in the Assumed Business Name Act [805 ILCS 405], a copy of the application to adopt an assumed name filed with the government office responsible for approving the assumed name~~school name is different from the owner's full legal name, a certificate from the Illinois Secretary of State showing authorization to transact business under an assumed name or certificate from the county clerk's office where the assumed name is filed~~;

6)~~9)~~ A Commitment Statement, as provided in the licensure application packet, signed and dated by the school's chief administrative officer~~from each officer of the corporation, each manager or member of the limited liability company or each member of the partnership~~;

7)~~10)~~ A listing of all teachers who will be in the school's employ, showing a sufficient number of qualified teachers who are holders of a current hair

braiding teacher license or cosmetology teacher license issued by the Division;

8)~~11)~~ A detailed 8½ x 11 inch floor plan that is:

A) drawn to scale;

B) shows the dimensions;

C) has all areas labeled;

D) has all fixtures shown; and

E) demonstrates compliance~~consistent~~ with the requirements of Section 1175.3051~~510. The floor plan must be drawn to a scale specified on the floor plan and show each detail of the school site~~;

9)~~12)~~ A copy of:

A) a lease showing at least a 1 year commitment to the use of the school site, the address of the school site, the name of the lessor, and the name of the lessee; or

B) the certification of ownership of the school site;

10~~13)~~ An official~~A signed~~ fire inspection report from the local fire inspection authority, conducted in the 6 months immediately preceding application, giving approval for use of the site as a school;

11)~~14)~~ A financial statement indicating that sufficient current finances exist to operate the school for at least 3 months. The Division will not accept a bank statement as sufficient proof to meet this requirement. This financial statement shall include reporting cash assets on hand and any liabilities and shall be prepared by either a certified public accountant or a person knowledgeable about the finances of the school. Any financial statement submitted by a person who is not a certified public accountant must contain a signed statement certifying under penalty of perjury that the information is true and accurate based upon inspection of the financial records of the school~~prepared by a certified public accountant licensed by~~

~~the Division pursuant to the Illinois Public Accounting Act [225 ILCS 450] who is not an employee of the school, showing that the owner has sufficient finances to operate the school for at least 3 months after the school license is approved~~;

12)~~15)~~ A copy of the official enrollment agreement~~student contract~~ to be used by the school, which shall be consistent with the requirements of Section 1175.1515;

13)~~16)~~ A copy of the curricula for each program offered~~to be used~~ by the school, which shall be consistent with the requirements of this Part;

14)~~17)~~ A copy of the transcript to be used by the school for each program, which shall be consistent with the requirements of Section 1175.1525;

15)~~18)~~ A copy of the final examination to be used by the school, which shall be consistent with the requirements of Section 1175.1545;

16)~~19)~~ A sample of the school seal to be used by the school;

17)~~20)~~ A photograph of the school sign to be used by the school; and

18)~~21)~~ The required fee set forth in Section 1175.100.

d)~~b)~~ When the items listed in subsection (c)~~(a)~~ have been received, the Division shall inspect the school premises, prior to school approval, to determine compliance with this Subpart O. Approval shall be granted if all the requirements of this Subpart O have been met.

e)~~c)~~ Hair braiding schools shall only offer instruction in hair braiding and hair braiding teacher education.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.1555 Change of Location

a) When the location of a licensed hair braiding school changes, the school owner shall, at least 30 days prior to the change in school site, submit to the Division the following:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

1) Written notice to the Division that the licensed hair braiding school is changing location;

2) A signed and completed school application;

3) A detailed 8½ x 11 inch floor plan that is:

A) drawn to scale;

B) shows dimensions;

C) has all areas labeled;

D) has all fixtures shown; and

E) demonstrates compliance~~of the new school site consistent~~ with the requirements of Section 1175.1510~~. The floor plan must be drawn to a scale specified on the floor plan and show each detail of the new site~~;

4) A copy of a lease showing at least a 1-year commitment to the use of the school site or certification of ownership of the school site, the address of the school site, the name of the lessor and the name of the lessee;

5) An official~~A signed~~ fire inspection report from the local fire inspection authority, conducted in the 6 months immediately preceding application, giving approval for use of the site as a school; and

6) The required fee set forth in Section 1175.100.

b) Once the items listed in subsection (a) have been received, the Division shall inspect the premises to determine compliance with this Part. If any changes affecting items in subsection (a) are made prior to inspection, the school owner must notify the Division in writing. School operations shall not commence at the new location nor may the school in any way solicit student enrollment at the new location until the owners have received notice of approval from the Division. Approval will be granted if all of the requirements of this Subpart O have been met.

c) If the change of location is due to natural destruction of, or other severe damage to, the original premises due to circumstances beyond the control of the owner, a temporary site may be used to teach theory classes only.

1) The temporary site must be inspected prior to its use and must possess light and ventilation and tables and chairs for the number of students in a classroom, and must be clean.

2) The temporary site may be used for a period of 2 months. The 2-month period can be extended for good cause. Good cause includes, but is not limited to, unexpected delays in construction, delays in lease arrangements, or delays in equipment delivery.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.1560 Change of Name

a) When the name of a licensed hair braiding school changes, the school owner shall, at least 30 days prior to the change in school name, submit to the Division the following:

1) Written notice to the Division that the licensed hair braiding school name is changing. Notice shall include the owner's name, school license number, previous name of school, address of school, new name of school and effective date of change;

2) If the school with the new name will be conducting business under an assumed name as described in the Assumed Business Name Act [805 ILCS 405], a copy of the application to adopt an assumed name filed with the government office responsible for approving the assumed name~~school name is different from the owner's full legal name, a certificate from the Illinois Secretary of State showing authorization to transact business under an assumed name or certificate from the county clerk's office where the assumed name is filed~~; and

3) The required fee set forth in Section 1175.100.

b) Once the items listed in subsection (a) have been received and processed, the Division shall issue an updated license~~a new certificate~~. At the time of the change of the name, all~~All~~ identifying signs and materials must be changed to conform to the new school name on the school license.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.1565 Expansion

a) Written notice shall be given to the Division 30 days prior to any expansion of a licensed hair braiding school.

b) When an on-site expansion is to accommodate an increased enrollment, a completed school application shall be submitted along with:

1) A statement from the school owner outlining the purpose of the expansion;

2) A detailed 8½ x 11 inch floor plan that is:

A) drawn to scale;

B) shows dimensions;

C) has all areas labeled;

D) has all fixtures shown; and

E) demonstrates compliance ~~of the school site consistent~~ with the requirements of Section 1175.1510~~. The floor plan must be drawn to a scale specified on the floor plan and show each detail of the existing school site and expansion~~;

3) A listing of any additional teachers who will be added to the teaching staff as a result of the expansion; and

4) The required inspection fee set forth in Section 1175.100.

c) Off-Site Locations

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

1) An off-site classroom location is defined as a separate classroom, not continuously joined that is located within 5 miles of the main school site that serves to provide adequate space in which to train an overflow of students. A clinic may not be operated at an off-site classroom location. A school may establish only one off-site classroom location. All identifying signs and materials must reflect the name of the main school.

2) When the expansion will result in an off-site classroom location, a completed school application shall be submitted along with:

A) A statement from the school owner outlining the purpose of the off-site classroom location;

B) A detailed 8½ x 11 inch floor plan of the entire site that has dimensions and demonstrates meeting the requirements of Section 1175.1510~~of the off-site classroom location~~;

C) A copy of:

i) a lease showing at least a 1-year commitment to the use of the off-site classroom location, the address of the site, the name of the lessor and the name of the lessee; or

ii) the certification of ownership of the off-site classroom location;

D) An official~~A signed~~ fire inspection report from the local fire inspection authority, conducted in the 6 months immediately preceding application, giving approval for use of the site as an off-site classroom location;

E) A listing of any additional teachers who will be added to the teaching staff as a result of the expansion; and

F) The required fee set forth in Section 1175.100.

d) Upon receipt of the items listed in subsections (b) and (c), the Division shall inspect the expansion site to determine compliance with this Part. If any changes affecting items in subsections (b) and (c) are made prior to inspection, the school

owner must notify the Division in writing. The expansion site shall not be used until the inspection has occurred and the owner has received notice of approval from the Division. Approval will be granted if all of the requirements of this Subpart O have been met.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.1570 Discontinuance of Program

a) The Division shall receive a minimum of 30 days written notice of a school's intent to discontinue its program. The notice shall include the exact location where the student records are to be stored.

b) The school owner shall notify the Division in writing of the actual closing date of the school.

c) All school records shall be maintained after the school closes.

d) The school must continue to meet the requirements of the Act and this Part until the actual closing date.

e) Each student enrolled at the time of discontinuation must be provided an official transcript of all hours earned while enrolled in the program.

f) Each student shall be given a refund prorated to at least reflect the percentage of time remaining to complete the course of instruction.

g) Students who have acquired 150 or more clock hours before their school closes shall be allowed to transfer all accumulated hours to another licensed hair braiding school, with the approval of that school. Schools accepting these hours shall not be credited with the students' pass/fail statistics, set forth in Section 1175.570(b), resulting from their first attempt on the Illinois Hair Braiding examination.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

Section 1175.1575 Withdrawal of Licensure~~Approval~~

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

The Division may withdraw, suspend or place on probation, pursuant to 68 Ill. Adm. Code 1110, the licensure~~approval~~ of a ~~of licensed~~ hair braiding school or cosmetology school when the quality of the program has been affected by any of the following:

a) Gross or repeated violations of any provisions of the Act or this Part;

b) Fraud or dishonesty in furnishing transcripts or documentation for evaluation of the school;

c) Failure to meet the criteria for school approval ~~specified~~ in Section 1175.1500 or 1175.1501~~this Part~~;

d) Failure to administer the final examination specified in this Part;

e) Failure to maintain final examination grades for each student and a master copy of the examination administered by the school, as specified in this Part;

f) Fraud or dishonesty in providing transcripts to students who have fulfilled all obligations under Section 1175.1515;

g) Failure to provide transcripts to students;

h) A finding by the U.S. Office of Education or Illinois Student Assistance Commission that a school has misappropriated or misused grant or loan monies or has aided in obtaining monies by providing fraudulent or untruthful information; and

i) Any other violations of the Act or this Part.

(Source: Amended at 42 Ill. Reg. 15159, effective August 10, 2018)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Office of Inspector General Investigations of Alleged Abuse or Neglect in State-Operated Facilities and Community Agencies

2) Code Citation: 59 Ill. Adm. Code 50

3)

Section Numbers:	Adopted Actions:
50.60	Amendment
50.70	Amendment

4) Statutory Authority: Implementing and authorized by Section 1-17 of the Department of Human Services Act [20 ILCS 1305].

5) Effective Date of Rules: July 26, 2018

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

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rules, including any material incorporated, is on file in the Agency's principal office and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: 42 Ill. Reg. 5667; March 30, 2018

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

11) Differences between Proposal and Final Version: No substantive changes were made to the text of the proposed rulemaking.

12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? None were made.

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

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

15) Summary and Purpose of Rulemaking: Currently, unsubstantiated investigative reports without recommendations are confidential, and are not given to state operated facilities or community agencies. This rulemaking requires OIG to give such investigative reports to the director of the facility or agency where the incident occurred. The rulemaking further

requires the director of the facility or agency to be responsible for maintaining the confidentiality of the investigative report consistent with State and federal law.

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

Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Building, 3rd Floor
Springfield IL 62762

217/785-9772

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 59: MENTAL HEALTH
CHAPTER I: DEPARTMENT OF HUMAN SERVICES

PART 50
OFFICE OF INSPECTOR GENERAL
INVESTIGATIONS OF ALLEGED ABUSE OR NEGLECT IN
STATE-OPERATED FACILITIES AND COMMUNITY AGENCIES

Section

50.10	Definitions
50.20	Reporting an Allegation of Abuse, Neglect, or Financial Exploitation and Death Reports
50.30	Responsibilities of OIG for Intake Assessment
50.40	General Responsibilities
50.50	Conducting Investigations
50.60	Processing Investigative Reports, Reconsideration and Clarification Request Requirements, and the Contents of Case Files
50.70	Completed Investigations
50.80	Written Responses
50.90	Reporting by the Inspector General to the Illinois Department of Public Health Health Care Worker Registry
50.100	Removal of an Employee's Name and Finding from the Illinois Department of Public Health Health Care Worker Registry

AUTHORITY: Implementing and authorized by Section 1-17 of the Department of Human Services Act [20 ILCS 1305].

SOURCE: Adopted at 22 Ill. Reg. 19334, effective October 19, 1998; emergency amendment at 23 Ill. Reg. 4513, effective April 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 10812, effective August 23, 1999; emergency amendment at 26 Ill. Reg. 484, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 8352, effective May 24, 2002; amended at 32 Ill. Reg. 8132, effective May 16, 2008; emergency amendment at 33 Ill. Reg. 13489, effective September 10, 2009, for a maximum of 150 days; emergency expired February 6, 2010; amended at 34 Ill. Reg. 5239, effective March 25, 2010; emergency amendment at 38 Ill. Reg. 18242, effective August 13, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 19152, effective September 10, 2014; amended at 38 Ill. Reg. 22642, effective November 20, 2014; emergency amendment at 39 Ill. Reg. 13271, effective September 18, 2015, for a maximum of 150 days; amended at 39 Ill. Reg. 15134, effective November 6, 2015; amended at

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

40 Ill. Reg. 1824, effective January 5, 2016; amended at 41 Ill. Reg. 6516, effective May 26, 2017; amended at 42 Ill. Reg. 15437, effective July 26, 2018.

Section 50.60 Processing Investigative Reports, Reconsideration and Clarification Request Requirements, and the Contents of Case Files

a) Processing Investigative Reports

1) Upon receipt of an investigative report, the Inspector General will determine whether to accept the findings.

2) When the Inspector General determines that abuse, neglect or financial exploitation of an individual is substantiated against an employee, the Inspector General shall note in the investigative report any aggravating or mitigating circumstances as those terms are defined in this Part.

3) When the Inspector General substantiates neglect against an employee, the Inspector General shall make a determination in the investigative report if the neglect is egregious.

4) Finalizing Investigative Reports and Notifications to Community Agencies and Facilities

A) After determining the finding, for substantiated cases, ~~or~~ unsubstantiated cases and unfounded cases with recommendations, the Inspector General shall notify the community agency or facility by submitting to it a copy of the investigative report. The director of the facility or agency shall be responsible for maintaining the confidentiality of the investigative report consistent with State and federal law. For ~~unsubstantiated and~~ unfounded cases without recommendations, a letter of finding will be sent to the facility or agency.

B) The community agency or facility shall submit a written response when required as described in Section 50.80.

5) After determining the finding in all cases, in addition to the facility or agency, the Inspector General shall also notify the following parties:

A) the complainant;

B) the individual who was allegedly abused, neglected or financially exploited or his or her legal guardian (if applicable); and

C) the person alleged to have committed the offense.

6) The notice provided to the following parties shall identify the outcome of the investigation and include a statement of the right to request clarification or reconsideration of the finding:

A) the individual who was allegedly abused, neglected or financially exploited or his or her legal guardian (if applicable);

B) the person alleged to have committed the offense; and

C) the facility or agency.

