

# 2004

# ILLINOIS

# REGISTER

RULES  
OF GOVERNMENTAL  
AGENCIES



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## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: School Technology Program
- 2) Code Citation: 23 Ill. Adm. Code 575
- 3) 

<u>Section Numbers</u> :	<u>Proposed Action</u> :
575.100	Amendment
575.200	Amendment
575.300	Amendment
575.400	Amendment
575.500	Amendment
575.600	Amendment
575.700	Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.117a
- 5) A Complete Description of the Subjects and Issues Involved: P.A. 93-368, effective July 24, 2003, made the following changes in Section 2-3.117a of the School Code that necessitate amendments to the rules governing the School Technology Revolving Loan Program:
  - allows charter schools, area vocational centers and university laboratory schools to apply for loans;
  - allows participants to use up to 10 percent of loan proceeds to purchase computer furniture; and
  - requires that rules for the program specify collateral for the loan.

The proposed amendments recognize general state aid as the “collateral” that will be used in the case of a default on a loan payment (see Section 575.700(e)). School districts, State-chartered charter schools, and university laboratory schools approved by the State Board of Education receive general state aid directly from the State.

Two categories of participants – area vocational centers operated as cooperatives among two or more districts and district-chartered charter schools – do not receive general state aid directly from the State; therefore, procedures had to be proposed to allow the State Board of Education, in the case of a default, to access the general state aid of the districts involved in a cooperative or of the chartering district (see Section 575.400(b)(5)). For districts in a cooperative, the amount each district will owe will be prorated according to the number of its students enrolled in the area vocational center. For the chartering district, the district will be authorized to withhold from the other moneys due to the charter the amount withheld from the chartering district’s general state aid. In each

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instance, the board of education of each district must agree, via an adopted board resolution, that general state aid can be used to repay a loan should a default occur.

In addition, amendments are proposed to remove the equalized assessed valuation per pupil mechanism from procedures employed when the amount of loan requests exceeds the amount available in the Technology Revolving Loan Fund. Since only school districts have equalized assessed valuation per pupil, a first come, first served process will determine which applicant receives a loan should funds be insufficient to fund all eligible applicants (see Section 575.500(b)).

Other procedural changes are being proposed to make the program operate more efficiently (i.e., loan application due dates, payment due dates).

- 6) Will this rulemaking replace any emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a State mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this notice to:

Sally Vogl  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street, W-475  
Springfield, Illinois 62777-0001  
(217) 782-5270

Comments may also be submitted electronically, addressed to:

rules@isbe.net

- 12) Initial Regulatory Flexibility Analysis:

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- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Not applicable
  - B) Reporting, bookkeeping or other procedures required for compliance: Eligible participants will be required to follow uniform procedures established for submission of an application for and expenditure reporting about a loan from the School Technology Revolving Loan Fund.
  - C) Types of professional skills necessary for compliance: Not applicable
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2004

The full text of the proposed amendments begins on the next page:

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## NOTICE OF PROPOSED AMENDMENTS

## TITLE 23: EDUCATION AND CULTURAL RESOURCES

## SUBTITLE A: EDUCATION

## CHAPTER I: STATE BOARD OF EDUCATION

## SUBCHAPTER 6: MISCELLANEOUS

## PART 575

## SCHOOL TECHNOLOGY PROGRAM

## SUBPART A: SCHOOL TECHNOLOGY GRANTS

## Section

575.10	Purpose
575.20	Eligible Expenditures
575.30	Application Procedure and Content
575.40	Matching Requirements
575.50	Proposal Review and Approval
575.60	Terms of the Grant

## SUBPART B: SCHOOL TECHNOLOGY REVOLVING LOAN PROGRAM

## Section

575.100	Purpose
575.200	Use of Funds
575.300	Maximum Amount of Loan
575.400	Application Procedures
575.500	Review of Application and Notification of Loan Award
575.600	Repayment Procedures
575.700	Terms and Conditions of Loan Agreement

AUTHORITY: Implementing and authorized by Sections 2-3.117 and 2-3.117a of the School Code [105 ILCS 5/2-3.117 and 2-3.117a].

SOURCE: Adopted at 20 Ill. Reg. 3522, effective February 13, 1996; emergency amendment at 22 Ill. Reg. 9591, effective May 22, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19770, effective November 2, 1998; amended at 23 Ill. Reg. 8370, effective July 12, 1999; amended at 25 Ill. Reg. 8167, effective June 21, 2001; amended at 26 Ill. Reg. 915, effective January 15, 2002; amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART B: SCHOOL TECHNOLOGY REVOLVING LOAN PROGRAM

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**Section 575.100 Purpose**

This Subpart establishes the procedures and criteria for applications submitted by eligible participants~~school districts~~ pursuant to the School Technology Revolving Loan Program established by Section 2-3.117a of the School Code [105 ILCS 5/2-3.117a]. For the purpose of the School Technology Revolving Loan Program, "laboratory schools" eligible to apply for a loan are only those schools as defined in Section 18-8.05(K) of the School Code [105 ILCS 5/18-8.05(K)].

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 575.200 Use of Funds**

- a) Funding is available under the School Technology Revolving Loan Fund for *technology hardware investments for students and staff* (Section 2-3.117a of the School Code). These items include, but are not limited to:
- 1a) Expenditures for the establishment of local and wide area networks (e.g., cabling from network server to other areas, termination supplies, cable testers, patch panels) and for network hardware (e.g., switches, servers, hubs, modems, network adapter cards, transceivers, surge protection, uninterruptible power systems, network administration software);
  - 2b) Supplies and the cost of labor for electrical work directly related to technology (e.g., wiring, conduit, boxes, receptacles, switches, cover plates, distribution panels and breakers);
  - 3e) Hardware necessary for staff development and for classroom instruction (e.g., computers, monitors, keyboards, mice, printers, network adapters, software and licenses for applications that are used in the classroom or for staff development purposes); ~~and~~
  - 4d) Other technology hardware investments directly related to staff development or to classroom instruction (e.g., scanners, projectors, LCD panels, digital cameras, camcorders); ~~and-~~
  - 5) Staff development directly related to the integration of technology hardware into the learning environment.

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- b) [Up to 10 percent of the proceeds may be used to purchase computer furniture \(see Section 2-3.117a of the School Code\).](#)

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 575.300 Maximum Amount of Loan**

The maximum loan amount shall be calculated on a per-pupil basis, based upon the total enrollment in the eligible grade levels ~~as reflected in the Fall Enrollment and Housing Report~~ for the immediately preceding year [as provided through a uniform reporting procedure specified by the State Board of Education](#). A ~~participantschool-district~~ may request a loan amount that does not exceed \$150 per pupil in the eligible grade levels plus a base amount of \$25,000; however, no single loan in a given fiscal year shall exceed \$6,000,000. The State Board of Education shall annually notify ~~participantschool-districts~~ of the maximum loan amount to which they are entitled.

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 575.400 Application Procedures**

- a) The State Board of Education shall distribute application forms to all eligible ~~participantschool-districts~~, as specified by Section 2-3.117a of the School Code, no later than June 1 for the following fiscal year. Applications will be due to the State Board of Education ~~no later than December any time between July 1 and March~~ 1 of the fiscal year in which loans will be made.
- b) Each application for a loan shall include the following information:
- 1) A list of all applicable expenditure categories, as described in Section 575.200 of this Part, for which loan proceeds shall be used;
  - 2) The amount of the loan requested, which shall not exceed the amount calculated pursuant to Section 575.300 of this Part;
  - 3) A description of the proposed use(s) of the loan funds, as specified in the resolution adopted by the ~~participant's governing board district's board of education~~ authorizing submission of the loan application; ~~and~~
  - 4) Such assurances and certifications as the State Board of Education may require, to include at least the following:

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- A) that the loan proceeds shall be used in the grade levels specified on the application;
  - B) that the governing board ~~of education~~ approved a resolution authorizing submission of the loan application, specifying the date of that approval; and
  - C) that the participant~~district~~ shall comply with Section 2-3.117a of the School Code, this Subpart and the loan agreement (see Section 575.700 of this Part); and-
- 5) In order to comply with Section 575.700(e) of this Part, a participant that does not receive general State aid directly from the State Board of Education shall submit a resolution adopted by the board of education of each school district from which the participant receives students signifying that the district's general State aid payment will be withheld in accordance with subsection (b)(5)(A) or (b)(5)(B) of this Section, as applicable, in the case of the participant's default on the loan.
- A) For an area vocational center operated as a cooperative by two or more school districts, the amount withheld shall be proportionately deducted from the general State aid of each district that is a party to the cooperative agreement establishing the area vocational center. A district's proportionate share shall be based upon the ratio of the number of students enrolled from that district to the total number of students that the center serves from all districts participating in the cooperative. The number of students used for this calculation shall be determined using the method identified in Section 575.300 of this Part.
  - B) For a charter school receiving its charter from a school district, the amount withheld from the chartering district's general State aid payment shall be deducted by the district from the next quarterly payment due to the charter school from the district.
- c) Each loan application shall bear original signatures of the chief administrative officer~~district superintendent~~ and of the president of the governing board ~~of education~~ and shall be sent to the State Board of Education as specified on the application form. Applications must be postmarked not later than 30 calendar

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days following ~~the the governing board's~~~~local board of education's~~ approval. Applications postmarked later than 30 days following ~~governing~~~~local~~ board of ~~education~~ approval shall be returned to the applicant as ineligible for consideration. An applicant whose request has been returned as ineligible may reapply during the funding cycle, provided it has met all of the requirements of Section 575.400 of this Part.

- d) Applications received by the division specified on the form after ~~December~~ ~~March 1~~ of the fiscal year in which a loan is requested shall not be processed.
- e) ~~Participants~~School districts are limited to one approved loan per fiscal year.

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 575.500 Review of Application and Notification of Loan Award**

- a) Applications shall be reviewed for completeness. If an application is incomplete, then State Board of Education staff shall request the needed information from the applicant no later than 20 calendar days following receipt of the application. Applications will not be processed until all requested information is received.
- b) All complete applications that demonstrate compliance with Section 2-3.117a of the School Code and this Subpart shall be approved for funding on a first come, first served basis ~~according to the specifications set forth in subsections (b)(1) and (b)(2) of this Section~~, as long as funds appropriated for a given fiscal year remain available. ~~1) Loan award determinations shall be made on December 15 on September 15, December 15 and March 15~~ of each fiscal year.
  - 2) ~~Should the total amount of pending loan requests exceed the amount available in the School Technology Revolving Loan Fund at any point during the fiscal year, then applications from school districts with the lowest equalized assessed valuation per pupil by type of district shall be funded first.~~
    - A) ~~Pending loan applications shall be grouped by district type (i.e., elementary, high school, unit) and then ranked by equalized assessed valuation per pupil.~~
    - B) ~~The loan funds remaining shall be apportioned among district types by calculating the ratio of the total amount of loan requests~~

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~~for each district type to the total amount of all pending loan requests.~~

~~Ⓒ) Equalized assessed valuation per pupil by district type shall be the determining factor for only those applications pending but not yet approved for funding.~~

- c) Notification of a loan award shall be made no later than 15 calendar days following the award determination ~~dated~~ dates established in subsection ~~(b)(b)(1)~~ of this Section. Applications not approved for funding on or before ~~December~~ March 15 of the fiscal year in which the application was made shall expire.
- d) Applications received after the ~~December~~ March 1 deadline in a given fiscal year shall not be considered for funding in that fiscal year and shall be returned to the applicant.
- e) Applicants otherwise eligible but not receiving loans due to insufficiency of the appropriation shall receive first consideration in the next fiscal year in which the grade levels specified on the application shall be eligible for funding.

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 575.600 Repayment Procedures**

Loans shall be repaid within three years (see Section 2-3.117a of the School Code).

- a) The rate of interest shall be stipulated on the loan application and *shall not be greater than 50% of the rate for the most recent date shown in the 20 G.O. Bonds Index of average municipal bond yields as published in the most recent edition of The Bond Buyer, published in New York, New York* (Section 2-3.117a(a) of the School Code). Interest shall be computed ~~semi-annually~~ quarterly.
- b) Payments on the loan (principal and interest) shall be made by check twice annually ~~on a quarterly basis~~ in ~~six~~ 12 equal installments.
- 1) Loan payments shall be due ~~quarterly~~ on December 1 and June 1 ~~December 30, March 30, June 30 and September 30~~, with the first payment under each loan due on June 1 of the fiscal year in which the loan is made ~~the second due date following receipt of the loan~~.

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- 2) Checks shall be made payable to the "ISBE-School Technology Revolving Loan Fund" and mailed to the Fiscal and Administrative Services Division, Illinois State Board of Education, 100 North First Street, W-380C-300, Springfield, Illinois 62777-0001.
- 3) Payments not received within 15 calendar days after the due date shall be assessed a penalty of 5 percent of the payment due; however, the late payment penalty shall be waived when either:
  - A) the postmark date on the envelope used to submit the payment is dated five days or more before the end of the 15-day grace period; or
  - B) the payment is not received by the State Board of Education within 60 days following the due date, but the participant school district provides to the State Board of Education no later than 70 days beyond the due date the following:
    - i) a copy of the original check, dated at least five days before the end of the 15-day grace period;
    - ii) a copy of the stop payment order placed on the original check; and
    - iii) a new check issued in the amount due.
- c) A participant school district may prepay the balance due on the loan in its entirety on any scheduled payment date, provided that the participant district first contacts the State Board of Education to obtain the total amount of the principal and interest due at that time.

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 575.700 Terms and Conditions of Loan Agreement**

- a) Loan proceeds under this program shall be used exclusively for the purposes listed in Section 575.200 of this Part and shall be expended in accordance with the approved application and the participant's applicant's policies and procedures related to such expenditures. In the event that the loan proceeds are not expended in the manner approved, then the participant district, upon written notification

## STATE BOARD OF EDUCATION

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from the State Board of Education, shall be required to submit, by the next payment due date, payment of the outstanding principal of the loan and the amount of the interest accrued as of that payment due date.

- b) Loan proceeds shall be obligated no later than six months following receipt of the loan.
- c) Use of loan proceeds shall be accounted for in accordance with the Program Accounting Manual (23 Ill. Adm. Code 110) or, for participants not subject to the Program Accounting Manual, in accordance with generally accepted standards of governmental accounting principles.
- d) Loan ~~For all loans approved in fiscal year 2002 and in succeeding years, loan~~ recipients shall submit to the State Board of Education a report detailing how the loan proceeds were used. This expenditure report, to be submitted on a form supplied by the State Board of Education, shall be due not later than nine months following receipt of the loan.
- d) ~~Loan proceeds shall be included in the district's budget prepared under Section 17-1 of the School Code [105 ILCS 5/17-1].~~
- e) Subject to Section 575.400(b)(5) of this Part, in ~~In~~ the event of default that is not cured within 90 calendar days, the State Board of Education shall deduct the amount owed from the participant's ~~district's~~ next payment of general State ~~state~~ aid, and the ~~The~~ participant ~~district~~ shall be ineligible for additional loans until good standing has been restored; however, the chartering school district of a charter school participant or the school districts participating in a vocational education cooperative shall be allowed to apply for loans on behalf of their respective school districts.

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Cock Pheasant, Hungarian Partridge, Bobwhite Quail and Rabbit Hunting
- 2) Code Citation: 17 Ill. Adm. Code 530
- 3) 

<u>Section Numbers</u> :	<u>Proposed Action</u> :
530.70	Amendment
530.80	Amendment
530.85	New Section
530.95	New Section
530.105	Amendment
530.110	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.27, 2.13, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.13, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29].
- 5) A Complete Description of the Subjects and Issues Involved: Amendments to this Part update State-owned or managed sites and hunting dates, clarify regulations at sites and add information concerning youth hunting regulations (currently found in 17 Ill. Adm. Code 685 – Youth Hunting Seasons).
- 6) Will this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price, Legal Counsel  
Department of Natural Resources  
One Natural Resources Way

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Springfield IL 62702-1271  
217/782-1809

- 12) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities and not for profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: July 2003

The full text of the proposed amendments begins on the next page:

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

## TITLE 17: CONSERVATION

## CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

## SUBCHAPTER b: FISH AND WILDLIFE

## PART 530

COCK PHEASANT, HUNGARIAN PARTRIDGE,  
BOBWHITE QUAIL, AND RABBIT HUNTING

Section	
530.10	Statewide General Regulations
530.20	Statewide Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Cottontail and Swamp Rabbit Regulations
530.30	Statewide Hungarian Partridge Regulations (Repealed)
530.40	Statewide Bobwhite Quail Regulations (Repealed)
530.50	Statewide Rabbit Regulations (Repealed)
530.60	Statewide Crow Regulations (Repealed)
530.70	Permit Requirements for Fee Hunting of Pheasant, Quail and Rabbit at Controlled Permit Hunting Sites
530.80	Regulations for Fee Hunting of Pheasant, Quail and Rabbit at Controlled Permit Hunting Sites
<a href="#">530.85</a>	<a href="#">Youth Pheasant Hunting Permit Requirements</a>
530.90	Illinois Youth Pheasant Hunting Sites Permit Requirements (Repealed)
<a href="#">530.95</a>	<a href="#">Youth Pheasant Hunting Regulations</a>
530.100	Illinois Youth Pheasant Hunting Regulations (Repealed)
530.105	Regulations for Fee Hunting of Pheasant, Hungarian Partridge, Quail and Rabbit at Controlled Daily Drawing Pheasant Hunting Sites
530.110	Regulations for Non-Fee Hunting of Cock Pheasant, Hungarian Partridge, Quail, and Rabbit at Various Department-Owned or -Managed Sites
530.115	Regulations for Hunting by Falconry Methods at Various Department-Owned or -Managed Sites
530.120	Regulations for Hunting Crow at Various Department-Owned or -Managed Sites (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.13, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.13, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29].

SOURCE: Adopted at 5 Ill. Reg. 8777, effective August 25, 1981; codified at 5 Ill. Reg. 10634; amended at 6 Ill. Reg. 10667, effective August 20, 1982; amended at 7 Ill. Reg. 10755, effective August 24, 1983; amended at 8 Ill. Reg. 21574, effective October 23, 1984; amended at 9 Ill.

## DEPARTMENT OF NATURAL RESOURCES

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Reg. 15846, effective October 8, 1985; amended at 10 Ill. Reg. 15579, effective September 16, 1986; emergency amendment at 10 Ill. Reg. 18822, effective October 16, 1986, for a maximum of 150 days; emergency expired March 15, 1987; amended at 11 Ill. Reg. 10546, effective May 21, 1987; amended at 12 Ill. Reg. 12016, effective July 7, 1988; amended at 13 Ill. Reg. 12796, effective July 21, 1989; emergency amendment at 13 Ill. Reg. 12985, effective July 31, 1989, for a maximum of 150 days; emergency expired December 28, 1989; amended at 13 Ill. Reg. 17348, effective October 27, 1989; amended at 14 Ill. Reg. 10775, effective June 20, 1990; emergency amendment at 14 Ill. Reg. 18324, effective October 29, 1990, for a maximum of 150 days; emergency expired March 28, 1991; amended at 15 Ill. Reg. 9924, effective June 24, 1991; emergency amendment at 15 Ill. Reg. 16124, effective October 25, 1991, for a maximum of 150 days; emergency expired March 23, 1992; amended at 15 Ill. Reg. 18138, effective December 6, 1991; amended at 16 Ill. Reg. 12470, effective July 28, 1992; amended at 16 Ill. Reg. 18951, effective December 1, 1992; amended at 17 Ill. Reg. 15534, effective September 10, 1993; amended at 18 Ill. Reg. 12628, effective August 9, 1994; amended at 19 Ill. Reg. 12615, effective August 29, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 20 Ill. Reg. 12397, effective August 30, 1996; amended at 21 Ill. Reg. 9042, effective June 26, 1997; amended at 22 Ill. Reg. 14762, effective August 3, 1998; amended at 23 Ill. Reg. 9012, effective July 28, 1999; amended at 24 Ill. Reg. 12496, effective August 7, 2000; amended at 25 Ill. Reg. 11119, effective August 21, 2001; amended at 26 Ill. Reg. 16210, effective October 18, 2002; amended at 27 Ill. Reg. 15381, effective September 18, 2003; amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 530.70 Permit Requirements for Fee Hunting of Pheasant, Quail and Rabbit at Controlled Permit Hunting Sites**

- a) Applicants must contact the Department of Natural Resources' (Department or DNR) Springfield Permit Office or [the](#) reservation concessionaire to obtain a permit reservation. (However, for Silver Springs State Park, Ramsey Lake State Park, Horseshoe Lake State Park (Madison County) and Chain O'Lakes State Park, applicants must contact the public/private partnership area concessionaire. Should the concessionaire, for any reason, fail to operate the concession, applicants must contact DNR.) [Applications for reservations will be accepted on the first Monday of August until 48 hours before the last hunt date. Methods for making reservations are available on the Department's Website at: <http://dnr.state.il.us> or from the Department's permit office. Starting dates and methods for making reservations will be publicly announced.](#) Only applications for reservations submitted by Illinois residents will be processed during the first two weeks of the application period. Reservations will be confirmed. Providing false information on the application is a Class A misdemeanor (see 520 ILCS

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

5/2.38).

- b) Permits will be issued until the daily quota is filled. The daily quota is determined by the formula one hunter per 10 to 80 huntable acres. Huntable acres are determined by, but not limited to, the biological studies on the number of the species available, the condition, topography, and configuration of the land at the site, the condition of the roads at the site, and the number of employees available to work at the site.
- c) For all DNR operated sites the permit is valid for the permit holder and up to three hunting partners. The hunting partners cannot hunt without the permit holder being present to hunt. Methods for changing hunting reservations and transferring permits will be provided on the Department's [Controlled Pheasant Hunting Website at: ~~LRSIDNRPermits.com and are available from the Department's Springfield Permit Office.~~](#) ~~For other information visit the Department's Website at: <http://dnr.state.il.us> or write to:~~

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

- d) Reservations for pheasant hunting will be issued from the reservation concessionaire or Springfield Permit Office for Des Plaines Conservation Area, Eldon Hazlet State Park (Carlyle Lake), Iroquois County Conservation Area, Jim Edgar Panther Creek State Fish and Wildlife Area Controlled Unit, [Kankakee River State Park](#), Lee County Conservation Area (Green River), Moraine View State Park, Sand Ridge State Forest and Wayne Fitzgerald State Park.
- e) The Department will operate a conveyance for disabled hunters possessing a current Standing Vehicle Permit at some controlled pheasant hunting sites. Reservations for this conveyance must be made at least 2 days in advance, and shall be on a first come-first served basis. Sites where the conveyance will be available as well as dates of operation shall be provided on the Department's Controlled Pheasant Hunting Website and/or publicly announced.

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 530.80 Regulations for Fee Hunting of Pheasant, Quail and Rabbit at Controlled**

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**Permit Hunting Sites**

a) Hunting Seasons:

- 1) The following controlled pheasant hunting areas shall be closed to pheasant permit hunting on every Monday and Tuesday during the controlled hunting season and on December 25. With authorization from the Director, controlled pheasant hunting may be scheduled on Monday and Tuesday on DNR operated areas.

[Chain O'Lakes State Park](#) |

Des Plaines Conservation Area

Eldon Hazlet State Park (Carlyle Lake)

[Horseshoe Lake State Park – Madison County](#) |

Iroquois County Conservation Area

Jim Edgar Panther Creek State Fish and Wildlife Area Controlled Unit

[Kankakee River State Park](#) |

Moraine View State Park

[Ramsey Lake State Park](#) |

Sand Ridge State Forest

[Silver Springs State Park](#) |

Wayne Fitzgerald State Park (Rend Lake)

- 2) The following controlled pheasant hunting areas are open to the Illinois Youth Pheasant Hunting Program only on the first Sunday of the site's controlled pheasant hunting season.

[Chain O'Lakes State Park](#) |

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Des Plaines Conservation Area

Eldon Hazlet State Park (Carlyle Lake)

Iroquois County Conservation Area

Jim Edgar Panther Creek State Fish and Wildlife Area Controlled Unit

Lee County Conservation Area ([Green River State Wildlife Area](#))

Moraine View State Park

Sand Ridge State Forest (~~closed New Years Day~~)

Wayne Fitzgerald State Park (Rend Lake)

- 3) The controlled hunting season on Lee County Conservation Area (Green River) is November ~~7, 8, 14, 15, 22, 28, 29, 9, 10, 16, 17, 30~~ and December ~~6, 12, 13, 19, 20, 21, 8, 14, 15, 21, 22, Silver Springs State Park is October 18, 2003 – January 8, 2004, Horseshoe Lake State Park (Madison County) is the first hunting day following the 2003 Central Zone duck season through January 31 – closed New Years Day – special hunt on Mondays and Tuesdays scheduled by announcement on the Department's Controlled Pheasant Hunting Website and/or at the site's hunter check station, Chain O'Lakes State Park is October 29 – December 7 and Ramsey Lake State Park is October 18, 2003 – January 8, 2004 – closed New Years Day – special hunt on Mondays and Tuesdays scheduled by announcement on the Department's Controlled Pheasant Hunting Website and/or at the site's check station.~~
- 4) On the following area the controlled pheasant hunting season is the Wednesday before the first Saturday of November through the seventh Sunday following; exceptions are in parentheses:
- Iroquois County Conservation Area (closed during the November 3-day firearm deer season)
- 5) On the following areas the controlled pheasant hunting season is the

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Wednesday before the first Saturday of November through the ninth Sunday following; exceptions are in parentheses:

Des Plaines Conservation Area (closed during the November 3-day firearm deer season)

Moraine View State Park

- 6) On the following areas the controlled pheasant hunting season is the ~~first~~ Wednesday [following the first Saturday](#) of November through the ninth Sunday following:

Eldon Hazlet State Park

Wayne Fitzgerald State Park

- 7) On the following areas the controlled pheasant hunting season is the first Saturday in November through the next following January 15; exceptions are in parentheses:

Jim Edgar Panther Creek State Fish and Wildlife Area Controlled Unit (closed during the November and December firearm deer seasons)

[Ramsey Lake State Park \(closed New Year's Day\)](#)

Sand Ridge State Forest [\(closed New Year's Day\)](#)

- 8) [On the following area the controlled pheasant hunting season is the Wednesday before the first Saturday in November through the sixth Sunday following:](#)

[Chain O'Lakes State Park](#)

- 9) [On the following area the controlled pheasant hunting season is the third Sunday of October through the next following January 8:](#)

[Silver Springs State Park \(closed New Year's Day\)](#)

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- 10) On the following area the controlled pheasant hunting season is the first hunting day (Wednesday-Sunday) after the close of the central zone duck season through the next following January 31:

Horseshoe Lake State Park – Madison County (closed New Year's Day)

- 11) On the following area the controlled pheasant hunting season is the first Saturday in November through the next following January 8, exceptions are in parentheses:

Kankakee River State Park (closed New Year's Day)

- b) Hunting hours are listed below, exceptions in parentheses. Hunters with reservations are required to check in at the check station on the following sites at the listed times. Hunters with reservations that check in after the required check-in time may not be allowed to hunt if the site hunter quota has been filled.

Site Name	Check-In Times	Hunting Hours
Chain O'Lakes State Park	7:00-8:00 a.m.	9:00 a.m.-4:00 p.m.
<u>Des Plaines Conservation Area</u>	<u>7:00-8:00 a.m.</u>	<u>9:00 a.m.-4:00 p.m.</u>
Eldon Hazlet State Park (Carlyle Lake)	7:00-8:00 a.m.	9:00 a.m.-4:00 p.m.
Horseshoe Lake State Park (Madison County)	8:00-8:30 a.m.	9:00 a.m.-4:00 p.m.
Iroquois County Conservation Area	7:00-8:00 a.m.	9:00 a.m.-4:00 p.m.
Jim Edgar Panther Creek State Fish and Wildlife Area (Controlled Unit)	8:00-8:30 a.m.	9:00 a.m.-4:00 p.m. (Thanksgiving Day – 9:00 a.m.-1:00 p.m.)
<u>Kankakee River State Park</u>	<u>8:00-8:30 a.m.</u>	<u>9:00 a.m.-4:00 p.m.</u>

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		<u>(Thanksgiving Day – 9:00 a.m.- 1:00 p.m.)</u>
Lee County Conservation Area <u>(Green River State Wildlife Area)</u>	8:00-8:30 a.m.	9:00 a.m.-4:00 p.m.
Moraine View State Park	7:00-8:00 a.m.	9:00 a.m.-4:00 p.m.
Ramsey Lake State Park	8:00-8:30 a.m.	9:00 a.m.-4:00 p.m.
Sand Ridge State Forest	8:00-8:30 a.m.	9:00 a.m.-4:00 p.m. (Thanksgiving Day – 9:00 a.m.-1:00 p.m.)
Silver Springs State Park	8:00-8:30 a.m.	9:00 a.m.-4:00 p.m.
Wayne Fitzgerald State Park (Rend Lake)	7:00 a.m.-12:00 noon	9:00 a.m.-4:00 p.m.

- c) Except for Standing Vehicle Permittees hunting from the Department's disabled conveyance, during~~During~~ the controlled pheasant hunting season when daily quotas are not filled, permits shall be issued: on a first come first served basis until 12:00 Noon;~~except for Standing Vehicle Permittees wishing to hunt from the Department disabled conveyance. At Eagle Creek State Park, Hamilton County State Fish and Wildlife Area, Mackinaw State Fish and Wildlife Area and Wolf Creek State Park, unfilled permit quotas will be filled by drawing at 9 a.m.~~

- 1) On a first come-first served basis until 12:00 noon at the following sites:

Des Plaines Conservation Area

Eldon Hazlet State Park

Iroquois County Conservation Area

Lee County Conservation Area (Green River)

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[Moraine View State Park](#)

[Wayne Fitzgerald State Park](#)

- 2) [By drawing held at the conclusion of check-in time and if daily quotas remain unfilled at the conclusion of the drawing, on a first come-first served basis until 12:00 noon at the following sites:](#)

[Jim Edgar Panther Creek State Fish and Wildlife Area](#)

[Kankakee River State Park](#)

[Sand Ridge State Forest](#)

- d) Hunting licenses, daily usage stamps and fees:
- 1) During the controlled pheasant hunting season, hunters are required to deposit their hunting license in the check station while hunting. Persons exempt by law from having a hunting license must deposit their Firearm Owner's Identification Card. If they are under 21 years old and do not have a card they must be accompanied by a parent, legal guardian or a person in loco parentis who has a valid card in possession.
  - 2) At the [Lee County Conservation Area \(Green River\)](#) and the Iroquois County Conservation Area hunters must obtain a daily usage stamp from the Department prior to hunting, except on the Sunday following Thanksgiving Day hunters under 16 are not required to obtain a stamp.
  - 3) At Des Plaines Conservation Area, Jim Edgar Panther Creek State Fish and Wildlife Area Controlled Unit, [Kankakee River State Park](#), ~~[Lee County Conservation Area \(Green River\)](#)~~, Moraine View State Park, Eldon Hazlet State Park (Carlyle Lake), Wayne Fitzgerald State Park and Sand Ridge State Forest, hunters must obtain a daily usage stamp from the Department prior to hunting, except on the Sunday following Thanksgiving Day and the ~~Friday~~ [Saturday](#) between Christmas Day and New ~~Year's~~ [Years](#) Day hunters under 16 are not required to obtain a stamp.
  - 4) Fees [in the listed amounts must be paid to the public/private partnership area concessionaire at the following sites. In the event of a weather anomaly, such as drought, the listed fees may be increased; and methods of](#)

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~~payment at the following sites will be publicly announced:~~

~~Chain O'Lakes State Park – not more than \$22 per hunting permit~~

~~Horseshoe Lake State Park (Madison County) and Ramsey Lake State Park – not more than \$20 for a 2 pheasant hunting permit, \$28 for a 3 pheasant hunting permit, and \$35 for a 4 pheasant hunting permit~~

~~Ramsey Lake State Park~~

~~Silver Springs State Park – not more than \$22 for a 2 pheasant hunting permit, \$28 for a 3 pheasant hunting permit, and \$35 for a 4 pheasant hunting permit~~

- e) During the controlled pheasant hunting season, hunters must wear a back patch issued by the check station.
- f) Anyone who has killed game previously and has it in his possession or in his vehicle must declare it with the person in charge of the area when he checks in. All such game found in a hunter's possession after he has started hunting on the area shall be considered illegally taken if the hunter has not declared it prior to going into the field.
- g) All hunting must be done with shotguns or bow and arrow. Only shot shells with a shot size of No. 5 lead, tungsten-iron, tungsten-polymer, tungsten-matrix, No. 4 bismuth, No. 3 steel or tin, or smaller may be used except at Chain O' Lakes State Park, Lee County Conservation Area (Green River), Wayne Fitzgerald State Park and Eldon Hazlet State Park where only nontoxic shot approved by the U.S. Fish and Wildlife Service may be possessed and only shot shells with a shot size of No. 3 steel or tin, No. 4 bismuth, or No. 5 tungsten-iron, tungsten-polymer, tungsten-matrix or smaller may be used or in possession. Flu flu arrows only may be used or in possession by bow and arrow hunters.
- h) Non-hunters are not allowed in the field (except at special hunts publicly announced by the Department where non-hunters authorized by the Department shall be allowed in the field, and except for operators of Department conveyances of Standing Vehicle Permittees and a single dog handler for the Permittee).
- i) Hunters under 16 years of age must be accompanied by an adult hunter.

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- j) Daily limits:
- 1) Two pheasants of either sex at Eldon Hazlet State Park, Iroquois County Conservation Area, Wayne Fitzgerald State Park, and the Des Plaines Conservation Area.
  - 2) Two pheasants of either sex, 8 bobwhite quail and 4 rabbits at [Kankakee River State Park](#) and Sand Ridge State Forest.
  - 3) Two pheasants of either sex, 8 bobwhite quail ([opening day through the third Sunday following first 10 days of the season only](#)) and 4 rabbits at Jim Edgar Panther Creek State Fish and Wildlife Area.
  - 4) Four pheasants of either sex at Chain O' Lakes State Park ~~and Silver Springs State Park~~; 2 pheasants of either sex may be taken per permit with a maximum of 2 permits per hunter per day.
  - 5) Four pheasants of either sex; each hunter may obtain a 2 pheasant permit with a maximum of 2 of these permits per day or a 3 or 4 pheasant permit with a maximum of one of either of these permits per day (except that on the first day of fee hunting, each hunter will also be allowed to harvest 4 quail and 2 rabbits ) at Horseshoe Lake State Park (Madison County).
  - 6) Four pheasants of either sex; each hunter may obtain a 2 pheasant permit with a maximum of 2 of these permits per day or a 3 or 4 pheasant permit with a maximum of one of either of these permits per day; 8 bobwhite quail and 4 rabbits at Ramsey Lake State Park.
  - 7) Two pheasants of either sex at Moraine View State Park.
  - 8) Two cock pheasants at the Lee County Conservation Area (Green River).
  - 9) [Two cock pheasants at Lee County Conservation Area \(Green River\).](#)
  - 10) [Four pheasants of either sex; each hunter may obtain a 2 pheasant permit with a maximum of 2 of these permits per day or a 3 or 4 pheasant permit with a maximum of one of either of these permits per day at Silver Springs State Park.](#)

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- k) Tagging of birds.  
During the controlled pheasant hunting season, all pheasants must be affixed with a Department tag before they are removed from the area during the controlled pheasant hunting season. The tag must remain on the leg of the pheasants until the pheasants are finally prepared for consumption.
- l) During the controlled pheasant hunting season, hunters may not leave the confines of any permit area and return to hunt on the permit area during the same day.
- m) Any person who violates any provision of this Part or 17 Ill. Adm. Code 510.10(c)(1), (4) and (6) or 510.10(d)(7) or Section 2.33(n), (x) or (z) of the Wildlife Code [520 ILCS 5/2.33(n), (x) or (z)] shall be subject to arrest and/or removal from the premises for the remainder of the controlled pheasant hunting season under applicable statutes including 720 ILCS 5/21-5, Criminal Trespass to State Supported Land. Hunters may request a hearing within ten days after the citation by written request addressed to: Legal Division, Department of Natural Resources, One Natural Resources Way, Springfield IL 62702-1271. Such hearing shall be governed by the provisions of 17 Ill. Adm. Code 2530.
- n) Violation of a site regulation is a petty offense (see 520 ILCS 5/2.6, 2.7, 2.13 or 2.27).

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 530.85 Youth Pheasant Hunting Permit Requirements**

- a) Applicants must contact the Department's Springfield Permit Office or the reservation concessionaire to obtain a permit reservation. Should the concessionaire, for any reason, fail to operate the concession, applicants must contact the Department. Applications for reservations will be accepted on the first Monday of August until 48 hours before the hunt date. Methods for making reservations are available on the Department's Website at: <http://dnr.state.il.us> or from the Department's Permit Office. Only applications for reservations submitted by Illinois residents will be processed during the first two weeks of the application period. Reservations will be confirmed. Providing false information on the application is a Class A misdemeanor (see 520 ILCS 5/2.38).
- b) Only one permit per person will be issued until the daily quota is filled. The daily quota is determined by the formula: one hunter per 10 to 40 huntable acres.

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Huntible acres are determined by, but not limited to, the biological studies on the number of the species available, the condition, topography, and configuration of the land at the site, the condition of the roads at the site, and the number of employees available to work at the site.