7) In substantiated cases, the Inspector General shall provide the perpetrator with a redacted copy of the investigative report.

b) Reconsideration and clarification requirements: Requests that the Inspector General provide clarification of the findings or reconsideration of the findings must be submitted within 15 days after receipt of the report or notification of the findings.

1) All clarification and reconsideration requests must be in writing.

2) Community agency or facility clarification and reconsideration requests must be on letterhead signed by the authorized representative.

3) All clarification and reconsideration requests must clearly identify the nature of the request and reconsideration requests must include new information that could change the finding.

4) If a reconsideration request is denied or after clarification has been provided, the community agency or facility shall submit a written response as set forth in Section 50.80.

5) If the Inspector General determines further investigation is necessary based on the request for reconsideration or clarification of the findings, an amended investigative report shall be issued.

(Source: Amended at 42 Ill. Reg. 15437, effective July 26, 2018)

Section 50.70 Completed Investigations

a) The investigative report and the investigation shall be considered complete 30 calendar days after the notice required in Section 50.60(a)(5)(A) has been sent to the facility or agency, barring cases when a reconsideration request has been granted to any requestor.

b) Distribution of Completed Investigative Reports

1) *Within 10 days after the transmittal of a completed investigative report substantiating an allegation, finding an allegation is unsubstantiated, or if a recommendation is made, the Inspector General shall provide the investigative report on the case to the Secretary and to the director of the facility or agency where the abuse, neglect or financial exploitation occurred. The director of the facility or agency shall be responsible for maintaining the confidentiality of the investigative report consistent with State and federal law.* (Section 1-17(m) of the Act)

2) The Inspector General shall provide a completed investigative report within 10 calendar days to Equip for Equality, Inc., and the Illinois Guardianship and Advocacy Commission.

3) The Inspector General shall provide a completed investigative report of all substantiated cases from Department facilities serving individuals with developmental disabilities within 10 calendar days to the Illinois Department of Public Health and the Department's Office of Developmental Disabilities.

4) The Inspector General shall provide a completed investigative report of all substantiated cases from Department facilities serving individuals with mental illness within 10 calendar days to the Department's Office of Mental Health.

5) If the Inspector General substantiates abuse, neglect or financial exploitation at a community agency serving individuals with developmental disabilities or recommends administrative action, the investigative report shall be provided to the Department's Office of Developmental Disabilities within 10 calendar days.

6) If the Inspector General substantiates abuse, neglect or financial exploitation at a community agency serving individuals with mental illness or recommends administrative action, the investigative report shall be provided to the Department's Office of Mental Health within 10 calendar days.

7) The Inspector General shall provide a completed investigative report of all cases of abuse, neglect or financial exploitation in community agencies within 10 calendar days after closure to the Department's Bureau of Accreditation, Licensure and Certification.

8) The Inspector General shall provide a completed investigative report in all cases substantiating abuse, neglect or financial exploitation against a Department employee within 10 calendar days to the Department's Bureau of Labor Relations.

9) The Inspector General shall provide a completed investigative report substantiating abuse, neglect or financial exploitation if a legal issue is involved within 10 calendar days to the Department's General Counsel.

10) When an accused employee in a substantiated case is licensed by the Department of Financial and Professional Regulation, the Inspector General shall provide a copy of the investigative report to that agency.

c) The Office of the Inspector General shall inform the accused employee of the results of a reconsideration request or of any changes in the finding that resulted from a reconsideration request within 15 days.

d) If the finding substantiates physical abuse, sexual abuse, egregious neglect or financial exploitation, the Inspector General shall report the identity of the accused employee and finding to the Health Care Worker Registry. The Inspector General shall notify the accused employee of the right to appeal the action that will place his or her identity on the Health Care Worker Registry as described in

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section 50.90.

e) Release of Investigative Reports

1) *All investigative reports prepared by the Office of the Inspector General shall be considered confidential and shall not be released except as provided by the law of this State or as required under applicable federal law*. (Section 1-17(m) of the Act)

2) Substantiated findings shall be released in accordance with the Act, the Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110] and the Freedom of Information Act [5 ILCS 140].

3) *Unsubstantiated and unfounded investigative reports shall not be disclosed except as allowed pursuant to Section 6 of the Abused and Neglected Long Term Care Facility Residents Reporting Act* [210 ILCS 30] *or a valid court order.* (Section 1-17(m) of the Act)

4) The identity of any person as a complainant shall remain confidential in accordance with the Freedom of Information Act [5 ILCS 140], or unless authorized by the complainant in writing. The identity of a required reporter shall only remain confidential under certain circumstances as determined by OIG on a case-by-case basis.

f) Recommendations for Sanctions

1) The Inspector General may recommend to the Secretary of the Department of Human Services that sanctions be imposed against facilities or community agencies to protect residents, including:

A) appointment of on-site monitors or receivers;

B) transfer or relocation of an individual or individuals;

C) closure of units; and

D) Termination of any one or more of the following:

i) Department licensing;

ii) Department funding; or

iii) Department certification.

2) The Inspector General may seek the assistance of the Attorney General of Illinois or the State's attorney for imposing sanctions listed in subsection (f)(1).

(Source: Amended at 42 Ill. Reg. 15437, effective July 26, 2018)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Use Tax

2) Code Citation: 86 Ill. Adm. Code 150

3) Section Number: 150.802 — Adopted Action: New Section

4) Statutory Authority: 35 ILCS 105/12

5) Effective Date of Rule: July 27, 2018

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

7) Does this rulemaking contain incorporations by reference? No

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

9) Notice of Proposal published in *Illinois Register*: 41 Ill. Reg. 10532, August 18, 2017

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

11) Differences between Proposal and Final Version: Grammatical and technical changes agreed upon with JCAR were made. In addition, in subsection (b)(3) after the word "sales", "subject to Retailers' Occupation Tax" was added; in subsection (b)(3), after "$10.000", "(see subsection (e) of the Section)" was added; in subsection (e) "(See 86 Ill. Adm. Code 130.701)" was removed; in subsection (e), after "See 86 Ill. Adm. Code 130.701)" "Out -of-state retailers that are subject to Retailers' Occupation Tax as a result of sales of tangible personal property made at trade shows may comply with their return and payment obligations by completing a Special Event Tax Collection Report and Payment Coupon Form. Event coordinators generally distribute this form to event participants; if they fail to do so, however, retailers may contact the Department directly to obtain this form. The Special Event Tax Collection Report and Payment Coupon Form may only be utilized by retailers attending no more than 2 trade shows for an aggregate total of no more than 8 days during any calendar year. Retailers exceeding this limit must register with the Department and file returns on a regular basis was added"; and after EXAMPLE 3 "EXAMPLES 4-6" were added.

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

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

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

14) Are there any rulemakings pending on this Part? Yes

Section Numbers:	Proposed Actions:	*Illinois Register* Citations:
150.311	Repealed	42 Ill. Reg. 6280; April 6, 2018
150.340	Repealed	42 Ill. Reg. 6280: April 6, 2018

15) Summary and Purpose of Rulemaking: This rulemaking adds a new Section to the Use Tax regulations providing that the presence of an out-of-State retailer or its representative in Illinois for the purpose of engaging in trade show activities establishes nexus for the retailer and requires collection of Use Tax on all sales into Illinois. The rule, however, creates a "safe harbor" for retailers at trade shows. Provided that a retailer meets 3 conditions, the retailer's presence at a trade show will not trigger collection of Use Tax on sales into Illinois. The three conditions are that the retailer attends no more than 2 trade shows per calendar year; is physically present at those 2 trade shows for an aggregate total of no more than 8 days during any calendar year; and combined gross receipts from sales made at the 2 trade shows during any single calendar year do not exceed $10,000. The regulation describes the types of activities that count toward the 8-day physical presence limitation; sets out how a "day" is calculated; and provides additional information to assist retailers in determining whether their activities fall within the safe harbor created by the rule. The rule specifies that any sales made in Illinois during the trade show (using the sourcing rules at Section 270.115) are subject to Retailers' Occupation Tax Act and applicable local taxes. The rule defines "trade show activities," and provides examples of trade shows that are included within or excluded from the scope of the regulation.

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

Jerilynn Troxell Gorden
Deputy General Counsel
Legal Services Office
Illinois Department of Revenue
101 West Jefferson St. MC 5-500
Springfield IL 62794

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

217/782-2844

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

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 150
USE TAX

SUBPART A: NATURE OF THE TAX

Section
150.101 Description of the Tax
150.105 Rate and Base of Tax
150.110 How To Compute Depreciation
150.115 How To Determine Effective Date
150.120 Effective Date of New Taxes
150.125 Relation of Use Tax to Retailers' Occupation Tax
150.130 Accounting for the Tax
150.135 How to Avoid Paying Tax on Use Tax Collected From the Purchaser

SUBPART B: DEFINITIONS

Section
150.201 General Definitions

SUBPART C: KINDS OF USES AND USERS NOT TAXED

Section
150.301 Cross References
150.305 Effect of Limitation that Purchase Must be at Retail From a Retailer to be Taxable
150.306 Interim Use and Demonstration Exemptions
150.310 Exemptions to Avoid Multi-State Taxation
150.311 Commercial Distribution Fee Sales Tax Exemption
150.315 Non-resident Exemptions
150.320 Meaning of "Acquired Outside This State"
150.325 Charitable, Religious, Educational and Senior Citizens Recreational Organizations as Buyers
150.330 Governmental Bodies as Buyers
150.331 Persons Who Lease Tangible Personal Property to Exempt Hospitals
150.332 Persons Who Lease Tangible Personal Property to Governmental Bodies
150.335 Game or Game Birds Purchased at Game Breeding and Hunting Areas or Exotic

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

Game Hunting Areas
150.336 Fuel Brought into Illinois in Locomotives
150.337 Food, Drugs, Medicines and Medical Appliances When Purchased for Use by a Person Receiving Medical Assistance under the Illinois Public Aid Code
150.340 Manufacturing Machinery and Equipment; Production Related Tangible Personal Property; Department Determination of Amount of Exemption

SUBPART D: COLLECTION OF THE USE TAX FROM USERS BY RETAILERS

Section
150.401 Collection of the Tax by Retailers From Users
150.405 Tax Collection Brackets
150.410 Tax Collection Brackets for a 2¼% Rate of Tax (Repealed)
150.415 Tax Collection Brackets for a 2½% Rate of Tax (Repealed)
150.420 Tax Collection Brackets for a 2¾% Rate of Tax (Repealed)
150.425 Tax Collection Brackets for a 3% Rate of Tax (Repealed)
150.430 Tax Collection Brackets for a 3⅛% Rate of Tax (Repealed)
150.435 Tax Collection Brackets for a 3¼% Rate of Tax (Repealed)
150.440 Tax Collection Brackets for a 3½% Rate of Tax (Repealed)
150.445 Tax Collection Brackets for a 3¾% Rate of Tax (Repealed)
150.450 Tax Collection Brackets for a 4% Rate of Tax (Repealed)
150.455 Tax Collection Brackets for a 4⅛% Rate of Tax (Repealed)
150.460 Tax Collection Brackets for a 4¼% Rate of Tax (Repealed)
150.465 Tax Collection Brackets for a 4½% Rate of Tax (Repealed)
150.470 Tax Collection Brackets for a 4¾% Rate of Tax (Repealed)
150.475 Tax Collection Brackets for a 5% Rate of Tax (Repealed)
150.480 Tax Collection Brackets for a 5⅛% Rate of Tax (Repealed)
150.485 Tax Collection Brackets for a 5¼% Rate of Tax (Repealed)
150.490 Tax Collection Brackets for a 5½% Rate of Tax (Repealed)
150.495 Tax Collection Brackets for a 5¾% Rate of Tax (Repealed)
150.500 Tax Collection Brackets for a 6% Rate of Tax (Repealed)
150.505 Optional 1% Schedule (Repealed)
150.510 Exact Collection of Tax Required When Practicable
150.515 Prohibition Against Retailer's Representing That He Will Absorb The Tax
150.520 Display of Tax Collection Schedule (Repealed)
150.525 Methods for Calculating Tax on Sales of Items Subject to Differing Tax Rates

SUBPART E: RECEIPT FOR THE TAX

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

Section
150.601 Requirements

SUBPART F: SPECIAL INFORMATION FOR TAXABLE USERS

Section
150.701 When and Where to File a Return
150.705 Use Tax on Items that are Titled or Registered in Illinois
150.710 Procedure in Claiming Exemption from Use Tax
150.715 Receipt for Tax or Proof of Exemption Must Accompany Application for Title or Registration
150.716 Display Certificates for House Trailers
150.720 Issuance of Title or Registration Where Retailer Fails or Refuses to Remit Tax Collected by Retailer from User
150.725 Direct Payment of Tax by User to Department on Intrastate Purchase Under Certain Circumstances
150.730 Direct Reporting of Use Tax to Department by Registered Retailers

SUBPART G: REGISTRATION OF OUT-OF-STATE RETAILERS

Section
150.801 When Out-of-State Retailers Must Register and Collect Use Tax
150.802 Trade Show Appearances
150.805 Voluntary Registration by Certain Out-of-State Retailers
150.810 Incorporation by Reference

SUBPART H: RETAILERS' RETURNS

Section
150.901 When and Where to File
150.905 Deduction for Collecting Tax
150.910 Incorporation by Reference
150.915 Itemization of Receipts from Sales and the Tax Among the Different States from Which Sales are Made into Illinois

SUBPART I: PENALTIES, INTEREST, STATUTE OF LIMITATIONS AND ADMINISTRATIVE PROCEDURES

Section

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

150.1001 General Information

SUBPART J: TRADED-IN PROPERTY

Section
150.1101 General Information

SUBPART K: INCORPORATION OF ILLINOIS RETAILERS' OCCUPATION TAX REGULATIONS BY REFERENCE

Section
150.1201 General Information

SUBPART L: BOOKS AND RECORDS

Section
150.1301 Users' Records
150.1305 Retailers' Records
150.1310 Use of Signs to Prove Collection of Tax as a Separate Item
150.1315 Consequence of Not Complying with Requirement of Collecting Use Tax Separately From the Selling Price
150.1320 Incorporation by Reference

SUBPART M: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

Section
150.1401 Claims for Credit – Limitations – Procedure
150.1405 Disposition of Credit Memoranda by Holders Thereof
150.1410 Refunds
150.1415 Interest

150.TABLE A Tax Collection Brackets

AUTHORITY: Implementing the Use Tax Act [35 ILCS 105] and authorized by Section 2505-90 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-90].