- c) Methods for transferring permits will be provided on the Department's Website at: <http://dnr.state.il.us> or write to:

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

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

(Source: Added at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 530.95 Youth Pheasant Hunting Regulations**

- a) At the following sites, the Illinois Youth Pheasant Hunt will be held on:
- 1) the Saturday preceding the opening of the statewide upland game season:  
Mackinaw River State Fish and Wildlife Area
  - 2) the first Sunday of the site's controlled pheasant hunting season:  
Chain O'Lakes State Park  
Des Plaines Conservation Area  
Eldon Hazlet State Park (Carlyle Lake)

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Lee County Conservation Area (Green River)

Iroquois County Conservation Area

Jim Edgar Panther Creek State Fish and Wildlife Area Controlled Unit

Moraine View State Park

Sand Ridge State Forest

Wayne Fitzgerald State Park (Rend Lake)

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

Edward R. Madigan State Park

Sangchris Lake State Park

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

Horseshoe Lake State Park (Madison County)

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

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

d) All hunters are required to deposit their hunting licenses in the check station while hunting. Each permit holder must be accompanied by a non-hunting supervisory adult. If the hunter does not have a valid Firearm Owner's Identification (FOID) card, the supervisory adult is required to have a valid FOID card. Only one supervisory adult in a hunting party is required to have a valid FOID card if the hunters in the hunting party stay under the immediate control (accompany youth

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hunter at all times) of the supervisory adult possessing the valid FOID card. The supervising adult shall be criminally liable for the actions of the youth in the hunting party and shall be subject to the criminal penalties provided by law.

- e) Supervising adults are required to wear a cap and upper outer garment of solid and vivid blaze orange of a least 400 square inches. Hunters must wear a back patch issued by the check station.
- f) Anyone who has killed game previously and has it in his possession or in his vehicle must declare it with the person in charge of the area prior to hunting on the area. All previously killed game found in a hunter's possession after he has started hunting on the area will be considered illegally taken if the hunter has not declared it prior to going into the field.
- g) All hunting must be done with shotguns. Only shot shells with a shot size of #5 lead, tungsten-iron, tungsten-polymer, tungsten-matrix, #4 bismuth, or #3 steel or tin or smaller may be used, except at Chain O'Lakes State Park, Eldon Hazlet State Park, Lee County Conservation Area (Green River) and Wayne Fitzgerald State Park where only shot shells approved as nontoxic by the U.S. Fish and Wildlife Service with a shot size of #3 steel or tin, #4 bismuth, #5 tungsten-iron, tungsten-polymer, tungsten-matrix or smaller may be used.
- h) Daily limit.
  - 1) Two pheasants of either sex at Chain O'Lakes State Park, Des Plaines Conservation Area, Eldon Hazlet State Park, Iroquois County Conservation Area, Horseshoe Lake State Park (Madison County), Moraine View State Park, Sand Ridge State Forest, and Wayne Fitzgerald State Park.
  - 2) Two cock pheasants only at Lee County Conservation Area (Green River) and Mackinaw River State Fish and Wildlife Area.
  - 3) Statewide upland game limits at Sangchris Lake State Park, Edward R. Madigan State Park and Jim Edgar Panther Creek State Fish and Wildlife Area Controlled Unit.
- i) All pheasants must be affixed with a Department tag before they are removed from the area. The tag must remain on the leg of the pheasants until the pheasants are finally prepared for consumption.

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j) [Violation of this Section is a petty offense \(see 520 ILCS 5/2.6\).](#)

(Source: Added at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 530.105 Regulations for Fee Hunting of Pheasant, Hungarian Partridge, Quail and Rabbit at Controlled Daily Drawing Pheasant Hunting Sites**

- a) All the regulations in 17 Ill. Adm. Code 510 – General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
- b) All areas are closed to fee upland game hunting Mondays and Tuesdays, Christmas Day and New Year's Day. With authorization from the Director, controlled pheasant hunting may be scheduled on Monday or Tuesday on DNR operated areas.
- c) Hunting hours are 9:00 a.m. to 4:00 p.m. (~~except on Thanksgiving Day hunting hours are 9:00 a.m. to 1:00 p.m. at Kankakee River State Park~~).
- d) All hunting must be done with shotgun or bow and arrow. ~~At Only shot shells with a shot size of No. 5 lead, tungsten-iron, tungsten-polymer, tungsten-matrix, No. 4 bismuth, No. 3 steel or tin, or smaller may be used, except at~~ Johnson-Sauk Trail State Park ~~where~~ only ~~nontoxic~~~~non-toxic~~ shot approved by the U.S. Fish and Wildlife Service may be possessed and only shot shells with a shot size of ~~#No. 3 steel or tin, #No. 4 bismuth, or #No. 5 tungsten-iron, tungsten-polymer, tungsten-matrix, or smaller may be used or in possession.~~ Flu flu arrows only may be used or in possession by bow and arrow hunters.
- e) All pheasants must be affixed with a Department tag before they are removed from the area. The tag must remain on the leg of the pheasants until the pheasants are finally prepared for consumption.
- f) Hunter quota selection, daily usage stamp requirements and exemptions and hunter age requirements:
  - 1) A drawing shall be held at the site to fill hunter quotas.
  - 2) A daily usage stamp is required prior to hunting opening date through the day following the final game bird release.

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- 3) Hunters under 16 are not required to obtain a daily usage stamp at Johnson-Sauk Trail State Park ~~and Kankakee River State Park~~ on the Sunday following Thanksgiving Day and on the ~~Friday~~Saturday between Christmas Day and New Year's ~~Day~~day.
- 4) Hunters under 16 years of age must be accompanied by an adult hunter.
- g) When daily quotas are not filled, hunters are allowed to check in on a first come-first served basis until 12:00 noon.
- h) The Department shall publicly announce the registration time and quota to be filled.
- i) Hunters are required to deposit their hunting license in the check station while hunting. Persons exempt by law from having a hunting license must deposit their Firearm Owner's Identification Card. If they are under 21 years old and do not have a card they must be accompanied by a parent, legal guardian or a person in loco parentis who has a valid card in possession.
- j) A back patch issued at the check station must be worn while hunting.
- k) Non-hunters are not allowed in the field (except at special hunts publicly announced by the Department where non-hunters authorized by the Department shall be allowed in the field).
- l) Hunters must not leave the site without first checking out.
- m) Daily Limit:
- Pheasant – 2 (either sex may be harvested)
  - Bobwhite Quail – 8
  - Hungarian Partridge – 2
  - Rabbit – 4
- n) Statewide regulations as provided for in this Part apply at the following Controlled Daily Drawing Pheasant Hunting sites, except as noted above and in parentheses below:

Johnson-Sauk Trail State Park

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~~Kankakee River State Park (Hunters must check out within 15 minutes of the close of hunting hours; quail shall not be harvested)~~

- o) Any person who violates any provision of this Part or 17 Ill. Adm. Code 510.10(c)(1), (4) and (6) or 510.10(d)(7) or Section 2.33(n), (x) or (z) of the Wildlife Code [520 ILCS 5/2.33(n), (x) or (z)] shall be subject to arrest and/or removal from the premises for the remainder of the controlled pheasant hunting season under applicable statutes including 720 ILCS 5/21-5, Criminal Trespass to State Supported Land. Hunters may request a hearing within ten days of the citation by written request addressed to: Legal Division, Department of Natural Resources, One Natural Resources Way, Springfield IL 62702-1271. Such hearing shall be governed by the provisions of 17 Ill. Adm. Code 2530.
- p) Violation of a site regulation is a petty offense (see 520 ILCS 5/2.6, 2.7, 2.13 or 2.27).

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 530.110 Regulations for Non-Fee Hunting of Cock Pheasant, Hungarian Partridge, Quail, and Rabbit at Various Department-Owned or -Managed Sites**

- a) General Site Regulations
  - 1) All regulations in 17 Ill. Adm. Code 510 – General Hunting and Trapping – apply in this Section, unless this Section is more restrictive.
  - 2) Only flu flu arrows may be used by bow and arrow hunters; broadheads are not allowed.
  - 3) On sites which are indicated by (1), hunters must check in and/or sign out as provided for in 17 Ill. Adm. Code 510.
  - 4) On sites which are indicated by (2), only nontoxic shot approved by the U.S. Fish and Wildlife Service of size ~~#No.~~ 3 steel or ~~#No.~~ 5 bismuth shot or smaller may be used or possessed with a shot size of ~~#No.~~ 3 steel or tin, ~~#No.~~ 4 bismuth, ~~#No.~~ 5 tungsten-iron, tungsten-polymer, tungsten-matrix or smaller may be used.
  - 5) Site specific rules or exceptions are noted in parentheses after each site.

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## b) Site Specific Regulations

## 1) Statewide regulations apply at the following sites:

Anderson Lake Conservation Area (1)

Apple River Canyon State Park – Salem and Thompson Units  
(rabbits only; closed during firearm deer season) (1)

Argyle Lake State Park (closed during firearm deer season) (1)

Banner Marsh State Fish and Wildlife Area (opens the day after the  
close of the central zone duck season) (1)

Big Bend State Fish and Wildlife Area (hunting for bobwhite quail  
will terminate at the close of legal shooting hours on December 14)  
(1)

Big River State Forest (closed during firearm deer season) (1)

Cache River State Natural Area (1)

Campbell Pond Wildlife Management Area

Carlyle Lake Lands and Waters (Corps of Engineers Managed  
Lands)

Carlyle Lake Wildlife Management Area (subimpoundment area  
closed 7 days prior to and during the southern zone waterfowl  
season)

Chain O'Lakes State Park (open Wednesday after controlled  
pheasant hunting season for 5 consecutive days, closed December  
25; hunting hours 8 a.m. to 4 p.m.) (1)

Crawford County Conservation Area (1)

Cypress Pond State Natural Area (1)

[Devil's Island Wildlife Management Area](#)

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Dog Island Wildlife Management Area (1)

Eagle Creek State Park (open only January 16-22)

Eldon Hazlet State Park (north of Allen Branch and west of Peppenhorst Branch only) (1)

Falling Down Prairie (1)

[FerneFenn](#) Clyffe State Park (1)

Fort de Chartres Historic Site (hunting with muzzleloading shotgun or bow and arrow only) (1)

Ft. Massac State Park (1)

Fulton County Goose Management Area (opens the day after the close of the Central Illinois Quota Zone goose season) (1)

Giant City State Park (1)

Hamilton County Conservation Area (1)

Hanover Bluff State Natural Area (1)

Horseshoe Lake Conservation Area (Alexander County) (Public Hunting Area) (1)

Horseshoe Lake Conservation Area (Controlled Hunting Area; closed prior to and during the Canada goose season) (1)

I-24 Wildlife Management Area (1)

Jubilee College State Park (opens second day of statewide season; pheasant and quail close the Sunday after Thanksgiving) (1)

Kaskaskia River State Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 7 days prior to and during duck season) (1)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Kinkaid Lake Fish and Wildlife Area (1)

Marseilles State Fish and Wildlife Area (closed during the site's firearm deer season) (1)

Marshall Fish and Wildlife Area (closed during firearm deer season) (1)

Mazonia State Fish and Wildlife Area (upland season does not open until the day after the close of the site's waterfowl season; the site is closed Mondays, Tuesdays, Christmas Day and New Year's Day) (1)

Mermet Lake Fish and Wildlife Area (1)

Mississippi River Pools 16, 17, 18

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26)

Mississippi River Pools 21, 22, 24

Mt. Vernon Game Propagation Center (hunting from January 1 to the end of season; rabbits only) (1)

Nauvoo State Park (Max Rowe Unit only)

Oakford Conservation Area

Peabody River King State Fish and Wildlife Area (West Subunit only) (1)

Pyramid State Park (1)

Ramsey Lake State Park (8:00 a.m. to 4:00 p.m.; rabbits and quail only may be hunted on Mondays and Tuesdays during the fee pheasant season) (1)

Randolph County Conservation Area (1)

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Ray Norbut State Fish and Wildlife Area (all hunting closes December 15 in Eagle Roost Area) (1)

Red Hills State Park (1)

Rend Lake Project Lands and Waters

[Sahara Woods State Fish and Wildlife Area \(1\)](#) |

Saline County Conservation Area (1)

Sam Dale Lake Conservation Area (8:00 a.m. to 4:00 p.m.) (1)

Sam Parr State Park (8:00 a.m. to 4:00 p.m.) (1)

Sangamon County Conservation Area

Shawnee National Forest, Oakwood Bottoms (2)

Sielbeck Forest Natural Area (1)

~~Snakeden~~[Snake Den](#) Hollow Fish and Wildlife Area (opens the day after the close of the Central Illinois Quota zone goose season) (1) |

[Snakeden Hollow Fish and Wildlife Area – Ives Unit \(1\)](#) |

Stephen A. Forbes State Park (8:00 a.m. to 4:00 p.m.) (1)

Tapley Woods State Natural Area (closed during firearm and muzzleloading rifle deer seasons) (1)

Trail of Tears State Forest (1)

Turkey Bluffs State Fish and Wildlife Area (1)

Union County Conservation Area (Firing Line Management Area only) (1) (2)

Washington County Conservation Area (1)

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Weinberg-King State Park (1)

Weinberg-King State Park (Cecil White Unit)

[Weinberg-King State Park \(Scripps Unit\) \(1\)](#)

Wildcat Hollow State Forest

Witkowsky State Wildlife Area (rabbit only; opens after second firearm deer season) (1)

Wolf Creek State Park (open only January 16-22)

- 2) Statewide regulations apply at the following sites except that hunters must obtain a free site permit from site office; this permit must be in possession while hunting at the site. The permit must be returned, and harvest reported, by February 15 or the hunter will forfeit hunting privileges at the site for the following year:

Chauncey Marsh (obtain permit at Red Hills State Park headquarters)

Clinton Lake State Recreation Area (4:00 p.m. daily closing)

Fox Ridge State Park (4:00 p.m. daily closing)

Hidden Springs State Forest (no hunting during firearm deer season; 4:00 p.m. daily closing)

Horseshoe Lake State Park (Madison County) – Gabaret, Mosenthein, Chouteau Island Unit

Jim Edgar Panther Creek State Fish and Wildlife Area (Open Unit)

Kickapoo State Park (4:00 p.m. daily closing; closed during firearm deer season)

Lake Shelbyville – Kaskaskia and West Okaw Wildlife Management Area (4:00 p.m. daily closing)

## DEPARTMENT OF NATURAL RESOURCES

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Middle Fork Fish and Wildlife Area (4:00 p.m. daily closing; closed during firearm deer season)

Moraine View State Park (rabbit hunting permitted Mondays and Tuesdays during the site controlled hunting program and from Wednesday after the permit pheasant season until the end of the Northern Zone Rabbit Season. Quail and pheasant hunting are permitted Wednesday through Sunday following the permit pheasant season; 2 cock pheasants may be taken. All hunting is 8 a.m. to 4 p.m. only.)

Newton Lake Fish and Wildlife Area (closed during firearm deer season)

Pyramid State Park – Galum Unit

Sanganois State Fish and Wildlife Area

Ten Mile Creek State Fish and Wildlife Area (~~nontoxic~~~~non-toxic~~ shot only on posted waterfowl rest areas)

- 3) Hunting is permitted on the following areas only on the dates listed in parentheses; or on sites indicated by (3), hunting will be permitted on the first and second day of the statewide upland game season and on each subsequent Wednesday and Saturday in November, and on each Thursday and Sunday in December, through December 24. On sites indicated by (4), hunting will be permitted on the first and second day of the statewide upland game season and on each subsequent Wednesday and Saturday in November and on each Thursday and Sunday in December, through December 24, except closed during the firearm deer seasons and open December 27 and 29. Daily hunting permits filled by drawing through DNR Permit Office. Procedures for application and drawings will be publicly announced. Illinois residents will have preference. Only one permit per person will be issued. Each permit authorizes the holder to bring the number of additional hunting partners listed in parentheses for the day's hunt. The permit must be returned and harvest reported by February 15 or permit holders will forfeit hunting privileges at the sites covered in this Section for the following year:

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Bradford Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Clifton Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Dublin Highlands Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners)

Eagle Creek State Park (each permit authorizes the holder to bring 3 hunting partners) (3)

Edward R. Madigan State Park (open on Mondays from the opening of upland game season until Christmas Day ; each permit authorizes the holder to bring 3 hunting partners; check in required before hunting)

Freeman Mine (open every Wednesday in November and December starting with opening day of upland game season except during firearm deer season and December 24 and 25; each permit authorizes holder to bring 3 hunting partners; hunting hours 8 a.m. to 4 p.m.; daily bag limit is 2 cock pheasants, 4 quail, and 2 rabbits)

Green River State Wildlife Area (open only November [6, 10, 11, 13, 17, 24, 27, 5, 6, 8, 12, 13, 15, 19, 26 and 29](#) and December [8, 9, 11, 15, 16, 18, 22, 23, 10, 11, 13, 17, 18, 20, 27 and 28](#); each permit authorizes the holder to bring 5 hunting partners) (1) (2)

Hallsville Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Harry "Babe" Woodyard State Natural Area (each permit authorizes the holder to bring 3 hunting partners; 8 a.m. to 4 p.m. hunting hours) (4)

Herschel Workman Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Hindsboro Pheasant Habitat Area (each permit authorizes the

## DEPARTMENT OF NATURAL RESOURCES

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holder to bring 3 hunting partners) (3)

Hurricane Creek Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (4)

Jim Edgar Panther Creek State Fish and Wildlife Area (Quail Management Area) (open every Tuesday and Saturday in November, December and January starting with opening day of upland game season except during firearm deer season and December 24 and 25; each permit authorizes holder to bring 3 hunting partners)

Loda Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Mackinaw State Fish and Wildlife Area (each permit authorizes the holder to bring 3 hunting partners) (4)

Manito Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Maytown Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Perdueville Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Pyramid State Park – Captain Unit (open only November [6, 10, 13, 17, 24, 27, 8, 11, 15, 19, 26, 29](#); December [1, 8, 11, 15, 18, 22, 26, 29, 9, 13, 17, 20, 24, 27, 31](#); and January [1, 5, 8, 10, 12, 15, 7, 10, 13, 15](#); each permit authorizes the holder to bring [23](#) hunting partners)

Pyramid State Park – Denmark Unit (open only November [6, 10, 13, 17, 24, 27, 8, 11, 15, 19, 26, 29](#); December [1, 8, 11, 15, 18, 22, 26, 29, 9, 13, 17, 20, 24, 27, 31](#); and January [1, 5, 8, 10, 12, 15, 7, 10, 13, 15](#); each permit authorizes the holder to bring [23](#) hunting partners)

Pyramid State Park – East Conant Unit (open only November [6,](#)

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~~10, 13, 17, 24, 27, 8, 11, 15, 19, 26, 29~~; December ~~1, 8, 11, 15, 18, 22, 26, 29, 9, 13, 17, 20, 27, 31~~; and January ~~1, 5, 8, 10, 12, 15, 7, 10, 13, 15~~; each permit authorizes the holder to bring ~~23~~ 23 ~~hunting~~ partners)

Sand Prairie Pheasant Habitat Area (each permit authorizes the holder to bring 5 hunting partners) (3)

Sand Ridge State Forest (Sparks Pond Land and Water Reserve Area) (open on Saturdays and Tuesdays from the opening of the upland game season through the end of December except during firearm deer season; each permit authorizes holder to bring 3 hunting partners)

Sangchris Lake State Park (open every Wednesday and Saturday in November and December after the opening day of upland game season except December 24 and 25; each permit authorizes holder to bring 3 hunting partners; hunting hours ~~11:00 a.m. to 4 p.m.~~ to sunset; check in required before hunting)

Saybrook Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Sibley Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

~~Siloam Springs State Park – Buckhorn Unit (open only the first and third days of firearm deer season and every Tuesday and Saturday until close of the statewide quail season; each permit authorizes the holder to bring 3 hunting partners)~~

Siloam Springs State Park – Scripps Unit (open only the first and third days of firearm deer season and every Tuesday and Saturday until close of the statewide quail season; each permit authorizes the holder to bring 3 hunting partners)

Steward Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Victoria Pheasant Habitat Area (each permit authorizes the holder

## DEPARTMENT OF NATURAL RESOURCES

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to bring 5 hunting partners) (3)

Willow Creek Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Wolf Creek State Park (each permit authorizes the holder to bring 3 hunting partners) (4)

- 4) The following sites will be open for pheasant, quail, rabbit and partridge hunting following the site's controlled pheasant hunting season; pheasants of either sex may be taken; all hen pheasants must be tagged by DNR before leaving sites; hunting hours are 8:00 a.m.-4:00 p.m.; hunting dates are noted in parentheses:

Des Plaines Conservation Area (dates are 5 days following the close of the site's permit pheasant season excluding Mondays, Tuesdays and Christmas) (1)

Eldon Hazlet State Park (controlled pheasant hunting area and for 5 consecutive days only) (1)

Iroquois County Wildlife Management Area (open Wednesday through Sunday following permit pheasant season) (1)

~~Johnson Sauk Trail State Park (open Wednesday through Sunday following permit pheasant season) (2)~~

Kankakee River State Park (no quail hunting)

- c) Violation of a site regulation is a petty offense (see 520 ILCS 5/2.6, 2.7, 2.13 or 2.27).

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Dove Hunting
- 2) Code Citation: 17 Ill. Adm. Code 730
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
730.10	Amendment
730.20	Amendment
730.40	New Section
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.9, 2.10 and 2.11].
- 5) A Complete Description of the Subjects and Issues Involved: Amendments are being made to this Part to update statewide regulations, update sites open to hunting, update site specific regulations and add a Section on Youth Dove Hunting.
- 6) Will this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:  

Jack Price, Legal Counsel  
Department of Natural Resources  
One Natural Resources Way  
Springfield IL 62702-1271  
217/782-1809
- 12) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities and not for profit corporations

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affected: None

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

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 2003

The full text of the proposed amendments begins on the next page:

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER b: FISH AND WILDLIFEPART 730  
DOVE HUNTING

## Section

730.10	Statewide Regulations
730.20	Regulations at Various Department-Owned or -Managed Sites
730.30	Youth and Youth/Adult Dove Hunts at Various Department-Owned or -Managed Sites (Repealed)
<a href="#">730.40</a>	<a href="#">Youth Dove Hunting</a>

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.9, 2.10 and 2.11].

SOURCE: Adopted at 5 Ill. Reg. 8792, effective August 25, 1981; codified at 5 Ill. Reg. 10644; amended at 6 Ill. Reg. 9631, effective July 21, 1982; emergency amendment at 6 Ill. Reg. 10040, effective August 2, 1982, for a maximum of 150 days; emergency expired December 30, 1982; amended at 7 Ill. Reg. 10767, effective August 24, 1983; emergency amendment at 7 Ill. Reg. 10999, effective August 24, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 13680, effective July 25, 1984; amended at 9 Ill. Reg. 11601, effective July 16, 1985; emergency amendment at 9 Ill. Reg. 14025, effective September 4, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 15590, effective September 16, 1986; amended at 11 Ill. Reg. 9526, effective May 5, 1987; amended at 11 Ill. Reg. 11346, effective June 10, 1987; amended at 12 Ill. Reg. 12186, effective July 15, 1988; amended at 13 Ill. Reg. 10513, effective June 15, 1989; amended at 14 Ill. Reg. 11193, effective June 29, 1990; amended at 15 Ill. Reg. 9951, effective June 24, 1991; amended at 16 Ill. Reg. 11041, effective June 30, 1992; amended at 17 Ill. Reg. 10761, effective July 1, 1993; amended at 18 Ill. Reg. 10009, effective June 21, 1994; amended at 19 Ill. Reg. 10588, effective July 1, 1995; amended at 20 Ill. Reg. 10861, effective August 5, 1996; amended at 21 Ill. Reg. 11700, effective August 12, 1997; amended at 22 Ill. Reg. 14792, effective August 3, 1998; amended at 23 Ill. Reg. 9043, effective July 28, 1999; amended at 24 Ill. Reg. 8911, effective June 19, 2000; amended at 25 Ill. Reg. 11373, effective August 14, 2001; amended at 26 Ill. Reg. 13590, effective September 3, 2002; amended at 27 Ill. Reg. 12666, effective July 21, 2003; amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 730.10 Statewide Regulations**

- a) Dove regulations are in accordance with Federal Regulations, unless the

## DEPARTMENT OF NATURAL RESOURCES

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regulations in this rule are more restrictive. (50 CFR 20.103, 1990)

- b) Season dates, daily limits and possession limits [for mourning doves](#) are in accordance with federal regulations. [Collared, ringed, and turtle doves \(Genus Streptopelia\) shall be included in the daily limits and possession limits established for mourning doves.](#)
- c) Hunting hours: Sunrise to sunset.
- d) Violation is a Class B misdemeanor (see 520 ILCS 5/2.18), except that hunting prior to ½ hour before sunrise or after ½ hour after sunset is a Class A misdemeanor with a minimum \$500 fine and a maximum \$5,000 fine in addition to other statutory penalties (see 520 ILCS 5/2.33(y)).

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 730.20 Regulations at Various Department-Owned or -Managed Sites**

- a) All the regulations in 17 Ill. Adm. Code 510 – General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
- b) General Regulations
  - 1) Hunters shall possess only bismuth or lead shot size #7½, 8, 9 or size #6 steel or smaller for taking of doves, except as noted under subsection (b)(2), and except these restrictions do not apply during the November portion of dove season.
  - 2) Only non-toxic shot (as defined by the U.S. Fish and Wildlife Service in 50 CFR 20), #6 steel shot or #7½ bismuth shot or smaller may be possessed on the following areas:
    - Anderson Lake Conservation Area
    - Banner Marsh State Fish and Wildlife Area
    - Big Bend State Fish and Wildlife Area (#)
    - Cache River State Natural Area

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Carlyle Lake Wildlife Management Area (subimpoundments only)

Chain O'Lakes State Park

Eldon Hazlet State Park

Fulton County Goose Management Area

Green River State Wildlife Area

Hennepin Canal Parkway State Park

Horseshoe Lake Conservation Area (Alexander County)

Horseshoe Lake State Park (Madison County) (#)

Horseshoe Lake State Park (Madison County) Gabaret,  
Mosenthein, Chouteau Island Unit (#)

Johnson-Sauk Trail State Park

Jubilee College State Park

Kaskaskia River State Fish and Wildlife Area (designated areas)

Lake Shelbyville – Kaskaskia and West Okaw Wildlife Management  
Areas (waterfowl management units and designated non-toxic shot units  
only)

Mackinaw River State Fish and Wildlife Area

Mautino State Fish and Wildlife Area

Mississippi River State Fish and Wildlife Area (Pools 25 and 26)

Mt. Vernon Game Propagation Center (hunting hours are 12 noon  
to 5:00 p.m.) (#)

Peabody River King State Fish and Wildlife Area

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Pyramid State Park – Captain Unit

Pyramid State Park – Denmark Unit

Pyramid State Park – Galum Unit

Rend Lake Project Lands and Waters

Sand Prairie Pheasant Habitat Area

Sanganois State Fish and Wildlife Area

Sangchris Lake State Park

Shabbona Lake State Park

Snakeden Hollow State Fish and Wildlife Area/[Victoria Pheasant Habitat Area/Ives Unit](#)

Ten Mile Creek State Fish and Wildlife Area (areas posted as rest area on the Eads and Belle Rive Units)

Union County Conservation Area

- 3) On areas where hunters are required to hunt from marked or staked sites, hunters must hunt within 10 feet of the marked site.
- 4) No hunting is allowed within 100 yards of a designated dove management field except for hunters who are part of the hunter quota for that field.
- 5) At sites indicated by (#), hunters are required to check in and/or sign out as provided for in 17 Ill. Adm. Code 510.
- 6) At sites where additional regulations apply, they are noted in parentheses after the site name.
- 7) Hunting hours and hunting dates at all sites that are open during the upland game season shall coincide with hunting hours and hunting dates listed for the respective sites listed in 17 Ill. Adm. Code 530.

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- c) Statewide season regulations as provided for in this rule shall apply at the following sites:

Argyle Lake State Park (season opens day after Labor Day)(#)

Cache River State Natural Area (#)

Campbell Pond Wildlife Management Area (#)

Carlyle Lake Lands and Waters – Corps of Engineers managed lands (#)

Chauncey Marsh (permit required; may be obtained at Red Hills State Park headquarters; permits must be returned by 15 February)

Cypress Pond State Natural Area (#)

[Devil's Island](#) |

Dog Island Wildlife Management Area (#)

~~[East Conant Field \(permit required; must be returned by February 15\)](#)~~ |

Ferne Clyffe State Park (#)

Ft. de Chartres State Historic Site (muzzleloading shotgun only) (#)

Ft. Massac State Park (#)

Freeman Mine (permit required)

Horseshoe Lake Conservation Area (season closes at the end of the first statewide split season) (#)

Horseshoe Lake State Park (Madison County) Gabaret, Mosenthein, Chouteau Island Unit (site permit required)

Marshall State Fish and Wildlife Area (#)

Mazonia State Fish and Wildlife Area (season closes September 30) (#)

## DEPARTMENT OF NATURAL RESOURCES

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Mississippi River Pools 16, 17 and 18

Mississippi River Pools 21, 22, 24

Oakford Conservation Area

Red Hills State Park (#)

Rend Lake Project Lands and Waters (#)

[Sahara Woods State Fish and Wildlife Area \(#\)](#)

Sand Ridge State Forest ([permit required; must be returned by February 15](#))(#)

Sangamon County Conservation Area

Sielbeck Forest Natural Area (#)

[Snakeden Hollow State Fish and Wildlife Area/Ives Unit \(#\)](#)

Tapley Woods State Natural Area (#)

Ten Mile Creek State Fish and Wildlife Area (permit required; must be returned by February 15)

Trail of Tears State Forest (#)

Wildcat Hollow State Forest

- d) Statewide regulations as provided in this Part shall apply at the following sites except that hunting hours are 12 noon to 5 p.m. daily September 1-5; season closes September 30. A drawing will be held at 11 a.m. if more hunters show up than can be accommodated.

Banner Marsh State Fish and Wildlife Area (sunrise to noon daily September 1-5, drawing one hour before sunrise; [black powder firearms only on September 2](#)) (#)

Fulton County Goose Management Area (#)

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Hennepin Canal State Park (#)

Iroquois County Wildlife Management Area (#)

Johnson-Sauk Trail State Park (#)

Matthiessen State Park (#)

Mautino State Fish and Wildlife Area (#)

Morrison Rockwood State Park (#)

Sanganois State Fish and Wildlife Area

~~Snakeden Hollow State Fish and Wildlife Area/Victoria Pheasant Habitat Area (#)~~

- e) Statewide regulations as provided for in this Part shall apply at the following sites, except that hunting hours are 12 noon to 5 p.m. daily September 1-5. A drawing will be held at 11 a.m. if more hunters show up than can be accommodated.

Anderson Lake Conservation Area (#)

Big Bend State Fish and Wildlife Area

Big River State Forest (#)

Carlyle Lake Wildlife Management Area (#)

Chain O'Lakes State Park (closes September 5) (#)

Clinton Lake State Recreation Area (dove management fields only) (#)

Eldon Hazlet State Park (closes October 14) (#)

Fox Ridge State Park (dove management fields only)

Harry "Babe" Woodyard State Natural Area (permit required) (#)

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Hidden Springs State Forest (dove management fields only)

Kaskaskia River State Fish and Wildlife Area (Doza Creek Waterfowl Management Area closes October 14) (#)

Kinkaid State Fish and Wildlife Area (#)

Lake Shelbyville – Kaskaskia and West Okaw Wildlife Management Areas (dove management fields only)

Marseilles State Fish and Wildlife Area (after Labor Day, site is closed on Fridays, Saturdays, and Sundays through October) (#)

Middle Fork State Fish and Wildlife Area (dove management fields only) (#)

Mississippi River State Fish and Waterfowl Management Area (Pools 25 and 26)

Moraine View State Park (dove management fields only; season closes October 14) (#)

Newton Lake Fish and Wildlife Area (dove management units) (#)

Peabody River King State Fish and Wildlife Area (east subunit closes October 14) (#)

Pyramid State Park (~~all hunters must wear DNR backpatch in dove management fields only~~) (#) (4)

Pyramid State Park – Captain Unit (~~all hunters must wear DNR backpatch in dove management fields only~~; permit required; permit must be returned by February 15) (4)

Pyramid State Park – Denmark Unit (~~all hunters must wear DNR backpatch in dove management fields only~~; permit required; permit must be returned by February 15) (4)

Pyramid State Park – East Conant Unit (~~all hunters must wear DNR backpatch in dove management field only~~; permit required; permit must be

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returned by February 15) (4)

Pyramid State Park – Galum Unit (~~all hunters must wear DNR backpatch in dove management fields only~~; permit required; permit must be returned by February 15) (4)

Randolph County State Conservation Area (#)

Ray Norbut State Fish and Wildlife Area (#)

Siloam ~~Springs~~ Spring State Park (~~site permit required~~) (#)

Turkey Bluffs State Fish and Wildlife Area (#)

Union County State Fish and Wildlife Area (season closes at the end of the first statewide split season) (#)

Washington County Conservation Area (closes October 14) (#)

Weinberg-King State Park (#)

- f) Statewide regulations as provided for in this Part shall apply at the following sites, except that hunting hours are 12 noon to 5 p.m. daily September 1-30. A drawing will be held at 11 a.m. if more hunters show up than can be accommodated.

Crawford County State Fish and Wildlife Area (#)

Hamilton County State Fish and Wildlife Area (#)

I-24 Wildlife Management Area (#)

Lake Le Aqua Na State Park (#)

Mermet Lake State Fish and Wildlife Area (#)

Saline County State Fish and Wildlife Area (#)

Sam Dale Lake Conservation Area (#)

Sam Parr State Park (#)

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Stephen A. Forbes State Park (season opens day after Labor Day) (#)

Jubilee College State Park (#)

Shabbona Lake State Park (#)

- g) Statewide regulations as provided for in this Part shall apply at the following sites, except that hunting hours are 12 noon to 5 p.m. daily. Hunting is allowed on opening day, Wednesday, and Saturday only. A drawing will be held at 11 a.m. if more hunters show up than can be accommodated.

Giant City State Park (#)

Horseshoe Lake Conservation Area (Alexander County) (#)

Saline County State Fish and Wildlife Area (#)

- h) Statewide regulations apply except that hunting hours are 12 noon to 5 p.m. from September 1-5; hunters must obtain a free permit from the Department; permits must be in possession while hunting on the site. Permit must be returned and harvest reported by February 15 or hunter will forfeit hunting privileges for that site for the following season.

Clinton Lake State Recreation Area (except dove management fields)

Fox Ridge State Park (except dove management units; shooting hours after September 3 are 12 noon to sunset)

Hidden Springs State Forest (except dove management fields)

Kickapoo State Park

Lake Shelbyville – Eagle Creek State Park (season opens day after Labor Day; closes October 14; shooting hours are 12 noon to sunset)

Lake Shelbyville – Kaskaskia and West Okaw Wildlife Management Areas (except dove management fields; shooting hours after September 5 are 12 noon to sunset)

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Middle Fork State Fish and Wildlife Area (except dove management units)

Moraine View State Park (except dove management fields; season closes October 14)

Newton Lake Fish and Wildlife Area (except dove management units)

Snakeden Hollow State Fish and Wildlife Area/[Victoria Pheasant Habitat Area](#)

- i) Permit Areas
  - 1) Permit Season Regulations
    - A) Permit season dates shall be September 1-5 and hunting hours are 12 noon to 5 p.m. at the sites listed at the end of this subsection.
    - B) Permit Applications

Applicants must contact the Department to obtain a permit reservation. Starting dates and methods for making reservations will be publicly announced. Applicants making reservations will be sent confirmation. Up to 6 reservations, but only one per applicant, may be made. Multiple reservations for the same person will not be accepted; further, persons attempting to make multiple reservations will forfeit the privilege to obtain a reservation for that season.
    - C) Each person may apply for only one area and receive one permit per season. An applicant may reapply only if his previous application was unsuccessful.
    - D) Hunting at these areas is by special permit only for the first five days of the season; thereafter, no permits are required for hunting these sites, except at Jim Edgar Panther Creek State Fish and Wildlife Area as indicated in subsection [\(i\)\(4\)\(3\)](#). All permits will be issued from Springfield and not from the site, except at Panther Creek State Fish and Wildlife Area as indicated in subsection [\(i\)\(4\)\(3\)](#).
    - E) Check in time for registration shall be between 9 a.m. and 11 a.m.

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each day. Openings after 11 a.m. will be filled by drawing for standbys if more hunters register than there are vacancies.

F) All hunters must wear a DNR issued backpatch.

2) Non-Permit Season Regulations

A) Non-permit season shall be September 6-30 except as indicated in parentheses.

B) Non-permit hunting hours shall be 12 noon ~~to~~ sunset except as indicated in parentheses.

C) No permits are required except as indicated in parentheses.

D) Check in and check out is required except as indicated in parentheses.

E) Hunter quotas will be filled on a first come-first served basis.

3) Sites

Des Plaines Conservation Area (non-permit hunting hours are 12 noon ~~to~~ 5 p.m.)

Edward R. Madigan State Park

Green River State Wildlife Area/Sand Prairie Habitat Area (non-permit hunting hours are sunrise ~~to~~ sunset)

Horseshoe Lake State Park (Madison County) (non-permit hunting hours are 12 noon ~~to~~ 5 p.m.)