SOURCE: Adopted August 1, 1955; amended at 4 Ill. Reg. 24, p. 553, effective June 1, 1980; amended at 5 Ill. Reg. 5351, effective April 30, 1981; amended at 5 Ill. Reg. 11072, effective October 6, 1981; codified at 6 Ill. Reg. 9326; amended at 8 Ill. Reg. 3704, effective March 12,

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

1984; amended at 8 Ill. Reg. 7278, effective May 11, 1984; amended at 8 Ill. Reg. 8623, effective June 5, 1984; amended at 11 Ill. Reg. 6275, effective March 20, 1987; amended at 14 Ill. Reg. 6835, effective April 19, 1990; amended at 15 Ill. Reg. 5861, effective April 5, 1991; emergency amendment at 16 Ill. Reg. 14889, effective September 9, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 1947, effective February 2, 1993; amended at 18 Ill. Reg. 1584, effective January 13, 1994; amended at 20 Ill. Reg. 7019, effective May 7, 1996; amended at 20 Ill. Reg. 16224, effective December 16, 1996; amended at 22 Ill. Reg. 21670, effective November 25, 1998; amended at 24 Ill. Reg. 10728, effective July 7, 2000; amended at 25 Ill. Reg. 953, effective January 8, 2001; emergency amendment at 25 Ill. Reg. 1821, effective January 16, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 5059, effective March 23, 2001; amended at 25 Ill. Reg. 6540, effective May 3, 2001; amended at 25 Ill. Reg. 10937, effective August 13, 2001; amended at 26 Ill. Reg. 971, effective January 15, 2002; amended at 26 Ill. Reg. 9902, effective June 24, 2002; amended at 27 Ill. Reg. 1607, effective January 15, 2003; emergency amendment at 27 Ill. Reg. 11209, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; emergency amendment at 28 Ill. Reg. 15266, effective November 3, 2004, for a maximum of 150 days; emergency expired April 1, 2005; amended at 29 Ill. Reg. 7079, effective April 26, 2005; emergency amendment at 32 Ill. Reg. 8806, effective May 29, 2008, for a maximum of 150 days; emergency expired October 25, 2008; amended at 32 Ill. Reg. 17554, effective October 24, 2008; amended at 32 Ill. Reg. 19149, effective December 1, 2008; amended at 38 Ill. Reg. 20022, effective October 1, 2014; amended at 39 Ill. Reg. 11085, effective July 21, 2015; amended at 40 Ill. Reg. 13471, effective September 12, 2016; amended at 42 Ill. Reg. 15446, effective July 27, 2018.

SUBPART G: REGISTRATION OF OUT-OF-STATE RETAILERS

Section 150.802 Trade Show Appearances

a) Except as provided in subsection (b), the presence of an out-of-State retailer or its representative in Illinois to engage in trade show activities brings that retailer within the definition found in Section 2 of the Use Tax Act of a "retailer maintaining a place of business in this State". As a result, the out-of-State retailer is required to register with the Department and collect and remit Use Tax on all sales to Illinois purchasers.

b) Safe Harbor – Requirements. The presence in Illinois of an out-of-State retailer for purposes of engaging in trade show activities will not result in the determination that the retailer is a "retailer maintaining a place of business in this State" if the retailer meets each of the following 3 conditions:

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

1) The retailer attends no more than 2 Illinois trade shows during any calendar year.

2) The retailer is physically present at those 2 Illinois trade shows for an aggregate total of no more than 8 days during any calendar year. For purposes of calculating the 8 days, the Department will apply the following criteria:

A) Days during which a retailer is present in Illinois but is not engaged in activity related to the trade show will not count toward the 8 day limit. For example, a retailer arrives in Illinois on the day before a trade show begins and stays in a hotel the night before the trade show. The day before the trade show begins will not count as one of the 8 days. Similarly, if a retailer stays in Illinois as a tourist for 3 days after the trade show, those 3 days will not count toward the 8 days.

B) It does not matter whether the retailer has one representative at the Illinois trade show or more than one representative at the Illinois trade show. In both situations, each day of the trade show only counts as one of the 8 days.

C) Any portion of a day that a retailer is physically present at an Illinois trade show counts as a whole day. For example, if the only representative at the trade show leaves the trade show after one hour, that hour counts as a whole day.

D) Days spent setting up displays prior to a trade show and days spent tearing down displays after a trade show do not count toward the 8 days.

3) Combined gross receipts from sales made subject to Retailers' Occupation Tax at all Illinois trade shows during any single calendar year do not exceed $10,000 (see subsection (e)).

c) For purposes of this Section, a representative need not be an agent. It does not matter that a representative may engage in business on his or her own account in other transactions, nor that he or she may act as a representative for other persons in other transactions. Similarly, it does not matter that a representative is not an

employee but is an independent contractor acting as a representative. The term "representative" is broader than the term "employee" and includes anyone acting under the seller's authority.

d) "Trade show activity" means any activity, traditionally conducted at conventions, trade shows or similar meetings, whose purpose is, in whole or part, to create, maintain or enhance a business market in Illinois. "Trade show activity" includes activities to attract persons in an industry generally, as well as members of the public, to the trade show for the purpose of displaying industry products or to stimulate interest in and demand for industry products or services, or to educate persons engaged in the industry in the development of new products and services.

e) Sales made by retailers at an Illinois trade show are subject to Retailers' Occupation Tax, including applicable local taxes, regardless of whether the retailer falls within the safe harbor for Use Tax collection or of the amount of gross receipts from sales at the trade show. For rules regarding liability for Retailers' Occupation Tax and applicable local taxes, see 86 Ill. Adm. Code 270.115. Retailers making retail sales at Illinois trade shows must be registered under the Retailers' Occupation Tax Act and must file all returns required under that Act (see 86 Ill. Adm. Code 130.501). Out-of-state retailers that are subject to Retailers' Occupation Tax as a result of sales of tangible personal property made at trade shows may comply with their return and payment obligations by completing a Special Event Tax Collection Report and Payment Coupon Form. Event coordinators generally distribute this form to event participants; if they fail to do so, however, retailers may contact the Department directly to obtain this form. The Special Event Tax Collection Report and Payment Coupon Form may only be utilized by retailers attending no more than 2 trade shows for an aggregate total of no more than 8 days during any calendar year. Retailers exceeding this limit must register with the Department and file returns on a regular basis.

f) EXAMPLE 1: An athletic clothing and shoe retailer located outside Illinois maintains a display booth at a sports and fitness exposition that runs for 2 days immediately prior to the Chicago Marathon. Attendance at the expo is the only activity of the retailer in Illinois during the calendar year. At the expo, the retailer displays new merchandise to race participants, provides information to local athletic stores regarding its product line, and distributes promotional materials such as t-shirts, hats and other gear. The retailer also makes sales at the expo totaling $20,000. Presence at the expo creates nexus for the retailer. While the retailer only attends one trade show for less than 8 days, its sales total more than

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

$10,000. As a result, the retailer has not met all 3 requirements necessary for safe harbor. Its presence at the expo requires it to collect Use Tax on sales made into Illinois from its out-of-State location. As explained in subsection (e), all sales ($20,000) made at the trade show by the retailer are subject to Retailers' Occupation Tax.

EXAMPLE 2: An out-of-State flooring manufacturer attends 2 trade shows in Illinois each year for the purpose of exhibiting its products to builders, contractors and the general public. Seven employees of the manufacturer attend each show and are physically present for a combined total of 10 days. The employees are present for 2 of the 10 days for purposes of setting up and tearing down displays. No sales are made at the trade shows. The manufacturer's attendance at the trade shows meets all 3 requirements for safe harbor. Consequently, the manufacturer is not required to collect Use Tax on sales into Illinois from its out-of-State location.

EXAMPLE 3: An out-of-State retailer holds its annual management meeting in Chicago. The purpose of the meeting is to provide orientation for new managers, instruct managers about new company policies and procedures, and conduct team building exercises. The purpose of the annual meeting is not to create, maintain or enhance a business market in Illinois. Consequently, the meeting does not constitute a trade show, and the retailer's presence in Illinois for these purposes does not create tax collection obligations.

EXAMPLE 4: A tech company developing mobile voting apps using blockchain technology sends 3 interns to Chicago to attend a trade show. While there, they talk to different vendors about new developments in the field. The tech company is not engaging in "trade show activities" merely by sending interns as visitors to the trade show.

EXAMPLE 5: Company A sends a representative to a trade show to present a seminar promoting the benefits and upcoming availability of its newest biotech product. Presentation of the seminar constitutes a trade show activity, and if other activities of Company A fall outside the safe harbor rules in subsection (b), nexus for Use Tax collection is established.

EXAMPLE 6: Company Z hosts a booth at a trade show. It displays its products, answers inquiries about the products and collects orders for the products that will be finalized and fulfilled several weeks later at its corporate headquarters in New

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

York. Company Z's activities constitute trade show activities and if its other activities fall outside the safe harbor rules in subjection (b), nexus for Use Tax collection is established.

(Source: Added at 42 Ill. Reg. 15446, effective July 27, 2018)

THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Program Content and Guidelines for the Division of Specialized Care for Children

2) Code Citation: 89 Ill. Adm. Code 1200

3)

Section Numbers:	Adopted Actions:
1200.10	Repealed
1200.20	Repealed
1200.30	Repealed
1200.40	Repealed
1200.50	Repealed
1200.60	Repealed
1200.70	Repealed
1200.80	Repealed
1200.90	Repealed
1200.100	Repealed
1200.110	Repealed
1200.120	Repealed
1200.130	Repealed
1200 Appendix A	Repealed

4) Statutory Authority: Implementing the Specialized Care for Children Act [110 ILCS 345] and authorized by Section 7 of the University of Illinois Act [110 ILCS 305/7].

5) Effective Date of Repealer: October 1, 2018

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

7) Does this repealer contain incorporations by reference? No

8) A copy of the adopted repealer is on file in the principal office of the University of Illinois, Division of Specialized Care for Children, 3135 Old Jacksonville Road, Springfield IL, and is available for public inspection at that location.

9) Notice of Proposal published in the *Illinois Register*: 42 Ill. Reg. 7185; April 20, 2018

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

THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF ADOPTED REPEALER

11) Differences between the Proposed and Adopted Versions: The effective date was changed from July 1, 2018 to October 1, 2018 to coincide with the federal fiscal year.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? None were made.

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

14) Are there any other rulemakings pending to this part? No

15) Summary and Purpose of Repealer: The current rule Title 89, Part 1200 is being repealed and replaced with an entirely new rule, Title 89-1200 to better reflect systems of healthcare delivery, update standards and procedures and to modify the medical and financial eligibility standards.

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

Mindy Kolaz
University of Illinois
Division of Specialized Care for Children
3135 Old Jacksonville road
Springfield IL 62704

217/558-2350 Ext 150
mmkolaz@uic.edu
fax: 217/558-0773

THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF ADOPTED RULES

1) Heading of the Part: Program Content and Guidelines for the Division of Specialized Care for Children

2) Code Citation: 89 Ill. Adm. Code 1200

3)

Section Numbers:	Adopted Actions:
1200.10	New Section
1200.20	New Section
1200.30	New Section
1200.40	New Section
1200.50	New Section
1200.60	New Section
1200.70	New Section
1200.80	New Section
1200.90	New Section
1200.100	New Section
1200.110	New Section
1200.120	New Section
1200.130	New Section
1200.140	New Section
1200.150	New Section
1200.160	New Section
1200.170	New Section
1200.180	New Section
1200.190	New Section
1200.200	New Section

4) Statutory Authority: Implementing the Specialized Care for Children Act [110 ILCS 345] and authorized by Section 7 of the University of Illinois Act [110 ILCS 305/7].

5) Effective Date of Rules: October 1, 2018

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

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rules, including any corporation by reference, is on file in the principal office of the University of Illinois, Division of Specialized Care for Children,

THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF ADOPTED RULES

3135 Old Jacksonville Road, Springfield IL, and is available for public inspection at that location.

9) Notice of Proposal published in the *Illinois Register*: 42 Ill. Reg. 7238; April 20, 2018.

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

11) Differences between Proposal and Final Version: The effective date was changed from July 1, 2018 to October 1, 2018 to coincide with the federal fiscal year.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? None were made.

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

14) Are there any other rulemakings pending on this Part? No

15) Summary and Purpose of Rulemaking: This proposed rule, Title 89, Part 1200, will replace the current rule Title 89, Part 1200, in its entirety. The current rule is being repealed. The new rule better reflects systems of healthcare delivery, update standards and procedures and modifies the medical and financial eligibility standards.

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

Mindy Kolaz
University of Illinois
Division of Specialized Care for Children
3135 Old Jacksonville road
Springfield IL 62704

217/558-2350 Ext 150
mmkolaz@uic.edu
fax: 217/558-0773

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

THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF ADOPTED RULES

TITLE 89: SOCIAL SERVICES
CHAPTER X: THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

PART 1200
PROGRAM CONTENT AND GUIDELINES FOR DIVISION
OF SPECIALIZED CARE FOR CHILDREN

Section
1200.10 Purpose and Description
1200.20 Definitions
1200.30 Application Process: General
1200.40 Applications for Care Coordination Services and Financial Assistance
1200.50 General Responsibilities of Individuals Receiving DSCC Program Benefits
1200.60 Effective Dates of Coverage
1200.70 Care Coordination Services Eligibility and Standards
1200.80 Financial Assistance Eligibility and Standards
1200.90 Diagnostic Services
1200.100 Resident of Illinois
1200.110 Medical Eligibility
1200.120 Financial Assistance for Covered Supports and Services
1200.130 Supports and Services Not Covered
1200.140 Authorization
1200.150 Standards for Reimbursement for Providers and Other Eligible Persons
1200.160 Eligibility Redeterminations and Investigations
1200.170 DSCC Program Benefits After Loss of Eligibility
1200.180 Notice of Determination and Communication Standards
1200.190 Appeal Process
1200.200 Appeal: Procedural Rights, Available Benefits, and Effective Dates of Appeal Decision

AUTHORITY: Implementing the Specialized Care for Children Act [110 ILCS 345] and authorized by Section 7 of the University of Illinois Act [110 ILCS 305/7].

SOURCE: Adopted at 11 Ill. Reg. 3508, effective February 10, 1987; amended at 13 Ill. Reg. 9283, effective June 6, 1989; amended at 14 Ill. Reg. 5136, effective March 22, 1990; amended at 17 Ill. Reg. 1137, effective March 8, 1993; emergency amendment at 17 Ill. Reg. 9735, effective July 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 2104, effective January 24, 1994; amended at 21 Ill. Reg. 17114, effective December 11, 1997; amended at 23 Ill. Reg. 14597, effective December 15, 1999; emergency amendment at 24 Ill. Reg. 7414,

effective May 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 14773, effective September 25, 2000; former Part repealed at 42 Ill. Reg. 15458 and New Part adopted at 42 Ill. Reg. 15460, effective October 1, 2018.

Section 1200.10 Purpose and Description

a) General Program

1) The University of Illinois is designated under the Specialized Care for Children Act to receive, administer, and hold in its own treasury federal and State funds and aid, including the Maternal and Child Health Services Block Grant (Title V of the Social Security Act (42 USC 701 et seq.), in relation to the administration of the Division of Specialized Care for Children.

2) DSCC administers a program of care coordination services and financial assistance, a component of which is diagnostic services, for children with physical disabilities or conditions that may lead to physical disabilities who meet eligibility criteria as set forth in this Part.

3) The objectives of the DSCC Program are as follows:

A) To provide or pay for services to determine whether children meet the medical eligibility criteria necessary to qualify for the DSCC Program;

B) To provide and promote family-centered, community-based, culturally competent coordinated care for eligible children and to facilitate the development of community-based systems of services for children and their families;

C) To provide financial assistance for covered supports and services rendered to eligible children; and

D) To make efforts to coordinate benefits for eligible children with other State or federally funded programs, including but not limited to, Title XIX and Title XXI of the Social Security Act, activities funded by the U.S. Departments of Agriculture and Education, health block grants, and categorical health programs.

4) The DSCC Program is not an entitlement and shall not be construed to create an entitlement. Eligibility and DSCC Program benefits are provided subject to the annual maximum dollar amounts set for each recipient child, budgetary limitations (see Section 1200.150(e)), and annual appropriations to the State and federal programs through which DSCC is funded. Any requirement imposed under this Part and any implementation of this Part shall cease in the event continued receipt of funds requires an amendment to this Part, federal or State funds for implementation of this Part are not available, or annual maximum dollar amounts for the recipient child are exceeded.

b) Supplemental Security Income – Disabled Children's Program

1) DSCC administers the Supplemental Security Income-Disabled Children's Program (SSI-DCP) in accordance with section 1615c of the Social Security Act, Subchapter XVI (42 USC 1382d(a)(2)) to the extent provided in this subsection (b).

2) Children are evaluated as eligible for the SSI-DCP by the U.S. Social Security Administration and the Illinois Department of Human Services-Division of Rehabilitation Services. Children deemed eligible (SSI-DCP children) are referred to DSCC for disposition.

3) SSI-DCP children who meet the eligibility in this Part shall be eligible for DSCC Program benefits in accordance with this Part. SSI-DCP children who do not meet the eligibility criteria for the DSCC Program may be referred by DSCC to other programs, services, or institutions that may provide assistance.

c) University of Illinois Policies and Procedures
As part of the University of Illinois, DSCC shall abide by all applicable University of Illinois policies and procedures.

Section 1200.20 Definitions

"Act" means the Specialized Care for Children Act [110 ILCS 345].

"Applicant Child" means the individual seeking DSCC Program benefits.

THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF ADOPTED RULES

"Associated Health Impairment" means a health impairment that, in isolation, would not be considered a medically eligible condition, but the treatment of which is medically necessary to successfully treat a medically eligible condition, excluding malignancy and chronic vegetative states.

"Care Coordination Services" means services paid for or provided by DSCC to promote the effective and efficient organization and utilization of resources to assure access to necessary comprehensive services for children eligible under this Part and their families.

"Chronic" means a condition that is expected to be long lasting or to be lifelong.

"Covered Supports and Services" means those benefits for which financial assistance is available under Section 1200.120.

"DSCC" or "Division" means the Division of Specialized Care for Children.

"DSCC Program" or "Program" means the program of care coordination services and financial assistance, a component of which is diagnostic services, for children with physical disabilities or who suffer from conditions that may lead to physical disabilities who meet eligibility criteria as set forth in this Part.

"Day" means calendar day, except when an action to be taken is scheduled to occur on a Saturday, Sunday or a State of Illinois holiday, in which case the legally responsible adult, designated representative, or DSCC has until the end of the next State business day to take the action.

"Designated Representative" means a person authorized by the LRA to act on his or her behalf.

"Diagnostic Services" means services provided or paid for by DSCC without regard to eligibility for financial assistance that are medically necessary to determine whether an applicant or recipient child meets the medical eligibility criteria of Section 1200.110. Diagnostic services are a component of care coordination services and financial assistance and no separate application is required. Diagnostic services are further described in Section 1200.90.

"Director" means the Executive Director of DSCC.

THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF ADOPTED RULES

"Financial Assistance" means DSCC payment to a provider or other eligible persons for covered supports and services rendered to an applicant or recipient child.

"Good Cause Shown" means a sufficient justification determined in the sole discretion of the Director or designee for failure to meet a requirement of this Part. The availability of good cause shown is limited as further specified in this Part. Good cause shown includes, but is not limited to, family emergencies, family death, demonstrated delays caused by the U.S. Postal Service, demonstrated delays or failures in electronic systems, or failure of a third party (e.g., medical provider) to submit necessary information to determine whether a child meets medical eligibility criteria.

"Legally Responsible Adult" or "LRA" means:

if the applicant or recipient child is non-emancipated, a person with legal authority to act on behalf of and legally required to financially provide for the applicant or recipient child; or

an applicant or recipient child who is emancipated under State law to act on his or her own behalf.

"Medically Eligible Condition" means a medical condition that serves as one of the criteria that renders the applicant or recipient child eligible for DSCC Program benefits as detailed in Section 1200.110.

"Provider" means a person, firm, corporation, association, agency, institution or other legal entity that provides covered supports and services to an applicant or recipient child and meets the requirements of Section 1200.150.

"Recipient Child" means the individual who has been determined eligible to receive DSCC Program benefits.

"Receipt by DSCC" means the date DSCC acknowledges taking possession of information or forms (e.g., completed application) by means of an electronic or manual stamp.

"Receipt by an LRA" means the date the LRA acknowledges taking possession of information or forms (e.g., Notice of Determination) or 10 days after the date of the information or forms, whichever is later.

Section 1200.30 Application Process: General

a) General

1) An application shall be submitted by an LRA.

2) An application is a signed request for DSCC Program benefits in a form approved by DSCC that has been completed to the best of the LRA's knowledge and belief.

3) Applications are available at DSCC offices or online at http://dscc.uic.edu/how-we-help/how-to-apply/.

4) An LRA may apply for Program benefits using any of the following methods:

A) Submitting an application at a DSCC office in person;

B) Sending an application to a DSCC office via mail (U.S. Postal Service or private third party carrier);

C) For care coordination service, online at http://dscc.uic.edu/how-we-help/how-to-apply/; or

D) Additional methods that DSCC may establish.

5) Applications shall be completed in accordance with instructions given by DSCC in any form approved by DSCC.

6) A list of DSCC offices is available at http://dscc.uic.edu/find-an-office/.

7) The LRA may be assisted by DSCC or by an individual of the LRA's choice in completing an application.

b) Reapplication

When an application is not accepted or not processed, or when a recipient child has been terminated from the Program and when DSCC Program benefits are still desired, the LRA must reapply by submitting a new application in compliance with this Part. The LRA may reapply at any time.

c) Good Cause Shown
DSCC may waive the requirements of this Section for good cause shown.

Section 1200.40 Applications for Care Coordination Services and Financial Assistance

a) Applications for care coordination services

1) Applications for care coordination services shall include, at a minimum:

A) The name, age, address and telephone number of the applicant child;

B) The name, address and telephone number of the LRA;

C) The LRA's signature; and

D) Information necessary to determine medical eligibility or provide or arrange for diagnostic services as described in Sections 1200.90 and 1200.110.

2) Completed Applications for Care Coordination Services
Applications for care coordination services shall be considered completed on the business day the requirements of subsections (a)(1) and (d) are met.

b) Applications for Financial Assistance

1) Applications for financial assistance shall include, at a minimum:

A) The name, age, address and telephone number of the applicant child;

B) The name, address and telephone number of the LRA;

C) The LRA's signature;

D) Information necessary to determine medical eligibility or provide or arrange for diagnostic services as further described in Sections 1200.90 and 1200.110; and

E) Information necessary to determine financial eligibility as further described in Section 1200.80.

2) Completed Application for Financial Assistance
Applications for financial assistance shall be considered completed on the business date the requirements of subsections (b)(1) and (d) are met.

c) Diagnostic Services
No separate application is required for diagnostic services. Diagnostic services may be provided as part of the eligibility process for care coordination services or financial assistance.

d) Supplemental Information

1) After an application meeting the requirements of subsection (a)(1) or (b)(1) is received by DSCC, supplemental information, including interviews and Reimbursement Agreements (for financial assistance applications), may be requested by DSCC to establish eligibility.

2) The LRA shall submit the supplemental information no later than 45 days after the dated DSCC written notice or the date specified in that written notice, whichever is later.

3) Failure to submit the supplemental information within the required time frame shall cause the application to be deemed incomplete under subsection (e).

e) Incomplete Applications

1) Applications that do not meet the requirements of subsections (a), (b) and (d) shall be considered incomplete and will not be accepted or processed.

2) Notice

THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF ADOPTED RULES

A) If DSCC does not accept or process an application for any reason set forth in this Section, DSCC shall use reasonable efforts to identify the LRA who initiated the application and inform the LRA of:

i) The reason that DSCC did not process or did not accept the application; and

ii) The action or actions required to accept or process the application.

B) Notices sent pursuant to this subsection (e)(2) will not be required to comply with Section 1200.180.

3) The LRA does not have any appeal rights for notices sent under this subsection (e).

f) Good Cause Shown
DSCC may waive the requirements of this Section for good cause shown.

Section 1200.50 General Responsibilities of Individuals Receiving DSCC Program Benefits

a) The LRA and provider shall truthfully and factually supply all information and shall not in any way falsify or cause the falsification of documents necessary to determine eligibility for and provision of DSCC Program benefits.

b) The LRA shall promptly report any change in contact information.

c) The LRA shall consent to release of, or verification of, medical and financial information needed to determine eligibility.

d) The LRA shall promptly report, within 30 days, any changes that may affect eligibility for DSCC Program benefits, including but not limited to changes in medical insurance that results in coverage for covered supports and services or diagnostic services for which DSCC has been providing financial assistance and is the payer of last resort.

e) The LRA must make maximum use of third party payments available for the applicant or recipient child, including but not limited to enrolling in State and

federally funded healthcare programs such as Medicaid, CHIP, All Kids and Medicare; enrolling in private healthcare insurance; and, in the sole discretion of the Director or designee, utilizing private funds available to the applicant or recipient child.

f) Maximum insurance benefits must be used. The LRA is responsible for and shall cause any other responsible individuals to comply with insurance contract provisions required to maximize the level of insurance benefits.

g) The LRA must sign a Reimbursement Agreement for the total amount of financial assistance provided by DSCC whenever monies are recovered or can be recovered arising from any claim, demand, or cause of action relating to the medical condition of the applicant or recipient child from sources including but not limited to a lawsuit judgment, settlement of a lawsuit, settlement in anticipation of litigation, or insurance recovery or settlement. At the request of DSCC, the LRA shall cause any other individual with authority over the monies, including the attorney retained to represent the LRA, applicant child or recipient child, to also sign the Reimbursement Agreement.

h) Failure to meet any requirements of this Part may result in a complete or partial ineligibility determination, termination, or suspension in DSCC Program benefits. DSCC will notify the LRA of these determinations through a Notice of Determination in accordance with Section 1200.180.

i) DSCC may, in its sole discretion, pursue any actions necessary against all liable persons, including but not limited to LRAs, for any payments made by DSCC that were inappropriate.

Section 1200.60 Effective Dates of Coverage

a) Care Coordination Services
Care coordination services may be provided or paid for on the date of receipt of a completed application under Section 1200.40(a)(2).

b) Financial Assistance
DSCC may provide financial assistance on the date of DSCC's receipt of a completed application under Section 1200.40(b)(2) and retroactively for up to 90 days prior to the date of DSCC's receipt of a completed application.

c) Diagnostic Services
DSCC may provide or pay for diagnostic services on the date of DSCC's receipt of a completed application under Section 1200.40(a)(2) or (b)(2) and may pay retroactively for up to 90 days prior to the date of DSCC's receipt of a completed application.

d) Reapplication
When reapplication to the DSCC Program is necessary, effective dates of coverage shall be determined pursuant to DSCC's receipt of the resubmitted completed application. For example, financial assistance may be provided on the date of DSCC's receipt of the resubmitted completed application and retroactively for up to 90 days prior to the date of DSCC's receipt of the resubmitted completed application.

e) Effective Dates for Amendments to this Part
Amendments to this Part shall be effective for dates of service on and after July 1, 2018. A recipient child eligible for care coordination services as of June 30, 2018 who fails to meet the medical eligibility criteria of Section 1200.70(a)(2) as of July 1, 2018 shall remain eligible for care coordination Services without a break in coverage only if the recipient child continues to meet the nonmedical eligibility criteria of Section 1200.70(a)(1) and (a)(3) as of July 1, 2018. Recipient children eligible for financial assistance prior to July 1, 2018 shall remain eligible for financial assistance until redetermination under Section 1200.80(f).

Section 1200.70 Care Coordination Services Eligibility and Standards

a) Care coordination services are services paid for or provided by DSCC to promote the effective and efficient organization and utilization of resources to assure access to necessary comprehensive services for children eligible under this Part and their families. Care coordination services may be covered by DSCC for an applicant or recipient child where the applicant or recipient child:

1) Is under 21 years of age;

2) Meets or is suspected of meeting the medical eligibility criteria in Section 1200.110; and

3) Is a resident of Illinois as set forth in Section 1200.100.

b) Diagnostic services may be provided in accordance with Section 1200.90 only if the criteria of subsection (a)(1) and (a)(3) are met.

c) There is no financial eligibility criteria for care coordination services.

d) Eligibility for care coordination services shall be reconsidered every 18 months and whenever a change occurs that impacts medical eligibility.

e) Eligibility for care coordination services shall end when the requirements of this Section are no longer met, except as provided in Section 1200.170.

Section 1200.80 Financial Assistance Eligibility and Standards

a) DSCC may pay a provider or other eligible persons for covered supports and services rendered to an applicant or recipient child. The LRA may qualify for financial assistance when the criteria of this subsection (a) are met.

1) The applicant or recipient child:

A) Is under 21 years of age;

B) Meets or is suspected of meeting the medical eligibility criteria in Section 1200.110;

C) Is a resident of Illinois as set forth in Section 1200.100; and

D) Is a U.S. citizen or lawfully admitted to the United States.
If neither of these requirements are met, the LRA must be a U.S. citizen or lawfully admitted to the United States.

2) If the applicant or recipient child is not the LRA, the LRA must be a resident of Illinois as set forth in Section 1200.100.

3) The applicant or recipient child:

A) Is eligible for a medical assistance program under the Illinois Public Aid Code [305 ILCS 5], the Covering All Kids Health Insurance Act (All Kids) [215 ILCS 170], or the Children's Health Insurance Program Act (CHIP) [215 ILCS 106];

B) Meets the financial requirements of Medicaid, All Kids or CHIP but is not eligible for coverage based on the nonfinancial criteria; or

C) The LRA has a household income at or below 325% federal poverty level (FPL) as outlined in https://aspe.hhs.gov/poverty-guidelines.

b) Diagnostic services may be provided without regard to the financial eligibility criteria of subsection (a)(3) in accordance with Section 1200.90 and only when the criteria of subsections (a)(1)(A), (a)(1)(C), (a)(1)(D) and (a)(2) are met.

c) When more than one child in a family qualifies for financial assistance, DSCC may give each eligible child the same period of eligibility.

d) DSCC shall only provide financial assistance for covered supports and services as set forth in Section 1200.120.

e) Payment shall only be made on behalf of applicant or recipient children to providers or other eligible persons who meet the requirements of this Part.

f) Eligibility for financial assistance shall be redetermined annually and whenever a change occurs that impacts the eligibility criteria of subsections (a)(1) and (a)(2). Changes to subsection (a)(3) shall not be a cause to initiate a redetermination outside the annual redetermination process.

g) Except as provided in Section 1200.170, eligibility for financial assistance shall end:

A) When the requirements of subsections (a)(1) and (a)(2) are no longer met; or

B) When the requirements of subsection (a)(3) are not met as part of the annual redetermination process.