Jim Edgar Panther Creek State Fish and Wildlife Area (for days 6 through 10 of the season, hunting hours are noon to 6:00 p.m. and hunters must check in and out at the site office; non-permit season closes with statewide dove season closing; non-permit season is governed by statewide regulations; permit required as indicated in subsection (i)(g) above for days 11 through the end of the statewide dove season; hunting hours for days 11 through the end of the statewide dove season are sunrise to sunset;

## DEPARTMENT OF NATURAL RESOURCES

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on the Controlled Unit only those hunters engaged in the controlled pheasant hunting program may take doves during the November portion of the dove season; on the Quail Management Unit only those hunters with Quail Management Unit Permits may take doves during the November portion of the dove season)

Kankakee River State Park

Mackinaw River State Fish and Wildlife Area (non-permit hunting hours 12 noon to 5 p.m.; each permit authorizes the holder to bring one hunting partner)

Ramsey Lake State Park (non-permit hunting hours are 12 noon to 5 p.m.)

Sangchris Lake State Park (closed after Sunday of the third weekend in September)

Silver Springs State Park (closed during National Hunting and Fishing Day Weekend)

- j) Violation of a site specific regulation is a petty offense (see 520 ILCS 5/2.20).

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 730.40 Youth Dove Hunting**

- a) A one-day Youth Dove Hunt will be held the first weekend day in September or Labor Day, whichever comes first, at the following sites:

Horseshoe Lake State Park (Madison County)

Silver Springs State Park

Stephen A. Forbes State Park

- b) A one-day youth/adult dove hunt will be held the first weekend day in September or Labor Day, whichever comes first, where both the youth and adult will be permitted to hunt at the following sites:

Kankakee River State Park

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Lake Shelbyville-Kaskaskia and West Okaw Wildlife Management Area

Mackinaw River State Fish and Wildlife Area (only nontoxic shot, as defined by the U.S. Fish and Wildlife Service in 50 CFR 20, #6 steel shot or #7½ bismuth shot or smaller may be possessed)

Mt. Vernon Game Farm

Ramsey Lake State Park

Sam Parr State Park

Sangchris Lake State Park

- c) Hunting hours are from 12:00 p.m. to 5:00 p.m. Check-in time is from 10:00 a.m. to 11:00 a.m.
- d) Hunter quota will be announced by public news release. Hunter quota is determined by the formula: one hunter per 10 to 40 huntable acres. Huntable acres are determined by, but not limited to, the biological studies on the number of the species available; the condition, topography, and configuration of the land at the site; and the number of employees available to work at the site.
- e) All hunters must have a hunting permit and wear a back patch while hunting. Stand-by permits will be available at the site by lottery drawing if vacancies occur.
- f) Applicants must be between the ages of 10-15 inclusive, with a valid Illinois hunting license.
- g) Each youth must be accompanied by a supervising adult. If the hunter does not have a valid Firearm Owner's Identification (FOID) card, the supervising adult is required to have a FOID card. Only one supervising adult in a hunting party is required to have a valid FOID card if the hunters in the hunting party stay under the immediate control (accompany youth hunters at all times) of the supervising adult possessing the valid FOID card. All adult hunters must have a valid FOID card. The supervising adults shall be criminally liable for the actions of the youth in the hunting party and be subject to the criminal penalties provided by law.

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- h) Applicants must contact the Department to obtain a permit reservation. Starting dates and methods for making reservations will be publicly announced. Applicants making reservations will be sent confirmation. Up to 6 reservations, but only one per applicant, may be made. Multiple reservations for the same person will not be accepted and that person will forfeit his right to acquire a reservation for the season.
- i) Violation of this Section is a Class B misdemeanor (see 520 ILCS 5/2.18).

(Source: Added at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



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- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: July 2003

The full text of the proposed amendments begins on the next page:

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

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

PART 740  
 CROW, WOODCOCK, SNIPE, RAIL AND TEAL HUNTING

## Section

740.10	Statewide Regulations
740.20	Regulations at Various Department-Owned or -Managed Sites

**AUTHORITY:** Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5] and Migratory Bird Hunting (50 CFR 20, August 25, 1987).

**SOURCE:** Adopted at 5 Ill. Reg. 8896, effective August 25, 1981; codified at 5 Ill. Reg. 10645; amended at 6 Ill. Reg. 357, effective December 23, 1981; amended at 6 Ill. Reg. 9648, effective July 21, 1982; amended at 7 Ill. Reg. 8815, effective July 15, 1983; amended at 8 Ill. Reg. 16796, effective August 30, 1984; amended at 9 Ill. Reg. 11620, effective July 16, 1985; peremptory amendments at 9 Ill. Reg. 14383, effective September 5, 1985; amended at 10 Ill. Reg. 15607, effective September 16, 1986; amended at 11 Ill. Reg. 9575, effective May 5, 1987; emergency amendments at 11 Ill. Reg. 15253, effective August 28, 1987, for a maximum of 150 days; emergency expired January 25, 1988; amended at 12 Ill. Reg. 12261, effective July 15, 1988; amended at 13 Ill. Reg. 12869, effective July 21, 1989; amended at 14 Ill. Reg. 11207, effective June 29, 1990; amended at 15 Ill. Reg. 10057, effective June 24, 1991; amended at 16 Ill. Reg. 11162, effective June 30, 1992; amended at 17 Ill. Reg. 10877, effective July 1, 1993; amended at 18 Ill. Reg. 9998, effective June 21, 1994; amended at 19 Ill. Reg. 10577, effective July 1, 1995; amended at 20 Ill. Reg. 10851, effective August 5, 1996; amended at 21 Ill. Reg. 9061, effective June 26, 1997; amended at 22 Ill. Reg. 14782, effective August 3, 1998; amended at 23 Ill. Reg. 9033, effective July 28, 1999; amended at 24 Ill. Reg. 8901, effective June 19, 2000; amended at 25 Ill. Reg. 11364, effective August 14, 2001; amended at 26 Ill. Reg. 13605, effective September 3, 2002; amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 740.20 Regulations at Various Department-Owned or -Managed Sites**

- a) All the rules in 17 Ill. Adm. Code 510 apply in this Section, unless this Section is more restrictive. Violation of a site specific regulation is a petty offense (see 520 ILCS 5/2.20).
- b) Woodcock, snipe and rail hunting; statewide regulations as provided for in this

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Part shall apply at the following areas (exceptions are in parentheses):

Anderson Lake Conservation Area (closed 7 days before duck season)

Big Bend State Fish and Wildlife Area

Big River State Forest

Cache River State Natural Area

Campbell Pond Wildlife Management Area

Carlyle Lake Lands and Waters – Corps of Engineers managed lands

Carlyle Lake Wildlife Management Area (sub-impoundment area closes 7 days prior to the southern zone waterfowl season)

Crawford County Conservation Area

Cypress Pond State Natural Area

[Devil's Island](#)

Dog Island Wildlife Management Area

Eldon Hazlet State Park (North of Allen Branch and west of Peppenhorst Branch only)

Ferne Clyffe State Park

Ft. de Chartres Historic Site (hunting with muzzle loading shotgun only)

Ft. Massac State Park

Giant City State Park

Hamilton County Conservation Area (statewide hours until rabbit season, then 8:00 a.m. to 4:00 p.m.)

Horseshoe Lake Conservation Area (public hunting area except controlled

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goose hunting area)

## I-24 Wildlife Management Area

Iroquois County Wildlife Management Area (season closes the day before permit pheasant season; 4:00 p.m. daily closing; sign in/out required; [closed to snipe hunting](#))

Jubilee College State Park (season coincides with Jubilee Upland season, 17 Ill. Adm. Code 530.110)

Kankakee River State Park (woodcock only; during the controlled pheasant hunting season, hunters must abide by those portions of 17 Ill. Adm. Code 530.105 and 530.110 which pertain to Kankakee River State Park)

Kaskaskia River State Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 7 days prior to waterfowl season)

## Kinkaid Lake Fish and Wildlife Area

Marseilles State Fish and Wildlife Area (woodcock only; Monday – Thursday only through October)

## Mermet Lake Fish and Wildlife Area

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26)

## Mississippi River Pools 16, 17, and 18

## Mississippi River Pools 21, 22 and 24

## Oakford Conservation Area

Peabody River King State Fish and Wildlife Area (West subunit only; woodcock only)

## Pyramid State Park

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Ramsey Lake State Park (statewide hours until rabbit season begins; then 8:00 a.m. [to](#) - 4:00 p.m.)

Randolph County Conservation Area (woodcock only)

Ray Norbut State Fish and Wildlife Area (all hunting closes December 15 in Eagle Creek Roost Area)

Red Hills State Park

Rend Lake Project Lands and Waters

Rice Lake Wildlife Area (season open during teal season only; sunrise until 1:00 p.m.)

[Sahara Woods State Fish and Wildlife Area](#)

Saline County Fish and Wildlife Area

Sam Dale Lake Conservation Area (statewide hours until rabbit season, then 8:00 a.m. to 4:00 p.m.)

Sam Parr State Park (statewide hours until rabbit season, then 8:00 a.m. to 4:00 p.m.)

Sand Ridge State Forest (During the controlled pheasant hunting season, hunters must abide by those portions of 17 Ill. Adm. Code 530.105 and 530.110 which pertain to Sand Ridge State Forest)

Sielbeck Forest Natural Area

Snake Den Hollow Fish and Wildlife Area/Victoria Pheasant Habitat Area (closes September 30)

Stephen A. Forbes State Park (statewide hours until rabbit season, then 8:00 a.m. to 4:00 p.m.)

Tapley Woods State Natural Area (closed during firearm deer season)

Trail of Tears State Forest

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Turkey Bluffs Fish and Wildlife Area

Union County Conservation Area (Firing Line Management Area only)

Washington County Conservation Area (woodcock only)

Weinberg-King State Park

Wildcat Hollow State Forest

- c) Woodcock, snipe and rail hunting permitted, exceptions as noted in parentheses. Hunters must obtain a permit from site office and permit must be in possession while hunting. Failure to report harvest by February 15 will result in loss of hunting privileges at that site for the following year.

Chauncey Marsh

Clinton Lake State Recreation Area (4:00 p.m. daily closing)

Fox Ridge State Park (woodcock only; 4:00 p.m. daily closing)

Harry "Babe" Woodyard State Natural Area (woodcock only; closes October 31)

Hidden Springs State Forest (4:00 p.m. daily closing)

Horseshoe Lake State Park (Madison County) – Gabaret, Mosenthein, Chouteau Island Unit ([permit required](#))

Jim Edgar Panther Creek State Fish and Wildlife Area (hunters are restricted to the Open Units portion of the site during the controlled pheasant season, except those hunters who possess a valid Quality Unit or Controlled Unit permit)

Kickapoo State Park (woodcock only; 4:00 p.m. daily closing; closed during firearm deer season)

Lake Shelbyville – Eagle Creek State Park (woodcock only; 4:00 p.m. daily closing; closes opening day of site's pheasant season)

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Lake Shelbyville – Kaskaskia and West Okaw Wildlife Management Area  
(4:00 p.m. daily closing)

Middle Fork Fish and Wildlife Area (woodcock only; 4:00 p.m. daily  
closing; closed during firearm deer season)

Moraine View State Park (woodcock only; 4:00 p.m. daily closing; season  
closes the day before site's controlled pheasant season)

Pyramid State Park – Captain Unit (open to hunters with a quality upland  
permit, daily draw waterfowl permit [and/or](#) site permit)

Pyramid State Park – Denmark Unit (open to hunters with a quality  
upland permit, daily draw waterfowl permit [and/or](#) site permit)

Pyramid State Park – East Conant Unit (open to hunters with a quality  
upland permit, daily draw waterfowl permit [and/or](#) site permit)

Pyramid State Park – Galum Unit (permit required; must be returned by  
February 15)

Newton Lake Fish and Wildlife Area (woodcock only; closed during  
firearm deer season)

Sanganois State Fish and Wildlife Area

Ten Mile Creek Fish and Wildlife Area (non-toxic shot only for woodcock  
hunting in waterfowl rest areas)

- d) Teal hunting; statewide regulations as provided for in this Part shall apply on the following sites, except no permanent blinds allowed except as authorized in 17 Ill. Adm. Code 590.15, 590.20, 590.40 and 590.50 (exceptions are in parentheses):

Anderson Lake Conservation Area

Blanding Wildlife Area

Cache River State Natural Area

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## Campbell Pond Wildlife Management Area

Carlyle Lake Lands and Waters – Corps of Engineers managed lands (waters of Peppenhorst Branch and Allen Branch north of the buoys only)

Carlyle Lake Wildlife Management Area (teal hunting prohibited east of Kaskaskia River from the Cox's Bridge Access north to DNR property boundary)

Chain O'Lakes State Park ([hunting](#) ~~Hunting~~ is allowed only from numbered blind sites; the blinds need not be completed)

Chauncey Marsh (permit required)

[Clinton Lake State Recreation Area \(hunting in waterfowl areas East of Parnell Bridge and North of Route 54 only\)](#)

Coffeen Lake State Fish and Wildlife Area (hunters must sign in prior to hunting and sign out reporting harvest at the end of each day; hunting from staked sites only; no permanent blinds; hunting by boat access only; no cutting vegetation on site; hunting north of County Road N6th only; four hunters per blind site; no fishing north of County Road N6th during this season)

Des Plaines Conservation Area (hunting is allowed only from numbered blind sites; the blinds need not be completed)

[Devil's Island](#)

Dog Island Wildlife Management Area

Eldon Hazlet State Park – North Allen Branch Waterfowl Management Area

Ft. de Chartres Historic Site (hunting is allowed from anchored, portable boat blinds only)

Horseshoe Lake State Park (Madison County) (hunting is allowed only from numbered blind sites; blind builders must claim their blinds ½ hour before shooting time each day or blind is open to the public; blinds need

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not be completed)

Horseshoe Lake Conservation Area – Public Hunting Area (Alexander County)

[Horseshoe Lake State Park \(Madison County\) – Gabaret, Mosenthein, Chouteau Island Unit](#)

Kaskaskia River State Fish and Wildlife Area

Kidd Lake State Natural Area (hunters must check in and out and report harvest each day; hunter quota filled on a first come-first served basis; cutting of vegetation is prohibited)

Lake Shelbyville – Kaskaskia and West Okaw Wildlife Management Areas (site permit described in subsection (c) applies)

Lake Shelbyville – Corps of Engineers Managed Lands and Waters

Lake Sinnissippi [Fish and Wildlife Area \(hunting is allowed only from numbered blind sites; blind builders must claim their blinds ½ hour before shooting time each day or blind is open to the public; blinds need not be completed\)](#)~~Conservation Area~~

Marshall State Fish and Wildlife Area – all management units

Meredosia Lake

Mississippi River Fish and Waterfowl Management Area (Mississippi River Pools 25 and 26) (blind builders must claim their blinds one-half hour before shooting time or the blind is open for that day's hunt; no hunting allowed in the designated Batchtown waterfowl rest area)

Mississippi River Pools 16, 17 and 18

Mississippi River Pools 21, 22 and 24

Oakford Conservation Area

Pyramid State Park – Captain Unit (permit required; must be returned by

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February 15; [hunting not allowed in Captain Unit waterfowl rest area](#))

Pyramid State Park – Denmark Unit (permit required; must be returned by February 15; [hunting not allowed in Denmark Unit waterfowl rest area](#))

Pyramid State Park – Galum Unit (permit required; must be returned by February 15)

Ray Norbut Fish and Wildlife Area

Rend Lake Project Lands and Waters

Rice Lake Fish and Wildlife Area (check in and check out required; sunrise until 1:00 p.m.)

Saline County Fish and Wildlife Area

Sanganois State Fish and Wildlife Area (permit required)

Snake Den Hollow Fish and Wildlife Area/Victoria Pheasant Habitat Area

Stephen A. Forbes State Park (walk-in hunting in the subimpoundment only)

Ten Mile Creek State Fish and Wildlife Area (permit required)

Turkey Bluffs State Fish and Wildlife Area

Union County Conservation Area (public hunting area and firing line unit only)

Woodford Fish and Wildlife Area

e) Crow Hunting

- 1) Statewide regulations as provided for in this Part shall apply at the following sites (season dates in parentheses):

[Anderson Lake Conservation Area](#)

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[Big Bend State Fish and Wildlife Area](#)

[Big River State Forest](#)

[Green River State Wildlife Area \(January 1 through statewide closing\)](#)

[Horseshoe Lake State Park \(Madison County\) – Gabaret, Mosenthein, Chouteau Island Unit \(mid-July through mid-August season closed; site permit required\)](#)

Jim Edgar Panther Creek State Fish and Wildlife Area (West Open Unit)

Mississippi River Pools 16, 17, 18

Mississippi River State Fish and Wildlife Area (Pools 25 and 26)

[Pyramid State Park – Captain Unit \(no hunting in waterfowl rest area; permit required, must be returned by February 15\)](#)

[Pyramid State Park – Denmark Unit \(no hunting in waterfowl rest area; permit required, must be returned by February 15\)](#)

[Pyramid State Park – East Conant Unit \(no hunting in waterfowl rest area; permit required, must be returned by February 15\)](#)

[Pyramid State Park – Galum Unit \(no hunting in waterfowl rest area; permit required, must be returned by February 15\)](#)

Ray Norbut Fish and Wildlife Area

Sanganois State Fish and Wildlife Area (July 1 through August 15; day after goose season closes through March 1; ~~nontoxic~~~~non-toxic~~ shot only; permit required)

- 2) Crow hunting permitted, exceptions as noted in parentheses. Hunters must obtain a permit from site office and permit must be in possession while hunting. Failure to report harvest by ~~March~~~~February~~ 15 will result in loss of hunting privileges at that site for the following year:

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Ten Mile Creek Fish and Wildlife Area (non-toxic shot only for crow hunting in waterfowl rest areas)

- 3) ~~Statewide regulations as provided for in this Part shall apply except hunting is permitted only during the second portion of the season at the following sites (season dates in parentheses):~~

~~Anderson Lake Conservation Area~~

~~Big Bend State Fish and Wildlife Area~~

~~Big River State Forest~~

~~Green River State Wildlife Area (January 1—statewide closing)~~

~~Stephen A. Forbes State Park~~

- 3)4) All hunters must make a reasonable effort to retrieve downed birds. All crows must be removed from the site by the hunter.

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Illinois List of Endangered and Threatened Fauna
- 2) Code Citation: 17 Ill. Adm. Code 1010
- 3) Section Number: 1010.30      Proposed Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Section 7 of the Illinois Endangered Species Protection Act [520 ILCS 10/7].
- 5) A Complete Description of the Subjects and Issues Involved: The Illinois Endangered Species Protection Board adopted final changes to the Illinois list at its meeting on February 20, 2004. The changes to this Part are those adopted by the Board.
- 6) Will this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:  

Jack Price, Legal Counsel  
Department of Natural Resources  
One Natural Resources Way  
Springfield IL 62702-1271  
217/782-1809
- 12) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities and not for profit corporations affected: None

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- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: the Department was not aware the Illinois Endangered Species Protection Board was planning to amend the list at the time the Agendas were published.

The full text of the proposed amendment begins on the next page:

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TITLE 17: CONSERVATION  
 CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  
 SUBCHAPTER c: ENDANGERED SPECIES

PART 1010  
 ILLINOIS LIST OF ENDANGERED AND THREATENED FAUNA

## Section

1010.10	Official List
1010.20	Definitions
1010.25	Criteria Used <del>for</del> Listing
1010.30	List

AUTHORITY: Implementing and authorized by Section 7 of the Illinois Endangered Species Protection Act [520 ILCS 10/7].

SOURCE: Filed December 21, 1977, effective December 31, 1977; codified at 5 Ill. Reg. 10653; amended at 8 Ill. Reg. 13705, effective July 25, 1984; amended at 13 Ill. Reg. 4179, effective March 17, 1989; amended at 16 Ill. Reg. 103, effective December 20, 1991; amended at 18 Ill. Reg. 1134, effective January 18, 1994; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 21 Ill. Reg. 3118, effective March 3, 1997; amended at 23 Ill. Reg. 5556, effective April 26, 1999; amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 1010.30 List**

## a) ENDANGERED FISHES OF ILLINOIS

Northern Brook Lamprey	Ichthyomyzon fossor
Lake Sturgeon	Acipenser fulvescens
Pallid Sturgeon**	Scaphirhynchus albus
River Chub	Nocomis micropogon
<del>Flathead Chub</del>	<del>Platygobio gracilis</del>
Sturgeon Chub	Macrhybopsis gelida
Bigeye Chub	Hybopsis amblops
Pallid Shiner	Hybopsis amnis
Pugnose Shiner	Notropis anogenus
Bigeye Shiner	Notropis boops
Blacknose Shiner	Notropis heterolepis

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<del>Bluehead Shiner</del>	<del>Pteronotropis hubbsi</del>
Taillight shiner	Notropis maculatus
Weed Shiner	Notropis texanus
Cypress Minnow	Hybognathus hayi
Greater Redhorse	Moxostoma valenciennesi
Northern Madtom	Noturus stigmosus
Bluebreast Darter	Etheostoma camurum
Western Sand Darter	Ammocrypta clarum
<del>Iowa Darter</del>	<del>Etheostoma exile</del>
Harlequin Darter	Etheostoma histrio

## b) THREATENED FISHES OF ILLINOIS

Least Brook Lamprey	Lampetra aepyptera
Cisco	Coregonus artedi
<del>Gravel Chub</del>	<del>Erimystax x-punctatus</del>
Ironcolor Shiner	Notropis chalybaeus
Blackchin Shiner	Notropis heterodon
River Redhorse	Moxostoma carinatum
Eastern Sand Darter	Ammocrypta pellucidum
Longnosed Sucker	Catostomus catostomus
Banded Killifish	Fundulus diaphanus
<del>Starhead Topminnow</del>	<del>Fundulus dispar</del>
Redspotted Sunfish	Lepomis miniatus
Bantam Sunfish	Lepomis symmetricus
<del>Iowa Darter</del>	<del>Etheostoma exile</del>

## c) ENDANGERED AMPHIBIANS AND REPTILES OF ILLINOIS

Hellbender	Cryptobranchus alleganiensis
Silvery Salamander	Ambystoma platineum
<del>Spotted Dusky Salamander</del>	<del>Desmognathus conanti fusesus</del>
Alligator Snapping Turtle	<del>Macrochelys temminckii</del>
	<del>Macrolemys temmincki</del>
Illinois Mud Turtle	Kinosternon flavescens
Spotted Turtle	Clemmys guttata
River Cooter	Pseudemys concinna
Coachwhip	Masticophis flagellum
Broad-banded Watersnake	Nerodia fasciata

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[Great Plains Ratsnake](#)  
~~[Eastern Ribbon Snake](#)~~  
 Eastern Massasauga

[Elaphe emoryi](#)  
~~[Thamnophis sauritus](#)~~  
 Sistrurus catenatus

## d) THREATENED AMPHIBIANS AND REPTILES OF ILLINOIS

Jefferson Salamander	Ambystoma jeffersonianum
Four-toed Salamander	Hemidactylum scutatum
Bird-voiced Treefrog	Hyla avivoca
Illinois Chorus Frog	Pseudacris streckeri
<a href="#">Eastern Narrowmouth Toad</a>	<a href="#">Gastrophryne carolinensis</a>
Blanding's Turtle	Emydoidea blandingii
<a href="#">Lined Snake</a>	<a href="#">Tropidoclonion lineatum</a>
Western Hognose Snake	Heterodon nasicus
<del><a href="#">Great Plains Rat Snake</a></del>	<del><a href="#">Elaphe guttata emoryi</a></del>
Mississippi Green Watersnake	Nerodia cyclopion
Flathead Snake	Tantilla gracilis
Kirtland's Snake	Clonophis kirtlandi
<a href="#">Eastern Ribbonsnake</a>	<a href="#">Thamnophis sauritus</a>
Timber Rattlesnake	Crotalus horridus

## e) ENDANGERED BIRDS OF ILLINOIS

American Bittern	Botaurus lentiginosus
Snow Egret	Egretta thula
Little Blue Heron	Egretta caerulea
Black-crowned Night Heron	Nycticorax nycticorax
Yellow-crowned Night Heron	Nyctanassa violacea
Osprey	Pandion haliaetus
Mississippi Kite	Ictinia mississippiensis
Northern Harrier	Circus cyaneus
Swainson's Hawk	Buteo swainsoni
<del><a href="#">Peregrine Falcon**</a></del>	<del><a href="#">Falco peregrinus</a></del>
Greater Prairie Chicken	Tympanuchus cupido
Black Rail	Laterallus jamaicensis
King Rail	Rallus elegans
Piping Plover**	Charadrius melodus
Upland Sandpiper	Bartramia longicauda
Wilson's Phalarope	Phalaropus tricolor

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Common Tern	<i>Sterna hirundo</i>
Forster's Tern	<i>Sterna forsteri</i>
Least Tern**	<i>Sterna antillarum</i>
Black Tern	<i>Chlidonias niger</i>
Barn Owl	<i>Tyto alba</i>
Short-eared Owl	<i>Asio flammeus</i>
Bewick's Wren	<i>Thryomanes bewickii</i>
Swainson's Warbler	<i>Limnothlypis swainsonii</i>
<a href="#">Henslow's Sparrow</a>	<a href="#">Ammodramus henslowii</a>
Yellow-headed Blackbird	<i>Xanthocephalus xanthocephalus</i>

## f) THREATENED BIRDS OF ILLINOIS

<del>Pied-billed Grebe</del>	<del><i>Podilymbus podiceps</i></del>
Least Bittern	<i>Ixobrychus exilis</i>
Bald Eagle	<i>Haliaeetus leucocephalus</i>
<del>Red-shouldered Hawk</del>	<del><i>Buteo lineatus</i></del>
<a href="#">Peregrine Falcon</a>	<a href="#">Falco peregrinus</a>
Common Moorhen	<i>Gallinula chloropus</i>
Sandhill Crane	<i>Grus canadensis</i>
<del>Brown Creeper</del>	<del><i>Certhia americana</i></del>
Loggerhead Shrike	<i>Lanius ludovicianus</i>
<a href="#">Cerulean Warbler</a>	<a href="#">Dendroica carulea</a>
<a href="#">Henslow's Sparrow</a>	<a href="#">Ammodramus henslowii</a>

## g) ENDANGERED MAMMALS OF ILLINOIS

Southeastern Myotis	<i>Myotis austroriparius</i>
Gray Bat**	<i>Myotis grisescens</i>
Indiana Bat**	<i>Myotis sodalis</i>
Rafinesque's Big-eared Bat	<i>Corynorhinus rafinesquii</i>
Eastern Wood Rat	<i>Neotoma floridana</i>

## h) THREATENED MAMMALS OF ILLINOIS

<del>River Otter</del>	<del><i>Lontra canadensis</i></del>
<a href="#">Gray/Timber Wolf</a>	<a href="#">Canis lupus</a>
<a href="#">Franklin's Ground Squirrel</a>	<a href="#">Spermophilus franklinii</a>
Golden Mouse	<i>Ochrotomys nuttalli</i>

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Rice Rat

*Oryzomys palustris*

## i) ENDANGERED INVERTEBRATE ANIMALS OF ILLINOIS

## Snails

Iowa Pleistocene Snail\*\*  
[Hydrobiid Cave Snail](#)*Discus macclintocki*  
[Fontigens antroecetes](#)

## Mussels

Spectaclecase  
Salamander Mussel  
Rabbitsfoot  
Orange-foot Pimpleback\*\*  
Sheepnose  
Clubshell\*\*  
Ohio Pigtoe  
[Pyramid Pigtoe](#)  
Kidneyshell  
Fanshell\*\*  
[Round Hickorynut](#)  
Fat Pocketbook\*\*  
Purple Lilliput  
[Rayed Bean](#)  
Rainbow  
[Little Spectaclecase](#)  
Pink Mucket  
Wavy-rayed Lampmussle  
[Higgins Eye\\*\\*Higginsii Pearly  
Mussel\\*\\*](#)  
Snuffbox*Cumberlandia monodonta*  
*Simpsonaias ambigua*  
*\*Quadrula cylindrica*  
*Plethobasus cooperianus*  
*Plethobasus cyphus*  
*Pleurobema clava*  
*Pleurobema cordatum*  
[Pleurobema rubrum](#)  
*Ptychobranthus fasciolaris*  
*Cyprogenia stegria*  
[Obvaria subrotunda](#)  
*Potamilus capax*  
*Toxolasma lividus*  
[Villosa fabalis](#)  
*Villosa iris*  
[Villosa lienosa](#)  
*Lampsilis abrupta*  
*Lampsilis fasciola*  
*Lampsilis higginsii*  
*Epioblasma triquetra*

## Crustaceans

Anomalous Spring Amphipod  
[Appalachian Valley Cave](#)*Crangonyx anomalus*  
[Crangonyx antennatus](#)[Amphipod](#)

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Pacard's Cave Amphipod	Crangonyx packardi
Illinois Cave Amphipod	Gammarus acherondytes
Iowa Amphipod	Stygobromus iowae
Indiana Crayfish	Orconectes indianensis
Kentucky Crayfish	Orconectes kentuckiensis
Oxbow Crayfish	Orconectes lancifer
Crayfish	Orconectes placidus
Isopod	Caecidotea lesliei
Isopod	
Dragonflies	Caecidotea spatulata
Hine's Emerald's Dragonfly**	Somatochlora hineana
Leafhoppers	
Leafhopper	Paraphlepsius lupalus
Butterflies and Moths	
Eryngium Stem Borer	Papaipema eryngii
Arogos Skipper	Atrytone arogos
Hoary Elfin	Incisalia polios
Karner Blue Butterfly**	Lycaeides melissa samuelis
Swamp Metalmark	Calephelis muticum

## j) THREATENED INVERTEBRATE ANIMALS OF ILLINOIS

## Mussels

Ebonyshell	Fusconaia ebena
Purple Wartyback	Cyclonaias tuberculata
Elephant-ear	Elliptio crassidens
Spike	Elliptio dilatata
Slippershell	Alasmidonta viridis
Butterfly	Ellipsaria lineolata
Black Sandshell	Ligumia recta
<a href="#">Little Spectaclecase</a>	<a href="#">Villosa lienosa</a>

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Crustaceans

~~Bousfield's Amphipod~~

~~Gammarus bousfieldi~~

Dragonflies

Elfin Skimmer

Nannothemis bella

Leafhoppers

Redveined Prairie Leafhopper

Aflexia rubranura

Butterflies

Cobweb Skipper

Hesperia metea

Ottoo Skipper

Hesperia ottoe

Regal Fritillary

Speyeria idalia

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF NATURAL RESOURCES

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- 1) Heading of the Part: Illinois List of Endangered and Threatened Flora
- 2) Code Citation: 17 Ill. Adm. Code 1050
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1050.30	Amendment
1050.40	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 7 of the Illinois Endangered Species Protection Act [520 ILCS 10/7].
- 5) A Complete Description of the Subjects and Issues Involved: The Illinois Endangered Species Protection Board adopted final changes to the Illinois list at its meeting on February 20, 2004. The changes to this Part are those adopted by the Board.
- 6) Will this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:  

Jack Price, Legal Counsel  
Department of Natural Resources  
One Natural Resources Way  
Springfield IL 62702-1271  
217/782-1809
- 12) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities and not for profit corporations

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affected: None

- B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This Part was not included on the 2 most recent copies of the Regulatory Agenda because: the Department was not aware the Illinois Endangered Species Protection Board planned to amend the list at the time the Agendas were published.

The full text of the proposed amendments begins on the next page:

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION  
 CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  
 SUBCHAPTER c: ENDANGERED SPECIES

## PART 1050

## ILLINOIS LIST OF ENDANGERED AND THREATENED FLORA

## Section

1050.10	Official List
1050.20	Definitions
1050.25	Criteria Used For Listing
1050.30	Endangered Flora of Illinois
1050.40	Threatened Flora of Illinois

AUTHORITY: Implementing and authorized by Section 7 of the Illinois Endangered Species Protection Act [520 ILCS 10/7].

SOURCE: Adopted at 4 Ill. Reg. 22, p. 209, effective May 20, 1980 unless otherwise noted; amended at 5 Ill. Reg. 10293, effective September 30, 1981; codified at 6 Ill. Reg. 2593; amended at 8 Ill. Reg. 13713, effective July 25, 1984; amended at 13 Ill. Reg. 3755, effective March 13, 1989; amended at 14 Ill. Reg. 6123, effective April 17, 1990; amended at 17 Ill. Reg. 10781, effective July 1, 1993; amended at 18 Ill. Reg. 1142, effective January 18, 1994; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 22 Ill. Reg. 21902, effective December 3, 1998; amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 1050.30 Endangered Flora of Illinois**

SCIENTIFIC NAME	COMMON NAME
<b>PHYSICIACEAE</b>	
<a href="#">Phaeophyscia leana</a>	<a href="#">Lea's Bog Lichen</a>
<b>EQUISETACEAE</b>	
Equisetum scirpoides	Dwarf Scouring Rush
Equisetum sylvaticum	Horsetail
<b>HYMENOPHYLLACEAE</b>	
Trichomanes boschianum	Filmy fern
<b>ISOETACEAE</b>	
Isoetes butleri	Qwillwort
<b>LYCOPODIACEAE</b>	

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Lycopodium clavatum	Running Pine
Lycopodium dendroideum	Ground Pine
<a href="#">Lycopodiella inundata</a>	Bog Clubmoss
<del>Lycopodium inundatum</del>	
OPHIOGLOSSACEAE	
<a href="#">Botrychium campestre</a>	<a href="#">Prairie Moonwort</a>
Botrychium	
<del>matricariifolium</del> <a href="#">matricariaefolium</a>	Daisyleaf Grape Fern
Botrychium multifidum	Northern Grape Fern
Botrychium simplex	Dwarf Grape Fern
POLYPODIACEAE	
Asplenium bradleyi	Bradley's Spleenwort
Asplenium resiliens	Black Spleenwort
Cystopteris laurentiana	Fragile Fern
Dennstaedtia punctilobula	Hay-scented Fern
Dryopteris celsa	Log Fern
Gymnocarpium dryopteris	Oak Fern
Gymnocarpium robertianum	Scented Oak Fern
<a href="#">Phegopteris connectilis</a>	<a href="#">Long Beech Fern</a>
Thelypteris noveboracensis	New York Fern
<del>Thelypteris phegopteris</del>	<del>Long Beech Fern</del>
Woodsia ilvensis	Rusty Woodsia
CUPRESSACEAE	
Juniperus horizontalis	Trailing Juniper
PINACEAE	
Pinus banksiana	Jack Pine
Pinus echinata	Shortleaf Pine
Pinus resinosa	Red Pine
ALISMATACEAE	
Echinodorus tenellus	Small Burhead
Sagittaria <del>australis</del> <a href="#">longirostra</a>	Arrowhead
ARACEAE	
Calla palustris	Water Arum
CYPERACEAE	
<a href="#">Bolboschoenus maritimus</a>	<a href="#">Alkali Bulrush</a>
Carex alata	Winged Sedge
Carex arkansana	Arkansas Sedge
<del>Carex aurea</del>	<del>Golden Sedge</del>
Carex brunnescens	Brownish Sedge

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Carex canescens var. disjuncta	Sedge
Carex chordorrhiza	Cordroot Sedge
Carex crawfordii	Sedge
Carex cryptolepis	Sedge
<a href="#">Carex cumulata</a>	<a href="#">Sedge</a>
Carex decomposita	Cypress-knee Sedge
<a href="#">Carex diandra</a>	<a href="#">Sedge</a>
Carex disperma	Shortleaf Sedge
Carex echinata	Sedge
<a href="#">Carex formosa</a>	<a href="#">Sedge</a>
Carex garberi	Sedge
Carex gigantea	Large Sedge
Carex <a href="#">inops subsp.</a> heliophila	Sedge
Carex lucorum	Sedge
Carex nigromarginata	Black-edged Sedge
Carex oligosperma	Few-seeded Sedge
Carex physorhyncha	Bellows Beak Sedge
Carex reniformis	Sedge
Carex striatula	Lined Sedge
Carex trisperma	Three-seeded Sedge
Carex tuckermani	Tuckerman's Sedge
Cyperus lancastriensis	Galingale
Eleocharis olivacea	
<a href="#">(Eleocharis flavescens var. olivacea)</a>	Spikerush
Eleocharis pauciflora	
<a href="#">(Eleocharis quinqueflora)</a>	Few-flowered Spikerush
Eriophorum virginicum	Rusty Cotton Grass
Fimbristylis vahlii	Vahl's Fimbristylis
Rhynchospora glomerata	Clustered Beak Rush
<a href="#">Schoenoplectus purshianus</a>	<a href="#">Weak Bulrush</a>
<a href="#">Schoenoplectus smithii</a>	<a href="#">Smith's Bulrush</a>
<a href="#">Scirpus cespitosus</a>	<a href="#">Tufted Bulrush</a>
Scirpus hattorianus	Bulrush
<a href="#">Scirpus microcarpus</a>	<a href="#">Bulrush</a>
<a href="#">Scleria muhlenbergii</a>	<a href="#">Muhlenberg's Nut Rush</a>
<a href="#">Scleria pauciflora</a>	<a href="#">Carolina Whipgrass</a>
<a href="#">Trichophorum cespitosum</a>	<a href="#">Tufted Bulrush</a>
<a href="#">Scirpus paludosus</a>	<a href="#">Alkali Bulrush</a>
<a href="#">Scirpus purshianus</a>	<a href="#">Weak Bulrush</a>