Section 1200.90 Diagnostic Services

THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF ADOPTED RULES

a) Diagnostic services are services provided or paid for by DSCC without regard to financial eligibility that are medically necessary to determine whether an applicant or recipient child meets the medical eligibility criteria of Section 1200.110. Diagnostic services are a component of care coordination services and financial assistance and no separate application is required.

b) Whenever eligibility or ineligibility is established based upon existing information or an interview with the LRA, applicant or recipient child, which may occur when a diagnosis has already been established, DSCC shall not be required to cover diagnostic services.

c) Diagnostic services shall be provided on an outpatient basis unless inpatient services are medically necessary to complete the diagnostic evaluation as approved in the sole discretion of the Director or designee.

Section 1200.100 Resident of Illinois

a) Definition
Resident of Illinois means:

1) Any person "living in the State of Illinois" with the intent to remain in the State indefinitely. The term "living in the State of Illinois" shall be limited to all persons whose primary domicile is located within the State. Intent to remain indefinitely is established through a showing that a person has significant contacts with the State of Illinois, which may be evidenced by maintaining a bank account in the State, registering to vote in the State, paying Illinois income taxes, obtaining permanent employment within the State, owning real estate within the State, possessing an Illinois driver's license, Secretary of State identification, or similar permits, or any other similar documentation;

2) Any person who is present in the State of Illinois for the purpose of performing migrant agricultural labor and who evidences a pattern of regularly returning to the State to perform that work or who expresses an intention to establish a pattern of regularly returning to the State to perform that work. Migrant agricultural labor is defined as agricultural work of a seasonal or temporary nature that requires the worker to be away from his or her permanent place of residence to perform the work more than overnight; or

3) Any person who is an active duty member of the U.S. military and on official military assignment within the State of Illinois, whether or not he or she maintains residence in another state, or any person who is an active duty member of the U.S. military on official military assignment in another state or country who pays Illinois income taxes.

b) LRA Illinois Residency for Financial Assistance
When the LRA is no longer a resident of Illinois and the LRA is not the recipient child, financial assistance may be provided to the recipient child not to exceed 12 months from the date of the change of the LRA's residency status if:

1) The LRA was a resident of Illinois when the recipient child became eligible; and

2) The recipient child remains a resident of Illinois and one of the following applies:

A) An active DSCC supported treatment plan for the recipient child's medically eligible condition was in progress at the time the LRA lost residency status;

B) Discontinuation of treatment would result in probable harm to the recipient child or there is an adverse outcome of treatment, as determined in the sole discretion of the Director or designee; or

C) Legal action is in progress that will establish legal guardianship of the recipient child with a person or agency located in Illinois.

c) Self-Attestation
If documentation cannot be provided to substantiate the requirements of subsections (a)(1) and (a)(2), these requirements may be substantiated by the LRA's attestation. No further information, including documentation, shall be required from the LRA. The attestation shall be signed by the LRA and one witness.

Section 1200.110 Medical Eligibility

a) General

THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF ADOPTED RULES

In order to be eligible for DSCC Program benefits:

1) An applicant child shall be suspected of having, and a recipient child shall have, one or more of the medically eligible conditions set forth in subsection (c);

2) The medically eligible condition shall:

A) be chronic;

B) involve a physical limitation or restriction; or

C) necessitate long-term highly specialized medical care;

3) The recipient child shall have an active plan of care for the medical treatment of the medically eligible condition from a provider that shall be periodically updated by the provider; and

4) If care coordination services are sought, the applicant or recipient child must benefit from care coordination services.

b) Medical Reports

1) Medical eligibility is determined following a review of medical reports, including current plans of care from a provider of the applicant or recipient child.

2) If there is insufficient information to determine medical eligibility, DSCC may provide or pay for diagnostic services as set forth in Section 1200.90.

c) Medically Eligible Conditions

1) "Blood Disorders" means both inherited and acquired hematologic conditions that are chronic and require management by a specialist. Primary hematologic malignancies (i.e., leukemias) are excluded.

2) "Cardiovascular Impairments" means impairments that primarily affect the heart and/or the larger blood vessels that are chronic and require management by a specialist.

THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF ADOPTED RULES

3) "Craniofacial and External Body Impairments" means significant defects affecting the skin and/or its underlying structures and defects of the mucosa and/or its underlying structures of the internal parts that may affect breathing, speech and eating, are chronic, and require management by a specialist. Internal parts include the oral and nasal structures with their extension into the mouth, pharynx, larynx, major bronchi, and esophageal structures. Defects of dentition and occlusion associated with severe oro-craniofacial structural deformities, or that are causative to impairment of intelligible speech and/or difficulty chewing food, are included.

4) "Eye Impairments" means those that affect the eye and/or eye muscles, excluding isolated refractive errors, that lead to or cause a significant risk of loss of vision, are chronic, and require management by a specialist.

5) "Gastrointestinal Impairments" means disabling conditions affecting the esophagus, stomach or intestines that are chronic and require management by a specialist.

6) "Hearing Impairments" means loss of hearing or deafness of at least 30 decibels (dB) in two frequencies (500, 1000, 2000, 4000 and 8000 Hz) or a 35 dB loss in one speech frequency (500, 1000 and 2000 Hz) involving one or both ears, as determined by audiometric testing that are chronic and require otological intervention and management by a specialist.

7) "Inborn Errors of Metabolism" means those newborn conditions leading to severe neurological, mental and/or physical deterioration that are chronic and require management by a specialist.

8) "Nervous System Impairments" means those impairments that affect the brain, spinal cord or peripheral nerves, that present as persistent or recurring loss of function but not cognitive or emotional disability, and that are chronic and require management by a specialist.

9) "Orthopedic Impairments" means those that affect bone, joint or muscle and that are chronic and require management by a specialist.

10) "Pulmonary Impairments" means chronic disabling conditions affecting the lungs or breathing, such as cystic fibrosis or chronic lung disease, that are chronic and require management by a specialist. Asthma, as an isolated condition, is excluded.

11) "Urogenital Impairments" means organic impairments that affect the kidney, ureter, bladder, urethra and/or ano-genital structures and that are chronic and require management by a specialist. Urinary tract infections and isolated ureteral urinary reflux are excluded unless associated with a persistent structural defect.

Section 1200.120 Financial Assistance for Covered Supports and Services

a) When the financial assistance criteria of Section 1200.80 are met, DSCC may provide financial assistance for the following:

1) Consultative services.

2) Continuing outpatient supervision of the medically eligible condition and associated health impairments, including office or clinic visits.

3) Hospitalization and inpatient medical and/or surgical treatment, including special rehabilitation services. Provided, however, that procedures, tests or services shall not be performed on an inpatient basis if, under medical professional standards they are usually and customarily performed in outpatient facilities, unless determined to be medically indicated by the Director or designee based on the recommendation of the recipient or applicant child's treating physician.

4) Home based care intended to prevent continued hospitalization, excluding continuing care nursing, life support systems, or high technology equipment and related supplies. The care is limited to training of parents and/or community healthcare providers; provision of medically necessary recommended equipment and supplies; and periodic visiting nurse and/or related health personnel supervision.

5) Assistive appliances; mechanical, structural or electrical equipment intended to support, replace or augment a dysfunctioning or nonfunctioning part of the body, such as braces, prosthetic limbs, hearing

aids, wheelchairs, related adaptive devices; and special supplies determined medically necessary to accomplish rehabilitation or habilitation goals. Excluded are fixed architectural modifications of the dwelling and property related thereto in which the Recipient or Applicant Child resides. External ramps and/or mechanical lifts needed to provide the Recipient or Applicant Child access to the dwelling are not excluded.

6) Speech, physical and occupational therapy.

7) Nutrition evaluation and guidance and provision of special dietary substances upon medical recommendation, except those dietary substances available through programs of public or private agencies established for those purposes.

8) Specialized dental care, such as orthodontia, prosthodontia, or oral surgery as required to further the treatment plan of a recipient or applicant child with severe oro-craniofacial deformities (e.g., cleft lip and/or cleft palate) or severe congenital malformation of the teeth (e.g., anodontia or dentinogenesis imperfecta). Routine preventive or restorative dentistry is not provided except for recipient or applicant children for whom this service is a specific recommendation to be integrated into an authorized orthodontic or prosthodontic plan.

9) Arrangements for home follow-up services by public health and/or related rehabilitative or habilitative services personnel.

10) Prescriptive drugs.

11) Genetic evaluation and family counseling.

12) Psychological and psychiatric evaluation.

13) Medically necessary supports and services for the treatment of associated health impairments.

14) Transportation, lodging, meals and parking costs for the LRA, applicant or recipient child, and any additional caretaker whose presence is medically required to provide care for the applicant or recipient child:

THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF ADOPTED RULES

A) When necessary to make recommended supports and services accessible;

B) When no other sources are available for this purpose; and

C) By the most economically appropriate method and at a cost not exceeding limitations set forth in the Reimbursement Schedule of the Travel Regulation Council (80 Ill. Adm. Code 3000.Appendix A). DSCC will prescribe the form and procedure families must follow in order to verify and be reimbursed for expenses. When circumstances so dictate to meet the healthcare needs of the applicant or recipient child, the Director or designee shall authorize payments in excess of the amount stated in this subsection (a)(14)(C).

b) The supports and services described in this Section shall only be covered when:

1) Rendered by providers who meet the requirements of Sections 1200.50 and 1200.150;

2) For payment (e.g., copayments, deductibles) made on behalf of an applicant or recipient child to other eligible persons such as an LRA, the applicable requirements of this Part must be met, including but not limited to Sections 1200.50 and 1200.150.

3) Authorized pursuant to Section 1200.140;

4) Except for diagnostic services, they are part of a treatment plan that has defined treatment objectives and goals for medical supports and services;

5) DSCC is the payer of last resort as outlined in Section 1200.150;

6) Funds are available as outlined in Sections 1200.10 and 1200.150;

7) Medically necessary for medical supports and services or diagnostic services; and

8) For nonmedical supports or services related to the medically eligible condition or associated health impairment.

THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF ADOPTED RULES

Section 1200.130 Supports and Services Not Covered

a) DSCC will not provide financial assistance for the following:

1) Organ transplants and related anti-rejection drugs.

2) Surgery or other treatment that is primarily for cosmetic purposes.

3) Research, experimental or investigational services, drugs and equipment, except as provided in subsection (b).

4) Primary care services required to support general health unrelated to the medically eligible condition, including but not limited to routine well child and dental care, immunizations, nonspecialty infant formula, clothing and diapers.

5) Routine medical and dental treatment.

6) Treatment for acute childhood illnesses.

7) Treatment related to trauma or short-term complications related to the trauma.

8) Supports or services available without charge.

9) Transitional care.

10) Respite care.

11) Unkept appointments, except for good cause shown.

12) Nonmedically necessary items and services provided for the convenience of recipients and/or their families, except for good cause shown.

13) Supports and services not specifically itemized in Section 1200.120.

b) Research, Experimental or Investigational Services, Drugs and Equipment. The DSCC Director or designee shall determine whether services, drugs or equipment

are, in fact, research, experimental or investigational based on the criteria set forth in this subsection (b).

1) The affected services, drugs and equipment are medical or professional services, hospital services, drugs, devices or equipment that have not been recognized as having a proven habilitative or rehabilitative value as determined by the professional standards of the applicable medical or healthcare specialty groups, including but not limited to:

A) equipment or appliances that do not have the approval of the Department of Health and Human Services, Food and Drug Administration or other appropriate federal agency (investigational new drugs and devices and investigational services and treatments shall not be deemed to have received federal approval);

B) medical and/or other health related services, including drugs, food supplements, equipment or appliances not reported on, described or discussed in published and recognized professional journals that have an advisory board passing on their publications; and

C) services, drugs, devices, equipment or appliances that have not been recognized by appropriate national professional organizations.

2) If a provider wishes to utilize services, drugs or equipment that is possibly research, experimental or investigational, the provider must provide a written justification for doing so to the DSCC Director or designee who may approve in his/her sole discretion. Other pertinent information from knowledgeable professional sources may be required.

3) If DSCC authorizes services, drugs or equipment later determined by DSCC as research, experimental or investigational and, if the provider has failed to notify DSCC in advance of the possible experimental, research or investigational nature, the provider may be obligated to refund any monies paid by DSCC or the LRA.

c) As used in this Section, acute means an immediate associated consequence of infection, trauma, disease, toxicity or malignancy.

THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF ADOPTED RULES

Section 1200.140 Authorization

a) All covered supports and services and diagnostic services shall require a written prior authorization as a condition of DSCC financial assistance, except for the following:

1) Outpatient appointments for specialty providers;

2) Co-pays related to the medically eligible condition and associated health impairment;

3) Deductibles related to the medically eligible condition and associated health impairment;

4) Routine laboratory and diagnostic tests for management and monitoring of the medically eligible condition and associated health impairment; and

5) Medical reports.

b) Authorization shall be provided prior to receipt of the covered support or service and diagnostic service, except as allowed in subsection (c).

c) DSCC may retroactively pay for covered supports and services and diagnostic services:

1) For an applicant child, pursuant to Section 1200.60(b) and (c).

2) For a recipient child, when DSCC is notified within 30 days after the rendering of the covered support and service or diagnostic service. The 30 days may be waived for good cause shown.

d) Authorizations shall minimally include, as applicable, the number of professional outpatient service visits approved, the time period of the authorization, and a description of the equipment or service to be provided, with medical justification.

e) Services, drugs or equipment that are duplicative of those authorized or exceed DSCC authorized limits shall not be covered.

f) All hospitalizations and all equipment purchases are subject to separate authorizations for each occasion of the service.

g) Supports or services provided that differ in any way from those approved are not guaranteed for payment.

Section 1200.150 Standards for Reimbursement for Providers and Other Eligible Persons

a) In order to receive reimbursement by DSCC for covered supports and services and diagnostic services rendered to an applicant or recipient child, a provider shall:

1) Hold a valid, appropriate license, certification, accreditation, or credentials required by the state where the covered support and service or diagnostic service is rendered;

2) Not be excluded from participation in Medicare, Medicaid or any other federal or State healthcare program;

3) Meet any other requirements imposed as a condition of receiving Title V funds and comply with the requirements of applicable federal and State laws and not engage in practices prohibited by those laws;

4) Have a provider agreement on file with DSCC;

5) Accept as payment in full the amounts paid by DSCC and not seek further payment from the LRA beyond copayments and deductibles when DSCC does not pay the copayments or deductibles;

6) Furnish to DSCC or designee, in the form and manner requested by it, any information it requests regarding payments for covered supports and services or diagnostic services, including but not limited to dates of service, appropriate ICD diagnostic codes, current procedural terminology (CPT) codes, HCPCS National Level II codes, American Dental Association (ADA) codes, National Drug Codes (NDC) and as available, explanations of benefits from non-federally or non-State funded third party payers;

7) Notify DSCC in writing immediately when there is a change in meeting any requirement or information previously submitted by the provider;

8) Comply with any audits by DSCC, State or federal government in connection with the DSCC Program; and

9) Comply with the applicable requirements of Section 1200.50.

b) DSCC shall be the payer of last resort for covered supports and services and diagnostic services. Payment shall not be made until insurance or any other third party payer has paid or rejected the claim.