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<a href="#">Scirpus smithii</a>	<del>Smith's Bulrush</del>
<a href="#">Scirpus verecundus</a>	<del>Bulrush</del>
IRIDACEAE	
<del>Sisyrinchium atlanticum</del>	<del>Eastern Blue-eyed Grass</del>
Sisyrinchium montanum	Mountain Blue-eyed Grass
JUNCACEAE	
Juncus <a href="#">alpinoarticulatus alpinus</a>	Richardson's Rush
Juncus vaseyi	Vasey's Rush
Luzula acuminata	Hairy Woodrush
LILIACEAE	
Camassia angusta	Wild Hyacinth
<a href="#">Chamaelirium luteum</a>	<a href="#">Fairy Wand</a>
Medeola virginiana	Indian Cucumber Root
Polygonatum pubescens	Downy Solomon's Seal
Stenanthium gramineum	Grass-leaved Lily
Trillium cernuum	Nodding Trillium
Trillium erectum	Ill-scented Trillium
Trillium viride	Green Trillium
<a href="#">Zigadenus elegans</a>	<a href="#">White Camass</a>
<a href="#">(Zigadenus venenosus var. gramineus)</a>	
<a href="#">Zigadenus glaucus</a>	<del>White Camass</del>
MARANTACEAE	
<a href="#">Thalia dealbata</a>	<a href="#">Powdery Thalia</a>
ORCHIDACEAE	
<a href="#">Calopogon oklahomensis</a>	<a href="#">Oklahoma Grass Pink Orchid</a>
Calopogon tuberosus	Grass Pink Orchid
Cypripedium acaule	Moccasin Flower
Cypripedium <a href="#">parviflorum var. makasinealeeolus var. parviflorum</a>	Small Yellow Lady's Slipper
Cypripedium reginae	Showy Lady's Slipper
Hexalectris spicata	Crested Coralroot Orchid
Isotria medeoloides*	Small Whorled Pogonia
Isotria verticillata	Whorled Pogonia
Platanthera ciliaris	Orange Fringed Orchid
Platanthera clavellata	Wood Orchid
Platanthera flava var. flava	Tubercled Orchid
<del>Platanthera flava var. herbiola</del>	<del>Tubereled Orchid</del>
Platanthera leucophaea*	Eastern Prairie Fringed Orchid
Platanthera psycodes	Purple Fringed Orchid

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Pogonia ophioglossoides	Snake-mouth
Spiranthes lucida	Yellow-lipped Ladies' Tresses
<del>Spiranthes romanzoffiana</del>	<del>Hooded Ladies' Tresses</del>
Spiranthes vernalis	Spring Ladies' Tresses
POACEAE	
Ammophila breviligulata	Marram Grass
Bechmannia syzigachne	American Slough Grass
Bouteloua gracilis	Blue Grama
Calamagrostis insperata	Bluejoint Grass
<u>Deschampsia flexuosa</u>	<u>Hairgrass</u>
<u>Dichanthelium boreale</u>	<u>Northern Panic Grass</u>
<u>Dichanthelium portoricense</u>	<u>Hemlock Panic Grass</u>
<u>Dichanthelium jooii</u>	<u>Panic Grass</u>
<u>Dichanthelium ravenelii</u>	<u>Panic Grass</u>
<u>Dichanthelium yadkinense</u>	<u>Panic Grass</u>
<u>Elymus trachyeulus</u>	<u>Bearded Wheat Grass</u>
Glyceria arkansana	Manna Grass
Melica mutica	Two-Flowered Melic Grass
Milium effusum	Millet Grass
<del>Panicum boreale</del>	<del>Northern Panic Grass</del>
<del>Panicum columbianum</del>	<del>Hemlock Panic Grass</del>
<del>Panicum jooii</del>	<del>Panic Grass</del>
<del>Panicum ravenelii</del>	<del>Panic Grass</del>
<del>Panicum yadkinense</del>	<del>Panic Grass</del>
Paspalum dissectum	Bead Grass
Poa alsodes	Grove Bluegrass
Poa languida	Weak Bluegrass
Poa wolfii	Wolf's Bluegrass
<del>Torreyochloa</del> <u>Puccinellia</u> pallida	Grass
Schizachne purpurascens	False Melic Grass
PONTERDERIACEAE	
Heteranthera reniformis	Mud Plantain
POTAMOGETONACEAE	
Potamogeton praelongus	White-stemmed Pondweed
Potamogeton pulcher	Spotted Pondweed
Potamogeton robbinsii	Fern Pondweed
Potamogeton strictifolius	Stiff Pondweed
SPARGANIACEAE	
Sparganium americanum	American Burreed

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Sparganium <del>emersum</del> <a href="#">chlorocarpum</a>	Green-fruited Burreed
ACANTHACEAE	
Justicia ovata	Water Willow
ADOXACEAE	
Adoxa moschatellina	Moschatel
AMARANTHACEAE	
Iresine rhizomatosa	Bloodleaf
APIACEAE	
Conioselinum chinense	Hemlock Parsley
Cynosciadium digitatum	Cynosciadium
Eryngium prostratum	Eryngo
Hydrocotyle ranunculoides	Water-pennywort
Ptilimnium nuttallii	Mock Bishop's Weed
<a href="#">Sanicula smallii</a>	<a href="#">Southern Sanicula</a>
ASCLEPIADACEAE	
Asclepias lanuginosa	Woolly Milkweed
Asclepias meadii*	Mead's Milkweed
Asclepias ovalifolia	Oval Milkweed
Asclepias stenophylla	Narrow-leaved Green Milkweed
Matelea decipiens	Climbing Milkweed
ASTERACEAE	
Artemisia dracunculus	Dragon Wormwood
<a href="#">Bidens beckii</a>	<a href="#">Water Marigold</a>
Eupatorium hyssopifolium var. hyssopifolium	Hyssop-leaved Thoroughwort
Helianthus giganteus	Tall Sunflower
<a href="#">Hymenoxys herbacea*</a>	<a href="#">Lakeside Daisy</a>
<a href="#">Megalodonta beckii</a>	<a href="#">Water Marigold</a>
Melanthera nivea	White Melanthera
<a href="#">Nothocalais</a> <del>Microriseris</del> cuspidata	Prairie Dandelion
<a href="#">Rudbeckia missouriensis</a>	<a href="#">Missouri Orange Coneflower</a>
<a href="#">Silphium trifoliatum</a>	<a href="#">Resinweed</a>
<a href="#">Tetraneuris herbacea</a>	<a href="#">Lakeside Daisy</a>
BERBERIDACEAE	
Berberis canadensis	Allegheny Barberry
BETULACEAE	
Alnus <a href="#">incana subsp.</a> rugosa	Speckled Alder
Betula alleghaniensis	Yellow Birch
<a href="#">Betula populifolia</a>	<a href="#">Gray Birch</a>

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## BORAGINACEAE

Hackelia [deflexa var.](#) americana

Stickseed

Heliotropium tenellum

Slender Heliotrope

## BRASSICACEAE

Cardamine pratensis var. palustris

Cuckoo Flower

Draba cuneifolia

Whitlow Grass

Lesquerella ludoviciana

Silvery Bladderpod

## CACTACEAE

Opuntia fragilis

Fragile Prickly Pear

## CAPPARIDACEAE

Polanisia jamesii

James' Clammyweed

## CAPRIFOLIACEAE

Lonicera dioica var. glaucescens

Red Honeysuckle

Lonicera flava

Yellow Honeysuckle

Sambucus [racemosa subsp.](#) pubens

Red-berried Elder

Symphoricarpos albus var. albus

Snowberry

## CARYOPHYLLACEAE

Silene ovata

Ovate Catchfly

Silene regia

Royal Catchfly

Stellaria pubera

Great Chickweed

## CELASTRACEAE

Euonymus americanus

American Strawberry Bush

## CISTACEAE

Hudsonia tomentosa

False Heather

## CLUSIACEAE

Hypericum adpressum

Shore St. John's Wort

Hypericum kalmianum

Kalm's St. John's Wort

Triadenum virginicum

Marsh St. John's Wort

## CONVOLVUACEAE

Stylisama pickeringii

Patterson's Bindweed

## CORNACEAE

Cornus canadensis

Bunchberry

## CORYLACEAE

Corylus cornuta

Beaked Hazelnut

## DROSERACEAE

Drosera rotundifolia

Round-leaved Sundew

## ELAEAGNACEAE

Shepherdia canadensis

Buffaloberry

## ERICACEAE

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Arctostaphylos uva-ursi	Bearberry
<del>Gaultheria procumbens</del>	<del>Wintergreen</del>
Vaccinium corymbosum	Highbush Blueberry
Vaccinium macrocarpon	Large Cranberry
Vaccinium oxycoccos	Small Cranberry
<u>Vaccinium stamineum</u>	<u>Deerberry</u>
EUPHORBIACEAE	
Chamaesyce polygonifolia	Seaside Spurge
Euphorbia spathulata	Spurge
FABACEAE	
Amorpha nitens	Smooth False Indigo
Astragalus crassicaulus var. trichocalyx	Large Ground Plum
<u>Astragalus distortus</u>	<u>Bent Milk Vetch</u>
Astragalus tennesseensis	Tennessee Milk Vetch
<u>Baptisia tinctoria</u>	<u>Yellow Wild Indigo</u>
Cladrastis lutea ( <u>Cladrastis kentuckea</u> )	Yellowwood
Dalea foliosa **	Leafy Prairie Clover
Galactia mohlenbrockii	Boykin's Dioclea
Lathyrus maritimus	Beach Pea
Lespedeza leptostachya*	Prairie Bush Clover
<del>Trifolium reflexum</del>	<del>Buffalo Clover</del>
FAGACEAE	
Quercus nuttallii	Nuttall's Oak
GENTIANACEAE	
Bartonia paniculata	Screwstem
Sabatia campestris	Prairie Rose Gentian
GERANIACEAE	
Geranium bicknellii	Northern Cranesbill
HYDROPHYLLACEAE	
Hydrolea uniflora	One-flowered Hydrolea
<u>Nemophila triloba</u>	<u>Baby Blue-Eyes</u>
Phacelia gilioides	Phacelia
JUGLANDACEAE	
Carya pallida	Pale Hickory
LAMIACEAE	
Pycnanthemum albescens	White Mountain Mint
<u>Pycnanthemum torrei</u>	<u>Mountain Mint</u>
Synandra hispidula	Hairy Synandra
LENTIBULARIACEAE	

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Utricularia cornuta	Horned Bladderwort
<del>Utricularia intermedia</del>	<del>Flat-leaved Bladderwort</del>
Utricularia minor	Small Bladderwort
MALVACEAE	
Iliamna remota	Kankakee Mallow
Malvastrum hispidum	False Mallow
<u>MELASTOMACEAE</u>	
<u>Rhexia mariana</u>	<u>Dull Meadow Beauty</u>
MYRICACEAE	
Comptonia peregrina	Sweetfern
NYCTAGINACEAE	
Mirabilis hirsuta	Hairy Umbrella-wort
ONAGRACEAE	
Circaea alpina	Small Enchanter's Nightshade
OROBANCHACEAE	
Orobanche fasciculata	Clustered Broomrape
OXALIDACEAE	
Oxalis illinoensis	Illinois Wood Sorrel
PAPAVERACEAE	
Corydalis aurea	Golden Corydalis
Corydalis halei	Hale's Corydalis
Corydalis sempervirens	Pink Corydalis
PLANTAGINACEAE	
Plantago cordata	Heart-leaved Plantain
POLEMONIACEAE	
Phlox pilosa subsp. sangamonensis	Sangamon Phlox
POLYGALACEAE	
Polygala incarnata	Pink Milkwort
POLYGONACEAE	
Polygonum arifolium	Halbred-leaved Tearthumb
Polygonum careyi	Carey's Heartsease
PORTULACACEAE	
Talinum calycinum	Fameflower
PRIMULACEAE	
<u>Lysimachia fraseri</u>	<u>Loosestrife</u>
Lysimachia radicans	Creeping Loosestrife
Primula mistassinica	Bird's-eye Primrose
<u>Trientalis borealis</u>	<u>Star-flower</u>
PYROLACEAE	

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Chimaphila maculata	Spotted Wintergreen
Chimaphila umbellata	Pipsissewa
RANUNCULACEAE	
Cimicifuga americana	American Bugbane
Cimicifuga racemosa	False Bugbane
Clematis crispa	Blue Jasmine
Clematis occidentalis	Mountain Clematis
Clematis viorna	Leatherflower
Ranunculus cymbalaria	Seaside Crowfoot
RHAMNACEAE	
Berchemia scandens	Supple-jack
Ceanothus <a href="#">herbaceus</a> <del>vatus</del>	Redroot
Rhamnus alnifolia	Alder Buckthorn
ROSACEAE	
<del>Amelanchier interior</del>	<del>Shadbush</del>
Amelanchier sanguinea	Shadbush
Filipendula rubra	Queen-of-the-Prairie
Malus angustifolia	Narrow-leaved Crabapple
Potentilla millegrana	Cinquefoil
Rosa acicularis	Rose
Rubus odoratus	Purple-flowering Raspberry
<del>Rubus setosus</del>	<del>Bristly Blackberry</del>
Sanguisorba canadensis	American Burnet
Sorbus americana	American Mountain Ash
<del>Waldsteinia fragarioides</del>	<del>Barren Strawberry</del>
RUBIACEAE	
Galium lanceolatum	Wild Licorice
Galium virgatum	Dwarf Bedstraw
SALICACEAE	
Populus balsamifera	Balsam Poplar
Salix serissima	Autumn Willow
Salix syrticola	Dune Willow
SAPOTACEAE	
Bumelia lanuginosa	Wooly Buckthorn
SARRACENIACEAE	
Sarracenia purpurea	Pitcher Plant
SAXIFRAGACEAE	
Ribes hirtellum	Northern Gooseberry
Saxifraga virginensis	Early Saxifrage

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## SCROPHULARIACEAE

Castilleja sessiliflora	Downy Yellow Painted Cup
Collinsia violacea	Violet Collinsia
Mimulus glabratus	Yellow Monkey Flower
Penstemon brevisepalus	Short-sepaled Beard Tongue
<a href="#">Penstemon tubaeflorus</a>	<a href="#">Tube Beardstongue</a>
Penstemon grandiflorus	Large-flowered Beard Tongue
Veronica americana	American Brooklime

## STYRACACEAE

Halesia carolina	Silverbell Tree
Styrax grandifolia	Bigleaf Snowbell Bush

## TILLIACEAE

Tilia heterophylla	White Basswood
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## ULMACEAE

Ulmus thomasii	Rock Elm
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## VALERIANACEAE

Valeriana uliginosa	Marsh Valerian
Valerianella chenopodifolia	Corn Salad
Valerianella umbilicata	Corn Salad

## VIOLACEAE

<a href="#">Viola blanda</a>	<a href="#">Hairy White Violet</a>
Viola canadensis	Canada Violet
<a href="#">Viola incognita</a>	<a href="#">Hairy White Violet</a>
Viola primulifolia	Primrose Violet
<a href="#">Viola viarum</a>	<a href="#">Plains Violet</a>

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1050.40 Threatened Flora of Illinois**

SCIENTIFIC NAME	COMMON NAME
<b>PHYSICIACEAE</b>	
<a href="#">Phaeophyscia leana</a>	<a href="#">Lea's Bog Lichen</a>
<b>EQUISETACEAE</b>	
Equisetum pratense	Meadow Horsetail
<b>LYCOPODIACEAE</b>	
<a href="#">Huperzia porophila</a>	<a href="#">Cliff Clubmoss</a>
<b>OPHIOGLOSSACEAE</b>	

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Botrychium biternatum	Southern Grape Fern
CUPRESSACEAE	
Juniperus communis	Ground Juniper
<del>Thuja occidentalis</del>	<del>Arbor Vitae</del>
PINACEAE	
Larix laricina	Tamarack
COMMELINACEAE	
Tradescantia bracteata	Prairie Spiderwort
CYPERACEAE	
<u>Carex atlantica</u>	<u>Sedge</u>
<u>Carex aurea</u>	<u>Golden Sedge</u>
<u>Carex bromoides</u>	<u>Sedge</u>
Carex communis	Fibrous-rooted Sedge
Carex intumescens	Swollen Sedge
Carex oxylepis	Sharp-scaled Sedge
Carex prasina	Drooping Sedge
Carex viridula	Little Green Sedge
Carex willdenowii	Willdenow's Sedge
Carex woodii	Pretty Sedge
Cyperus grayioides	Umbrella Sedge
Eleocharis rostellata	Spike Rush
Rhynchospora alba	Beaked Rush
<del>Schoenoplectus</del> <u>Scirpus</u> hallii	Hall's Bulrush
Scirpus polyphyllus	Bulrush
<u>IRIDACEAE</u>	
<u>Sisyrinchium atlanticum</u>	<u>Eastern Blue-Eyed Grass</u>
JUNCAGINACEAE	
Triglochin maritima	Common Bog Arrow Grass
Triglochin palustris	Slender Bog Arrow Grass
LILIACEAE	
<del>Erythronium mesochoreum</del>	<del>Prairie Trout Lily</del>
Melanthium virginicum	Bunchflower
Tofieldia glutinosa	False Asphodel
<del>Veratrum woodii</del>	<del>False Hellebore</del>
ORCHIDACEAE	
Corallorhiza maculata	Spotted Coral-root Orchid
Cypripedium candidum	White Lady's Slipper
<u>Platanthera flava var. herbiola</u>	<u>Tubercled Orchid</u>
<u>POACEAE</u>	

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<a href="#">Elymus trachycaulis</a>	<a href="#">Bearded Wheat Grass</a>
POTAMOGETONACEAE	
Potamogeton gramineus	Grass-leaved Pondweed
<a href="#">ARISTOLOCHACEAE</a>	
<a href="#">Aristolochia serpentaria var. hastata</a>	<a href="#">Virginia Snakeroot</a>
ASCLEPIADACEAE	
Matelea obliqua	Climbing Milkweed
ASTERACEAE	
Aster furcatus	Forked Aster
Boltonia decurrens*	Decurrent False Aster
<a href="#">Cirsium hillii</a>	<a href="#">Hill's Thistle</a>
Cirsium pitcheri*	Pitcher's (Dune) Thistle
<a href="#">Eupatorium incarnatum</a>	<a href="#">Thoroughwort</a>
Helianthus angustifolius	Narrow-leaved Sunflower
<a href="#">Hymenopappus scabiosaeus</a>	<a href="#">Old Plainsman</a>
<a href="#">Lactuca hirsuta</a>	<a href="#">Wild Lettuce</a>
Liatris scariosa var. nieuwlandii	Blazing Star
<a href="#">Rudbeckia missouriensis</a>	<a href="#">Missouri Orange Coneflower</a>
Solidago sciaphila	Cliff Goldenrod
BRASSICAEAE	
Cakile edentula	Sea Rocket
CAPRIFOLIACEAE	
Virburnum molle	Arrowwood
CARYOPHYLLACEAE	
<a href="#">Minuartia Arenaria</a> patula	Slender Sandwort
CISTACEAE	
Lechea intermedia	Pinweed
<a href="#">CRASSULACEAE</a>	
<a href="#">Sedum telephioides</a>	<a href="#">American Orpine</a>
CUCURBITACEAE	
Melothria pendula	Squirting Cucumber
DROSERACEAE	
Drosera intermedia	Narrow-leaved Sundew
ERICACEAE	
Chamaedaphne calyculata	Leatherleaf
FABACEAE	
Lathrys ochroleucus	Pale Vetchling
<a href="#">Tribolium reflexum</a>	<a href="#">Buffalo Clover</a>
FAGACEAE	

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Quercus phellos	Willow Oak
Quercus montana	Rock Chestnut Oak
<u>JUGLANDACEAE</u>	
<u>Carya aquatica</u>	<u>Water Hickory</u>
LAMIACEAE	
Salvia azurea subsp. pitcheri	Blue Sage
<u>LENTIBULARIACEAE</u>	
<u>Utricularia intermedia</u>	<u>Flat-Leaved Bladderwort</u>
<u>MENYANTHACEAE</u>	
<u>Menyanthes trifoliata</u>	<u>Buckbean</u>
ONAGRACEAE	
Epilobium strictum	Downy Willow Herb
Oenothera perennis	Small Sundrops
OROBANCHACEAE	
Orobanche ludoviciana	Broomrape
<u>PORTULACACEAE</u>	
<u>Talinum parviflorum</u>	<u>Small Flower-Of-An-Hour</u>
PRIMULACEAE	
<u>Dodecatheon frenchii</u>	<u>Primulaceae</u>
<u>Trientalis borealis</u>	<u>Star-flower</u>
RANUNCULACEAE	
Cimicifuga rubifolia	Black Cohosh
Ranunculus rhomboideus	Prairie Buttercup
ROSACEAE	
<u>Amelanchier interior</u>	<u>Shadbush</u>
Rubus pubescens	Dwarf Raspberry
<u>Rubus schneideri</u>	<u>Bristly Blackberry</u>
RUBIACEAE	
<u>Galium labradoricum</u>	<u>Bog Bedstraw</u>
SAXIFRAGACEAE	
Sullivantia <del>sullivantii</del> renifolia	Sullivantia
SCROPHULARIACEAE	
Agalinus skinneriana	Pale False Foxglove
Besseyia bullii	Kittentails
Tomanthera auriculata	Ear-leafed Foxglove
Veronica scutellata	Marsh Speedwell
STYRACACEAE	
Styrax americana	Storax
ULMACEAE	

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Planera aquatica	Water Elm
URTICACEAE	
Urtica chamaedrioides	Nettle
VIOLACEAE	
Viola conspersa	Dog Violet

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: General Rules
- 2) Code citation: 35 Ill. Adm. Code 101
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
101.106	Amend
101.110	Amend
101.114	Amend
101.202	Amend
101.300	Amend
101.302	Amend
101.628	Amend
106.APPENDIX F	Repeal
106.APPENDIX G	Repeal
- 4) Statutory authority: Sections 5, 7.1, 7.2, 26, 27, 28, 29, 31, 32, 33, 35, 36, 37, 38, 40, 40.1, 40.2, 41, and 58.7 of the Environmental Protection Act [415 ILCS 5], amended by P.A. 92-574, effective June 26, 2002.
- 5) A complete description of the subjects and issues involved: A more complete description of this proposal may be found in the Board's opinion and order of March 18, 2004, in Board docket R04-24. This proposal to amend Part 101 is part of a larger rulemaking in which the Board is also proposing amendments to each of the other Parts of its procedural rules: Parts 102, 103, 104, 105, 106, 107, 108, 125, and 130 of Title 35 of the Illinois Administrative Code. This larger rulemaking, to which the Board has devoted docket R04-24, is designed to ensure that the Board's procedural rules are consistent with the following recently enacted legislation: (a) amending the Environmental Protection Act (415 ILCS 5 (2002)) in P.A. 93-171 (eff. July 10, 2003), P.A. 93-152 (eff. July 10, 2003), P.A. 93-509 (eff. Aug. 11, 2002), and P.A. 92-574 (eff. June 26, 2002); (b) amending the Administrative Procedure Act (5 ILCS 100 (2002)) in P.A. 92-330 (eff. Aug. 9, 2001); and (c) creating the new State Officials and Employees Ethics Act (5 ILCS 430) in P.A. 93-615 (eff. Nov. 19, 2003) and amending it in P.A. 93-617 (eff. Dec. 9, 2003).

The amendments in this proposal reflect recent statutory changes to the Environmental Protection Act. For example, P.A. 93-509 amends Section 5 of the Environmental Protection Act (415 ILCS 5/5 (2002)). Among other things, this legislation reduces the number of Board members from seven to five and correspondingly reduces the number of Board members needed for a majority vote. Accordingly, the Board proposes to amend the definition of "Board decision" in the procedural rules to reflect that the favorable vote

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of at least three rather than four Board members is required for a Board decision.

This proposal is also makes changes to correspond with P.A. 93-152, which amended the Environmental Protection Act in several significant ways. For example, this proposal changes Section 101.302(d) to reflect that the Illinois Environmental Protection Agency, rather than the Board, is now responsible for issuing provisional variances.

In addition, this proposal makes Part 101 consistent with the new State Officials and Employees Ethics Act, which created sweeping ethics requirements for State officers and employees. The new ethics statute necessitates changes to the Board's procedural rules on "ex parte communications." The Board proposes to amend the definition of "ex parte communication" in Section 101.202 to track the statutory language defining the term. The Board also proposes to amend Section 101.114 on ex parte communications. The main change to this Section corresponds to new statutory reporting requirements for the Board's ethics officer.

- 6) Will this amendment replace any emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of statewide policy objectives: These proposed amendments do not create or enlarge a State mandate as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3].
- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for 45 days after the date of publication in the *Illinois Register*. Comments should reference Docket R04-24 and be addressed to:

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

Interested persons may request copies of the Board's opinion and order by calling

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Dorothy Gunn at 312-814-3620, or download from the Board's Web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us).

For more information contact Richard McGill at 312/814-6983 or email at [mcgillr@ipcb.state.il.us](mailto:mcgillr@ipcb.state.il.us).

- 12) Initial regulatory flexibility analysis:
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking affects those small businesses, small municipalities, and not-for-profit corporations that appear before the Board.
  - B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments do not require extensive reporting, bookkeeping or other procedures.
  - C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may be aided by the services of an attorney.
- 13) Regulatory agenda on which this rulemaking was summarized: January 2004

The full text of the proposed amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE A: GENERAL PROVISIONS  
CHAPTER I: POLLUTION CONTROL BOARD

PART 101  
GENERAL RULES

SUBPART A: GENERAL PROVISIONS

Section	
101.100	Applicability
101.102	Severability
101.104	Repeals
101.106	Board Authority
101.108	Board Proceedings
101.110	Public Participation
101.112	Bias and Conflict of Interest
101.114	Ex Parte Communications

SUBPART B: DEFINITIONS

Section	
101.200	Definitions Contained in the Act
101.202	Definitions for Board's Procedural Rules

SUBPART C: COMPUTATION OF TIME, FILING, SERVICE OF DOCUMENTS,  
AND STATUTORY DECISION DEADLINES

Section	
101.300	Computation of Time
101.302	Filing of Documents
101.304	Service of Documents
101.306	Incorporation of Documents by Reference
101.308	Statutory Decision Deadlines and Waiver of Deadlines

SUBPART D: PARTIES, JOINDER, AND CONSOLIDATION

Section	
101.400	Appearances, Withdrawals, and Substitutions of Attorneys in Adjudicatory

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## Proceedings

- 101.402 Intervention of Parties
- 101.403 Joinder of Parties
- 101.404 Agency as a Party in Interest
- 101.406 Consolidation of Claims
- 101.408 Severance of Claims

## SUBPART E: MOTIONS

## Section

- 101.500 Filing of Motions and Responses
- 101.502 Motions Directed to the Hearing Officer
- 101.504 Contents of Motions and Responses
- 101.506 Motions Attacking the Sufficiency of the Petition, Complaint, or Other Pleading
- 101.508 Motions to Board Preliminary to Hearing
- 101.510 Motions to Cancel Hearing
- 101.512 Motions for Expedited Review
- 101.514 Motions to Stay Proceedings
- 101.516 Motions for Summary Judgment
- 101.518 Motions for Interlocutory Appeal from Hearing Officer Orders
- 101.520 Motions for Reconsideration
- 101.522 Motions for Extension of Time

## SUBPART F: HEARINGS, EVIDENCE, AND DISCOVERY

## Section

- 101.600 Hearings
- 101.602 Notice of Board Hearings
- 101.604 Formal Board Transcript
- 101.606 Informal Recordings of the Proceedings
- 101.608 Default
- 101.610 Duties and Authority of the Hearing Officer
- 101.612 Schedule to Complete the Record
- 101.614 Production of Information
- 101.616 Discovery
- 101.618 Admissions
- 101.620 Interrogatories
- 101.622 Subpoenas and Depositions
- 101.624 Examination of Adverse, Hostile or Unwilling Witnesses

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- 101.626 Information Produced at Hearing
- 101.628 Statements from Participants
- 101.630 Official Notice
- 101.632 Viewing of Premises

## SUBPART G: ORAL ARGUMENT

- Section
- 101.700 Oral Argument

## SUBPART H: SANCTIONS

- Section
- 101.800 Sanctions for Failure to Comply with Procedural Rules, Board Orders, or Hearing Officer Orders
- 101.802 Abuse of Discovery Procedures

## SUBPART I: REVIEW OF FINAL BOARD OPINIONS AND ORDERS

- Section
- 101.902 Motions for Reconsideration
- 101.904 Relief from and Review of Final Opinions and Orders
- 101.906 Judicial Review of Board Orders
- 101.908 Interlocutory Appeal

- 101.APPENDIX A Captions
  - 101.ILLUSTRATION A Enforcement Case
  - 101.ILLUSTRATION B Citizen's Enforcement Case
  - 101.ILLUSTRATION C Variance
  - 101.ILLUSTRATION D Adjusted Standard Petition
  - 101.ILLUSTRATION E Joint Petition for an Adjusted Standard
  - 101.ILLUSTRATION F Permit Appeal
  - 101.ILLUSTRATION G Underground Storage Tank Appeal
  - 101.ILLUSTRATION H Pollution Control Facility Siting Appeal
  - 101.ILLUSTRATION I Administrative Citation
  - 101.ILLUSTRATION J General Rulemaking
  - 101.ILLUSTRATION K Site-specific Rulemaking
- 101.APPENDIX B Appearance Form
- 101.APPENDIX C Withdrawal of Appearance Form

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- 101.APPENDIX D Notice of Filing  
 101.APPENDIX E Certificate of Service  
     101.ILLUSTRATION A Service by Non-Attorney  
     101.ILLUSTRATION B Service by Attorney  
 101.APPENDIX F Notice of Withdrawal [\(Repealed\)](#)  
 101.APPENDIX G Comparison of Former and Current Rules [\(Repealed\)](#)

AUTHORITY: Implementing Sections 5, 7.1, 7.2, 26, 27, 28, 29, 31, 32, 33, 35, 36, 37, 38, 40, 40.1, 40.2, 41, and 58.7 of the Environmental Protection Act (Act) [415 ILCS 5/5, 7.1, 7.2, 26, 27, 28, 29, 31, 32, 33, 35, 36, 37, 38, 40, 40.1, 40.2, 41, and 58.7] and authorized by Sections 26 and 27 of the Act [415 ILCS 5/26 and 27].

SOURCE: Filed with Secretary of State January 1, 1978; codified 6 Ill. Reg. 8357; Part repealed, new Part adopted in R88-5A at 13 Ill. Reg. 12055, effective July 10, 1989; amended in R90-24 at 15 Ill. Reg. 18677, effective December 12, 1991; amended in R92-7 at 16 Ill. Reg. 18078, effective November 17, 1992; old Part repealed, new Part adopted in R00-20 at 25 Ill. Reg. 446, effective January 1, 2001; amended in R04-24 at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROVISIONS

**Section 101.106 Board Authority**

- a) The Board has the authority to *determine, define and implement the environmental control standards applicable in the State of Illinois and may adopt rules and regulations in accordance with Title VII of the Act* [415 ILCS 5/5(b)].
- b) The Board has the authority to conduct ~~proceedings~~hearings upon complaints charging violations of the Act, any rule or regulation adopted under the Act, any permit or term or condition of a permit, or any Board order; upon administrative citations~~or of regulations thereunder~~; upon petitions for variances or adjusted standards; upon petitions for review of the Agency's final determinations on denial of a permit applications in accordance with Title X of the Act; upon ~~petitions~~petition to remove seals ~~a seal~~ under Section 34 of the Act; upon other petitions for review of final determination which are made pursuant to the Act or Board rules and which involve a subject which the Board is authorized to regulate. The Board may also conduct; and such other proceedings~~hearings~~ as may be provided by the Act or any other statute or rule. [415 ILCS 5/5(d)]:

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- c) In addition to subsections (a) and (b) of this Section, the Board has the authority to act as otherwise provided by law.

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 101.110 Public Participation**

- a) General. The Board encourages public participation in all of its proceedings. The extent to which the law allows for the participation varies, depending on the type of Board proceeding involved, the party status of the person or persons seeking to participate, and the rules governing that type of proceeding. Public participation in particular proceedings may be more specifically delineated by Board or hearing officer order consistent with the provisions of applicable law and the Board's procedural rules. ([See Sections 101.114 and 101.628 of this Part.](#))
- b) Party/Non-Party Status. The issue of who constitutes a proper party in each type of adjudicatory proceeding before the Board is addressed in the rules. A person who wishes to participate in a Board adjudicatory proceeding and is not a party will be deemed a participant and will have only those rights specifically provided in these rules. A person who wishes to participate in a Board regulatory proceeding will be deemed a participant and will have only those rights specifically provided in these rules.
- c) Amicus Curiae Briefs. Amicus curiae briefs may be filed in any adjudicatory proceeding by any interested person, provided permission is granted by the Board. Response briefs may be allowed by permission of the Board, but not as of right. The briefs must consist of argument only and may not raise facts that are not in evidence in the relevant proceeding. Amicus curiae briefs, and any responses, will be considered by the Board only as time allows. The briefs will not delay decision-making of the Board. (See also Section 101.302(k) of this Part.)

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 101.114 Ex Parte Communications**

- a) [For the purposes of this Section, "interested person or party" means a person or entity whose rights, privileges, or interests are the subject of or are directly affected by a regulatory, quasi-adjudicatory, investment, or licensing matter \[ 5 ILCS 430/5-50\(d\)\].](#)

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- b) For the purposes of this Section, "Executive Ethics Commission" means the commission created by the State Officials and Employees Ethics Act [5 ILCS 430].
- a) ~~Adjudicatory Proceedings. Board members and employees are prohibited from engaging in ex parte communications with respect to a pending adjudicatory proceeding. (See definitions of "ex parte communication" in Section 101.202 of this Part.) For purposes of this Section, Board employee means a person the Board employs on a full time, part time, contract, or intern basis.~~
- cb) Adjudicatory and Regulatory Proceedings. Board Members and Board employees should not engage in an ex parte communication designed to influence their action with respect to an adjudicatory or a pending regulatory proceeding pending before or under consideration by the Board. (See definition of "ex parte communication" in Section 101.202 of this Part.) Whenever practicable, an interested person or party or his or her official representative or attorney should make all communications with respect to an adjudicatory or a pending regulatory proceeding pending before or under consideration by the Board must be in writing and address them addressed to the Clerk rather than to individual Board Members or Board employees. (See Sections 101.110 and 101.628 of this Part.)
- de) Nothing in this Section precludes Board Members or Board employees from receiving informal complaints about individual pollution sources, or forbids the administrative contacts as would be appropriate for judges and other judicial officers. Information about a pollution source included in the record of a regulatory proceeding is not an ex parte communication with respect to any adjudicatory proceeding concerning the pollution source.
- ed) When the Clerk on behalf of the Board, a Board member, or a Board employee receives an ex parte communication from an interested person or party or his or her official representative or attorney, the recipient, in consultation with the Board's ethics officer or his or her designee, must promptly memorialize the communication and make it ~~In the event that an ex parte communication occurs, the Board Member or Board employee will make that communication~~ part of the record of the proceeding. To make an oral ex parte communication part of the record, the substance of the oral communication, along with the identity of each person involved in the communication, will be either set forth in a memorandum and placed in the record or announced on the record at a public hearing.

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- f) When the Clerk on behalf of the Board, a Board member, or a Board employee receives an ex parte communication, other than an ex parte communication received from an interested person or party or his or her official representative or attorney, that communication must be promptly reported to the Board's ethics officer or his or her designee *by the recipient of the communication and by any other employee of the Board who responds to the communication* [5 ILCS 430/5-50(c)].
- 1) *The ethics officer or his or her designee, in consultation with the recipient of the ex parte communication, must ensure that the ex parte communication is promptly made part of the record of the proceeding* [5 ILCS 430/5-50(c)].
  - 2) *The ethics officer or his or her designee, in consultation with the recipient of the ex parte communication, must promptly file the ex parte communication with the Executive Ethics Commission, including:*
    - A) *All written communications;*
    - B) *All written responses to the communications;*
    - C) *A memorandum prepared by the ethics officer stating the nature and substance of all oral communications;*
    - D) *The identity and job title of the person to whom each communication was made;*
    - E) *All responses made;*
    - F) *The identity and job title of the person making each response;*
    - G) *The identity of each person from whom the written or oral ex parte communication was received;*
    - H) *The individual or entity represented by that person;*
    - I) *Any action the person requested or recommended; and*

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J) *Any other pertinent information.*

3) *The disclosure shall also contain the date of any ex parte communication.*  
[5 ILCS 430/5-50(c)]

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART B: DEFINITIONS

**Section 101.202 Definitions for Board's Procedural Rules**

Unless otherwise provided in 35 Ill. Adm. Code 101-130, or unless a different meaning of a word or term is clear from the context, the following definitions also apply to the Board's procedural rules, found in 35 Ill. Adm. Code 101 through 130:

"Act" means the Environmental Protection Act. [415 ILCS 5/1 *et seq.*]

"Adjudicatory proceeding" means an action of a quasi-judicial nature brought before the Board pursuant to authority granted to the Board under Section 5(d) of the Act or as otherwise provided by law. Adjudicatory proceedings include enforcement, variance, permit appeal, pollution control facility siting appeal, Underground Storage Tank (UST) Fund determination, water well set back exception, adjusted standard, and administrative citation proceedings. Adjudicatory proceedings do not include regulatory, quasi-legislative, or informational proceedings.

"Adjusted standard" or "AS" means an alternative standard granted by the Board in an adjudicatory proceeding pursuant to Section 28.1 of the Act and 35 Ill. Adm. Code 104.Subpart D. The adjusted standard applies instead of the rule or regulation of general applicability.

"Administrative citation" or "AC" means a citation issued pursuant to Section 31.1 of the Act by the Agency, or by a unit of local government acting as the Agency's delegate pursuant to Section 4(r) of the Act.

"Administrative citation review (appeal)" means a petition for review of an administrative citation filed pursuant to Section 31.1(d) of the Act. (See 35 Ill. Adm. Code 108.)

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"Affidavit" means a sworn, signed statement witnessed by a notary public.

"Affidavit of service" means an affidavit that states that service of a document upon specified persons was made, and the manner in which, and date upon which, service was made.

"Agency" means the Illinois Environmental Protection Agency as established by Section 4 of the Act.

"Agency recommendation" means the document filed by the Agency pursuant to Sections 37(a) and 28.1(d)(3) of the Act in which the Agency provides its recommended disposition of a petition for variance or an adjusted standard. This includes a recommendation to deny, or a recommendation to grant with or without conditions. (See 35 Ill. Adm. Code 104.218 and 104.416.)

"Amicus curiae brief" means a brief filed in a proceeding by any interested person who is not a party. (See Sections 101.110 and 101.628 of this Part.)

"Applicant" means any person who submits, or has submitted, an application for a permit or for local siting approval pursuant to any of the authorities to issue permits or granting of siting approval identified in Sections 39, 39.1, and 39.5 of the Act.

"Article" means *any object, material, device or substance, or whole or partial copy thereof, including any writing, record, document, recording, drawing, sample, specimen, prototype, model, photograph, culture, microorganism, blueprint or map* [415 ILCS 5/7.1].

"Attorney General" means the Attorney General of the State of Illinois ~~and~~ or representatives thereof.

"Authorized representative" means any person who is authorized to act on behalf of another person.

"Board" means the Illinois Pollution Control Board as created in Section 5 of the Act or, if applicable, its designee.

"Board decision" means an opinion or an order voted in favor of by at least ~~three~~four members of the Board at an open Board meeting except in a proceeding

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to remove a seal under Section 34(d) of the Act.

"Board designee" means an employee of the Board who has been given authority by the Board to carry out a function for the Board (e.g., the Clerk, Assistant Clerk of the Board, or hearing officer).

"Board meeting" means an open meeting held by the Board pursuant to Section 5(a) of the Act in which the Board makes its decisions and determinations.

"Board's procedural rules" means the Board's regulations set forth at 35 Ill. Adm. Code 101 through 130.

"Brief" means a written statement that contains a summary of the facts of a proceeding, the pertinent laws, and an argument of how the law applies to the facts supporting a position.

"CAAPP" means the Clean Air Act Permit Program, as adopted in Section 39.5 of the Act.

"Certificate of acceptance" means a certification, executed by a successful petitioner in a variance proceeding, in which the petitioner agrees to be bound by all terms and conditions that the Board has affixed to the grant of variance.

"Chairman" means the Chairman of the Board designated by the Governor pursuant to Section 5(a) of the Act.

"Citizen's enforcement proceeding" means an enforcement action brought before the Board pursuant to Section 31(d) of the Act by any person who is not authorized to bring the action on behalf of the People of the State of Illinois.

"Clean Air Act" or "CAA" means the federal *Clean Air Act, as now and hereafter amended, 42 USC 7401 et seq.* [415 ILCS 5/39.5]

"Clean Water Act" means the federal Clean Water Act, 33 USC 1251 et seq.

"Clerk" means the Clerk of the Board.

"Complaint" means the initial filing that begins an enforcement proceeding pursuant to Section 31 of the Act and 35 Ill. Adm. Code 103.

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"Compliance plan" means a detailed description of a program designed to achieve compliance with the Act and Board regulations.

"Copy" means *any facsimile, replica, photograph or other reproduction of an article, and any note, drawing or sketch made of or from an article* [415 ILCS 5/7.1].

"Counter-complaint" means a pleading that a respondent files setting forth a claim against a complainant. (See 35 Ill. Adm. Code 103.206.)

"Cross-complaint" means a pleading that a party files setting forth a claim against a co-party. (See 35 Ill. Adm. Code 103.206.)

"Cross-media impacts" means impacts that concern multiple environmental areas, such as air, land and/or water.

"Decision date" means the Board meeting immediately preceding the decision deadline.

"Decision deadline" means the last day of any decision period, as established by law, within which the Board is required to render a decision in an adjudicatory proceeding. (See Subpart C of this Part.) (See also Sections 38(a), 40, and 40.1 of the Act that establish 120-day decision deadlines for variances, permit appeals, and review of pollution control facility siting decisions respectively.)

"Decision period" means the period of time established by the Act within which the Board is required to make a Board decision in certain adjudicatory proceedings. (See Subpart C of this Part.) (See also Sections 38(a), 40, and 40.1 of the Act that establish 120-day decision deadlines for variances, permit appeals, and review of pollution control facility siting decisions, respectively.)

"Deinked stock" means *paper that has been processed to remove inks, clays, coatings, binders and other contaminants* [415 ILCS 20/2.1].

"Delegated unit" means the unit of local government to which the Agency has delegated its administrative citation or other function pursuant to Section 4(r) of the Act.

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"DNR" means the Illinois Department of Natural Resources.

"Discovery" means a pre-hearing process that can be used to obtain facts and information about the adjudicatory proceeding in order to prepare for hearing. The discovery tools include depositions upon oral and written questions, written interrogatories, production of documents or things, and requests for admission.

~~"DNS" means the Illinois Department of Nuclear Safety.~~

"DOA" means the Illinois Department of Agriculture.

~~"Duplicitous" or~~ "Duplicative" means the matter is identical or substantially similar to one brought before the Board or another forum.

"Environmental Management System Agreement" or "EMSA" means the agreement between the Agency and a sponsor, entered into under Section 52.3 of the Act and 35 Ill. Adm. Code 187, that describes the innovative environmental measures to be implemented, schedules to attain goals, and mechanisms for accountability.

"Enforcement proceeding" means an adjudicatory proceeding brought upon a complaint filed pursuant to Section 31 of the Act by the Attorney General, State's Attorney, or other persons, in which the complaint alleges violation of the Act, ~~or~~ any rule or regulation adopted under the Act, or Board order thereunder or any permit or term or condition of a permit, or any Board order thereof.

"Ex parte communication" means any written or oral a communication by any between a person that imparts or requests material information or makes a material argument regarding potential action concerning regulatory, quasi-adjudicatory, investment, or licensing matters pending before or under consideration by the Board. "Ex parte communication" does not include the following:

statements by a person publicly made in a public forum, including pleadings, transcripts, and public comments made part of the proceeding's record;

statements who is not a Board Member or Board employee and a Board Member or Board employee that reflects on the substance of a pending

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~~Board proceeding and that takes place outside the record of the proceeding. Communications regarding matters of procedure and practice, such as the format of pleadings, the number of copies required, the manner of filingservice, and the status of a matter; and statements made by a State employee of the Board to Board members or other employees of the Board. ~~proceedings, are not considered ex parte communications~~ [5 ILCS 430/5-50(b)5 ILCS 100/10-60(d)]:~~

For purposes of this definition, "Board employee" means a person the Board employs on a full-time, part-time, contract or intern basis. (See Section 101.114 of this Part.)

"Fast Track rulemaking" means a Clean Air Act rulemaking conducted pursuant to Section 28.5 of the Act.

"Federally required rule" means *a rule that is needed to meet the requirements of the federal Clean Water Act, Safe Drinking Water Act, Clean Air Act (including required submission of a State Implementation Plan), or Resource Conservation and Recovery Act, other than a rule required to be adopted under subsection (c) of Section 13, Section 13.3, Section 17.5, subsection (a) or (d) of Section 22.4, or subsection (a) of Section 22.40* [415 ILCS 5/28.2].

"Filing" means the act of delivering a document or article into the custody of the Clerk with the intention of incorporating that document or article into the record of a proceeding ~~or record~~ before the Board. The Clerk's Office is located at 100 West Randolph Street, Suite 11-500, Chicago, IL 60601.

"Final order" means an order of the Board that terminates the proceeding leaving nothing further to litigate or decide and that is appealable to an appellate court pursuant to Section 41 of the Act. (See Subpart I of this Part.)

"Frivolous" means a request for relief that the Board does not have the authority to grant, or a complaint that fails to state a cause of action upon which the Board can grant relief.

"Hearing" means a public proceeding conducted by a hearing officer where the parties and other interested persons, as provided for by law and the Board's procedural rules, present evidence and argument regarding their positions.

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"Hearing officer" means a person licensed to practice law in the State of Illinois who presides over hearings and otherwise carries out record development responsibilities as directed by the Board.

"IAPA" means the Illinois Administrative Procedure Act [5 ILCS 100].

"Identical-in-substance rules (or regulations)" means *State regulations which require the same actions with respect to protection of the environment, by the same group of affected persons, as would federal regulations if USEPA administered the subject program in Illinois* [415 ILCS 5/7.2].

"Initial filing" means the filing that initiates a Board proceeding and opens a docket. For instance, the initial filing in an enforcement proceeding is the complaint; in a permit appeal it is a petition for review; and in a regulatory proceeding it is the proposal.

"Innovative environmental measures" means any procedures, practices, technologies or systems that pertain to environmental management and are expected to improve environmental performance when applied. (See 35 Ill. Adm. Code 106.Subpart G.)

"Inquiry hearing" means a hearing conducted by the Board for the purpose of seeking input and comment from the public regarding the need for a rulemaking proceeding in a specific area.

"Interlocutory appeal" means an appeal of a Board decision to the appellate court that is not dispositive of all the contested issues in the proceeding. (See Section 101.908 of this Part.) An interlocutory appeal may also be the appeal of a hearing officer ruling to the Board. (See Section 101.518 of this Part.)

"Intervenor" means a person, not originally a party to an adjudicatory proceeding, who voluntarily participates as a party in the proceeding with the leave of the Board. (See Section 101.402 of this Part.)

"Intervention" means the procedure by which a person, not originally a party to an adjudicatory proceeding, voluntarily comes into the proceeding as a party with the leave of the Board. (See Section 101.402 of this Part.)

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"JCAR" means the Illinois General Assembly's Joint Committee on Administrative Rules established by the IAPA (see 5 ILCS 100/5-90).

"Joinder" means the procedure by which the Board adds a person, not originally a party to an adjudicatory proceeding, as a party to the proceeding. (See Section 101.403 of this Part and 35 Ill. Adm. Code 103.206.)

"Misnomer" means a mistake in name, giving an incorrect name in a complaint or other document with respect to any properly included party.

"Motion" means a request made to the Board or the hearing officer for the purposes of obtaining a ruling or order directing or allowing some act to be done in favor of the movant. (See definition of "movant" in this Section.)

"Movant" means the person who files a motion.

"New pollution control facility" means *a pollution control facility initially permitted for development or construction after July 1, 1981; or the area of expansion beyond the boundary of a currently permitted pollution control facility; or a permitted pollution control facility requesting approval to store, dispose of, transfer or incinerate, for the first time, any special or hazardous waste* [415 ILCS 5/3.32(b)].

"Non-disclosable information" means *information which constitutes a trade secret; information privileged against introduction in judicial proceedings; internal communications of the several agencies; information concerning secret manufacturing processes or confidential data submitted by any person under the Act* [415 ILCS 5/7(a)].

"Notice list" means the list of persons in a regulatory proceeding who will receive all Board opinions and orders and all hearing officer orders. Persons on a notice list generally do not receive copies of motions, public comments, or testimony. (See definition of "service list" in this Section.) (See also 35 Ill. Adm. Code 102.422.)

"Notice to reinstate" means a document filed that recommences the decision period after a decision deadline waiver has been filed. The notice will give the Board a full decision period in which to make a decision. (See Section 101.308 of this Part.)

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"Oral argument" means a formal verbal statement of advocacy on a proceeding's legal questions made at a Board meeting with the Board's permission. (See Section 101.700 of this Part.)

"OSFM" means Office of the State Fire Marshal.

"OSFM appeal" means an appeal of an OSFM final decision concerning eligibility and deductibility made pursuant to Title XVI of the Act.

"Participant" means any person, not including the Board or its staff, who takes part in an adjudicatory proceeding who is not a party, or a person who takes part in a regulatory or other quasi-legislative proceeding before the Board. A person becomes a participant in any of several ways, including filing a comment, being added to the notice list of a particular proceeding, or testifying at hearing.

"Participant in a CAAPP Comment Process" means a person who takes part in a Clean Air Act Permit Program (CAAPP) permit hearing before the Agency or comments on a draft CAAPP permit.

"Party" means the person by or against whom a proceeding is brought.

"Party in interest" means the Agency when asked to conduct an investigation pursuant to Section 30 of the Act during an ongoing proceeding. (See Section 101.404 of this Part.)

"Peremptory rulemaking" means *any rulemaking that is required as a result of federal law, federal rules and regulations, or an order of a court, under conditions that preclude compliance with the general rulemaking requirements of Section 5-40 of the IAPA and that preclude the exercise by the Board as to the content of the rule it is required to adopt.* [5 ILCS 100/5-50]

"Permit appeal" means an adjudicatory proceeding brought before the Board pursuant to Title X of the Act.

"Person" means *any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns.* [415 ILCS 5/~~3.3153-26~~].

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"Petition" means the initial filing in an adjudicatory proceeding other than an enforcement proceeding, including permit appeals, OSFM appeals, UST appeals, appeals of pollution control facility siting decisions, variances and adjusted standards.

"Pilot project" means an innovative environmental project that covers one or more designated facilities, designed and implemented in the form of an EMSA. (See Section 52.3 of the Act.)

"Pollution control facility" means *any waste storage site, sanitary landfill, waste disposal site, waste transfer station, waste treatment facility, or waste incinerator. This includes sewers, sewage treatment plants, and any other facilities owned or operated by sanitary districts organized under the Metropolitan Water Reclamation District Act. The following are not pollution control facilities:*

*waste storage sites regulated under 40 CFR 761.42;*

*sites or facilities used by any person conducting a waste storage, waste treatment, waste disposal, waste transfer or waste incineration operation, or a combination thereof, for wastes generated by such person's own activities, when such wastes are stored, treated, disposed of, transferred or incinerated within the site or facility owned, controlled or operated by such person, or when such wastes are transported within or between sites or facilities owned, controlled or operated by such person;*

*sites or facilities at which the State is performing removal or remedial action pursuant to Section 22.2 or 55.3 of the Act;*

*abandoned quarries used solely for the disposal of concrete, earth materials, gravel, or aggregate debris resulting from road construction activities conducted by a unit of government or construction activities due to the construction and installation of underground pipes, lines, conduit or wires off of the premises of a public utility company which are conducted by a public utility;*

*sites or facilities used by any person to specifically conduct a landscape composting operation;*

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*regional facilities as defined in the Central Midwest Interstate Low-Level Radioactive Waste Compact;*

*the portion of a site or facility where coal combustion wastes are stored or disposed of in accordance with subdivision (r)(2) or (r)(3) of Section 21 of the Act;*

*the portion of a site or facility used for the collection, storage or processing of waste tires as defined in Title XIV;*

*the portion of a site or facility used for treatment of petroleum contaminated materials by application onto or incorporation into the soil surface and any portion of that site or facility used for storage of petroleum contaminated materials before treatment. Only those categories of petroleum listed in ~~paragraph (5) of subsection (a) of Section 57.9(a)(3)22.18(b)~~ of the Act are exempt under this definition;*

*the portion of a site or facility where used oil is collected or stored prior to shipment to a recycling or energy recovery facility, provided that the used oil is generated by households or commercial establishments, and the site or facility is a recycling center or a business where oil or gasoline is sold at retail;*

*the portion of a site or facility utilizing coal combustion waste for stabilization and treatment of only waste generated on that site or facility when used in connection with response actions pursuant to the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, the federal Resource Conservation and Recovery Act of 1976, or the Illinois Environmental Protection Act or as authorized by the Agency;*

*the portion of a site or facility accepting exclusively general construction or demolition debris, located in a county with a population over 700,000, and operated and located in accordance with Section 22.38 of the Act.*

[415 ILCS 5/~~3.3303.32(a)~~]

"Pollution control facility siting appeal" means an appeal of a decision made by a unit of local government filed with the Board pursuant to Section 40.1 of the Act.

"Postconsumer material" means *paper, paperboard, and fibrous wastes from*

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*retail stores, office buildings, homes, and so forth, after the waste has been passed through its end usage as a consumer item, including used corrugated boxes, old newspapers, mixed waste paper, tabulating cards, and used cordage. Additionally, it includes all paper, paperboard, and other fibrous wastes that are diverted or separated from the municipal solid waste stream [415 ILCS 20/3(f)(2)(i) and (ii)]. (See also definition of "recycled paper" in this Section.)*

"Prehearing conference" means a meeting held in an adjudicatory case to determine the status of the proceedings. A prehearing conference may also be a meeting held in a regulatory proceeding prior to the hearing, the purposes of which *shall be to maximize understanding of the intent and application of the proposal, if possible, and to attempt to identify and limit the issues of disagreement among participants to promote efficient use of time at hearing* [415 ILCS 5/27(d)]. (See 35 Ill. Adm. Code 102.404 and 102.406.)

"Proceeding" means an action conducted before the Board pursuant to authority granted under Section 5 of the Act or as otherwise provided by law. Board proceedings are of two types: quasi-legislative (~~e.g.~~, rulemaking and inquiry proceedings) and quasi-judicial (adjudicatory proceedings).

"Proponent" means any person, not including the Board or its staff, who submits a regulatory proposal to the Board for the adoption, amendment, or repeal of a regulation.

"Provisional variance" means a short term variance sought by [an applicant and issued a party and recommended](#) by the Agency pursuant to Section 35(b) of the Act. (See 35 Ill. Adm. Code [104.Subpart C-104.308](#).)

"Public comment" means information submitted to the Board during a pending proceeding either by oral statement made at hearing or written statement filed with the Board.

"Qualitative description" means a narrative description pertaining to attributes and characteristics.

"Quantitative description" means a numerically based description pertaining to attributes and characteristics.

"RCRA variance" means a variance from a RCRA rule or a RCRA permit

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required pursuant to Section 21(f) of the Act.

"Record" means the official collection, as kept by the Clerk, of all documents and exhibits including pleadings, transcripts, and orders filed during the course of a proceeding.

"Recycled paper" means paper which contains at least 50% recovered paper material. The recovered paper material must contain at least 45% deinked stock or postconsumer material. (See also "postconsumer material" in this Section.)

"Registered agent" means a person registered with the Secretary of State for the purpose of accepting service for any entity, or a person otherwise authorized in writing as an agent for the purpose of accepting service for that entity.

"Regulatory hearing" or "proceeding" means a hearing or proceeding held pursuant to Title VII of the Act or other applicable law with respect to regulations.

"Regulatory relief mechanisms" means variances, provisional variances and adjusted standards. (See 35 Ill. Adm. Code 104.)

"Representing" means, for purposes of Part 130, *describing, depicting, containing, constituting, reflecting or recording* [415 ILCS 5/7.1].

"Requester" means, for purposes of Part 130, the person seeking from the agency the material claimed or determined to be a trade secret (see 415 ILCS 5/7.1).

"Resource Conservation and Recovery Act" or "RCRA" means the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (42 USC 6901 et seq.).

"Rulemaking" or "rulemaking proceeding" means a proceeding brought under Title VII of the Act or other applicable law for the purpose of adoption, amendment, or repeal of a regulation.

"Sanction" means a penalty or other mechanism used by the Board to provide incentives for compliance with the Board's procedural rules, Board orders or hearing officer orders. (See also Subpart H of this Part.)

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"SDWA" means the federal Safe Drinking Water Act (42 USC 300f et seq.).

"Service" means delivery of documents upon a person. (See Sections 101.300(c) and 101.304 of this Part.)

"Service list" means the list of persons designated by the hearing officer or Clerk in a regulatory or adjudicatory proceeding upon whom participants must serve motions, prefiled questions and prefiled testimony and any other documents that the participants file with the Clerk unless the hearing officer otherwise directs. (See definition of "notice list" in this Section.) (See also 35 Ill. Adm. Code 102.422.)

"Severance" means the separation of a proceeding into two or more independent proceedings, each of which terminates in a separate, final judgment.

"Site-specific rule or regulation" means a proposed or adopted regulation, not of general applicability, that applies only to a specific facility, geographic site, or activity. (See 35 Ill. Adm. Code 102.208.)

"Sponsor" means the proponent of a pilot project that enters into an EMSA with the Agency.

"State enforcement proceeding" means an enforcement proceeding, other than a citizen's enforcement proceeding, that is brought pursuant to Section 31(a) of the Act.

"Stay" means a temporary suspension of the regular progress of a proceeding pursuant to an order of the Board or by operation of law. (See Section 101.514 of this Part.)

"Subpoena" means a command to appear at a certain time and place to give testimony upon a certain matter.

"Subpoena duces tecum" means a document that compels the production of specific documents and other items at a specified time and place.

"Summary judgment" means the disposition of an adjudicatory proceeding without hearing when the record, including pleadings, depositions and admissions on file, together with any affidavits, shows that there is no genuine issue of

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material fact, and that the moving party is entitled to judgment as a matter of law. (See Section 101.516 of this Part.)

"Third party complaint" means a pleading that a respondent files setting forth a claim against a person who is not already a party to the proceeding. (See 35 Ill. Adm. Code 103.206.)

"Trade secret" means *the whole or any portion or phase of any scientific or technical information, design, process (including a manufacturing process), procedure, formula or improvement, or business plan which is secret in that it has not been published or disseminated or otherwise become a matter of general public knowledge, and which has competitive value. A trade secret is presumed to be secret when the owner thereof takes reasonable measures to prevent it from becoming available to persons other than those selected by the owner to have access thereto for limited purposes.* [415 ILCS 5/~~3.4903-48~~].

"Transcript" means the official recorded testimony from a hearing.

"USEPA" means the United States Environmental Protection Agency.

"Underground storage tank appeal" or "UST appeal" means an appeal of an Agency final decision made pursuant to Title XVI of the Act.

"UST" means underground storage tank.

"Variance" means a temporary exemption from any specified regulation, requirement or order of the Board granted to a petitioner by the Board pursuant to Title IX of the Act *upon presentation of adequate proof that compliance with the rule or regulation, requirement or order of the Board would impose an arbitrary or unreasonable hardship* [415 ILCS 5/35(a)].

"Waiver" means the intentional relinquishing of a known right, usually with respect to a hearing before the Board or entry of a Board decision within the decision period. (See also Section 101.308 of this Part.)

"Web site" means the Board's computer-based informational service accessed on the Internet at <http://www.ipcb.state.il.us>.

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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SUBPART C: COMPUTATION OF TIME, FILING, SERVICE  
OF DOCUMENTS, AND STATUTORY DECISION DEADLINES**Section 101.300 Computation of Time**

- a) **Computation of Time.** Computation of any period of time prescribed in the Act, other applicable law, or these rules will begin with the first calendar day following the day on which the act, event or development occurs and will run until the close of business on the last day, or the next business day if the last day is a Saturday, Sunday or national or State legal holiday.
- b) **Time of Filing.** Documents will be considered filed when they are filed in conformance with the requirements found in Section 101.302 of this Part and any other filing requirements specifically set out in the other Parts of these rules.
  - 1) If filed in person, by messenger service or mail delivery service other than U.S. Mail, documents are considered filed when they are received in the Office of the Clerk.
  - 2) If a document is filed by U.S. Mail subsequent to a filing deadline, yet the postmark date precedes the filing deadline, the document will be deemed filed on the postmark date, provided all filing requirements are met as set forth in Section 101.302 of this Part.
  - 3) Documents filed and received in the Office of the Clerk after 4:30 p.m. will be marked as filed the following business day. The Clerk will record the appropriate filing date on all filed documents.
  - 4) For purposes of Board decision deadlines, time does not begin until the date on which the initial filing is date-stamped by the Clerk.
- c) **Time of Service.** In the case of personal service, service is deemed complete on the date personal delivery was effectuated. In the case of facsimile transmission, service is deemed complete on the date of a complete and proper transmittal (facsimile filings are only allowed in accordance with Section 101.302(d) of this Part). In the case of service by registered or certified mail, or by messenger service, service is deemed complete on the date specified on the registered or certified mail receipt or the messenger service receipt. In the case of service by

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U.S. Mail, service is presumed complete four days after mailing. The presumption can be rebutted by proper proof.

- d) Date of Board Decision.
- 1) For purposes of statutory decision deadline proceedings, the date of the Board decision is the date of the Board meeting where a final opinion and order of the Board was adopted by the vote of at least ~~three~~four Board members.
  - 2) For purposes of appeal, the date of the party's certified mail receipt of the Board decision is the date of service of the final opinion and order by the Board upon the appealing party. Or, in the event of a timely filed motion for reconsideration filed pursuant to Section 101.520 of this Part, the date of the party's certified mail receipt of the Board order ruling upon the motion is the date of service by the Board upon the appealing party.

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 101.302 Filing of Documents**

- a) This Section contains the Board's general filing requirements. Additional requirements may exist for specific proceedings elsewhere in these rules. The Clerk will refuse for filing any document that does not comply with the minimum requirements of this Section.
- b) All documents filed with the Board must be filed with the Clerk's Office. Service on a hearing officer does not constitute filing with the Board unless the document is submitted to the hearing officer during the course of a hearing. Documents may be filed at:
- Pollution Control Board, Attn: Clerk  
100 West Randolph Street  
James R. Thompson Center, Suite 11-500  
Chicago, Illinois 60601-3218
- c) Documents may be filed by U.S. Mail or other mail delivery service, in person or by messenger.

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- d) Filing by electronic transmission or facsimile will only be allowed with the prior approval of the Clerk of the Board or hearing officer assigned to the proceeding. ~~The Agency may file a provisional variance recommendation with the Board through electronic transmission or facsimile within 2 days prior to a regularly scheduled meeting date followed by a hard copy submission.~~
- e) The following initial filings require filing fees and will only be considered filed when accompanied by the appropriate fee, which may be paid in the form of government voucher, money order, or check made payable to the Illinois Pollution Control Board, but which may not be paid in cash:
- 1) Petition for Site-Specific Regulation, \$75;
  - 2) Petition for Variance, \$75;
  - 3) Petition for Review of Agency Permit Decision, UST Decision, or any other appeal filed pursuant to Section 40 of the Act, \$75;
  - 4) Petition to Review Pollution Control Facility Siting Decisions, pursuant to Section 40.1 of the Act, \$75; and
  - 5) Petition for Adjusted Standard, pursuant to Section 28.1 of the Act, \$75.
- f) All documents filed must be served in accordance with Subpart C of this Part.
- g) All documents filed with the Board should contain the relevant proceeding caption and number and must be submitted on 8½ x 11 inch recycled paper as defined in Subpart B of this Part, and double sided if feasible.
- h) Unless the Board or its procedural rules provide otherwise, all documents must be filed with a signed original and 9 duplicate copies (10 total), except that:
- 1) Documents and motions specifically directed to the assigned hearing officer must be filed with the Clerk with a signed original and 4 duplicate copies (5 total), or as the hearing officer orders;
  - 2) The Agency may file a signed original and 4 duplicate copies (5 total) of the record required by Section 105.116, 105.302, and 105.410;

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- 3) The OSFM may file a signed original and 4 duplicate copies (5 total) of the record required by Section 105.508; and
  - 4) The siting authority may file a signed original and 4 duplicate copies (5 total) of the record required by Sections 107.300 and 302.
- i) No written discovery, including interrogatories, requests to produce, and requests for admission, or any response to written discovery, may be filed with the Clerk of the Board except upon leave or direction of the Board or hearing officer. Any discovery request under these rules to any nonparty must be filed with the Clerk of the Board with a signed original and 4 duplicate copies (5 total), or as the hearing officer directs.
  - j) Non-Conforming Exhibits. When possible, exhibits must be reduced to conform to 8½ X 11 inch recycled paper. However, one non-conforming original copy may be filed with the Clerk's Office. Upon closure of the proceeding, the non-conforming copy may be returned to the person filing it in accordance with 2 Ill. Adm. Code 2175.300.
  - k) Page Limitation. No motion, brief in support of motion, or brief may exceed 50 pages, and no amicus curiae brief may exceed 20 pages, without prior approval of the Board or hearing officer. These limits do not include appendices containing relevant material.

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART F: HEARINGS, EVIDENCE, AND DISCOVERY

**Section 101.628 Statements from Participants**

- a) Oral Statements. The hearing officer may permit a participant to make oral statements on the record when time, facilities, and concerns for a clear and concise hearing record so allow. The oral statements must be made under oath and are subject to cross-examination. [\(See Sections 101.110 and 101.114 of this Part.\)](#)
- b) Written Statements. Any participant may submit written statements relevant to the subject matter at any time prior to hearing or at hearing. Participants submitting such a statement will be subject to cross-examination by any party.

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Written statements submitted without the availability of cross-examination will be treated as public comment in accordance with subsection (c) of this Section and will be afforded lesser weight than evidence subject to cross-examination.

- c) Public Comments or Amicus Curiae Briefs. Participants may file public comments subject to the requirements of this Section and the hearing officer's schedule for completion of the record. The Board also allows for the filing of amicus curiae briefs by non-party participants. Amicus curiae briefs will be allowed in accordance with Section 101.110 of this Part.
- 1) Public comments must be filed within 14 days after the close of the last hearing unless the hearing officer specifies a different date for submission of post-hearing comments. However, all public comments must be filed with the Board no later than 30 days before the decision date, unless the hearing officer orders otherwise to prevent material prejudice. Consistent with the burden of proof in a proceeding, the hearing officer may provide for differing filing deadlines with respect to post-hearing comments by different persons. Pursuant to hearing officer order, rebuttal public comments may be submitted.
  - 2) All public comments must present arguments or comments based on evidence contained in the record. The comments may also present legal argument citing legal authorities.
  - 3) Comments must be filed with the Board. Comments will be distributed to parties and the hearing officer by the Clerk's office.

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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Section 101.APPENDIX F Notice of Withdrawal (Repealed)

~~BEFORE THE ILLINOIS POLLUTION CONTROL BOARD~~

	)	
Applicable Caption	)	
(see Appendix A)	)	docket number
	)	
	)	

~~NOTICE OF WITHDRAWAL~~

~~NOW COMES [Petitioner's or Complainant's name], by one of its attorneys, [Attorney's name] pursuant to 35 Ill. Adm. Code 101.302(1) hereby gives notice of withdrawal of this case.~~

~~\_\_\_\_\_  
Attorney's Name~~

~~Name of Attorney and Firm  
Address  
Telephone Number~~

(Source: Repealed at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 101.APPENDIX G Comparison of Former and Current Rules (Repealed)**

The following table compares the former procedural rules (in effect on December 31, 2000) with the current procedural rules (effective January 1, 2001).

<u>FORMER PART 101</u>	<u>CURRENT SECTION</u>
101.100	101.100
101.101	101.200
	101.202
101.102	101.302
101.103	101.302
101.104	101.302
101.105	101.308
101.106	101.306
101.107	101.400
101.108	101.400
101.109	101.300
101.120	101.302
101.121	2 Ill. Adm. Code 2175.210 (current)
101.122	2 Ill. Adm. Code 2175.215 (current)
101.140	101.304(a)
101.141	101.304
101.142	101.304(c)
101.143	101.304(d)
101.144	101.300
101.160	2 Ill. Adm. Code 2175.300 (current)
101.161	130.Subpart A 130.Subpart D
101.162	2 Ill. Adm. Code 2175.305 (current)
101.180	101.700 2 Ill. Adm. Code 2175.210 (current)
101.181	2 Ill. Adm. Code 2175.130 (current)

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<del>101.200</del>	<del>101.114</del>
	<del>101.612</del>
<del>101.220</del>	<del>101.610</del>
<del>101.221</del>	<del>101.606</del>
<del>101.241</del>	<del>101.500</del>
<del>101.242</del>	<del>101.504</del>
<del>101.243</del>	<del>101.506</del>
<del>101.244</del>	<del>101.516</del>
<del>101.245</del>	<del>101.508</del>
	<del>101.510</del>
<del>101.246</del>	<del>101.520</del>
	<del>101.902</del>
<del>101.247</del>	<del>101.502</del>
	<del>101.518</del>
	<del>101.522</del>
<del>101.260</del>	<del>101.622</del>
<del>101.261</del>	<del>101.614</del>
<del>101.280</del>	<del>101.608</del>
	<del>101.800</del>
<del>101.281</del>	<del>101.802</del>
<del>101.300</del>	<del>101.520</del>
<del>101.301</del>	<del>101.904</del>
<del>101.302</del>	<del>101.906</del>
<del>101.304</del>	<del>101.908</del>
<del>101.Appendix A Illustration A</del>	<del>101.Appendix A Illustration J</del>
<del>101.Appendix A Illustration B</del>	<del>101.Appendix A Illustration K</del>
<del>101.Appendix A Illustration C</del>	<del>101.Appendix A Illustration D</del>
<del>101.Appendix A Illustration D</del>	<del>101.Appendix A Illustration C</del>
	<del>101.Appendix A Illustration F</del>
<del>101.Appendix A Illustration E</del>	<del>101.Appendix A Illustration A</del>
<del>101.Appendix A Illustration F</del>	<del>101.Appendix A Illustration I</del>
<del>101.Appendix B</del>	<del>101.Appendix B</del>
<del>101.Appendix C</del>	<del>101.Appendix C</del>
<del>101.Appendix D</del>	<del>101.Appendix D</del>
<del>101.Appendix E Illustration A</del>	<del>101.Appendix E Illustration A</del>
<del>101.Appendix E Illustration B</del>	<del>101.Appendix E Illustration B</del>

(Source: Repealed at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Regulatory and Informational Hearings and Proceedings
- 2) Code citation: 35 Ill. Adm. Code 102
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
102.106	Amend
102.202	Amend
102.210	Amend
102.211	Add
102.302	Amend
102.304	Amend
102.414	Amend
102.820	Amend
102.APPENDIX A	Repeal
- 4) Statutory authority: 415 ILCS 5/5, 7.2, 13(c), 13.3, 17.5, 22.4(a), 22.4(d), 22.7(d), 26, 27, 28, 28.2, 28.6, 29, and 41 of the Environmental Protection Act [415 ILCS 5].
- 5) A complete description of the subjects and issues involved: A more complete description of this proposal may be found in the Board's opinion and order of March 18, 2004, in Board docket R04-24. This proposal to amend Part 102 is part of a larger rulemaking in which the Board is also proposing amendments to each of the other Parts of its procedural rules: Parts 101, 103, 104, 105, 106, 107, 108, 125, and 130 of Title 35 of the Illinois Administrative Code. This larger rulemaking, to which the Board has devoted docket R04-24, is designed to ensure that the Board's procedural rules are consistent with the following recently enacted legislation: (a) amending the Environmental Protection Act (415 ILCS 5 (2002)) in P.A. 93-171 (eff. July 10, 2003), P.A. 93-152 (eff. July 10, 2003), P.A. 93-509 (eff. Aug. 11, 2002), and P.A. 92-574 (eff. June 26, 2002); (b) amending the Administrative Procedure Act (5 ILCS 100 (2002)) in P.A. 92-330 (eff. Aug. 9, 2001); and (c) creating the new State Officials and Employees Ethics Act (5 ILCS 430) in P.A. 93-615 (eff. Nov. 19, 2003) and amending it in P.A. 93-617 (eff. Dec. 9, 2003).

The amendments to Part 102 reflect changes to the Administrative Procedure Act by requiring rulemaking proposals to describe studies and research reports used in developing the proposal. Additionally, P.A. 93-152 authorized the Board to update incorporations by reference in Board rules through a new rulemaking procedure that does not require a public hearing or a request that the Department of Commerce and Economic Opportunity, formerly the Department of Commerce and Community Affairs, conduct an economic impact study on the proposed rules.

## POLLUTION CONTROL BOARD

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- 6) Will these proposed rules replace emergency rules currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed rules contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of statewide policy objectives: These proposed amendments do not create or enlarge a state mandate as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3].
- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for 45 days after the date of publication in the *Illinois Register*. Comments should reference Docket R04-24 and be addressed to:

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

Interested persons may request copies of the Board's opinion and order by calling Dorothy Gunn at 312-814-3620, or download from the Board's Web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us).

For more information contact Richard McGill at 312/814-6983 or email at [mcgillr@ipcb.state.il.us](mailto:mcgillr@ipcb.state.il.us).

- 12) Initial regulatory flexibility analysis:
  - A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking affects those small businesses, small municipalities, and not-for-profit corporations that appear before the Board.
  - B) Reporting, bookkeeping or other procedures required for compliance: The

## POLLUTION CONTROL BOARD

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existing rules and proposed amendments do not require extensive reporting, bookkeeping or other procedures.

- C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney.