1) The provider or other person eligible to receive payment shall submit claims or invoices to any third party payers liable for payment prior to billing DSCC.

2) DSCC is not required to pursue third party liability payments from State or federally funded healthcare programs, including but not limited to Medicaid, All Kids, CHIP or Medicare.

3) The Director or designee may waive the DSCC third party payer status if necessary to avoid undue suffering or to preserve life and good health and if immediate payment will cause DSCC funds to be utilized in the most efficient and effective fashion, all as determined based on usual and customary medical standards.

c) Subject to all the limits on benefits contained in this Part, DSCC will pay the cost of care coordination services, covered supports and services, and diagnostic services above that reimbursed by a third party payer up to an established rate of payment. When third party payments exceed the DSCC payment maximums, the bill shall be considered paid in full.

d) In order to be eligible for payment consideration, an initial claim or bill, or a claim or bill resubmitted following prior rejection, must be received timely by DSCC, but no later than 18 months from the date when covered supports or services or diagnostic services are provided. Failure to comply with this subsection shall result in no payment by DSCC. DSCC shall have no liability for any payment of these late claims. Providers who fail to comply with this subsection shall also not seek payment from the applicant child, recipient child, or

LRA. The requirements of this subsection may be waived by the Director or designee for good cause shown.

e) The DSCC Program is not an entitlement and shall not be construed as an entitlement. DSCC shall not be liable for any benefits, including those DSCC authorized prior to the unavailability of funds. A provider's rendering of goods and services in excess of the funds available may result in no payment by DSCC. (See Section 1200.10(a)(4).) For recipient children, the Director or designee shall establish maximum dollar amounts for payment of covered supports and services and diagnostic services per State fiscal year (July 1 through June 30). The maximum dollar amount for each recipient child shall be based on how many recipient children receiving financial assistance are in the program and the amount of State and federal annual appropriations available, combined with other restraints on DSCC's resources. DSCC shall inform the LRA and any provider who may be affected of the limit that may result in no payment by DSCC. (See also Section 1200.10(a)(4).)

f) DSCC may request providers to submit updated enrollment information. Failure of a provider to submit this information within the requested time frames may result in the disenrollment of the provider from the DSCC Program. Disenrollment shall have no effect on the future eligibility of the Provider to participate and is intended only for purposes of DSCC's efficient administration. A disenrolled provider may reapply to the DSCC Program.

g) Providers and other eligible persons who fail to meet the requirements of this Section shall not be eligible for payment by DSCC for care coordination services, covered supports and services, and diagnostic services.

Section 1200.160 Eligibility Redeterminations and Investigations

a) Redeterminations

1) DSCC shall send a notice to LRAs at least 60 days prior to the end of the period of eligibility that informs the LRA of the requirements for continued eligibility.

2) If the requirements for continued eligibility are not fulfilled by the deadline established in the notice, a Notice of Determination advising of the cancellation shall be issued to the recipient child pursuant to the

requirements of Section 1200.180. Coverage shall end on the last day of the eligibility period.

3) A recipient child's eligibility may be reinstated without requiring a new application if the requirements for continued eligibility are fulfilled within 90 days following the last date of coverage.

b) Investigations

1) Eligibility may be reviewed based on information known, reported or discovered or failure to meet any requirements of this Part.

2) If eligibility is reviewed, supplemental information, including interviews, may be requested by DSCC to determine continued eligibility.

3) The LRA shall submit the supplemental information no later than 45 days after the dated DSCC written notice or the date specified in the DSCC written notice, whichever is later. The requirements of this subsection (b)(3) may be waived for good cause shown.

4) Failure to submit the supplemental information within the required time frame may adversely impact eligibility for DSCC Program benefits.

5) DSCC shall advise the LRA of any adverse eligibility determinations made pursuant to this subsection (b) in accordance with the Notice of Determination requirements of Section 1200.180.

c) Reapplication
Nothing in this Section shall prevent an LRA from reapplying for DSCC Program benefits at any time.

Section 1200.170 DSCC Program Benefits After Loss of Eligibility

a) DSCC may provide care coordination services and financial assistance beyond the recipient child's eligibility ending date when necessary to complete a treatment plan developed before that time, for purposes of continuity of care, if cessation of treatment would cause an immediate threat to or damage the life or good health of the recipient child or would negate gains resulting from previous habilitative or rehabilitative efforts.

b) The determination in this Section shall be made in the sole discretion of the Director or designee.

c) In no event shall the extension continue more than six months beyond the medical eligibility ending date of the recipient child.

d) Diagnostic services shall not be an available benefit under this Section.

Section 1200.180 Notice of Determination and Communication Standards

a) Notice of Determination

1) Applicant Children
Unless the emergent nature of the applicant child's condition requires a decision in a more timely fashion, as determined in the sole discretion of the Director or designee, the Division shall send a written Notice of Determination notifying the LRA of the eligibility status of the applicant child within 30 days after the receipt of a completed application. If the Notice of Determination involves an adverse eligibility determination, the notice shall specifically state the reasons and contain an explanation of the LRA's right to appeal under to Section 1200.190.

2) Recipient Children
DSCC shall send a Notice of Determination informing the LRA of any action DSCC intends to take that adversely affects eligibility of a recipient child. The Notice of Determination shall specifically state the effective date and reasons for the proposed action, shall be sent at least 30 days prior to the effective date of the proposed action, and shall contain an explanation of the LRA's right to appeal under to Section 1200.190.

b) Communication Standards

1) In the sole discretion of DSCC, DSCC may deliver the Notice of Determination and any other communication in person, via mail (U.S. Postal Services or private carrier) to the last known address of the LRA, or electronically to the last known email or other electronic address of the LRA.

2) DSCC may use electronic means to communicate only if the individual to whom the Notice of Determination, request, or communication would be sent has agreed to receive written notices electronically.

Section 1200.190 Appeal Process

a) General
The appeal processes set forth in this Section shall be informal in nature and not subject to the Administrative Review Law [735 ILCS 5/Art. III].

b) Right to Meeting

1) The LRA, or the designated representative, has a right to a meeting with DSCC with respect to any adverse eligibility determinations set forth in a Notice of Determination issued pursuant to Section 1200.180.

2) The request must be made in writing and must identify the decision being questioned.

3) The request must be made within 30 days after receipt of the Notice of Determination.

4) DSCC shall contact the LRA, or the designated representative, within 10 days after receipt of the request, to schedule a meeting date, time and place.

5) Within 10 days after the meeting, DSCC shall notify the LRA or the designated representative of the result of the meeting, the specific reasons for the decision, and any applicable effective dates of the decision (see Section 1200.180). For adverse eligibility determinations, the notice shall also contain an explanation of the LRA's right to a conference pursuant to subsection (c).

6) The Director shall not take part in this meeting or the resulting decision.

7) Unless the meeting decision is appealed pursuant to subsection (c), the meeting decision is final.

c) Right to Conference

1) The LRA, or designated representative, has a right to appeal the subsection (b) meeting decision to the Director or designee in a conference with the Director or designee.

2) The request for a conference must be made in writing and must identify the specific meeting decision being appealed.

3) The request must be made within 30 days after receipt of the subsection (b) meeting decision.

4) DSCC shall contact the LRA or designated representative, within 10 days after receipt of the request, to schedule a conference date, time and place.

5) The Director or designee shall consider the subsection (b) meeting decision, any written material presented at the subsection (b) meeting, any evidence presented at the conference, and any other information the Director or designee obtains through a third party report or investigation of the issues raised by the appeal.

6) Within 10 days after the appeal conference, DSCC shall notify the LRA of the result of the appeal conference, the specific reasons for the decision, and any applicable effective dates of the decision (see Section 1200.180). For adverse eligibility determinations, the notice shall also contain an explanation that the decision is final and cannot be appealed.

7) The conference decision rendered by the Director or designee is final.

d) DSCC may deny or dismiss a meeting or conference if:

1) The LRA or designated representative withdraws the request for the meeting or appeal conference in writing; or

2) The LRA or designated representative fails without good cause shown to appear at the scheduled meeting or conference.

Section 1200.200 Appeal: Procedural Rights, Available Benefits, and Effective Dates of Appeal Decision

THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF ADOPTED RULES

a) Procedural Rights at Appeals Meeting and Conference
The LRA or the designated representative has the following rights:

1) The right at any time to inspect and copy the contents of the applicant or recipient child's case file and any other documents used by DSCC in making its determination or proposing its action;

2) The right to appear on his or her own behalf, to be advised, or to be accompanied by a relative, friend, lawyer or advocate;

3) The right to present relevant information, witnesses and evidence in any form; and

4) The right to ask questions of DSCC staff present.

b) Benefits While Awaiting Appeal Decisions

1) Applicant Children
An LRA whose application for care coordination services or financial assistance is denied may appeal the denial but shall not receive any financial assistance, diagnostic services, or care coordination services on behalf of the applicant child while awaiting the final decision.

2) Recipient Children

A) Care Coordination Services

i) If an appeal is initiated for care coordination services in accordance with Section 1200.190, the care coordination services shall continue, pending the final decision of the appeals process, unless the LRA or designated representative specifically requests that care coordination services not be continued.

ii) Diagnostic services shall not be an available benefit.

B) Financial Assistance

THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF ADOPTED RULES

i) If an appeal for financial assistance is initiated in accordance with Section 1200.190, DSCC payment shall be stayed pending the final decision of the appeal process.

ii) If the recipient child is also receiving care coordination services, the care coordination services will not be affected.

c) Effective Dates of DSCC Decisions

1) Care Coordination Services

A) Applicant Children
Care coordination services determined appropriate as a result of an appeal shall be effective as of the date of the final decision of the appeal process.

B) Recipient Children
Care coordination services determined inappropriate as a result of an appeal shall be discontinued as of the date of the final decision of the appeal process.

2) Financial Assistance

A) Applicant Children
Financial assistance determined appropriate as a result of an appeal shall be effective from the date of the completed application.

B) Recipient Children
Financial assistance determined appropriate as a result of an appeal of a specific covered support and service shall be rendered as soon as practicably possible from the date of the final decision of the appeal process.

3) No Appeal
If an LRA does not initiate an appeal, the effective date shall be the date stated in the Notice of Determination issued under Section 1200.180.

JOINT COMMITTEE ON ADMINISTRATIVE RULES

MICHAEL A. BILANDIC BUILDING
ROOM C600
CHICAGO, ILLINOIS
August 14, 2018
11:00 A.M.

NOTICE: It is the policy of the Committee to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

Joint Committee on Administrative Rules
700 Stratton Office Building
Springfield, Illinois 62706

RULEMAKINGS SCHEDULED FOR JCAR REVIEW

The following rulemakings are scheduled for review at this meeting. JCAR staff may be proposing action with respect to some of these rulemakings. JCAR members may have questions concerning, and may initiate action with respect to, any item scheduled for JCAR review and any other issues within the Committee's purview.

PROPOSED RULEMAKINGS

Central Management Services

1. Pay Plan (80 Ill. Adm. Code 310)
   -First Notice Published: 42 Ill. Reg. 8991 – 6/8/18
   -Expiration of Second Notice: 9/6/18

Financial and Professional Regulation

2. Savings Bank Act (38 Ill. Adm. Code 1075)
   -First Notice Published: 42 Ill. Reg. 8102 – 5/18/18
   -Expiration of Second Notice: 8/22/18

3. Acupuncture Practice Act (68 Ill. Adm. Code 1140)
   -First Notice Published: 42 Ill. Reg. 8683 – 6/1/18
   -Expiration of Second Notice: 9/5/18

Healthcare and Family Services

4. Specialized Health Care Delivery Systems (89 Ill. Adm. Code 146)
-First Notice Published: 41 Ill. Reg. 11868 – 9/29/17
-Expiration of Second Notice: 8/18/18

Human Rights

5. Procedures of the Department of Human Rights (56 Ill. Adm. Code 2520)
-First Notice Published: 42 Ill. Reg. 8725 – 6/1/18
-Expiration of Second Notice: 9/12/18

Natural Resources

6. Duck, Goose and Coot Hunting (17 Ill. Adm. Code 590)
-First Notice Published: 42 Ill. Reg. 4286 – 3/9/18
-Expiration of Second Notice: 9/6/18

Public Health

7. Community-Based Residential Rehabilitation Center Demonstration Program Code (77 Ill. Adm. Code 220)
-First Notice Published: 42 Ill. Reg. 7655 – 4/27/18
-Expiration of Second Notice: 8/31/18

Revenue

8. Income Tax (86 Ill. Adm. Code 100)
-First Notice Published: 42 Ill. Reg. 8144 – 5/18/18
-Expiration of Second Notice: 9/8/18

9. Income Tax (86 Ill. Adm. Code 100)
-First Notice Published: 42 Ill. Reg. 8387 – 5/25/18
-Expiration of Second Notice: 8/24/18

10. Income Tax (86 Ill. Adm. Code 100)
-First Notice Published: 42 Ill. Reg. 8737 – 6/1/18
-Expiration of Second Notice: 9/8/18

Secretary of State

11. Procedures and Standards (92 Ill. Adm. Code 1001)
-First Notice Published: 42 Ill. Reg. 5785 – 3/30/18
-Expiration of Second Notice: 8/24/18

12. Illinois Safety Responsibility Law (92 Ill. Adm. Code 1070)
-First Notice Published: 42 Ill. Reg. 6601 – 4/13/18
-Expiration of Second Notice: 8/22/18

State Board of Investment

13. Rules and Regulations of the Board (74 Ill. Adm. Code 800)
-First Notice Published: 42 Ill. Reg. 6630 – 4/13/18
-Expiration of Second Notice: 8/16/18

14. State (of Illinois) Employees' Deferred Compensation Plan (80 Ill. Adm. Code 2700)
-First Notice Published: 42 Ill. Reg. 6647 – 4/13/18
-Expiration of Second Notice: 8/16/18

EMERGENCY RULEMAKINGS

Healthcare and Family Services

15. Medical Payment (89 Ill. Adm. Code 140)
-Notice Published: 42 Ill. Reg. 13688 – 7/13/18

16. Specialized Health Care Delivery Systems (89 Ill. Adm. Code 146)
-Notice Published: 42 Ill. Reg. 13733 – 7/13/18

17. Hospital Services (89 Ill. Adm. Code 148)
-Notice Published: 42 Ill. Reg. 13740 – 7/13/18

18. Diagnosis Related Grouping (DRG) Prospective Payment System (PPS) (89 Ill. Adm. Code 149)
-Notice Published: 42 Ill. Reg. 13876 – 7/13/18