- 13) Regulatory agenda on which this rulemaking was summarized: January 2004

The full text of the proposed amendments begins on the next page:

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE A: GENERAL PROVISIONS  
CHAPTER I: POLLUTION CONTROL BOARD

## PART 102

## REGULATORY AND INFORMATIONAL HEARINGS AND PROCEEDINGS

## SUBPART A: GENERAL PROVISIONS

## Section

102.100	Applicability
102.102	Severability
102.104	Definitions
102.106	Types of Regulatory Proposals
102.108	Public Comments
102.110	Waiver of Requirements
102.112	Other Proceedings

SUBPART B: REGULATIONS OF GENERAL APPLICABILITY,  
RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)  
AMENDMENTS, AND SITE-SPECIFIC REGULATIONS

## Section

102.200	Proposal for Regulations of General Applicability
102.202	Proposal Contents for Regulations of General Applicability
102.204	Proposal of RCRA Amendments
102.206	Notice of Site-Specific RCRA Proposals
102.208	Proposal for Site-Specific Regulations
102.210	Proposal Contents for Site-Specific Regulations
<a href="#">102.211</a>	<a href="#">Proposal to Update Incorporations by Reference</a>
102.212	Dismissal

SUBPART C: CLEAN AIR ACT AMENDMENTS (CAAA)  
FAST TRACK RULEMAKING

## Section

102.300	Applicability
102.302	Agency Proposal
102.304	Hearings

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102.306 Prefiled Testimony

SUBPART D: SERVICE AND FILING OF DOCUMENTS, MOTIONS,  
PRODUCTION OF INFORMATION, SUBPOENAS, PREHEARING  
CONFERENCES, AND HEARINGS

## Section

102.400 Service and Filing of Documents  
102.402 Motions, Production of Information, and Subpoenas  
102.404 Initiation and Scheduling of Prehearing Conferences  
102.406 Purpose of Prehearing Conference  
102.408 Prehearing Order  
102.410 Authorization of Hearing  
102.412 Scheduling of Hearings  
102.414 Hearings on the Economic Impact of New Proposals  
102.416 Notice of Hearing  
102.418 Record  
102.420 Authority of the Hearing Officer  
102.422 Notice and Service Lists  
102.424 Prehearing Submission of Testimony and Exhibits  
102.426 Admissible Information  
102.428 Presentation of Testimony and Order of Hearing  
102.430 Questioning of Witnesses

## SUBPART E: CERTIFICATION OF REQUIRED RULES

## Section

102.500 Agency Certification  
102.502 Challenge to Agency Certification  
102.504 Board Determination

## SUBPART F: BOARD ACTION

## Section

102.600 Revision of Proposed Regulations  
102.602 Adoption of Regulations  
102.604 First Notice of Proposed Regulations  
102.606 Second Notice of Proposed Regulations  
102.608 Notice of Board Final Action

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- 102.610 Adoption of Identical-in-Substance Regulation
- 102.612 Adoption of Emergency Regulations
- 102.614 Adoption of Peremptory Regulations

## SUBPART G: MOTIONS FOR RECONSIDERATION AND APPEAL

## Section

- 102.700 Filing of Motions for Reconsideration
- 102.702 Disposition of Motions for Reconsideration
- 102.704 Correction of Publication Errors
- 102.706 Appeal

## SUBPART H: OUTSTANDING RESOURCE WATER DESIGNATION

## Section

- 102.800 Applicability
- 102.810 Petition
- 102.820 Petition Contents
- 102.830 Board Action

102.APPENDIX A Comparison of Former and Current Rules [\(Repealed\)](#)

AUTHORITY: Implementing Sections 5, 7.2, 13(c), 13.3, 17.5, 22.4(a), 22.4(d), 22.7(d), 27, 28, 28.2, 28.6, 29, and 41 of the Environmental Protection Act (Act) [415 ILCS 5/5, 7.2, 13(c), 13.3, 17.5, 22.4(a), 22.4(d), 22.7(d), 27, 28, 28.2, 28.6, 29, and 41] and authorized by Sections 26 and 27 of the Act [415 ILCS 5/26 and 27].

SOURCE: Originally adopted as Chapter 1: Procedural Rules, Part II: Regulatory and Other Nonadjudicative Hearings and Proceedings, in R70-4, 1 PCB 43, October 8, 1970; codified at 6 Ill. Reg. 8357; amended in R84-10 at 9 Ill. Reg. 1398, effective January 16, 1985; Part repealed, new Part adopted in R88-5(B) at 14 Ill. Reg. 9210, effective May 24, 1990; amended in R90-16 at 14 Ill. Reg. 20472, effective December 11, 1990; old Part repealed, new Part adopted in R00-20 at 25 Ill. Reg. 587, effective January 1, 2001; amended in R01-13 at 26 Ill. Reg. 3498, effective February 22, 2002; amended in R04-24 at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROVISIONS

**Section 102.106 Types of Regulatory Proposals**

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- a) The Act provides for 54 types of regulatory proposals:
- 1) Identical-in-substance rulemakings, as defined in Sections 7.2, 13.3, 28.2 and 28.4 of the Act [415 ILCS 5/7.2, 13.3~~-,~~ 28.2, and 28.4];
  - 2) Federally required rules, as defined in Section 28.2 of the Act [415 ILCS 5/28.2];
  - 3) Other regulatory proposals, both of general applicability and not of general applicability as allowed by Sections 26, 27 and 28 of the Act [415 ILCS 5/26, 27, and 28]; ~~and~~
  - 4) Clean Air Act fast track rulemakings as defined by Section 28.5 of the Act [415 ILCS 5/28.5]; ~~and-~~
  - 5) [Rulemakings to update incorporations by reference, as allowed by Section 28.6 of the Act \[415 ILCS 5/28.6\].](#)
- b) The IAPA provides for three types of rulemakings:
- 1) General rulemaking pursuant to Section 5-40 of the IAPA [5 ILCS 100/5-40];
  - 2) Emergency rulemaking pursuant to Section 5-45 of the IAPA [5 ILCS 100/5-45]; and
  - 3) Peremptory rulemaking pursuant to Section 5-50 of the IAPA [5 ILCS 100/5-50].

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART B: REGULATIONS OF GENERAL APPLICABILITY, RESOURCE  
CONSERVATION AND RECOVERY ACT (RCRA) AMENDMENTS,  
AND SITE-SPECIFIC REGULATIONS

**Section 102.202 Proposal Contents for Regulations of General Applicability**

Each proponent must set forth the following in its proposal:

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- a) The language of the proposed rule, including any existing regulatory language proposed to be amended or repealed. Language being added must be indicated by underscoring, and language being deleted must be indicated by strike-outs. The proposed rule must be drafted in accordance with 1 Ill. Adm. Code 100.Subpart C;
- b) A statement of the reasons supporting the proposal, including a statement of the facts that support the proposal, and a statement of the purpose and effect of the proposal, including environmental, technical, and economic justification. The statement must discuss the applicable factors listed in Section 27(a) of the Act. The statement must include, to the extent reasonably practicable, all affected sources and facilities and the economic impact of the proposed rule;
- c) A synopsis of all testimony to be presented by the proponent at hearing;
- d) Copies of any material to be incorporated by reference within the proposed rule pursuant to Section 5-75 of the IAPA [5 ILCS 100/5-75];
- e) *A descriptive title or other description of any published study or research report used in developing the rule, the identity of the person who performed such study, and a description of where the public may obtain a copy of any such study or research report. If the study was performed by an agency or by a person or entity that contracted with the agency for the performance of the study, the agency shall also make copies of the underlying data available to members of the public upon request if the data are not protected from disclosure under the Freedom of Information Act [5 ILCS 140]. [5 ILCS 100/5-40(3.5)];*
- fe) Proof of service upon all persons required to be served pursuant to Section 102.422 of this Part;
- gf) Unless the proponent is the Agency or DNR, a petition signed by at least 200 persons, pursuant to Section 28 of the Act and Section 102.410(b) of this Part;
- hg) When the Agency proposes a rule it believes is federally required, a certification in accordance with Section 102.500 of this Part;
- ih) For a proposed rule that amends an existing Board rule, a written statement or certification that the proposal amends the most recent version of the rule as published on the Board's Web site or as obtained from the Clerk;

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- j) When the proponent is a State agency, an electronic version of the information required under subsection (a) of this Section; and
- k) When any information required under this Section is inapplicable or unavailable, a complete justification for the inapplicability or unavailability.

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 102.210 Proposal Contents for Site-Specific Regulations**

Proponents of site-specific regulations other than those relating to RCRA must comply with the requirements of Section 102.202 of this Part in addition to the following requirements:

- a) The proposal must set forth the language of the proposed site-specific rule, including any existing regulatory language proposed to be amended or repealed. Language being added must be indicated by underscoring and language being deleted must be indicated by strike-outs. If the proposed site-specific rule seeks an exemption from or modification of a rule of general applicability, the proposed site-specific rule may not be proposed as an amendment to the general rule. Instead, the site-specific rule must be proposed as its own Section;
- b) In the event that the proposed rule would replace the applicability of a general rule to the pollution source, the proposal must specify, with supporting documentation, the reasons why the general rule is not technically feasible or economically reasonable for the person or site. The documentation must include relevant information on other similar persons' or sites' ability to comply with the general rule. Where relevant to the Board's consideration, the proposal must also include information pertaining to *existing physical conditions, the character of the area involved, including the character of surrounding land uses, zoning classifications, and the nature of the existing air quality or receiving body of water* [415 ILCS 5/27(a)];
- c) *A descriptive title or other description of any published study or research report used in developing the rule, the identity of the person who performed such study, and a description of where the public may obtain a copy of any such study or research report. If the study was performed by an agency or by a person or entity that contracted with the agency for the performance of the study, the agency shall also make copies of the underlying data available to members of the public upon*

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*request if the data are not protected from disclosure under the Freedom of Information Act [5 ILCS 140]. [5 ILCS 100/5-40(3.5)];*

- d) The proposal must describe the person or site for which regulatory change is sought and the area affected by the proposed change. The proposal must also include a detailed assessment of the environmental impact of the proposed change, and include a description of available treatment or control options;
- ed) The proposal must demonstrate that the Board may grant the requested relief consistent with federal law governing the subject of the proposal (e.g., Underground Injection Control program, Resource Conservation and Recovery Act, etc.);
- fe) When the proponent is a State agency, the proponent also must provide an electronic version of the information required under subsection (a) of this Section; and
- gf) When any information required under this Section is inapplicable or unavailable, the proposal must provide a complete justification for the inapplicability or unavailability.

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 102.211 Proposal to Update Incorporations by Reference**

- a) *Any person may file a proposal with the Board to update an incorporation by reference included in a Board rule. The Board or the Agency may also make such a proposal on its own initiative. [415 ILCS 5/28.6(a)] The proposal must be filed with the Clerk in accordance with 35 Ill. Adm. Code 101.302(h) and served on the Agency, DNR, and the Attorney General in accordance with 35 Ill. Adm. Code 101.304(c).*
- b) *A rulemaking to update an incorporation by reference under this Section must:*
  - 1) *Be for the sole purpose of replacing a reference to an older or obsolete version of a document with a reference to the current version of that document or its successor document; and*
  - 2) *Comply with Sections 5-40 and 5-75 of the IAPA [5 ILCS 100/5-40, 5-75].*

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[415 ILCS 5/28.6(b), (c)]

- c) Sections 27 and 28 of the Act [415 ILCS 5/27, 28] do not apply to rulemaking under this Section. [415 ILCS 5/28.6(c)] Accordingly, for rulemaking under this Section, the Board will not hold any public hearings nor request that the Department of Commerce and Economic Opportunity conduct a study of the economic impact of the proposed amendment.
- d) A proposal to update an incorporation by reference under this Section must:
- 1) Include a statement of the reasons supporting the proposal, including a statement of the facts that support the proposal, and a statement of the purpose and effect of the proposal;
  - 2) Comply with subsections (a), (d), (e), (f), (i), and (j) of Section 102.202 of this Part; and
  - 3) When any information required under this subsection (d) is inapplicable or unavailable, the proposal must provide a complete justification for the inapplicability or unavailability.
- e) If an objection to the proposed amendment is filed during the public comment period required under Section 5-40 of the IAPA [5 ILCS 100/5-40], then the proposed amendment cannot be adopted pursuant to this Section. [415 ILCS 5/28.6(d)]
- f) Nothing in this Section precludes the adoption of a change to an incorporation by reference through other lawful rulemaking procedures. [415 ILCS 5/28.6(d)]

(Source: Added at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART C: CLEAN AIR ACT AMENDMENTS (CAAA)  
FAST TRACK RULEMAKING

**Section 102.302 Agency Proposal**

- a) When proposing a regulation required by the CAAA, the Agency must meet the following requirements:

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- 1) The proposal must set forth the proposed rule, which must be drafted in accordance with 1 Ill. Adm. Code 100.Subpart C;
- 2) The proposal must have a cover sheet that prominently states that the Agency proposes the rule under Section 28.5 of the Act, *unless another provision of the Act specifies the method for adopting a specific rule* [415 ILCS 5/28.5(c)];
- 3) The proposal must *clearly identify the provisions and portions of the federal statute, regulations, guidance, policy statement, or other documents upon which the rule is based* [415 ILCS 5/28.5(e)(3)];
- 4) The proposal must include *supporting documentation for the rule that summarizes the basis of the rule* [415 ILCS 5/28.5(e)(4)];
- 5) The proposal must *describe in general the alternative selected and the basis for the alternative* [415 ILCS 5/28.5(e)(5)];
- 6) The proposal must summarize the economic and technical data that the Agency relied upon in drafting the proposed rule;
- 7) The proposal must include a list of any documents that the Agency directly relied upon in drafting the proposed rule or that the Agency intends to rely upon at hearing, and copies of the documents;
- 8) The proposal must set forth *a description of the geographical area to which the rule is intended to apply, a description of the process or processes affected, and identification by classes of the entities expected to be affected, and a list of sources expected to be affected by the rule to the extent known to the Agency* [415 ILCS 5/28.5(e)(8)]; ~~and~~
- 9) *A descriptive title or other description of any published study or research report used in developing the rule, the identity of the person who performed such study, and a description of where the public may obtain a copy of any such study or research report. If the study was performed by an agency or by a person or entity that contracted with the agency for the performance of the study, the agency shall also make copies of the underlying data available to members of the public upon request if the data are not protected from disclosure under the Freedom of Information*

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[Act \[5 ILCS 140\]. \[5 ILCS 100/5-40\(3.5\)\]; and](#)

[109](#)) The proposal must include a diskette containing the information required under subsection (a)(1) of this Section.

- b) If the proposal fails to meet any of the requirements of subsection (a) of this Section, the Board may decide not to accept the proposal for filing.

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 102.304 Hearings**

- a) Within 14 days after the receipt of a rule the Board will file the proposed rule for first notice and schedule all hearings. Additionally, the Board will send notice to the appropriate newspaper of the scheduled hearing. The notice will be published by the newspaper at least 30 days prior to the date of the hearing.
- b) The first hearing will be held within 55 days after receipt of the rule and is reserved for the Agency's testimony and questions of the Agency's witnesses.
- c) Within 7 days after the first hearing, any person may request a second hearing. The request may be made on the record at the first hearing or in writing. If done in writing it must be filed with the Board and served upon the service list.
- d) A second hearing will be held to hear comments on Department of Commerce and [Economic Opportunity's Community Affairs'](#) economic impact study of the proposed rules. *At least 20 days before the hearing, the Board shall notify the public of the hearing and make the economic impact study, or the Department of Commerce and [Economic Opportunity's Community Affairs'](#) explanation for not producing an economic impact study, available to the public. Such public hearing may be held simultaneously or as part of any Board hearing considering such new rules. [415 ILCS 5/27(b)] See also Section 102.414 of this Part. The second hearing must also permit the presentation of testimony, documents, and comments by affected entities and all other interested persons. [415 ILCS 5/28.5(g)]*
- e) *The third hearing shall be scheduled to commence within 14 days after the first day of the second hearing and shall be devoted solely to any Agency response to the material submitted at the second hearing and to any response by other parties*

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[415 ILCS 5/28.5(g)]. In order to cancel the third hearing, the Agency must state on the record at hearing that it and the affected entities are in agreement or notify the Board and the service list in writing.

- f) In order to meet statutory deadlines, hearing dates may be chosen by the assigned Board member and hearing officer without consultation with the participants. CAAA hearings need only be held in one affected area of the State.

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART D: SERVICE AND FILING OF DOCUMENTS, MOTIONS,  
PRODUCTION OF INFORMATION, SUBPOENAS, PREHEARING  
CONFERENCES, AND HEARINGS

**Section 102.414 Hearings on the Economic Impact of New Proposals**

- a) In accordance with Section 27(b) of the Act, except as otherwise provided by applicable law, before the adoption of any proposed rules, *the Board shall request that the Department of Commerce and ~~Economic Opportunity~~Community Affairs conduct a study of the economic impact of the proposed rules. The Board shall conduct at least one public hearing on the economic impact of those new rules. At least 20 days before the hearing, the Board shall notify the public of the hearing and make the economic impact study, or the Department of Commerce and ~~Economic Opportunity's~~Community Affairs' explanation for not producing an economic impact study, available to the public. Such public hearing may be held simultaneously or as a part of any Board hearing considering such new rules. In adopting any such new rule, the Board shall, in its written opinion, make a determination, based upon the evidence in the public hearing record, including, but not limited to, the economic impact study, as to whether the proposed rule has any adverse economic impact on the people of the State of Illinois.* [415 ILCS 5/27(b)]:-
- b) If information of the economic impact of a proposed regulation is given at a general hearing on the proposal, the Board need not hold a special hearing on only the economic impact.

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART H: OUTSTANDING RESOURCE WATER DESIGNATION

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

**Section 102.820 Petition Contents**

Each proponent must set forth the following information in its proposal:

- a) The language of the proposed rule, amendment, or repealer identifying the surface water body or water body segment being proposed for designation, amendment, or repeal as an ORW. Language being added must be indicated by underscoring, and language being deleted must be indicated by strike-outs. The proposed rule must be drafted in accordance with 1 Ill. Adm. Code 100.Subpart C;
- b) A statement describing the specific surface water body or water body segment for which the ORW designation, amendment, or repeal is requested and the present designation of the surface water body or water body segment;
- c) A statement describing the area in which the specific surface water body or water body segment exists, including:
  - 1) The existence of wetlands or natural areas;
  - 2) The living organisms in that area, including endangered or threatened species of plants, aquatic life or wildlife listed pursuant to the Endangered Species Act 16 USC 1531 et seq. or the Illinois Endangered Species Protection Act [41 ILCS 10];
- d) A statement supporting the designation, the amendment, or the repeal, including the health, environmental, recreational, aesthetic or economic benefits of the designation, the amendment, or the repeal thereof;
- e) A statement identifying the anticipated impact on economic and social development of the ORW designation, amendment, or repeal. This statement should include:
  - 1) Impacts on the regional economy;
  - 2) Impacts on regional employment;
  - 3) Impacts on the community;

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 4) A comparison of the health and environmental impacts to the economic impact of an ORW designation;
- f) A statement describing the existing and anticipated uses of the specific surface water body or water body segment for which the ORW designation, amendment, or repeal is requested;
- g) A statement describing the existing water quality of the specific surface water body or water body segment warranting the ORW designation, amendment, or repeal;
- h) A synopsis of all testimony to be presented by the proponent at hearing;
- i) Copies of any material to be incorporated by reference within the proposed designation pursuant to Section 5-75 of the Administrative Procedure Act [5 ILCS 100/5-75];
- j) *A descriptive title or other description of any published study or research report used in developing the rule, the identify of the person who performed such study, and a description of where the public may obtain a copy of any such study or research report. If the study was performed by an agency or by a person or entity that contracted with the agency for the performance of the study, the agency shall also make copies of the underlying data available to members of the public upon request if the data are not protected from disclosure under the Freedom of Information Act [5 ILCS 140]. [5 ILCS 100/5-40(3.5)];*
- kj) Proof of service upon all persons required to be served pursuant to Section 102.810 of this Part;
- lk) Unless the proponent is the Agency or Illinois Department of Natural Resources or receives a waiver by the Board, a petition signed by at least 200 persons, pursuant to Section 28 of the Act and Section 102.160(a); and
- ml) Where any information required by this Section is inapplicable or unavailable, a complete justification for such inapplicability or unavailability.

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

**Section 102.APPENDIX A Comparison of Former and Current Rules (Repealed)**

The following table compares the former procedural rules (in effect on December 31, 2000) with the current procedural rules (effective January 1, 2001).

<u>FORMER PART 102</u>	<u>CURRENT SECTION</u>
<del>102.100</del>	<del>102.100</del>
<del>102.101</del>	<del>102.104</del>
<del>102.102</del>	<del>102.106</del>
<del>102.103</del>	<del>102.110</del>
<del>102.104</del>	<del>102.112</del>
<del>102.120</del>	<del>102.200</del>
<del>102.121</del>	<del>102.202</del>
<del>102.122</del>	<del>102.212</del>
<del>102.123</del>	<del>102.204</del>
<del>102.124</del>	<del>102.206</del>
<del>102.140</del>	<del>102.208</del>
<del>102.141</del>	<del>102.210</del>
<del>102.142</del>	<del>102.212</del>
<del>102.160</del>	<del>102.410</del>
<del>102.161</del>	<del>102.412</del>
<del>102.162</del>	<del>102.416</del>
<del>102.163</del>	<del>102.206</del>
<del>102.164</del>	<del>102.418</del>
<del>102.180</del>	<del>102.414</del>
<del>102.200</del>	<del>102.500</del>
<del>102.201</del>	<del>102.502</del>
<del>102.202</del>	<del>102.504</del>
<del>102.220</del>	<del>102.420</del>
<del>102.221</del>	<del>102.422</del>
<del>102.240</del>	<del>102.404</del>
<del>102.241</del>	<del>102.406</del>
<del>102.242</del>	<del>102.408</del>
<del>102.260</del>	<del>102.402</del>
<del>102.261</del>	<del>102.402</del>
<del>102.262</del>	<del>102.402</del>
<del>102.280</del>	<del>102.424</del>
<del>102.281</del>	<del>102.418</del>

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<del>102.282</del>	<del>102.426</del>
<del>102.283</del>	<del>102.428</del>
<del>102.284</del>	<del>102.430</del>
<del>102.285</del>	<del>102.418</del>
<del>102.320</del>	<del>102.108</del>
<del>102.341</del>	<del>102.602</del>
<del>102.342</del>	<del>102.604</del>
<del>102.343</del>	<del>102.606</del>
<del>102.344</del>	<del>102.608</del>
<del>102.345</del>	<del>102.610</del>
<del>102.346</del>	<del>102.612</del>
<del>102.347</del>	<del>102.614</del>
<del>102.360</del>	<del>102.700</del>
<del>102.361</del>	<del>102.702</del>
<del>102.362</del>	<del>102.704</del>
<del>102.363</del>	<del>102.706</del>

(Source: Repealed at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Enforcement
- 2) Code citation: 35 Ill. Adm. Code 103
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
103.106	Amend
103.212	Amend
103.301	Add
103.302	Amend
103.304	Amend
103.306	Amend
103.600	Add
103.APPENDIX A	Repeal
- 4) Statutory authority: 415 ILCS 5/5, 7.2, 13(c), 13.3, 17.5, 22.4(a), 22.4(d), 22.7(d), 27, 28, 28.2, 29, 30, 31, and 41 of the Environmental Protection Act [415 ILCS 5].
- 5) A complete description of the subjects and issues involved: A more complete description of this proposal may be found in the Board's opinion and order of March 18, 2004, in Board docket R04-24. This proposal to amend Part 103 is part of a larger rulemaking in which the Board is also proposing amendments to each of the other Parts of its procedural rules: Parts 101, 102, 104, 105, 106, 107, 108, 125, and 130 of Title 35 of the Illinois Administrative Code. This larger rulemaking, to which the Board has devoted docket R04-24, is designed to ensure that the Board's procedural rules are consistent with the following recently enacted legislation: (a) amending the Environmental Protection Act (415 ILCS 5 (2002)) in P.A. 93-171 (eff. July 10, 2003), P.A. 93-152 (eff. July 10, 2003), P.A. 93-509 (eff. Aug. 11, 2002), and P.A. 92-574 (eff. June 26, 2002); (b) amending the Administrative Procedure Act (5 ILCS 100 (2002)) in P.A. 92-330 (eff. Aug. 9, 2001); and (c) creating the new State Officials and Employees Ethics Act (5 ILCS 430) in P.A. 93-615 (eff. Nov. 19, 2003) and amending it in P.A. 93-617 (eff. Dec. 9, 2003).

The amendments to Part 103 reflect recent statutory changes to the Environmental Protection Act by updating statutory language in the rules. P.A. 93-152 (eff. July 10, 2003) amended the Environmental Protection Act, allowing the Board to adopt settlements in citizen enforcement actions without a public hearing and by authorizing prevailing citizen complainants before the Board to go to circuit court to enforce a final Board order by injunction or other relief. The Board is also proposing to repeal Appendix A, which provides a cross-reference for the Board's prior procedural regulations and the regulations adopted in January 2001, because, as the current rules

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## NOTICE OF PROPOSED AMENDMENTS

have been effective for three years now, the Appendix is no longer necessary.

- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of statewide policy objectives: These proposed amendments do not create or enlarge a State mandate as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3].
- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for 45 days after the date of publication in the *Illinois Register*. Comments should reference Docket R04-24 and be addressed to:

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

Interested persons may request copies of the Board's opinion and order by calling Dorothy Gunn at 312-814-3620, or download from the Board's Web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us).

For more information contact Richard McGill at 312/814-6983 or email at [mcgillr@ipcb.state.il.us](mailto:mcgillr@ipcb.state.il.us).

- 12) Initial regulatory flexibility analysis:
  - A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking affects those small businesses, small municipalities, and not-for-profit corporations that appear before the Board.
  - B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments do not require extensive reporting,

POLLUTION CONTROL BOARD

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bookkeeping or other procedures.

- C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may be aided by the services of an attorney.

- 13) Regulatory agenda on which this rulemaking was summarized: January 2004

The full text of the proposed amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE A: GENERAL PROVISIONS  
CHAPTER I: POLLUTION CONTROL BOARD

PART 103  
ENFORCEMENT

SUBPART A: GENERAL PROVISIONS

Section	
103.100	Applicability
103.102	Severability
103.104	Definitions
103.106	General

SUBPART B: COMPLAINT, REQUEST FOR INFORMAL AGENCY  
INVESTIGATION, SERVICE, AND AUTHORIZATION OF HEARING

Section	
103.200	Who May File
103.202	Parties
103.204	Notice, Complaint, and Answer
103.206	Adding Parties
103.208	Request for Informal Agency Investigation
103.210	Notice of Complaint
103.212	Hearing on Complaint

SUBPART C: SETTLEMENT PROCEDURE

Section	
103.300	Request for Relief from Hearing Requirement in State Enforcement Proceeding
<a href="#">103.301</a>	<a href="#">Request for Relief from Hearing Requirement in Citizen's Enforcement Proceeding</a>
103.302	Contents of Proposed Stipulation and Settlement Agreement
103.304	Hearing on Proposed Stipulation and Settlement Agreement
103.306	Board Order on Proposed Stipulation and Settlement Agreement

SUBPART D: PROCEEDINGS INVOLVING RCRA PERMITS

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Section	
103.400	Purpose, Scope, and Applicability
103.402	Interim Order
103.404	Joinder of the Agency
103.406	Draft Permit or Statement
103.408	Stipulated Draft Remedy
103.410	Contents of Public Notice
103.412	Public Comment
103.414	Hearing
103.416	Contents of Board Order

## SUBPART E: IMPOSITION OF PENALTIES

Section	
103.500	Default
103.502	Civil Penalties
103.504	Civil Penalties Method of Payment

SUBPART F: ENFORCING BOARD ORDERS

<u>Section</u>	
<u>103.600</u>	<u>Civil Action</u>

103.APPENDIX A Comparison of Former and Current Rules (Repealed)

AUTHORITY: Implementing Sections 5, 7.2, 13(c), 13.3, 17.5, 22.4(a), 22.4(d), 22.7(d), 27, 28, 28.2, 29, 30, 31, 41, and 42 of the Environmental Protection Act (Act) [415 ILCS 5/5, 7.2, 13(c), 13.3, 17.5, 22.4(a), 22.4(d), 22.7(d), 27, 28, 28.2, 29, 30, 31, 41, and 42] and authorized by Sections 26 and 27 of the Act [415 ILCS 5/26 and 27].

SOURCE: Procedural rules adopted at 3 Ill. Reg. 23, p. 96, effective May 29, 1983; repealed by operation of law effective October 1, 1984; new rules adopted at 9 Ill. Reg. 107, effective December 21, 1984; old Part repealed, new Part adopted in R00-20 at 25 Ill. Reg. 425, effective January 1, 2001; amended in R04-24 at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROVISIONS

**Section 103.106 General**

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Enforcement proceedings may be initiated *against any person allegedly violating ~~the~~ this Act, or any rule or regulation adopted under the Act, ~~thereunder or~~ any permit or term or condition of a permit, or any Board order thereof [415 ILCS 5/31(d)(1)]. Complaints filed by persons other than the Attorney General or a State's Attorney will be known as citizen's complaints.*

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART B: COMPLAINT, REQUEST FOR INFORMAL AGENCY  
INVESTIGATION, SERVICE, AND AUTHORIZATION OF HEARING

**Section 103.212 Hearing on Complaint**

- a) *Any person may file with the Board a complaint against any person allegedly violating the Act, ~~or~~ any rule or regulation adopted under the Act, ~~thereunder or~~ any permit or term or condition of a permit, or any Board order thereof. When the Board receives a citizen's complaint, *unless the Board determines that such complaint is ~~duplicative~~ duplicitous or frivolous, it shall schedule a hearing.* [415 ILCS 5/31(d)(1)] The definition for duplicative~~duplicitous~~ and frivolous can be found at 35 Ill. Adm. Code 101.Subpart B.*
- b) Motions made by respondents alleging that a citizen's complaint is duplicative~~duplicitous~~ or frivolous must be filed no later than 30 days following the date of service of the complaint upon the respondent. Motions under this subsection may be made only with respect to citizen's enforcement proceedings. Timely filing the motion will, pursuant to Section 103.204(e) of this Subpart, stay the 60 day period for filing an answer to the complaint.
- c) The Board will automatically set for hearing all complaints filed by the Attorney General or a State's Attorney on behalf of the People of the State of Illinois.
- d) The Board in its discretion may hold a hearing on the violation and a separate hearing on the remedy.

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART C: SETTLEMENT PROCEDURE

**Section 103.301 Request for Relief from Hearing Requirement in Citizen's Enforcement Proceeding**

## POLLUTION CONTROL BOARD

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- a) *Whenever a complaint has been filed by a person other than the Attorney General or State's Attorney, the parties may file with the Board a stipulation and proposed settlement accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act [415 ILCS 5/31(c)(1)]. [415 ILCS 5/31(d)(2)] The stipulation and proposed settlement agreement must conform to the statement required for settlement submissions at hearing in Section 103.302 of this Part.*
- b) *Unless the Board, in its discretion, concludes that a hearing should be held, no hearing on the stipulation and proposal for settlement is required. [415 ILCS 5/31(d)(2)]*

(Source: Added at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 103.302 Contents of Proposed Stipulation and Settlement Agreement**

No proceeding pending before the Board will be disposed of or modified without an order of the Board. A proposed stipulation and settlement agreement must contain a written statement, signed by the parties or their authorized representatives, outlining the nature of, the reasons for, and the purpose to be accomplished by the settlement. The written statement must include:

- a) A full stipulation of all material facts pertaining to the nature, extent, and causes of the alleged violations proposed to be settled;
- b) The nature of the relevant parties' operations and control equipment;
- c) *Facts and circumstances bearing upon the reasonableness of the emissions, discharges, or deposits involved, including:*
- 1) *the character and degree of injury to, or interference with the protection of the health, general welfare and physical property of the people;*
  - 2) *the social and economic value of the pollution source;*
  - 3) *the suitability or unsuitability of the pollution source to the area in which it is located, including the question of priority of location in the area involved;*
  - 4) *the technical practicability and economic reasonableness of reducing or*

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*eliminating the emissions, discharges or deposits resulting from such pollution source; and*

- 5) *any subsequent compliance.* [415 ILCS 5/33(c)]
- d) Details as to future plans for compliance, including a description of additional control measures and the dates for their implementation, if any; and
- e) The proposed penalty, if any, [supported by factors in mitigation or aggravation of penalty, including the factors set forth in Section 42\(h\) of the Act \[415 ILCS 5/42\(h\)\]](#).

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 103.304 Hearing on Proposed Stipulation and Settlement Agreement**

When the parties submit a proposed stipulation and settlement agreement to the hearing officer at hearing, or when the Board orders that a hearing be held in accordance with Section 103.300(c) [or 103.301\(b\)](#) of this Part, the hearing officer will conduct a hearing in which interested persons may make statements with respect to the nature of the alleged violation and its impact on the environment, together with their views on the proposed stipulation and settlement agreement. The statements must be in accordance with 35 Ill. Adm. Code 101.628.

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 103.306 Board Order on Proposed Stipulation and Settlement Agreement**

- a) The Board will consider the proposed settlement and stipulation agreement and the hearing record, [if any](#). The Board may accept, suggest revisions in, [or](#) reject the proposed settlement and stipulation agreement, or direct [initial or](#) further hearings as it deems appropriate. Where a National Pollutant Discharge Elimination System (NPDES) permit is involved in the settlement, notice of settlement must be published in the Environmental Register at least 30 days prior to the settlement.
- b) If the Board determines that a settlement involves or may involve the issuance or modification of a Resource Conservation Recovery Act (RCRA) permit, it will enter an interim order pursuant to Section 103.402 of this Part.

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(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART F: ENFORCING BOARD ORDERSSection 103.600 Civil Action

- a) All orders issued and entered by the Board pursuant to Section 33 of the Act [415 ILCS 5/33] in a State enforcement proceeding are enforceable by injunction, mandamus, or other appropriate remedy, in accordance with Section 42 of the Act [415 ILCS 5/42]. [415 ILCS 5/33(d)]
- b) A final order issued by the Board pursuant to Section 33 of the Act [415 ILCS 5/33] in a citizen's enforcement proceeding may be enforced through a civil action for injunctive or other relief instituted by a person who was a party to the Board enforcement proceeding in which the Board issued the final order. [415 ILCS 5/45(e)]

(Source: Added at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 103.APPENDIX A Comparison of Former and Current Rules (Repealed)**

The following table compares the former procedural rules (in effect on December 31, 2000) with the current procedural rules (effective January 1, 2001).

<del>FORMER PART 103</del>	<del>CURRENT SECTION</del>
<del>103.101</del>	<del>102.100</del>
<del>103.120</del>	<del>103.200</del>
<del>103.121</del>	<del>103.202</del>
<del>103.122</del>	<del>103.204</del>
<del>103.123</del>	<del>101.204</del>
<del>103.124</del>	<del>103.212</del>
<del>103.125</del>	<del>101.600</del>
	<del>101.602</del>
<del>103.140</del>	<del>101.Subpart E</del>
<del>103.141</del>	<del>101.406</del>
	<del>101.408</del>
	<del>103.206</del>
<del>103.142</del>	<del>101.502</del>
	<del>101.510</del>
<del>103.161</del>	<del>101.616</del>
<del>103.162</del>	<del>101.618</del>
<del>103.163</del>	<del>101.622</del>
<del>103.180</del>	<del>103.Subpart C</del>
<del>103.200</del>	<del>101.610</del>
<del>103.204</del>	<del>101.626</del>
<del>103.206</del>	<del>101.630</del>
<del>103.207</del>	<del>101.632</del>
<del>103.208</del>	<del>101.626</del>
<del>103.209</del>	<del>101.624</del>
<del>103.220</del>	<del>103.500</del>
	<del>101.608</del>
<del>103.221</del>	<del>101.604</del>
<del>103.224</del>	<del>103.416</del>
<del>103.Subpart H</del>	<del>101.Subpart I</del>
<del>103.Subpart I</del>	<del>103.Subpart D</del>

(Source: Repealed at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Regulatory Relief Mechanisms
- 2) Code citation: 35 Ill. Adm. Code 104
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
104.100	Amend
104.300	Amend
104.302	Amend
104.304	Amend
104.306	Amend
104.308	Amend
104.310	Repeal
104.APPENDIX A	Repeal
- 4) Statutory authority: 415 ILCS 5/5, 14.2(c), 22.4, 26, 27, 28, 28.1, 28.5, 35, 36, 37, 38, and 39.5 of the Environmental Protection Act [415 ILCS 5].
- 5) A complete description of the subjects and issues involved: A more complete description of this proposal may be found in the Board's opinion and order of March 18, 2004, in Board docket R04-24. This proposal to amend Part 104 is part of a larger rulemaking in which the Board is also proposing amendments to each of the other Parts of its procedural rules: Parts 101, 102, 103, 105, 106, 107, 108, 125, and 130 of Title 35 of the Illinois Administrative Code. This larger rulemaking, to which the Board has devoted docket R04-24, is designed to ensure that the Board's procedural rules are consistent with the following recently enacted legislation: (a) amending the Environmental Protection Act (415 ILCS 5 (2002)) in P.A. 93-171 (eff. July 10, 2003), P.A. 93-152 (eff. July 10, 2003), P.A. 93-509 (eff. Aug. 11, 2002), and P.A. 92-574 (eff. June 26, 2002); (b) amending the Administrative Procedure Act (5 ILCS 100 (2002)) in P.A. 92-330 (eff. Aug. 9, 2001); and (c) creating the new State Officials and Employees Ethics Act (5 ILCS 430) in P.A. 93-615 (eff. Nov. 19, 2003) and amending it in P.A. 93-617 (eff. Dec. 9, 2003).  
  
The amendments to Part 104 reflect changes in P.A. 93-152, which amended the Environmental Protection Act having the Illinois Environmental Protection Agency rather than the Board issue provisional variances. The Board is also proposing to repeal Appendix A, which provides a cross-reference for the Board's prior procedural regulations and the regulations adopted in January 2001, because, as the current rules have been effective for three years now, the Appendix is no longer necessary.
- 6) Will this rulemaking replace any emergency amendments currently in effect? No

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- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of statewide policy objectives: These proposed amendments do not create or enlarge a State mandate as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3].
- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for 45 days after the date of publication in the *Illinois Register*. Comments should reference Docket R04-24 and be addressed to:

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

Interested persons may request copies of the Board's opinion and order by calling Dorothy Gunn at 312-814-3620, or download from the Board's Web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us).

For more information contact Richard McGill at 312/814-6983 or email at [mcgillr@ipcb.state.il.us](mailto:mcgillr@ipcb.state.il.us).

- 12) Initial regulatory flexibility analysis:
  - A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking affects those small businesses, small municipalities, and not-for-profit corporations that appear before the Board.
  - B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments do not require extensive reporting, bookkeeping or other procedures.
  - C) Types of professional skills necessary for compliance: Compliance with the

POLLUTION CONTROL BOARD

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existing rules and proposed amendments may be aided by the services of an attorney.

- 13) Regulatory agenda on which this rulemaking was summarized: January 2004

The full text of the proposed amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE A: GENERAL PROVISIONS  
CHAPTER I: POLLUTION CONTROL BOARDPART 104  
REGULATORY RELIEF MECHANISMS

## SUBPART A: GENERAL PROVISIONS

Section	
104.100	Applicability
104.102	Severability
104.104	Definitions

## SUBPART B: VARIANCES

Section	
104.200	General
104.202	Filing Requirements
104.204	Petition Content Requirements
104.206	Resource Conservation and Recovery Act (RCRA) Variance Petition Contents
104.208	Consistency with Federal Law
104.210	Petition for Extension of Variance
104.212	Motion for Modification of Internal Variance Compliance Dates
104.214	Agency's Notice of Petition
104.216	Agency Investigation and Recommendation
104.218	Agency Recommendation to RCRA Variance
104.220	Response to Agency Recommendation
104.222	Stipulations
104.224	Objections to Petition, Written Comments and Request for Hearing
104.226	Amended Petition and Amended Recommendation
104.228	Insufficient Petition
104.230	Dismissal of Petition
104.232	Calculation of Decision Deadline
104.234	Hearing
104.236	Hearing Procedures
104.238	Standard of Review
104.240	Certificate of Acceptance
104.242	Term of Variance

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- 104.244 Variance Conditions
- 104.246 Performance Bonds
- 104.248 Objection to Conditions

## SUBPART C: PROVISIONAL VARIANCES

## Section

- 104.300 Applicability
- 104.302 ~~Agency Board~~ Action
- 104.304 Initiating a Request
- 104.306 ~~Filing and~~ Notice
- 104.308 Term
- 104.310 Simultaneous Variance Prohibition (~~Repealed~~)

## SUBPART D: ADJUSTED STANDARDS

## Section

- 104.400 General
- 104.402 Initiation of Proceeding
- 104.404 Request to Agency to Join as Co-Petitioner
- 104.406 Petition Content Requirements
- 104.408 Petition Notice Requirements
- 104.410 Proof of Petition Notice Requirements
- 104.412 Effect of Filing a Petition: Stay
- 104.414 Dismissal of Petition
- 104.416 Agency Recommendation and Petitioner Response
- 104.418 Amended Petition, Amended Recommendation, and Amended Response
- 104.420 Request for Public Hearing
- 104.422 Public Hearing
- 104.424 Hearing Notice
- 104.426 Burden of Proof
- 104.428 Board Action

- 104.APPENDIX A Comparison of Former and Current Rules (~~Repealed~~)

AUTHORITY: Subparts B and C: Implementing Sections 5, 35, 36, 37 and 38 of the Environmental Protection Act (Act) [415 ILCS 5/5, 35, 36, 37, and 38] and authorized by Sections 26 and 27 of the Act [415 ILCS 5/26 and 27]. Subpart D: Implementing Sections 5, 14.2(c), 22.4, 27, 28, 28.1, 28.5 and 39.5 of the Act [415 ILCS 5/5, 14.2(c), 22.4, 27, 28, 28.1,

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28.5 and 39.5] and authorized by Sections 26 and 27 of the Act [415 ILCS 5/26 and 27].

SOURCE: Subpart B: Originally adopted as Chapter I: Procedural Rules, Part IV: Variances, in R70-4, at 1 PCB 43, October 8, 1970; amended in R77-16, 29 PCB 503, at 2 Ill. Reg. 16, p. 3, effective May 1974; amended in R79-9, 35 PCB 433, at 3 Ill. Reg. 51, p. 128, effective December 7, 1979; amended in R80-12, 40 PCB 451, at 5 Ill. Reg. 2763, effective March 2, 1981; codified at 6 Ill. Reg. 8357; amended in R84-10, 62 PCB 87, at 9 Ill. Reg. 1409, effective January 16, 1985; old Part repealed, new Part adopted in R00-20 at 25 Ill. Reg. 613, effective January 1, 2001; amended in R04-24 at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROVISIONS

**Section 104.100 Applicability**

- a) This Part applies to ~~mechanisms for obtaining adjudicatory proceedings before the Board that provide~~ relief from environmental regulations under certain circumstances as set forth in Titles VII and IX of the Act. Specifically, this Part applies to regulatory relief mechanisms, meaning variances, provisional variances and adjusted standards.
- b) This Part must be read in conjunction with 35 Ill. Adm. Code 101, which contains procedures generally applicable to all of the Board's adjudicatory proceedings. In the event of a conflict between the requirements of 35 Ill. Adm. Code 101 and those of this Part, the provisions of this Part apply.

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART C: PROVISIONAL VARIANCES

**Section 104.300 Applicability**

This Subpart applies to any person seeking a provisional variance ~~from the Agency~~ pursuant to Title IX of the Act. This Subpart must be read in conjunction with 35 Ill. Adm. Code 101 and this Part. In the event of conflict between this Subpart and the requirements of 35 Ill. Adm. Code 101, the requirements of this Subpart apply.

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 104.302 ~~Agency~~Board Action**

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*The ~~Agency Board~~ shall grant provisional variances whenever it is found, upon presentation of adequate proof, only upon notification from the Agency that compliance on a short term basis with any rule or regulation, requirement or order of the Board, or with any permit requirement, would impose an arbitrary or unreasonable hardship. ~~Such provisional variances shall be issued within 2 working days of notification from the Agency.~~ [415 ILCS 5/35(b)]*

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 104.304 Initiating a Request**

*Any person seeking a provisional variance pursuant to Section 35(b) of the Act 104.401 of this Part shall make a request to the Agency. The Agency shall promptly investigate and consider the merits of the request. ~~The Agency may notify the Board of its recommendation.~~ If the Agency fails to take final action within 30 days after receipt of the request for a provisional variance, or if the Agency denies the request or if the Agency denies the request, the person may initiate a variance proceeding with the Board pursuant to Subpart B of this Part. [415 ILCS 5/37(b)]*

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 104.306 Filing and Notice**

*If the Agency grants a provisional variance, the Agency must promptly file a copy of its written decision with the Board, and~~The Board~~ shall give prompt notice of its action ~~on provisional variance requests~~ to the public by issuing a press release for distribution to newspapers of general circulation in the county. The Clerk will maintain for public inspection copies of all provisional variances filed with the Board by the Agency. [415 ILCS 5/37(b)]*

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 104.308 Term**

*Any provisional variance granted by the ~~Agency Board~~ pursuant to subsection (b) of Section 35 of the Act shall be for a period of time not to exceed 45 days. A provisional variance may be extended Upon receipt of a recommendation from the Agency to extend this time period, the Board shall grant up to an additional 45 days by written decision of the Agency. The provisional variances granted to any one person shall not exceed a total of 90 days during any calendar year. [415 ILCS 5/36(c)]*

POLLUTION CONTROL BOARD

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(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 104.310 Simultaneous Variance Prohibition (Repealed)**

~~The Board will not grant a provisional variance to the extent that the petitioner already holds a variance from the same regulation or Board order for the same time period.~~

(Source: Repealed at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

**Section 104.APPENDIX A Comparison of Former and Current Rules (Repealed)**

The following table compares the former procedural rules (in effect on December 31, 2000) with the current procedural rules (effective January 1, 2001).

<del>FORMER PART 104</del>	<del>CURRENT SECTION</del>
<del>104.102</del>	<del>104.200</del>
<del>104.104</del>	<del>104.206</del>
<del>104.120</del>	<del>104.202</del>
<del>104.121</del>	<del>104.204</del>
<del>104.122</del>	<del>104.208</del>
<del>104.123</del>	<del>104.210</del>
<del>104.124</del>	<del>104.234</del>
	<del>104.236</del>
<del>104.125</del>	<del>104.228</del>
	<del>104.230</del>
<del>104.126</del>	<del>104.206</del>
<del>104.140</del>	<del>104.214</del>
<del>104.141</del>	<del>104.224</del>
<del>104.142</del>	<del>104.214</del>
<del>104.160</del>	<del>104.228</del>
	<del>104.234</del>
	<del>104.236</del>
	<del>104.232</del>
	<del>104.230</del>
<del>104.180</del>	<del>104.216</del>
<del>104.181</del>	<del>104.220</del>
<del>104.182</del>	<del>104.218</del>
<del>104.183</del>	<del>104.224</del>
<del>104.200</del>	<del>104.236</del>
<del>104.201</del>	<del>104.238</del>
	<del>101.Subpart F</del>
<del>104.221</del>	<del>104.238</del>

(Source: Repealed at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Appeals of Final Decisions of State Agencies
- 2) Code citation: 35 Ill. Adm. Code 105
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
105.214	Amend
105.APPENDIX B	Repeal
- 4) Statutory authority: 415 ILCS 5/5, 26, 27, 39, 39.5, 40, 40.1, 40.2, and 57 of the Environmental Protection Act [415 ILCS 5].
- 5) A complete description of the subjects and issues involved: A more complete description of this proposal may be found in the Board's opinion and order of March 18, 2004, in Board docket R04-24. This proposal to amend Part 105 is part of a larger rulemaking in which the Board is also proposing amendments to each of the other Parts of its procedural rules: Parts 101, 102, 103, 104, 106, 107, 108, 125, and 130 of Title 35 of the Illinois Administrative Code. This larger rulemaking, to which the Board has devoted docket R04-24, is designed to ensure that the Board's procedural rules are consistent with the following recently enacted legislation: (a) amending the Environmental Protection Act (415 ILCS 5 (2002)) in P.A. 93-171 (eff. July 10, 2003), P.A. 93-152 (eff. July 10, 2003), P.A. 93-509 (eff. Aug. 11, 2002), and P.A. 92-574 (eff. June 26, 2002); (b) amending the Administrative Procedure Act (5 ILCS 100 (2002)) in P.A. 92-330 (eff. Aug. 9, 2001); and (c) creating the new State Officials and Employees Ethics Act (5 ILCS 430) in P.A. 93-615 (eff. Nov. 19, 2003) and amending it in P.A. 93-617 (eff. Dec. 9, 2003).  
  
The amendments in this proposal reflect the recent statutory changes to the Environmental Protection Act by updating statutory language in the rules. The Board is also proposing to repeal Appendix B, which provides a cross-reference for the Board's prior procedural regulations and the regulations adopted in January 2001, because, as the current rules have been effective for three years now, the Appendix is no longer necessary.
- 6) Will this rulemaking replace any emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 10) Statement of statewide policy objectives: These proposed amendments do not create or enlarge a State mandate as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3].
- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for 45 days after the date of publication in the *Illinois Register*. Comments should reference Docket R04-24 and be addressed to:

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

Interested persons may request copies of the Board's opinion and order by calling Dorothy Gunn at 312-814-3620, or download from the Board's Web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us).

For more information contact Richard McGill at 312/814-6983 or email at [mcgillr@ipcb.state.il.us](mailto:mcgillr@ipcb.state.il.us).

- 12) Initial regulatory flexibility analysis:
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking affects those small businesses, small municipalities, and not-for-profit corporations that appear before the Board.
- B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments do not require extensive reporting, bookkeeping or other procedures.
- C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may be aided by the services of an attorney.
- 13) Regulatory agenda on which this rulemaking was summarized: January 2004

The full text of the proposed amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE A: GENERAL PROVISIONS  
CHAPTER I: POLLUTION CONTROL BOARD

PART 105

APPEALS OF FINAL DECISIONS OF STATE AGENCIES

SUBPART A: GENERAL PROVISIONS

Section	
105.100	Applicability
105.102	Severability
105.104	Definitions
105.106	Computation of Time, Filing and Service Requirements
105.108	Dismissal of Petition
105.110	Hearing Process
105.112	Burden of Proof
105.114	Calculation of Decision Deadline
105.116	Record Filing
105.118	Sanctions for Untimely Filing of the Record

SUBPART B: APPEAL OF AGENCY PERMIT DECISIONS AND  
OTHER FINAL DECISIONS OF THE AGENCY

Section	
105.200	Applicability
105.202	Parties
105.204	Who May File a Petition for Review
105.206	Time to File the Petition or Request for Extension
105.208	Extension of Time to File a Petition for Review
105.210	Petition Content Requirements
105.212	Agency Record
105.214	Board Hearing

SUBPART C: CAAPP PERMIT APPEALS

Section	
105.300	Applicability
105.302	General Requirements

## POLLUTION CONTROL BOARD

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105.304 Petition Content Requirements

SUBPART D: APPEAL OF AGENCY LEAKING UNDERGROUND  
STORAGE TANK (LUST) DECISIONS

Section

105.400 Parties  
105.402 Who May File a Petition for Review  
105.404 Time for Filing the Petition  
105.406 Extension of Time to File a Petition for Review  
105.408 Petition Content Requirements  
105.410 Agency Record  
105.412 Board Hearing

SUBPART E: APPEAL OF OSFM LUST DECISIONS

Section

105.500 Applicability  
105.502 General Overview  
105.504 General Requirements  
105.506 Petition Content Requirements  
105.508 OSFM Record and Appearance  
105.510 Location of Hearing

105.APPENDIX A Agency LUST Final Decisions that are Reviewable  
105.APPENDIX B Comparison of Former and Current Rules ([Repealed](#))

AUTHORITY: Authorized by Sections 26 and 27 of the Environmental Protection Act (Act) [415 ILCS 5/26 and 27] and implementing Sections 5, 39, 39.5, 40, 40.1, 40.2, and 57 of the Act [415 ILCS 5/5, 39, 39.5, 40, 40.1, 40.2 and 57].

SOURCE: Filed with Secretary of State January 1, 1978; amended 4 Ill. Reg. 52, page 41, effective December 11, 1980; codified 6 Ill. Reg. 8357; amended in R93-24 at 18 Ill. Reg. 4244, effective March 8, 1994; amended in R94-11 at 18 Ill. Reg. 16594, effective November 1, 1994; old Part repealed, new Part adopted in R00-20 at 25 Ill. Reg. 406, effective January 1, 2001; amended in R04-24 at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART B: APPEAL OF AGENCY PERMIT DECISIONS AND  
OTHER FINAL DECISIONS OF THE AGENCY

## POLLUTION CONTROL BOARD

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**Section 105.214 Board Hearing**

- a) Except as provided in subsections (b), (c) and (d) of this Section, the Board will conduct a public hearing, in accordance with 35 Ill. Adm. Code 101.Subpart F, upon an appropriately filed petition for review under this Subpart. The hearing will be based exclusively on the record before the Agency at the time the permit or decision was issued, unless the parties agree to supplement the record pursuant to Section 40(d) of the Act. If any party desires to introduce evidence before the Board with respect to any disputed issue of fact, the Board will conduct a separate hearing and receive evidence with respect to the issue of fact.
- b) The Board will not hold a hearing on a petition for review under this Subpart if the Board disposes of the petition on a motion for summary judgment brought pursuant to 35 Ill. Adm. Code 101.516.
- c) The Board will not hold a hearing on a petition for review under Section 105.204(c) of this Subpart if the Board determines that:
- 1) The petition is ~~duplicative~~~~duplicitous~~ or frivolous; or
  - 2) The petitioner is so located as to not be affected by the permitted facility.
- d) The Board will not hold a hearing on a petition for review under Section 105.204(b) or (d) of this Subpart if the Board determines that the petition is ~~duplicative~~~~duplicitous~~ or frivolous.
- e) If the Board determines to hold a hearing, the Clerk will give notice of the hearing pursuant to 35 Ill. Adm. Code 101.602.

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

POLLUTION CONTROL BOARD

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**Section 105.APPENDIX B Comparison of Former and Current Rules (Repealed)**

The following table compares the former procedural rules (in effect on December 31, 2000) with the current procedural rules (effective January 1, 2001).

<del>FORMER PART 105</del>	<del>CURRENT SECTION</del>
<del>105.102</del>	105.202
	105.204
	105.206
	105.212
	105.Subpart C
<del>105.103</del>	105.204

(Source: Repealed at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## NOTICE PROPOSED AMENDMENTS

- 1) Heading of the Part: Proceedings Pursuant to Specific Rules or Statutory Provisions
- 2) Code citation: 35 Ill. Adm. Code 106
- 3) 

<u>Section Numbers</u> :	<u>Proposed Action</u> :
106.702	Amend
106.704	Amend
106.APPENDIX A	Repeal
- 4) Statutory authority: 415 ILCS 5/5, 14.2(c), 22.4, 26, 27, 28, 28.1, 28.5, 35, 36, 37, 38, 39.5, and 52.3 of the Environmental Protection Act [415 ILCS 5].
- 5) A complete description of the subjects and issues involved: A more complete description of this proposal may be found in the Board's opinion and order of March 18, 2004, in Board docket R04-24. This proposal to amend Part 106 is part of a larger rulemaking in which the Board is also proposing amendments to each of the other Parts of its procedural rules: Parts 101, 102, 103, 104, 105, 107, 108, 125, and 130 of Title 35 of the Illinois Administrative Code. This larger rulemaking, to which the Board has devoted docket R04-24, is designed to ensure that the Board's procedural rules are consistent with the following recently enacted legislation: (a) amending the Environmental Protection Act (415 ILCS 5 (2002)) in P.A. 93-171 (eff. July 10, 2003), P.A. 93-152 (eff. July 10, 2003), P.A. 93-509 (eff. Aug. 11, 2002), and P.A. 92-574 (eff. June 26, 2002); (b) amending the Administrative Procedure Act (5 ILCS 100 (2002)) in P.A. 92-330 (eff. Aug. 9, 2001); and (c) creating the new State Officials and Employees Ethics Act (5 ILCS 430) in P.A. 93-615 (eff. Nov. 19, 2003) and amending it in P.A. 93-617 (eff. Dec. 9, 2003).

P.A. 93-171 (eff. July 10, 2003) amends Environmental Protection Act provisions addressing Environmental Management Systems Agreements or "EMSAs". EMSAs are agreements between the Illinois Environmental Protection Agency (Agency) and a "sponsor" designed to implement innovative environmental measures not otherwise allowed under the law.

The P.A. 93-171 amendments specify that EMSAs may be executed with participants in the United States Environmental Protection Agency's (USEPA) "Federal Performance Track Program," which is the successor to USEPA's "Federal XL Program." USEPA operates the Federal Performance Track Program to "recognize and reward businesses and public facilities that demonstrate strong environmental performance beyond current regulatory requirements." Section 52.3-1(a)(6). P.A. 93-171 states that the Agency may terminate an EMSA if the sponsor ceases to participate in the Federal Performance Track

## POLLUTION CONTROL BOARD

## NOTICE PROPOSED AMENDMENTS

Program.

EMSA terminations are addressed in the Board's procedural rules. The Board proposes to amend its procedural rules at Section 106.704 to specify this additional ground for Agency termination of EMSAs and the sponsors right to appeal that termination to the Board.

- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of statewide policy objectives: These proposed amendments do not create or enlarge a State mandate as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3].
- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for 45 days after the date of publication in the *Illinois Register*. Comments should reference Docket R04-24 and be addressed to:

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

Interested persons may request copies of the Board's opinion and order by calling Dorothy Gunn at 312-814-3620, or download from the Board's Web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us).

For more information contact Richard McGill at 312/814-6983 or email at [mcgillr@ipcb.state.il.us](mailto:mcgillr@ipcb.state.il.us).

- 12) Initial regulatory flexibility analysis:
  - A) Types of small businesses, small municipalities, and not-for-profit corporations

## POLLUTION CONTROL BOARD

## NOTICE PROPOSED AMENDMENTS

affected: This rulemaking affects those small businesses, small municipalities, and not-for-profit corporations that appear before the Board.

- B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments do not require extensive reporting, bookkeeping or other procedures.
  - C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may be aided by the services of an attorney.
- 13) Regulatory agenda on which this rulemaking was summarized: January 2004

The full text of the proposed amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE A: GENERAL PROVISIONS  
CHAPTER I: POLLUTION CONTROL BOARD

PART 106

PROCEEDINGS PURSUANT TO SPECIFIC RULES OR STATUTORY PROVISIONS

SUBPART A: GENERAL PROVISIONS

Section	
106.100	Applicability
106.102	Severability
106.104	Definitions

SUBPART B: HEATED EFFLUENT, ARTIFICIAL COOLING LAKE,  
AND SULFUR DIOXIDE DEMONSTRATIONS

Section	
106.200	General
106.202	Petition Requirements
106.204	Additional Petition Requirements in Sulfur Dioxide Demonstrations
106.206	Notice
106.208	Recommendation and Response
106.210	Burden of Proof

SUBPART C: WATER WELL SETBACK EXCEPTION PROCEDURES

Section	
106.300	General
106.302	Initiation of Proceeding
106.304	Petition Content Requirements
106.306	Response and Reply
106.308	Hearing
106.310	Burden of Proof

SUBPART D: REVOCATION AND REOPENING OF CLEAN AIR ACT  
PERMIT PROGRAM (CAAPP) PERMITS

Section

POLLUTION CONTROL BOARD

NOTICE PROPOSED AMENDMENTS

- 106.400 General
- 106.402 Definitions
- 106.404 Initiation of Proceedings
- 106.406 Petition Content Requirements
- 106.408 Response and Reply
- 106.410 Hearing
- 106.412 Burden of Proof
- 106.414 Opinion and Order
- 106.416 USEPA Review of Proposed Determination

SUBPART E: MAXIMUM ACHIEVABLE CONTROL  
TECHNOLOGY DETERMINATIONS

- Section
- 106.500 General
- 106.502 Definitions
- 106.504 Initiation of Proceedings
- 106.506 Petition Content Requirements
- 106.508 Response and Reply
- 106.510 Hearing
- 106.512 Burden of Proof
- 106.514 Board Action

SUBPART F: CULPABILITY DETERMINATIONS FOR PARTICULATE MATTER  
LESS THAN OR EQUAL TO 10 MICRONS (PM-10)

- Section
- 106.600 General
- 106.602 Initiation of Proceedings
- 106.604 Petition Content Requirements
- 106.606 Response and Reply
- 106.608 Hearing
- 106.610 Burden of Proof

SUBPART G: INVOLUNTARY TERMINATION OF ENVIRONMENTAL  
MANAGEMENT SYSTEM AGREEMENTS (EMSAs)

- Section
- 106.700 Purpose

## POLLUTION CONTROL BOARD

## NOTICE PROPOSED AMENDMENTS

- 106.702 Applicability
- 106.704 Termination Under Section 52.3-4(b) [or \(b-5\)](#) of the Act
- 106.706 Who May Initiate, Parties
- 106.707 Notice, Statement of Deficiency, Answer
- 106.708 Service
- 106.710 Notice of Hearing
- 106.712 Deficient Performance
- 106.714 Board Decision
- 106.716 Burden of Proof
- 106.718 Motions, Responses
- 106.720 Intervention
- 106.722 Continuances
- 106.724 Discovery, Admissions
- 106.726 Subpoenas
- 106.728 Settlement Procedure
- 106.730 Authority of Hearing Officer, Board Members, and Board Assistants
- 106.732 Order and Conduct of Hearing
- 106.734 Evidentiary Matters
- 106.736 Post-Hearing Procedures
- 106.738 Motion After Entry of Final Order
- 106.740 Relief from Final Orders

106.APPENDIX A Comparison of Former and Current Rules [\(Repealed\)](#)

AUTHORITY: Implementing and authorized by Sections 5, 14.2(c), 22.4, 26, 27, 28, 28.1, 28.5, 35, 36, 37, 38, 39.5 and 52.3 of the Environmental Protection Act (the Act) [415 ILCS 5/5, 14.2(c), 22.4, 26, 27, 28, 28.1, 28.5, 35, 36, 37, 38, 39.5 and 52.3].

SOURCE: Subpart B: Originally adopted as Chapter I: Procedural Rules, Part IV: Variances, in R70-4, at 1 PCB 43, October 8, 1970; amended in R77-16, 29 PCB 503, at 2 Ill. Reg. 16, p. 3, effective May 1978; amended in R79-9, 35 PCB 433, at 3 Ill. Reg. 51, p. 128, effective December 7, 1979; amended in R80-12, 40 PCB 451, at 5 Ill. Reg. 2763, effective March 2, 1981; codified at 6 Ill. Reg. 8357; amended in R84-10, 62 PCB 87, at 9 Ill. Reg. 1409, effective January 16, 1985; old Part repealed, new Part adopted in R00-20 at 25 Ill. Reg. 550, effective January 1, 2001; amended in R04-24 at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART G: INVOLUNTARY TERMINATION OF ENVIRONMENTAL  
MANAGEMENT SYSTEM AGREEMENTS (EMSAs)

## POLLUTION CONTROL BOARD

## NOTICE PROPOSED AMENDMENTS

**Section 106.702 Applicability**

- a) When the Agency terminates an EMSA under Section 52.3-4(b) or (b-5) of the Act, only Section 106.704 of this Subpart applies.
- b) This Subpart, except for Section 106.704, applies to proceedings in which the Board will determine whether to terminate an EMSA.

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 106.704 Termination Under Section 52.3-4(b) or (b-5) of the Act**

- a) To terminate an EMSA under Section 52.3-4(b) of the Act, the Agency must determine that the sponsor's performance under the EMSA has failed to:
  - 1) *Achieve emissions reductions or reductions in discharges of wastes beyond the otherwise applicable statutory and regulatory requirements through pollution prevention or other suitable means; or*
  - 2) *Achieve real environmental risk reduction or foster environmental compliance by other persons regulated under the Act in a manner that is clearly superior to the existing regulatory system. [415 ILCS 5/52.3-1(b)]*
- b) To terminate an EMSA under Section 52.3-4(b-5) of the Act, the Agency must determine that the sponsor's participation in the Federal Performance Track Program has ceased. [415 ILCS 5/52.3-4(b-5)]
- cb) If the Agency terminates an EMSA under Section 52.3-4(b) or (b-5) of the Act, the sponsor may file an appeal with the Board. Appeals to the Board will be pursuant to 35 Ill. Adm. Code 105.Subparts A and B.

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## NOTICE PROPOSED AMENDMENTS

**Section 106.APPENDIX A Comparison of Former and Current Rules (Repealed)**

The following table compares the former procedural rules (in effect on December 31, 2000) with the current procedural rules (effective January 1, 2001).

<del>FORMER PART 106</del>	<del>CURRENT SECTION</del>
<del>106.101</del>	<del>106.200</del>
<del>106.102</del>	<del>106.202</del>
<del>106.103</del>	<del>106.200</del>
<del>106.104</del>	<del>106.208</del>
<del>106.201</del>	<del>106.202</del>
<del>106.202</del>	<del>101.602</del>
	<del>106.200</del>
	<del>106.210</del>
<del>106.301</del>	<del>106.202</del>
	<del>106.204</del>
<del>106.302</del>	<del>106.202</del>
<del>106.303</del>	<del>106.200</del>
<del>106.304</del>	<del>106.208</del>
<del>106.305</del>	<del>101.602</del>
	<del>106.200</del>
	<del>106.210</del>
<del>106.411</del>	<del>104.402</del>
<del>106.412</del>	<del>104.404</del>
<del>106.413</del>	<del>104.406</del>
<del>106.414</del>	<del>104.416</del>
<del>106.415</del>	<del>104.422</del>
	<del>104.424</del>
<del>106.416</del>	<del>104.428</del>
<del>106.501</del>	<del>104.400</del>
<del>106.502</del>	<del>104.402</del>
<del>106.503</del>	<del>104.404</del>
<del>106.504</del>	<del>104.406</del>
<del>106.505</del>	<del>104.416</del>
<del>106.506</del>	<del>104.422</del>
	<del>104.424</del>
<del>106.507</del>	<del>104.428</del>
<del>106.601</del>	<del>106.300</del>

POLLUTION CONTROL BOARD

NOTICE PROPOSED AMENDMENTS

<del>106.602</del>	<del>106.302</del>
	<del>106.304</del>
<del>106.603</del>	<del>106.306</del>
<del>106.604</del>	<del>106.308</del>
<del>106.701</del>	<del>104.400</del>
<del>106.702</del>	<del>104.104</del>
<del>106.703</del>	<del>104.402</del>
<del>106.704</del>	<del>104.404</del>
<del>106.705</del>	<del>104.406</del>
<del>106.708</del>	<del>106.100</del>
	<del>106.306</del>
<del>106.709</del>	<del>106.100</del>
	<del>101.Subpart E</del>
<del>106.710</del>	<del>106.100</del>
	<del>101.304</del>
<del>106.711</del>	<del>104.408</del>
<del>106.712</del>	<del>104.410</del>
<del>106.713</del>	<del>104.420</del>
<del>106.714</del>	<del>104.416</del>
<del>106.715</del>	<del>104.418</del>
<del>106.801</del>	<del>104.422</del>
<del>106.802</del>	<del>104.424</del>
<del>106.803</del>	<del>104.400</del>
<del>106.804</del>	<del>101.616</del>
	<del>104.100</del>
<del>106.805</del>	<del>101.626</del>
	<del>104.100</del>
	<del>104.400</del>
<del>106.807</del>	<del>104.400</del>
<del>106.808</del>	<del>104.426</del>
<del>106.902</del>	<del>104.414</del>
<del>106.903</del>	<del>104.426</del>
	<del>104.428</del>
<del>106.904</del>	<del>104.428</del>
<del>106.906</del>	<del>104.428</del>
<del>106.907</del>	<del>104.412</del>
<del>106.910</del>	<del>106.400</del>
<del>106.911</del>	<del>104.104</del>

## POLLUTION CONTROL BOARD

## NOTICE PROPOSED AMENDMENTS

<del>106.912</del>	<del>106.400</del>
	<del>106.404</del>
	<del>106.406</del>
<del>106.913</del>	<del>106.408</del>
<del>106.914</del>	<del>106.410</del>
	<del>106.412</del>
<del>106.915</del>	<del>106.414</del>
<del>106.916</del>	<del>106.416</del>
<del>160.920</del>	<del>106.500</del>
<del>106.921</del>	<del>106.502</del>
<del>106.922</del>	<del>106.504</del>
	<del>106.506</del>
<del>106.923</del>	<del>106.508</del>
<del>106.924</del>	<del>106.510</del>
	<del>106.512</del>
<del>106.925</del>	<del>106.514</del>
<del>106.930</del>	<del>106.600</del>
<del>106.931</del>	<del>106.600</del>
	<del>106.602</del>
	<del>106.604</del>
<del>106.932</del>	<del>106.606</del>
<del>106.933</del>	<del>106.608</del>
	<del>106.610</del>
<del>106.940</del>	<del>106.700</del>
	<del>106.702</del>
<del>106.942</del>	<del>101.202</del>
<del>106.944</del>	<del>106.102</del>
<del>106.945</del>	<del>106.704</del>
<del>106.946</del>	<del>106.706</del>
<del>106.948</del>	<del>106.707</del>
<del>106.950</del>	<del>106.708</del>
<del>106.952</del>	<del>106.710</del>
<del>106.954</del>	<del>106.712</del>
<del>106.956</del>	<del>106.714</del>
<del>106.958</del>	<del>106.716</del>
<del>106.960</del>	<del>106.718</del>
<del>106.962</del>	<del>106.720</del>
<del>106.964</del>	<del>106.722</del>

POLLUTION CONTROL BOARD

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<del>106.966</del>	<del>106.724</del>
<del>106.968</del>	<del>106.726</del>
<del>106.970</del>	<del>106.728</del>
<del>106.972</del>	<del>106.730</del>
<del>106.974</del>	<del>106.732</del>
<del>106.976</del>	<del>106.734</del>
<del>106.978</del>	<del>106.736</del>
<del>106.980</del>	<del>106.738</del>
<del>106.982</del>	<del>106.740</del>

(Source: Repealed at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Petition to Review Pollution Control Facility Siting Decisions
- 2) Code citation: 35 Ill. Adm. Code 107
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
107.500	Amend
107.APPENDIX A	Repeal
- 4) Statutory authority: 415 ILCS 5/26, 27, 39.2, and 40.1 of the Illinois Environmental Protection Act [415 ILCS 5].
- 5) A complete description of the subjects and issues involved: A more complete description of this proposal may be found in the Board's opinion and order of March 18, 2004, in Board docket R04-24. This proposal to amend Part 107 is part of a larger rulemaking in which the Board is also proposing amendments to each of the other Parts of its procedural rules: Parts 101, 102, 103, 104, 105, 106, 108, 125, and 130 of Title 35 of the Illinois Administrative Code. This larger rulemaking, to which the Board has devoted docket R04-24, is designed to ensure that the Board's procedural rules are consistent with the following recently enacted legislation: (a) amending the Environmental Protection Act (415 ILCS 5 (2002)) in P.A. 93-171 (eff. July 10, 2003), P.A. 93-152 (eff. July 10, 2003), P.A. 93-509 (eff. Aug. 11, 2002), and P.A. 92-574 (eff. June 26, 2002); (b) amending the Administrative Procedure Act (5 ILCS 100 (2002)) in P.A. 92-330 (eff. Aug. 9, 2001); and (c) creating the new State Officials and Employees Ethics Act (5 ILCS 430) in P.A. 93-615 (eff. Nov. 19, 2003) and amending it in P.A. 93-617 (eff. Dec. 9, 2003).  
  
The amendments in this proposal reflect recent statutory changes to the Environmental Protection Act by updating statutory language in the rules. The Board is also proposing to repeal Appendix A, which provides a cross-reference for the Board's prior procedural regulations and the regulations adopted in January 2001, because, as the current rules have been effective for three years now, the Appendix is no longer necessary.
- 6) Will these proposed amendments replace any emergency amendments currently in effect?  
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 10) Statement of statewide policy objectives: These proposed amendments do not create or enlarge a State mandate as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3].
- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for 45 days after the date of publication in the *Illinois Register*. Comments should reference Docket R04-24 and be addressed to:

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

Interested persons may request copies of the Board's opinion and order by calling Dorothy Gunn at 312-814-3620, or download from the Board's Web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us).

For more information contact Richard McGill at 312/814-6983 or email at [mcgillr@ipcb.state.il.us](mailto:mcgillr@ipcb.state.il.us).

- 12) Initial regulatory flexibility analysis:
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking affects those small businesses, small municipalities, and not-for-profit corporations that appear before the Board.
- B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments do not require extensive reporting, bookkeeping or other procedures.
- C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may be aided by the services of an attorney.
- 13) Regulatory agenda on which this rulemaking was summarized: January 2004

The full text of the proposed amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE A: GENERAL PROVISIONS  
CHAPTER 1: POLLUTION CONTROL BOARD

PART 107

PETITION TO REVIEW POLLUTION CONTROL FACILITY SITING DECISIONS

SUBPART A: GENERAL PROVISIONS

Section	
107.100	Applicability
107.102	Severability
107.104	Definitions
107.106	Description

SUBPART B: PETITION FOR REVIEW

Section	
107.200	Who May File Petition
107.202	Parties
107.204	Time for Filing Petition
107.206	Filing and Service Requirements
107.208	Petition Content Requirements

SUBPART C: FILING OF LOCAL RECORD

Section	
107.300	Record
107.302	Filing of the Record
107.304	Record Contents
107.306	Preparing of the Record
107.308	Certification of Record

SUBPART D: HEARING

Section	
107.400	General
107.402	Authority and Duties of Hearing Officer
107.404	Public Participation

SUBPART E: BOARD REVIEW AND DECISION

Section	
107.500	Preliminary Board Determination/Set for Hearing

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

107.502	Dismissal of Petition
107.504	Decision Deadline
107.506	Burden of Proof

107.APPENDIX A Comparison of Former and Current Rules [\(Repealed\)](#)

AUTHORITY: Authorized by Sections 26 and 27 of the Environmental Protection Act (Act) [415 ILCS 5/26 and 27] and implementing Sections 39.2, and 40.1 of the Act [415 ILCS 5/39.2 and 40.1].

SOURCE: Filed with Secretary of State January 1, 1978; amended at 4 Ill. Reg. 2, p. 186, effective December 27, 1979; codified at 6 Ill. Reg. 8357; amended in R85-22 at 10 Ill. Reg. 992, effective February 2, 1986; amended in R86-46 at 11 Ill. Reg. 13457, effective August 4, 1987; amended in R82-1 at 12 Ill. Reg. 12484, effective July 13, 1988; amended in R88-10 at 12 Ill. Reg. 12817, effective July 21, 1988; amended in R88-5(A) at 13 Ill. Reg. 12094, effective July 10, 1989; amended in R88-5(B) at 14 Ill. Reg. 9442, effective June 5, 1990; amended in R93-24 at 18 Ill. Reg. 4230, effective March 8, 1994; amended in R93-30 at 18 Ill. Reg. 11579, effective July 11, 1994; old Part repealed, new Part adopted in R00-20 at 25 Ill. Reg. 539, effective January 1, 2001; amended in R04-24 at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART E: BOARD REVIEW AND DECISION

**Section 107.500 Preliminary Board Determination/Set for Hearing**

Upon proper filing of the petition, the Board will set the matter for hearing unless it determines that the matter is frivolous or [duplicative/duplicious](#) as required by Section 40.1(b) of the Act.

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

**Section 107.APPENDIX A Comparison of Former and Current Rules (Repealed)**

The following table compare the former procedural rules (in effect on December 31,2000) with the current procedural rules (effective January 1, 2001).