19. Hospital Reimbursement Changes (89 Ill. Adm. Code 152)
-Notice Published: 42 Ill. Reg. 13890 – 7/13/18

Human Services

20. Child Care (89 Ill. Adm. Code 50)

-Notice Published: 42 Ill. Reg. 13898 – 7/13/18

EXEMPT RULEMAKING

Pollution Control Board

21. Sewage Discharge Criteria (35 Ill. Adm. Code 307)
-First Notice Published: 42 Ill. Reg. 4701 – 3/16/18

AGENCY RESPONSE

Human Services

22. Alcoholism Substance Abuse Treatment and Intervention Licenses (77 Ill. Adm. Code 2060)
-First Notice Published: 41 Ill. Reg. 14878 – 12/8/17
-Response: Agreement

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received during the period of July 24, 2018 through July 30 2018. The rulemakings are scheduled for the August 14, 2018 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
9/5/18	Department of Financial and Professional Regulation, Acupuncture Practice Act (68 Ill. Adm. Code 1140)	6/1/18 42 Ill. Reg. 8683	8/14/18
9/6/18	Department of Natural Resources, Duck, Goose and Coot Hunting (17 Ill. Adm. Code 590)	3/9/18 42 Ill. Reg. 4286	8/14/18
9/6/18	Department of Central Management Services, Pay Plan (80 Ill. Adm. Code 310)	6/8/18 42 Ill. Reg. 8991	8/14/18
9/8/18	Department of Revenue, Income Tax (86 Ill. Adm. Code 100)	5/18/18 42 Ill. Reg. 8144	8/14/18
9/8/18	Department of Revenue, Income Tax (86 Ill. Adm. Code 100)	6/1/18 42 Ill. Reg. 8737	8/14/18
9/12/18	Department of Human Rights, Procedures of the Department of Human Rights (56 Ill. Adm. Code 2520)	6/1/18 42 Ill. Reg. 8725	8/14/18

PROCLAMATIONS

2018-142
Summer Learning Day

WHEREAS, Summer Learning Day is a day to reflect on the importance of keeping youth learning, safe, and healthy every summer, ensuring they return to school in the fall ready to succeed in the year ahead ; and,

WHEREAS, summer learning loss is a significant contributor to the achievement gap—a gap which remains constant during the nine months of the school year but widens during the summer months; and,

WHEREAS, summer learning programs are proven to support students' academic advancement and social grown while keeping children and youth safe, active, and healthy during the summer months. Additionally, summer youth employment programs engage older youth providing them opportunities to explore career interest and develop other skills ; and,

WHEREAS, a wide array of public agencies, community-based organizations, schools, libraries, museums, recreation centers, camps, and businesses across our state contribute to the well-being of youth through summer programming ; and,

WHEREAS, summer learning is a critical component of our collective effort to ensure all Illinois youth graduate from high school equipped for the workforce and postsecondary school;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim July 12, 2018 as **SUMMER LEARNING DAY** in Illinois.

Issued by the Governor June 14, 2018
Filed by the Secretary of State July 27, 2018

2018-143
Illinois Speed Awareness Day

WHEREAS, safe driving and public awareness of the dangers associated with speeding will result in fewer traffic crashes, fewer injuries, and fewer fatalities; and,

WHEREAS, the total number of crashes in Illinois involving motor vehicles in 2016 was 324,274; and,

WHEREAS, there were 92,957 persons injured, 1,078 persons killed in Illinois motor vehicles crashes in 2016; and approximately 1,098 killed in 2017; and,

WHEREAS, speeding accounted for 32.2 percent of the overall crashes, 37.8 percent of the injury crashes and 34.2 percent of the fatal crashes in Illinois in 2016; and,

WHEREAS, the total estimated cost of crashes in Illinois for 2016 was $7.7 billion; and,

WHEREAS, the Illinois Association of Chiefs of Police (ILACP), partnered with Families Against Chronic Excessive Speed 4 (FACES4) and supported by the American Automobile Association, Illinois State Police, Illinois State Toll Highway Authority, Illinois Department of Transportation, Illinois Sheriff's Association, Illinois Truck Enforcement Association, Illinois High School and College Driver's Education Association, and Illinois' local, county, and state law enforcement agencies and first responders commit to partnering together in an effort to reduce vehicle crashes resulting in injuries and fatalities, by educating Illinois' motorists on the aspects of speed awareness, through enforcement and education of applicable state laws and by supporting Illinois Speed Awareness Day; and,

WHEREAS, the ILACP continues to develop partnerships designed to create a strong, supportive traffic safety culture throughout Illinois to reduce the number of speed related crashes;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim July 25th, 2018 as **ILLINOIS SPEED AWARENESS DAY**, and encourage all citizens to recognize the importance of speed awareness and to drive safely.

Issued by the Governor June 15, 2018
Filed by the Secretary of State July 27, 2018

2018-144
Kathy Brock Day

WHEREAS, veteran journalist Kathy Brock will retire from ABC 7 in Chicago on Wednesday, June 27, 2018, following a career spanning more than three decades; and,

WHEREAS, originally from Pasco, Washington, Kathy earned her bachelor's degree in journalism from Washington State University; and,

WHEREAS, before joining ABC 7, Kathy spent eight years as an anchor/reporter at KUTV-TV in Salt Lake City, Utah; KBCI-TV in Boise, Idaho; KEPR-TV in Pasco, Washington; and KWSU-TV in Pullman, Washington; and,

WHEREAS, Kathy joined WLS-TV ABC 7 Chicago in September 1990 as co-anchor of ABC 7 News This Morning and as a general assignment reporter for the station's daily newscasts; in

1993, Kathy was promoted to co-anchor of the 6PM newscast, and then to co-anchor of the 10PM newscast in 2003; and,

WHEREAS, Kathy's work has been recognized with nearly a dozen Chicago and Regional Emmy Awards, as well as two prestigious national awards, the Edward R. Murrow Award, given by the Radio-Television News Directors Association (RTNDA); and the IRIS Award from the National Association of Television Program Executives (NATPE). She was also named to Washington State University's Alumni Hall of Achievement; and,

WHEREAS, Kathy has been involved in several Chicago philanthropic endeavors throughout her career, including the Anti-Defamation League; Deborah's Place, a transition facility for abused women; the MS Society of Greater Illinois; and served on the board of directors for the Goodman Theatre and the Erikson Institute, a graduate school in childhood development; and,

WHEREAS, following her retirement from ABC 7, Kathy says she plans to explore other passions and "see what life's like off the night shift;"

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim Wednesday, June 27, 2018, as **KATHY BROCK DAY** in Illinois in honor and recognition of Kathy's many years of dedicated service to the people of Chicago and Illinois.

Issued by the Governor June 15, 2018
Filed by the Secretary of State July 27, 2018

2018-145
Breastfeeding Promotion Month

WHEREAS, exclusive breastfeeding is the foundation for life-long health and wellness; and,

WHEREAS, exclusive breastfeeding is recommended and supported by the American Academy of Pediatrics and many other health organizations, as providing benefits that are not received by partially breastfed infants; and,

WHEREAS, infants and young children receiving human milk are protected against serious long-term health conditions including obesity, respiratory and ear infections, asthma, allergies, diarrhea, childhood cancers, Sudden Infant Death Syndrome, and less than optimal brain development; and,

WHEREAS, breastfeeding women have reduced incidence of ovarian and breast cancers, diabetes, and cardiovascular disease; and,

WHEREAS, breastfeeding promotes strong family bonds while providing economical and societal benefits through lowering health care costs; and,

WHEREAS, establishing donor human milk banks ensures all infants have access to breast milk; and,

WHEREAS, in the event of a disaster depriving people of food, shelter, and resources needed to survive, breastfeeding is the first line of defense for safe infant feeding; and,

WHEREAS, a united effort is needed from business, communities, governmental leaders, and health care providers to support exclusive breastfeeding; and,

WHEREAS, hospitals pursue baby friendly designation while health care providers support the ten steps to successful breastfeeding;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim August 2018 as **BREASTFEEDING PROMOTION MONTH** in Illinois to uphold a mother's decision for a healthy beginning for her child and to encourage our Illinois employers and businesses to support the needs of breastfeeding mothers

Issued by the Governor June 19, 2018
Filed by the Secretary of State July 27, 2018

2018-146
First Responder Appreciation Day

WHEREAS, individuals, both career and volunteer, from police, fire, emergency medical services, search and rescue, dive, and other organizations in the public safety sector come together as first responders to protect and aid the public in the event of an emergency; and,

WHEREAS, every day, first responders risk their own safety and personal property in the performance of their duties to protect our citizens; and,

WHEREAS, first responders are our first and best defense against all emergencies that may threaten our communities, whatever their nature; and,

WHEREAS, first responders are ready to aid the people of Illinois 24 hours a day, seven days a week; and,

WHEREAS, first responders are a vital part of every Illinois community, maintaining safety and order in times of crisis, and volunteering in our towns and schools; and,

WHEREAS, first responders are highly trained, specialized workers who contribute their excellent skills for the public good and often for no pay; and,

WHEREAS, there are more than 120,000 volunteer and professional first responders in Illinois;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim September 27, 2018, as **FIRST RESPONDER APPRECIATION DAY** in Illinois, and salute all first responders who give their service to our state

Issued by the Governor June 19, 2018
Filed by the Secretary of State July 27, 2018

2018-147
Chiropractic Health Care Month

WHEREAS, every year, more than 30 million Americans throughout the country, including two million in Illinois, visit chiropractic physicians who locate and help correct joint and spinal problems; and,

WHEREAS, chiropractic physicians have long stressed that exercise, good posture, and balanced nutrition are essentials to proper growth, development, and health maintenance; and,

WHEREAS, Illinois chiropractic physicians are dedicated to protecting and promoting patient rights, the practice of chiropractic medicine, and fostering the growth of chiropractic through ongoing training and a commitment to safe and ethical practice; and,

WHEREAS, chiropractic is a safe, conservative approach to pain relief and wellness, and it is the most popular form of natural healthcare in the world; and,

WHEREAS, the science of chiropractic and the physicians who practice it contribute greatly to the health and wellbeing of the people of Illinois;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim October 2018 as **CHIROPRACTIC HEALTH CARE MONTH** in Illinois to raise awareness about chiropractic care

Issued by the Governor June 26, 2018
Filed by the Secretary of State July 27, 2018

2018-148

PROCLAMATIONS

Muscular Dystrophy Awareness and "Light It Up Green For MD" Month

WHEREAS, muscular dystrophy is not a single disease or disorder that effects everyone the same way, but is an umbrella term covering more than 52 different types of muscular and neuromuscular diseases ranging in severity; and,

WHEREAS, all muscular dystrophies result in progressive muscle weakness, from mild muscle weakness to complete paralysis of all voluntary muscles, including those used for breathing and/or swallowing; and,

WHEREAS, muscular dystrophy strikes people regardless of race, sex, age, or ethnicity; and,

WHEREAS, in the fight to cure neuro-muscular disease, research has recently yielded new drugs to treat four types of muscular diseases including: Muscular Diseases Duchenne, Spinal Muscular Atrophy, Myasthenia Gravis and Lou Gehrig's – ALS; and,

WHEREAS, raising public awareness of these diseases will continue to facilitate the discovery of treatments and cures, as well as bring much needed funding to support services affected by muscular and neuromuscular diseases; and,

WHEREAS, Muscular Dystrophy Awareness Month and "Light it Up Green for MD" Month is a special opportunity to educate the public about muscular dystrophy and issues in the muscular dystrophy community;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim August 2018 as **MUSCULAR DYSTROPHY AWARENESS AND "LIGHT IT UP GREEN FOR MD" MONTH** in Illinois, to increase knowledge of muscular dystrophy and allow the community at large to better support those who struggle with the challenges of this disorder.

Issued by the Governor June 26, 2018
Filed by the Secretary of State July 27, 2018

2018-149
Blood Drive Coordinator Month

WHEREAS, patients in Illinois hospitals require a year-round supply of donated blood; and,

WHEREAS, blood centers rely entirely on donations from volunteer donors in order to maintain a safe and viable blood supply; and,

WHEREAS, a single trauma patient can use more than 100 units of blood; and,

WHEREAS, donated blood only has a shelf life of 42 days; and,

WHEREAS, blood centers rely heavily on blood donated on their premises and at blood drives organized throughout their communities by volunteers; and,

WHEREAS, though there are many honors for donors, volunteer blood drive coordinators are often the "unsung heroes" who are responsible for hundreds of donations and are invaluable to the blood centers; and,

WHEREAS, blood drive coordinators play a vital role in educating the public on the importance of blood donation; and,

WHEREAS, many blood drive coordinators are responsible for the recruitment of first-time blood donors, many of whom become regular donors over the course of their lifetimes; and,

WHEREAS, the State of Illinois recognizes the importance of blood donation through the Blood Donation Act, the Employee Blood Donation Leave Act, and the Organ Donor Act; and,

WHEREAS, the Illinois Coalition of Community Blood Centers presents annual awards throughout the state to individuals who have made a major impact in their communities through their blood drive collection efforts;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim July 2018 as **BLOOD DRIVE COORDINATOR MONTH** in Illinois,and encourage Illinoisans to consider volunteering to coordinate a blood drive in their community, as well as encourage blood centers, units of local government, civic organizations, businesses, and others to honor volunteers in their community who coordinate local blood drives.

Issued by the Governor June 27, 2018
Filed by the Secretary of State July 27, 2018

2018-150
Great Flood of 1993

WHEREAS, 25 years ago on July 4, 1993 Governor Jim Edgar called Adjutant General Donald Lynn to mobilize the Illinois National Guard for what would become the largest state active duty in Illinois' 200 year history to support the effort to battle flooding along the Mississippi and Illinois rivers ; and,

PROCLAMATIONS

WHEREAS, the response escalated as the flood waters rose across the state and the Illinois National Guard brought more than 7,600 men and women on to state active duty over a four month period ; and,

WHEREAS, while 23,182 homes were destroyed and 3,509 businesses were destroyed by the flood, not one life lost in the state; and,

WHEREAS, everyday life for many Illinoisans came to a grinding halt as 66 schools, 1,191 miles of road, 12 bridges, and 150 miles of railroad track were damaged ; and,

WHEREAS, the Illinois National Guard supported Illinois' first responders with security, patrolling, levee maintenance, sandbagging, search and rescue, water distribution, ground transportation, aviation, and medical aid ;and,

WHEREAS, a shining example of cooperation between all levels of government and the citizenry of Illinois faced the fury of nature and ultimately prevailed; and,

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby commemorate July 4, 2018, the 25th anniversary of the Great Flood of 1993.

Issued by the Governor June 27, 2018
Filed by the Secretary of State July 27, 2018

2018-151
Helping Citizens with Intellectual Disabilities Days

WHEREAS, an intellectual disability is defined as a disorder caused by cerebral palsy, epilepsy, autism, or any other condition which results in impairment of, or lack of, normal development of intellectual capacities; and,

WHEREAS, intellectual disabilities originate before the age of 18, and generally continue indefinitely; and,

WHEREAS, approximately 1.5 percent of the United States population is afflicted with an intellectual disability; and,

WHEREAS, due to the early onset and debilitating nature of these disorders, many more children are affected than adults; and,

PROCLAMATIONS

WHEREAS, one of the main purposes of the Knights of Columbus, a fraternal order with 1.8 million members around the world, is to support various charitable causes that seek to make our families and communities stronger; and,

WHEREAS, the Knights of Columbus has donated more than $1.3 billion, and volunteered more than 640 million hours of service in the past decade; and,

WHEREAS, the Illinois State Council of the Knights of Columbus will hold its 49th Annual Fund Drive on September 21-23, 2018, to benefit programs that serve individuals with intellectual disabilities, distributing proceeds to more than 1,200 service organizations throughout Illinois;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim September 21-23, 2018, as **HELPING CITIZENS WITH INTELLECTUAL DISABILITIES DAYS** in Illinois, in support of the worthy efforts of the Illinois State Council of the Knights of Columbus, and encourage all citizens to assist those who are affected by intellectual disabilities

Issued by the Governor July 2, 2018
Filed by the Secretary of State July 27, 2018

2018-152
Manufacturing Month

WHEREAS, manufacturing in Illinois has been the historical bedrock of the state's economy for nearly two centuries; and,

WHEREAS, nearly 19,544 manufacturing firms call Illinois home and provide employment for more than 578,187 workers; and,

WHEREAS, Illinois manufacturers face a graying of the workforce, as more than 25,000 "Baby-Boom" era workers will retire each and every year between now and 2027; and,

WHEREAS, a strategic approach to creating high quality, skilled workers available to replace retiring workers does not exist everywhere in Illinois; and,

WHEREAS, modern advanced manufacturing relies on clean, well-lit, and climate controlled environments; provides competitive benefits to every employee including healthcare and retirement plans; and thereby makes manufacturing a worthwhile career choice for all Illinoisans; and,

WHEREAS, specific public events designed to expand general knowledge about the innumerable contributions manufacturing makes to our common good would bring significant change to the public perception of manufacturing in our state;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim October 2018 as **MANUFACTURING MONTH** in Illinois to encourage local collaborative efforts be designed to expand knowledge about and improve general public perception of manufacturing careers and manufacturing's value to the Illinois economy, and urge all school districts, community colleges, and manufacturers in Illinois to invest time and resources to celebrate the contributions manufacturers make to the fabric of our state's communities and assure continued success of local events highlighting Manufacturing Month in Illinois.

Issued by the Governor July 5, 2018
Filed by the Secretary of State July 27, 2018

2018-153
Concrete Pipe Week

WHEREAS, reinforced concrete pipe and precast concrete products are of vital importance to sustainable communities and to the health, safety, and well-being of the people of Illinois; and,

WHEREAS, reinforced concrete pipes and precast concrete products and services could not be provided without the dedicated efforts of the concrete pipe and precast industry manufacturers, professionals, engineers, managers, and employees; and,

WHEREAS, these individuals design, manufacture, distribute, educate, and supply precast concrete pipe to public and private owners who build, design, and maintain our transportation infrastructure, water supply, water treatment systems, solid waste systems, and other structures and facilities essential to serve our citizens; and,

WHEREAS, it is in the public interest for citizens, civic leaders, and children in Illinois to learn about the importance of the reinforced concrete pipe and precast industry in their communities; and,

WHEREAS, 2018 marks the 111th year of the American Concrete Pipe Association and the third year of National Concrete Pipe Week sponsored by the American Concrete Pipe Association;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim August 19-25, 2018, as **CONCRETE PIPE WEEK** in Illinois and urge all citizens to join with representatives of the Illinois Concrete Pipe Association in activities and ceremonies designed to pay tribute to our concrete pipe and precast industry manufactures, professionals, engineers,

managers, and employees, and to recognize the substantial contributions they make to our national health, safety, welfare, and quality of life.

Issued by the Governor July 6, 2018
Filed by the Secretary of State July 27, 2018

2018-154
Transition-Age Youth With Disabilities Career Development Day

WHEREAS, transition-age youth who have disabilities and their advocates in Illinois face challenges to their goals of finding competitive, integrated employment with opportunities for advancement; and,

WHEREAS, a 42% employment gap exists between Illinois residents who have disabilities and non-disabled residents; and,

WHEREAS, nationally, 28% of people who have disabilities live in poverty compared to 13% of non-disabled people; and,

WHEREAS, exposure to work-based learning experiences during transitional years is the number one indicator of successful employment during adulthood; and,

WHEREAS, evidence based and promising practices like Individual Placement and Supports (IPS), Project SEARCH, and customized employment exist in Illinois to help young adults reach their employment goals;

WHEREAS, the opportunity to participate and advance in competitive, integrated work linked to a field of interest is an essential component of person-centered planning and self-determination; and,

WHEREAS, competitive, integrated employment is recognized as a social determinant of health that contributes to financial security; and,

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim July 24, 2018 as **TRANSITION-AGE YOUTH WITH DISABILITIES CAREER DEVELOPMENT** DAY in Illinois, and urge all Illinoisans to recognize that young adults who have disabilities can succeed in competitive, integrated employment with individualized supports.

Issued by the Governor July 11, 2018
Filed by the Secretary of State July 27, 2018

PROCLAMATIONS

2018-155
Korean War Veterans Armistice Day

WHEREAS, as we observe the 65th anniversary of the Korean War Armistice, we reflect with reverence upon the valor of a generation that served with honor, strength, and resilience, whose spirit serves as an inspirational story of freedom's cause; and,

WHEREAS, the quote "Freedom is Not Free," displayed at the Pool of Remembrance at the Korean War Memorial, is a touching tribute to the legacy of the Korean War veterans who left their families to serve bravely and answer the call to defend a country they had never known and a people they had never met; and,

WHEREAS, the Korean War veterans fought with unwavering determination and uncommon courage on the world's harshest terrain, through the scorching heat of summer, the heavy rains, mud and muck, and the numbing cold of winter; and,

WHEREAS, the sacrifices and courage of the Korean War veterans led to the development of the Republic of Korea from occupation and ruin to one of the world's most vibrant democracies, one that still serves as a shining beacon of freedom and opportunity; and,

WHEREAS, all citizens of Illinois will strive to live up to the example of the Korean War veterans by showing them, their families, and all servicemen and women the fullest respect and support of a grateful state and nation;

WHEREAS, 2018 marks the Illinois Bicentennial, which honors the legacy, sacrifice, and service of the men and women who fought in the name of freedom and democracy for all;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim July 27, 2018, as **KOREAN WAR VETERANS ARMISTICE DAY** in Illinois and call upon Illinoisans to honor our distinguished Korean War Veterans.

Issued by the Governor July 13, 2018
Filed by the Secretary of State July 27, 2018

2018-156
Malaysian Independence Day

WHEREAS, the Midwest Malaysian Network will celebrate Malaysian Independence Day with a flag raising ceremony at Daley Plaza in Chicago; and,

WHEREAS, the people of Illinois who hail from Malaysia, or with ancestral ties to Malaysia, continually demonstrate the greatness and beauty of Malaysia, and their contributions reflect success in reaching the American Dream; and,

WHEREAS, Malaysian Americans have made valuable contributions to the history and growth of the United States and have set high standards of achievement in a variety of disciplines including business, medicine, government, nonprofits, education, law, science, technology, and the arts; and,

WHEREAS, Malaysian Americans uphold the founding principles of Illinois; our state is proud to recognize the leadership and contributions of Malaysian Americans throughout our history, inspiring the next generation of American innovation by example; and,

WHEREAS, 2018 marks the Illinois Bicentennial which reminds us all that, every day in Illinois, amazing things are born, build, and grown; our 200th birthday will honor the many ways that Malaysian Americans have influenced American history, achievement, culture, innovation and more; and,

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim August 31, 2018, as **MALAYSIAN INDEPENDENCE DAY** in Illinois, and join all Malaysian Americans in celebration of this very special day.

Issued by the Governor July 25, 2018
Filed by the Secretary of State July 27, 2018

2018-157
National Health Center Week

WHEREAS, for more than 50 years, community health centers have provided high quality, cost effective, and accessible primary and preventative care to all individuals, regardless of insurance status or ability to pay; and,

WHEREAS, health centers serve as the health care home for more than 27 million Americans through more than 10,000 delivery sites across the nation; one in every 12 people living in the United States depends on their services; and,

WHEREAS, health centers are a critical element of the health system, serving both rural and urban populations, and often providing the only accessible and dependable source of primary care in their communities; nationwide, health centers serve one in every six residents of rural areas; and,

PROCLAMATIONS

WHEREAS, health centers are developing new approaches to integrating a wide range of services beyond primary care – including oral health, vision, behavioral health, and pharmacy services – to meet the needs and challenges of their community; and,

WHEREAS, health centers nationally employ nearly 200,000 people, including physicians, nurse practitioners, physician assistants, and certified nurse midwives who work as part of multi-disciplinary clinical teams designed to treat the whole patient; and,

WHEREAS, the health center model continues to prove an effective means of overcoming barriers to access including geography, income, and insurance status, and in doing so, improves health care outcomes and reduces health care system costs by managing chronic conditions and keeping patients out of costlier health care settings, like hospital emergency rooms; and,

WHEREAS, health centers are on the front lines of major health care crises that our country faces, including providing access to care for our nation's veterans, addressing the opioid epidemic, and responding to public health threats like the Zika virus; and,

WHEREAS, the demand for health centers continues to outpace growth, and expansion of health center programs will be essential to meet the needs of new patients, as existing health centers are already at capacity and many communities lack any primary care services at all; and,

WHEREAS, health centers remain committed to preserving and expanding access in the communities they serve, ensuring that the promise of coverage is translated into the reality of care; and,

WHEREAS, National Health Center Week offers the opportunity to recognize America's health centers, their dedicated staff, board members, and all those responsible for their continued success and growth since the first health centers opened their doors more than 50 years ago. During this National Health Center Week, we celebrate the legacy of America's health centers and their vital role in shaping the future of America's health care system;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim August 12-18, 2018, as **NATIONAL HEALTH CENTER WEEK** in Illinois, and encourage everyone to visit their local health center and celebrate the important partnership between America's health centers and the communities they serve.

Issued by the Governor July 25, 2018
Filed by the Secretary of State July 27, 2018

2018-158
Payroll Week

WHEREAS, the American Payroll Association and its more than 20,000 members have launched a nationwide public awareness campaign that pays tribute to the more than 150 million people who work in the United States; and,

WHEREAS, this awareness campaign is designed to help workers in America better understand issues related to our payroll and tax systems, as well as educate payroll professionals and employers about important payroll-related regulatory and compliance issues; and,

WHEREAS, payroll professionals in Illinois play a key role in maintaining our state's economic health, carrying out such diverse tasks as paying into the unemployment insurance system; providing information for child support enforcement; and carrying out tax withholding, reporting, and depositing; and,

WHEREAS, payroll departments nationwide spend more than $2.2 trillion annually complying with myriad federal, state, and local wage tax laws; and,

WHEREAS, these funds go toward supporting important civic projects, including roads, schools, and parks in communities across Illinois; and,

WHEREAS, payroll professionals have become increasingly proactive in educating both the business community and the public at large about the payroll tax withholding systems; and

WHEREAS, these dedicated professionals continually strive to meet the highest standards toward improving compliance with government procedures, reducing costs, and improving the overall payroll process in Illinois;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim September 3–7, 2018, as **PAYROLL WEEK** in Illinois, and urge all citizens to reflect on the important work done by payroll professionals throughout our great state.

Issued by the Governor July 25, 2018
Filed by the Secretary of State July 27, 2018

2018-159
Stevens-Johnson Syndrome Awareness Month

WHEREAS, Stevens-Johnson syndrome (SJS) and toxic epidermal necrolysis are severe adverse reactions to medication; and,

WHEREAS, almost any medication, including over-the-counter drugs, can cause SJS; and,

WHEREAS, SJS affects people of all ages and a large amount of its victims are children; and,

WHEREAS, according to the New England Journal of Medicine, 2 million people fall ill and are hospitalized every year from taking these recommended drugs and, of these 2 million, more than 140,000 are never released; and,

WHEREAS, recognizing the early symptoms of SJS and prompt medical attention are the most important tools in minimizing the possible long-term effects SJS may have on its victims; and,

WHEREAS, the health and safety of our citizens is of utmost importance and the State of Illinois is committed to raising awareness and supporting all efforts to minimize the effects of life-threatening diseases such as SJS;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim August 2018 as **STEVENS-JOHNSON SYNDROME AWARENESS MONTH** in Illinois.

Issued by the Governor July 25, 2018
Filed by the Secretary of State July 27, 2018

2018-160
American Wind Week

WHEREAS, Illinois hosts 4,332 megawatts of wind energy, ranking 6th in the nation and producing enough electricity from wind to power 1,050,000 average homes; and,

WHEREAS, Illinois is home to 27 large wind projects and 33 wind-energy related manufacturing facilities; and,

WHEREAS, the wind industry has invested over $8.9 billion dollars of private capital in wind generation projects, manufacturing plants, and supply chain operations; and,

WHEREAS, Illinois landowners receive $10-15 million dollars in annual land lease payments; and,

WHEREAS, approximately 6,000 men and women in our state are directly employed by wind energy;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim August 5-11, 2018, as **AMERICAN WIND WEEK** in Illinois and call upon Illinoisans to learn about and celebrate wind energy.

PROCLAMATIONS

Issued by the Governor July 27, 2018
Filed by the Secretary of State July 27, 2018

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 42, Issue 32 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

PROPOSED RULES

35 - 303		14468
35 - 601		14474
35 - 602		14494
35 - 604		14523
35 - 611		14663
20 - 1286		15020
92 - 440		15029
92 - 440		15079
92 - 442		15117

ADOPTED RULES

68 - 1175	8/10/2018	15159
59 - 50	7/26/2018	15437
86 - 150	7/27/2018	15446
89 - 1200	10/1/2018	15458
89 - 1200	10/1/2018	15460

EXECUTIVE ORDERS AND PROCLAMATIONS

18 - 142	6/14/2018	15499
18 - 143	6/15/2018	15499
18 - 144	6/15/2018	15500
18 - 145	6/19/2018	15501
18 - 146	6/19/2018	15502
18 - 147	6/26/2018	15503
18 - 148	6/26/2018	15503
18 - 149	6/27/2018	15504
18 - 150	6/27/2018	15505
18 - 151	7/2/2018	15506
18 - 152	7/5/2018	15507
18 - 153	7/6/2018	15508
18 - 154	7/11/2018	15509
18 - 155	7/13/2018	15510
18 - 156	7/25/2018	15510
18 - 157	7/25/2018	15511
18 - 158	7/25/2018	15512
18 - 159	7/25/2018	15513
18 - 160	7/27/2018	15514