<del>FORMER PART 107</del>	<del>CURRENT SECTION</del>
<del>107.100</del>	<del>105.500</del>
<del>107.101</del>	<del>105.102</del>
<del>107.102</del>	<del>105.502</del>
<del>107.103</del>	<del>105.104</del>
<del>107.120</del>	<del>105.504(a)</del>
<del>107.121</del>	<del>105.504(b)</del>
<del>107.122</del>	<del>105.506</del>
<del>107.123</del>	<del>105.504(c)</del>
<del>107.124</del>	<del>105.508</del>
<del>107.Subpart C</del>	<del>105.108</del>
<del>107.Subpart D</del>	<del>105.510</del>
<del>107.Subpart E</del>	<del>105.100(b)</del>
	<del>101.Subpart F</del>
<del>107.Subpart F</del>	<del>105.100(b)</del>
	<del>101.Subpart F</del>
<del>107.Subpart G</del>	<del>105.100</del>
	<del>101.Subpart E</del>
<del>107.Subpart H</del>	<del>105.100</del>
	<del>101.Subpart F</del>
<del>107.Subpart I</del>	<del>105.100</del>
	<del>101.Subpart F</del>
<del>107.Subpart K</del>	<del>105.100</del>
	<del>101.Subpart F</del>
<del>107.320</del>	<del>105.100</del>
	<del>101.Subpart H</del>
<del>107.Subpart M</del>	<del>105.100</del>
	<del>101.Subpart I</del>
<del>107.Subpart N</del>	<del>105.100</del>
	<del>101.Subpart I</del>

(Source: Repealed at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Administrative Citations
- 2) Code citation: 35 Ill. Adm. Code 108
- 3) Section Numbers: 108.500      Proposed Action: Amend
- 4) Statutory authority: Authorized by Sections 26 and 27 of the Environmental Protection Act (Act) [415 ILCS 5/26 and 27] and implementing Sections 21(o), 21(p), 31.1, and 42(b)(4) of the Act [415 ILCS 5/21(o), 21(p), 31.1, and 42(b)(4)].
- 5) A complete description of the subjects and issues involved: A more complete description of this proposal may be found in the Board's opinion and order of March 18, 2004, in Board docket R04-24. This proposal to amend Part 108 is part of a larger rulemaking in which the Board is also proposing amendments to each of the other Parts of its procedural rules: Parts 101, 102, 103, 104, 105, 106, 107, 125, and 130 of Title 35 of the Illinois Administrative Code. This larger rulemaking, to which the Board has devoted docket R04-24, is designed to ensure that the Board's procedural rules are consistent with the following recently enacted legislation: (a) amending the Environmental Protection Act (415 ILCS 5 (2002)) in P.A. 93-171 (eff. July 10, 2003), P.A. 93-152 (eff. July 10, 2003), P.A. 93-509 (eff. Aug. 11, 2002), and P.A. 92-574 (eff. June 26, 2002); (b) amending the Administrative Procedure Act (5 ILCS 100 (2002)) in P.A. 92-330 (eff. Aug. 9, 2001); and (c) creating the new State Officials and Employees Ethics Act (5 ILCS 430) in P.A. 93-615 (eff. Nov. 19, 2003) and amending it in P.A. 93-617 (eff. Dec. 9, 2003).  
  
The Board is proposing amendments to Section 108.500 of this Part to conform with changes resulting from P.A. 93-152, which amended the Environmental Protection Act by clarifying that the administrative citation civil penalty amount of \$1,500 (or \$3,000 for a subsequent violation) is to be imposed for each violation of each provision of Section 21(p) of the Environmental Protection Act (415 ILCS 5/21(p) (2002)).
- 6) Will this rulemaking replace any emergency amendment currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

- 10) Statement of statewide policy objectives: These proposed amendments do not create or enlarge a State mandate as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3].
- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for 45 days after the date of publication in the *Illinois Register*. Comments should reference Docket R04-24 and be addressed to:
- Clerk's Office  
Illinois Pollution Control Board  
100 W. Randolph St., Suite 11-500  
Chicago IL 60601
- Interested persons may request copies of the Board's opinion and order by calling Dorothy Gunn at 312-814-3620, or download from the Board's Web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us).
- For more information contact Richard McGill at 312/814-6983 or email at [mcgillr@ipcb.state.il.us](mailto:mcgillr@ipcb.state.il.us).
- 12) Initial regulatory flexibility analysis:
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking affects those small businesses, small municipalities, and not-for-profit corporations that appear before the Board.
- B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments do not require extensive reporting, bookkeeping or other procedures.
- C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may be aided by the services of an attorney.
- 13) Regulatory agenda on which this rulemaking was summarized: January 2004

The full text of the proposed amendment begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE A: GENERAL PROVISIONS  
CHAPTER I: POLLUTION CONTROL BOARD

PART 108  
ADMINISTRATIVE CITATIONS

SUBPART A: GENERAL PROVISIONS

Section	
108.100	Applicability
108.102	Severability
108.104	Definitions

SUBPART B: ISSUANCE OF THE CITATION AND PETITION TO CONTEST

Section	
108.200	Administrative Citation Issuance
108.202	Service of Citation/Filing of Citation with the Board
108.204	Filing Requirements for Petition to Contest
108.206	Petition Contents
108.208	AC Recipient's Voluntary Withdrawal

SUBPART C: HEARINGS

Section	
108.300	Authorization of Hearing

SUBPART D: BOARD DECISIONS

Section	
108.400	Burden of Proof
108.402	Dismissal
108.404	Default
108.406	Non-Contested Citations

SUBPART E: ASSESSMENT OF PENALTIES AND COSTS

Section	
108.500	Penalties and Costs

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

- 108.502 Claimed Costs of Agency or Delegated Unit  
108.504 Board Costs  
108.506 Response to Claimed Costs and Reply

AUTHORITY: Authorized by Sections 26 and 27 of the Environmental Protection Act (Act) [415 ILCS 5/26 and 27] and implementing Sections 21(o), 21(p), 31.1, and 42(b)(4) of the Act [415 ILCS 5/21(o), 21(p), 31.1, and 42(b)(4)].

SOURCE: Adopted in R00-20 at 25 Ill. Reg. 397, effective January 1, 2001; amended in R04-24 at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART E: ASSESSMENT OF PENALTIES AND COSTS

**Section 108.500 Penalties and Costs**

The Board will impose penalties and assess costs as follows:

- a) If the AC is defaulted or non-contested as set forth in Section 108.404 or 108.406 of this Part, respectively, the Board will do the following:
- 1) Impose on the AC Recipient found to have violated [any provision of Section 21\(o\) of the Act](#) a \$500 penalty for each violation [of each such provision](#); and
  - 2) Impose on the AC Recipient found to have violated [any provision of Section 21\(p\) of the Act](#) a \$1,500 penalty for [each violation of each such provision, except that the penalty amount imposed will be a first offense and a \\$3,000 penalty](#) for [each violation of any provision of Section 21\(p\) of the Act that is the AC recipient's](#) second or subsequent [adjudicated violation of that provision](#) offense.
- b) If the AC Recipient contests the AC and the Board finds, based on the record, that the violation occurred and that the AC Recipient has not shown that the violation resulted from uncontrollable circumstances, the Board will do the following:
- 1) Impose on the AC Recipient found to have violated [any provision of Section 21\(o\) of the Act](#) a \$500 penalty for each violation [of each such provision](#);
  - 2) Impose on the AC Recipient found to have violated [any provision of](#)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

Section 21(p) of the Act a \$1,500 penalty for each violation of each such provision, except that the penalty amount imposed will be a first offense and a \$3,000 penalty for each violation of any provision of Section 21(p) of the Act that is the AC recipient's second or subsequent adjudicated violation of that provision offense; and

- 3) Assess the AC Recipient found to have violated any provision of Section 21(o) or (p) of the Act associated hearing costs pursuant to Sections 108.502 and 108.504 of this Subpart.
- c) If the AC Recipient contests the AC but voluntarily withdraws the petition for review pursuant to Section 108.208 of this Part after the hearing starts, the Board will do the following:
- 1) Impose on the AC Recipient found to have violated any provision of Section 21(o) of the Act a \$500 penalty for each violation of each such provision;
  - 2) Impose on the AC Recipient found to have violated any provision of Section 21(p) of the Act a \$1,500 penalty for each violation of each such provision, except that the penalty amount imposed will be a first offense and a \$3,000 penalty for each violation of any provision of Section 21(p) of the Act that is the AC recipient's second or subsequent adjudicated violation of that provision offense; and
  - 3) Assess the AC Recipient found to have violated any provision of Section 21(o) or (p) of the Act associated hearing costs pursuant to Sections 108.502 and 108.504 of this Subpart.

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Tax Certifications
- 2) Code citation: 35 Ill. Adm. Code 125
- 3) 

<u>Section Number:</u> 125.216	<u>Proposed Action:</u> Amend
-----------------------------------	----------------------------------
- 4) Statutory authority: Implementing and authorized by Sections 11-5, 11-10, 11-20, 11-25, 11-30, 11-35, 11-40, 11-50, and 11-55 of the Property Tax Code [35 ILCS 200], and Sections 26 and 27 of the Environmental Protection Act [415 ILCS 5].
- 5) A complete description of the subjects and issues involved: A more complete description of this proposal may be found in the Board's opinion and order of March 18, 2004, in Board docket R04-24. This proposal to amend Part 125 is part of a larger rulemaking in which the Board is also proposing amendments to each of the other Parts of its procedural rules: Parts 101, 102, 103, 104, 105, 106, 107, 108, and 130 of Title 35 of the Illinois Administrative Code. This larger rulemaking, to which the Board has devoted docket R04-24, is designed to ensure that the Board's procedural rules are consistent with the following recently enacted legislation: (a) amending the Environmental Protection Act (415 ILCS 5 (2002)) in P.A. 93-171 (eff. July 10, 2003), P.A. 93-152 (eff. July 10, 2003), P.A. 93-509 (eff. Aug. 11, 2002), and P.A. 92-574 (eff. June 26, 2002); (b) amending the Administrative Procedure Act (5 ILCS 100 (2002)) in P.A. 92-330 (eff. Aug. 9, 2001); and (c) creating the new State Officials and Employees Ethics Act (5 ILCS 430) in P.A. 93-615 (eff. Nov. 19, 2003) and amending it in P.A. 93-617 (eff. Dec. 9, 2003).  
  
In this Part, the Board is making a minor amendment (replacing the term "petition" with "application") to ensure that terminology in this Part is used consistently.
- 6) Will this rulemaking replace any emergency amendment currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of statewide policy objectives: These proposed amendments do not create or enlarge a State mandate as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3].

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for 45 days after the date of publication in the *Illinois Register*. Comments should reference Docket R04-24 and be addressed to:

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

Interested persons may request copies of the Board's opinion and order by calling Dorothy Gunn at 312-814-3620, or download from the Board's Web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us).

For more information contact Richard McGill at 312/814-6983 or email at [mcgillr@ipcb.state.il.us](mailto:mcgillr@ipcb.state.il.us).

- 12) Initial regulatory flexibility analysis:
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking affects those small businesses, small municipalities, and not-for-profit corporations that appear before the Board.
  - B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments do not require extensive reporting, bookkeeping or other procedures.
  - C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may be aided by the services of an attorney.
- 13) Regulatory agenda on which this rulemaking was summarized: January 2004

The full text of the proposed amendment begins on the next page:

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE A: GENERAL PROVISIONS  
CHAPTER I: POLLUTION CONTROL BOARDPART 125  
TAX CERTIFICATIONS

## SUBPART A: GENERAL PROVISIONS

Section	
125.100	Applicability
125.102	Severability
125.104	Definitions

SUBPART B: TAX CERTIFICATION OF POLLUTION CONTROL FACILITIES  
AND LOW SULFUR DIOXIDE EMISSION COAL FUELED DEVICES

Section	
125.200	General
125.202	Tax Certification Application
125.204	Agency Recommendation
125.206	Petition to Contest
125.208	Agency Record
125.210	Public Hearing
125.212	Hearing Notice
125.214	Burden of Proof
125.216	Board Action

AUTHORITY: Implementing and authorized by Sections 11-5, 11-10, 11-20, 11-25, 11-30, 11-35, 11-40, 11-50, and 11-55 of the Property Tax Code [35 ILCS 200/11-5, 11-10, 11-20, 11-25, 11-30, 11-35, 11-40, 11-50, and 11-55] and Sections 26 and 27 of the Environmental Protection Act (the Act) [415 ILCS 5/26 and 27].

SOURCE: Adopted in R00-20 at 25 Ill. Reg. 642, effective January 1, 2001; amended in R04-24 at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART B: TAX CERTIFICATION OF POLLUTION CONTROL FACILITIES  
AND LOW SULFUR DIOXIDE EMISSION COAL FUELED DEVICES**Section 125.216 Board Action**

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

- a) Pollution Control Facilities. *If it is found that the claimed facility or relevant portion thereof is a pollution control facility as defined in Section 125.200(a)(1) of this Part, the Board shall enter a finding and issue a certificate to that effect. The certificate shall require tax treatment as a pollution control facility, but only for the portion certified if only a portion is certified. The effective date of a certificate shall be the date of the ~~application~~petition for the certificate or the date of the construction of the facility, whichever is later. [35 ILCS 200/11-25]*
- b) Low Sulfur Dioxide Emission Coal Fueled Devices. *If it is found that the claimed device meets the definition of low sulfur dioxide emission coal fueled device as set forth in Section 125.200(b)(1) of this Part, the Board shall enter a finding and issue a certificate that requires tax treatment as a low sulfur dioxide emission coal fueled device. The effective date of a certificate shall be on January 1 preceding the date of certification or preceding the date construction or installation of the device commences, whichever is later. [35 ILCS 200/11-55]*
- c) After notice to the holder of the certificate and an opportunity for a hearing pursuant to this Subpart, *the Board may on its own initiative revoke or modify a pollution control certificate or a low sulfur dioxide emission coal fueled device certificate whenever any of the following appears:*
- 1) *The certificate was obtained by fraud or misrepresentation;*
  - 2) *The holder of the certificate has failed substantially to proceed with the construction, reconstruction, installation, or acquisition of pollution control facilities or a low sulfur dioxide emission coal fueled device; or*
  - 3) *The pollution control facility to which the certificate relates has ceased to be used for the primary purpose of pollution control and is being used for a different purpose. [35 ILCS 200/11-30]*
- d) The Clerk will provide the applicant and the Agency with a copy of the Board's order setting forth *the Board's findings and certificate, if any* [35 ILCS 200/11-30].

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## PROPOSED AMENDMENTS

- 1) Heading of the Part: Identification and Protection of Trade Secrets and Other Non-Disclosable Information
- 2) Code citation: 35 Ill. Adm. Code 130
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
130.110	Amend
130.APPENDIX A	Repeal
- 4) Statutory authority: 415 ILCS 5/7, 7.1, 26, and 27 of the Environmental Protection Act [415 ILCS 5].
- 5) A complete description of the subjects and issues involved: A more complete description of this proposal may be found in the Board's opinion and order of March 18, 2004, in Board docket R04-24. This proposal to amend Part 130 is part of a larger rulemaking in which the Board is also proposing amendments to each of the other Parts of its procedural rules: Parts 101, 102, 103, 104, 105, 106, 107, 108, and 125 of Title 35 of the Illinois Administrative Code. This larger rulemaking, to which the Board has devoted docket R04-24, is designed to ensure that the Board's procedural rules are consistent with the following recently enacted legislation: (a) amending the Environmental Protection Act (415 ILCS 5 (2002)) in P.A. 93-171 (eff. July 10, 2003), P.A. 93-152 (eff. July 10, 2003), P.A. 93-509 (eff. Aug. 11, 2002), and P.A. 92-574 (eff. June 26, 2002); (b) amending the Administrative Procedure Act (5 ILCS 100 (2002)) in P.A. 92-330 (eff. Aug. 9, 2001); and (c) creating the new State Officials and Employees Ethics Act (5 ILCS 430) in P.A. 93-615 (eff. Nov. 19, 2003) and amending it in P.A. 93-617 (eff. Dec. 9, 2003).  
  
The Board is also proposing to repeal Appendix A, which provides a cross-reference for the Board's prior procedural regulations and the regulations adopted in January 2001, because, as the current rules have been effective for three years now, the Appendix is no longer necessary.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No

## POLLUTION CONTROL BOARD

## PROPOSED AMENDMENTS

- 10) Statement of statewide policy objectives: These proposed amendments do not create or enlarge a State mandate as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3].
- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for 45 days after the date of publication in the *Illinois Register*. Comments should reference Docket R04-24 and be addressed to:

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

Interested persons may request copies of the Board's opinion and order by calling Dorothy Gunn at 312-814-3620, or download from the Board's Web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us).

For more information contact Richard McGill at 312/814-6983 or email at [mcgillr@ipcb.state.il.us](mailto:mcgillr@ipcb.state.il.us).

- 12) Initial regulatory flexibility analysis:
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking affects those small businesses, small municipalities, and not-for-profit corporations that appear before the Board.
- B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments do not require extensive reporting, bookkeeping or other procedures.
- C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may be aided by the services of an attorney.
- 13) Regulatory agenda on which this rulemaking was summarized: January 2004

The full text of the proposed amendments begins on the next page:

## POLLUTION CONTROL BOARD

## PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE A: GENERAL PROVISIONS  
CHAPTER I: POLLUTION CONTROL BOARD

## PART 130

IDENTIFICATION AND PROTECTION OF TRADE SECRETS AND OTHER  
NON-DISCLOSABLE INFORMATION

## SUBPART A: GENERAL PROVISIONS

## Section

130.100	Purpose and Applicability
130.102	Additional Procedures
130.104	Definitions and Severability
130.106	Segregation of Articles
130.108	Disposal of Articles
130.110	Articles Containing Emission Data

SUBPART B: PROCEDURES FOR IDENTIFYING ARTICLES  
THAT REPRESENT TRADE SECRETS

## Section

130.200	Initiation of a Claim that an Article Represents a Trade Secret
130.201	State Agency Request for Justification of Claims
130.202	Time Limit for Delayed Submission of Justification
130.203	Contents of Statement of Justification
130.204	Waiver of Statutory Deadlines
130.206	Deadline for State Agency Trade Secret Determination
130.208	Standards for State Agency Determination
130.210	State Agency Actions Following a Negative Determination
130.212	State Agency Actions Following a Positive Determination
130.214	Review of State Agency Trade Secret Determination
130.216	Effect of a Determination of Trade Secret Status on Other State Agencies
130.218	Status of Article Determined or Claimed to Represent a Trade Secret Before January 1, 2001
130.220	Extension of Deadlines to Participate in Proceedings

SUBPART C: PROCEDURES FOR PROTECTING ARTICLES  
THAT REPRESENT TRADE SECRETS

## POLLUTION CONTROL BOARD

## PROPOSED AMENDMENTS

## Section

130.300	Applicability
130.302	Owner's Responsibility to Mark Article
130.304	State Agency's Responsibility to Mark Article
130.306	Transmission of Article Between State Agencies
130.308	Public Access to Information Related to Article
130.310	Access to Claimed or Determined Article
130.312	Unauthorized Disclosure or Use of Article
130.314	Limitation on Copying Article

SUBPART D: NON-DISCLOSABLE INFORMATION  
OTHER THAN TRADE SECRETS

## Section

130.400	General
130.402	Who May View Non-Disclosable Information
130.404	Application for Non-Disclosure
130.406	Public Inspection
130.408	Board Order

130.APPENDIX A Comparison of Former and Current Rules [\(Repealed\)](#)

AUTHORITY: Implementing Sections 7 and 7.1 of the Environmental Protection Act (Act) [415 ILCS 5/7 and 7.1] and authorized by Sections 7, 7.1, 26, and 27 of the Act [415 ILCS 5/7, 7.1, 26, 27].

SOURCE: Subparts A, B, and C originally adopted in R81-30 at 7 Ill. Reg. 16149, effective November 23, 1983. Subpart D originally adopted in R88-5(A) at 13 Ill. Reg. 12055, effective July 10, 1989; old Part repealed, new Part adopted in R00-20 at 25 Ill. Reg. 516, effective January 1, 2001; amended in R04-24 at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROVISIONS

**Section 130.110 Articles Containing Emission Data**

- a) *All emission data reported to or otherwise obtained by the Illinois Environmental Protection Agency, the Board, or DNR in connection with any examination, inspection or proceeding under the Act shall be available to the public to the extent required by the federal Clean Air Act [Amendments of 1977 \(P.L. 95-95\)](#) as amended [415 ILCS 5/7(c)].*

## POLLUTION CONTROL BOARD

## PROPOSED AMENDMENTS

- b) For purposes of this Section, "emission data" means:
- 1) The identity, amount, frequency, concentration, or other characteristics (related to air quality) of any contaminant that:
    - A) Has been emitted from an emission unit;
    - B) Results from any emission by the emission unit;
    - C) Under an applicable standard or limitation, the emission unit was authorized to emit; or
    - D) Is a combination of any of the items described in subsection (b)(1)(A), (B), or (C) of this Section.
  - 2) The name, address (or description of the location), and the nature of the emission unit necessary to identify the emission unit, including a description of the device, equipment, or operation constituting the emission unit.
- c) In addition to subsection (b) of this Section, information necessary to determine or calculate emission data, including rate of operation, rate of production, rate of raw material usage, or material balance, will be deemed to represent emission data for the purposes of this Section if the information is contained in a permit to ensure that the permit is practically enforceable.

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## PROPOSED AMENDMENTS

**Section 130.APPENDIX A Comparison of Former and Current Rules (Repealed)**

The following table compares the former procedural rules (in effect on December 31, 2000) with the current procedural rules (effective January 1, 2001).

FORMER PART 120	CURRENT SECTION
120.101	130.100
120.102	130.100
120.103	101.200
	101.202
	130.104
120.201	130.200
120.202	130.203
120.203	130.204
120.215	130.201
120.220	130.202
120.225	130.206
120.230	130.208
120.240	130.210
120.245	130.212
120.250	130.214
120.260	130.216
120.265	130.218
120.270	130.220
120.301	130.300
120.305	130.302
120.310	130.304
120.315	130.306
120.320	130.106
120.325	130.308
120.330	130.310
120.340	130.310
120.350	130.312
120.360	130.108
120.401	130.102

(Source: Repealed at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
310.230	Amended
310.280	Amended
310.Appendix A, Table AB	Amended
- 4) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].
- 5) Effective date of amendments: April 30, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection. Copies of all Pay Plan amendments and Collective Bargaining contracts are available upon request from the Division of Technical Services.
- 9) Notices of Proposed published in the Illinois Register: November 21, 2003, Issue #47; 27 Ill. Reg. 17304
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: As proposed, an "hourly" rate for Janitor I in Section 310.230, Part-Time Daily or Hourly Special Services Rate, was given as a range of "5.50 to 5.30 (hourly)". The "to 5.30" was stricken.

Also as proposed in Section 310.230, Technical Advisor II and Technical Advisor III hourly rates were changed when they already exceed the minimum wage. The beginning rate in the range of "32" was reinstated.

The changes to the Table of Contents, the Main Source Note, and Sections 310.230 and 310.280 contained in an earlier adopted rulemaking that became effective January 22, 2004, were incorporated.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

The Main Source Note reflects an expedited correction to 310.Appendix A Table O and the expiration of an emergency amendment on November 27, 2003.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will these amendments replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

Section Numbers	Proposed Action	Ill. Reg. Citation
310.450	Amend	28 Ill. Reg. 2896, February 20, 2004
310.Appendix A, Table I	Amend	28 Ill. Reg. 2896, February 20, 2004
310.Appendix A, Table L	Amend	28 Ill. Reg. 2896, February 20, 2004
310.Appendix A, Table W	Amend	28 Ill. Reg. 2896, February 20, 2004

- 15) Summary and Purpose of Amendments: Within Section 310.280, Designated Rate, the Department of Commerce and Economic Opportunity has requested the following positions be removed because they are vacant and it has no plans to fill them.

Administrative Assistant II	(00502-42-00-040-11-01)
Public Information Officer IV	(37004-42-00-005-10-01)
Public Service Administrator	(37015-42-35-110-10-03)
Public Service Administrator	(37015-42-35-140-20-01)

The Department of Public Health has requested the addition of a Senior Public Service Administrator (40070-20-80-000-00-81) at a salary rate of \$134,000 annually.

Within Section 310.Appendix A: Negotiated Rates of Pay, Table AB VR-007 (Plant Maintenance Engineers, Operating Engineers), the Department of Central Management Services requests that the table be amended to reflect the State of Illinois and the International Union of Operating Engineers, Local 399, agreement to the following rates effective July 1, 2003 as certified by the Department of Labor:

<u>Title</u>	<u>Standard Rate</u>
Plant Maintenance Engineer I	\$5,959.50
Plant Maintenance Engineer II	\$6,243.12

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

All Plant Maintenance Engineers that are not on the standard rate will receive a 4% increase.

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

Ms. Dawn DeFraties  
Bureau Manager  
Department of Central Management Services  
503 Stratton Building  
Springfield IL 62706  
217/524-8773  
Fax: 217/558-4497

- 17) Do these amendments require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code [30 ILCS 50/5-25]? No

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND  
POSITION CLASSIFICATIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310  
PAY PLAN

SUBPART A: NARRATIVE

Section	
310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
310.110	Implementation of Pay Plan Changes for Fiscal Year 2004
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases (Repealed)
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

Section	
310.205	Introduction
310.210	Prevailing Rate
310.220	Negotiated Rate
310.230	Part-Time Daily or Hourly Special Services Rate
310.240	Hourly Rate
310.250	Member, Patient and Inmate Rate
310.260	Trainee Rate
310.270	Legislated and Contracted Rate
310.280	Designated Rate
310.290	Out-of-State or Foreign Service Rate

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 310.300 Educator Schedule for RC-063 and HR-010
- 310.310 Physician Specialist Rate
- 310.320 Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections
- 310.330 Excluded Classes Rate (Repealed)

## SUBPART C: MERIT COMPENSATION SYSTEM

## Section

- 310.410 Jurisdiction
- 310.420 Objectives
- 310.430 Responsibilities
- 310.440 Merit Compensation Salary Schedule
- 310.450 Procedures for Determining Annual Merit Increases
- 310.455 Intermittent Merit Increase
- 310.456 Merit Zone (Repealed)
- 310.460 Other Pay Increases
- 310.470 Adjustment
- 310.480 Decreases in Pay
- 310.490 Other Pay Provisions
- 310.495 Broad-Band Pay Range Classes
- 310.500 Definitions
- 310.510 Conversion of Base Salary to Pay Period Units (Repealed)
- 310.520 Conversion of Base Salary to Daily or Hourly Equivalents
- 310.530 Implementation
- 310.540 Annual Merit Increase Guidechart for Fiscal Year 2004
- 310.550 Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

## 310.APPENDIX A Negotiated Rates of Pay

- 310.TABLE A HR-190 (Department of Central Management Services – State of Illinois Building – SEIU)
- 310.TABLE AA NR-916 (Department of Natural Resources, Teamsters)
- 310.TABLE AB VR-007 (Plant Maintenance Engineers, Operating Engineers)
- 310.TABLE B HR-200 (Department of Labor – Chicago, Illinois – SEIU) (Repealed)
- 310.TABLE C RC-069 (Firefighters, AFSCME) (Repealed)
- 310.TABLE D HR-001 (Teamsters Local #726)
- 310.TABLE E RC-020 (Teamsters Local #330)
- 310.TABLE F RC-019 (Teamsters Local #25)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

310.TABLE G	RC-045 (Automotive Mechanics, IFPE)
310.TABLE H	RC-006 (Corrections Employees, AFSCME)
310.TABLE I	RC-009 (Institutional Employees, AFSCME)
310.TABLE J	RC-014 (Clerical Employees, AFSCME)
310.TABLE K	RC-023 (Registered Nurses, INA)
310.TABLE L	RC-008 (Boilermakers)
310.TABLE M	RC-110 (Conservation Police Lodge)
310.TABLE N	RC-010 (Professional Legal Unit, AFSCME)
310.TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
310.TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
310.TABLE Q	RC-033 (Meat Inspectors, IFPE)
310.TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
310.TABLE S	HR-012 (Fair Employment Practices Employees, SEIU) (Repealed)
310.TABLE T	HR-010 (Teachers of Deaf, IFT)
310.TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
310.TABLE V	CU-500 (Corrections Meet and Confer Employees)
310.TABLE W	RC-062 (Technical Employees, AFSCME)
310.TABLE X	RC-063 (Professional Employees, AFSCME)
310.TABLE Y	RC-063 (Educators, AFSCME)
310.TABLE Z	RC-063 (Physicians, AFSCME)
310.APPENDIX B	Schedule of Salary Grades – Monthly Rates of Pay for Fiscal Year 2004
310.APPENDIX C	Medical Administrator Rates for Fiscal Year 2004
310.APPENDIX D	Merit Compensation System Salary Schedule for Fiscal Year 2004
310.APPENDIX E	Teaching Salary Schedule (Repealed)
310.APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
310.APPENDIX G	Broad-Band Pay Range Classes Salary Schedule for Fiscal Year 2004

AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days;

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; preemptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; preemptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; preemptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; preemptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; preemptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; preemptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; preemptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; preemptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; preemptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; preemptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; preemptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; preemptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; preemptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6,

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; preemptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; preemptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; preemptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; preemptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; preemptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; preemptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; preemptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; preemptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; preemptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; preemptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; preemptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; preemptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; preemptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; preemptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666,

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; preemptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; preemptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; preemptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; preemptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; preemptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; preemptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; preemptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; preemptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; preemptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; preemptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; preemptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; preemptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; preemptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; preemptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; preemptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; preemptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; preemptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997;

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

peremptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; peremptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; peremptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; peremptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; peremptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; peremptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; peremptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; peremptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective August 31, 1998; peremptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; peremptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; peremptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; peremptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; peremptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; peremptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; peremptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27, 2000; peremptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; peremptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; peremptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; peremptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; peremptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; peremptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; peremptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20, 2001; peremptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143, effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; peremptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective October 7, 2002; emergency amendment at 26 Ill. Reg. 16583, effective October 24, 2002, for a maximum of 150 days; emergency expired March 22, 2003; peremptory amendment at 26 Ill. Reg. 17280, effective November 18, 2002; amended at 26 Ill. Reg. 17374, effective November 25, 2002; amended at 26 Ill. Reg. 17987, effective December 9, 2002; amended at 27 Ill. Reg. 3261, effective February 11, 2003; expedited correction at 28 Ill. Reg. \_\_\_\_\_, effective February 11, 2003; amended at 27 Ill. Reg. 8855, effective May 15, 2003; amended at 27 Ill. Reg. 9114, effective May 27, 2003; emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; peremptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December 1, 2003; peremptory amendment at 28 Ill. Reg. 1441, effective January 9, 2004; amended at 28 Ill. Reg. 2680, effective January 22, 2004; amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART B: SCHEDULE OF RATES

**Section 310.230 Part-Time Daily or Hourly Special Services Rate**

The rate of pay as approved by the Director of Central Management Services for persons employed on a consultative or part-time basis requiring irregular hours of work shall be as listed below, except the total compensation of an employee in any given month shall not exceed the monthly rate of Step 5 of the salary grade for the title as shown in the Schedule of Salary Grades (Appendix B) of this Part if the class title is subject to the Schedule of Salary Grades, or Step 5 of the negotiated salary range for classes of positions shown in Section 310.220, Subpart B, Schedule of Rates, or 75% of the maximum rate of those classes of positions subject to the provisions of the Merit Compensation System, Subpart C of this Pay Plan.

<u>Position</u>	<u>Rates</u>
Account Technician II	14.10 to 19.49 (hourly) 106 to 146 (daily)
Apiary Inspector	8.28 to 10.15 (hourly)
Building/Grounds Laborer	<del>5.50-15</del> to 6.00 (hourly)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Building/Grounds Lead I	<del>5.505-15</del> to 7.00 (hourly)
Building/Grounds Lead II	<del>5.505-25</del> to 8.00 (hourly)
Building/Grounds Maintenance Worker	<del>5.505-15</del> to 6.00 (hourly)
Chaplain I	<del>4439</del> to 70 (daily)
Chemist I	<del>4439</del> to 45 (daily)
Conservation/Historic Preservation Worker	<del>5.505-15</del> to 9.00 (hourly)
Conservation/Historic Preservation Worker (2nd season – site interpretation)	<del>5.505-15</del> to 9.00 (hourly)
Conservation/Historic Preservation Worker (3rd season – site interpretation)	<del>5.505-15</del> to 9.00 (hourly)
Dentist I	70 to 150 (daily)
Dentist II	100 to 185 (daily)
Educator	<del>4439</del> to 85 (daily)
Educator Aide	<del>4439</del> (daily)
Guard II	67 to 84 (daily)
Guard III	75 to 96 (daily)
Hearing and Speech Advanced Specialist	15 to 30 (hourly)
Hearings Referee	75 to 200 (daily)
Janitor I	<del>5.505-15 to 5-30</del> (hourly)
Labor Maintenance Lead Worker	<del>5.505-15</del> to 6.00 (hourly)
Labor Relations Investigator	<del>4439</del> to 70 (daily)
Laborer (Maintenance)	7.05 to 8.00 (hourly)
Maintenance Worker	<del>5.505-15</del> (hourly)
Occupational Therapist Program Coordinator	<del>4440</del> to 160 (daily)
Office Aide	10.45 to 13.46 (hourly)
	78 to 101 (daily)
Office Assistant	12.18 to 16.04 (hourly)
	91 to 120 (daily)
Office Associate	12.24 to 16.42 (hourly)
	92 to 123 (daily)
Office Clerk	11.55 to 15.08 (hourly)
	87 to 113 (daily)
Optometrist	15 to 35 (hourly)
	50 to 160 (daily)
Physician	100 to 300 (daily)
Physician Specialist (A)	20 to 60 (hourly)
	100 to 325 (daily)
Physician Specialist (B)	20 to 70 (hourly)
	100 to 350 (daily)
Physician Specialist (C)	20 to 105 (hourly)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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Physician Specialist (D)	100 to 360 (daily) 20 to 115 (hourly)
Podiatrist	100 to 370 (daily) 50 to 125 (daily)
Psychologist I	<del>4439</del> to 80 (daily)
Psychologist II	4440 to 125 (daily)
Psychologist III	4440 to 150 (daily)
Recreation Worker I	<del>5.505-33</del> (hourly) 4440 to 45 (daily)
Registered Nurse I	4439 to 54 (daily)
Registered Nurse I (2nd or 3rd shift)	4441 to 56 (daily)
Registered Nurse I (Cook County)	4443 to 58 (daily)
Registered Nurse I (Cook County – 2nd or 3rd shift)	44 to 59 (daily)
Registered Nurse II	4443 to 58 (daily)
Registered Nurse II (2nd or 3rd shift)	44 to 59 (daily)
Registered Nurse II (Cook County)	45 to 60 (daily)
Registered Nurse II (Cook County – 2nd or 3rd shift)	47 to 62 (daily)
Revenue Tax Specialist I	14.10 to 19.49 (hourly) 106 to 146 (daily)
Social Worker II	4439 to 75 (daily)
Social Worker III	4439 to 80 (daily)
Student Worker	<del>5.505-15</del> to 8.00 (hourly)
Technical Advisor II	32 to 35 (hourly)
Technical Advisor III	32 to 60 (hourly)
Veterinarian II	95 to 130 (daily)

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 310.280 Designated Rate**

The rate of pay for a specific position or class of positions where it is deemed desirable to exclude such from the other requirements of this Pay Plan shall be only as designated by the Governor.

Department of Children & Family Services

Public Service Administrator  
(Pos. No. 37015-16-23-120-00-01)

Annual Salary  
85,104

Department of Commerce & Economic Opportunity

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

<del>Administrative Assistant II (Pos. No. 00502-42-00-040-11-01)</del>	<del><u>Annual Salary</u> 63,840</del>
<del>Public Information Officer IV (Pos. No. 37004-42-00-005-10-01)</del>	<del><u>Annual Salary</u> 69,792</del>
<del>Public Service Administrator (Pos. No. 37015-42-35-110-10-03)</del>	<del><u>Annual Salary</u> 78,612</del>
<del>Public Service Administrator (Pos. No. 37015-42-35-140-20-01)</del>	<del><u>Annual Salary</u> 96,360</del>

Department of Human Services

Administrative Assistant I (Pos. No. 00501-10-68-010-80-21)	<u>Annual Salary</u> 55,200
Medical Administrator I, Option D (Pos. No. 26401-10-79-006-00-21)	<u>Annual Salary</u> 142,368
Medical Administrator V (Pos. No. 26406-10-76-000-00-01)	<u>Annual Salary</u> 186,000
Public Service Administrator (Pos. No. 37015-10-23-100-30-01)	<u>Annual Salary</u> 76,572
Senior Public Service Administrator (Pos. No. 40070-10-65-000-00-01)	<u>Annual Salary</u> 105,475
Senior Public Service Administrator (Pos. No. 40070-10-81-920-00-21)	<u>Annual Salary</u> 105,480

Illinois Labor Relations Board

Private Secretary II (Pos. No. 34202-50-19-000-00-01)	<u>Annual Salary</u> 51,900
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Department of Natural Resources

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Administrative Assistant II  
(Pos. No. 00502-12-30-000-20-01) Annual Salary  
50,520

Department of Public Aid

Senior Public Service Administrator  
(Pos. No. 40070-33-20-000-00-61) Annual Salary  
123,060

Department of Public Health

Senior Public Service Administrator  
(Pos. No. 40070-20-80-000-00-81) Annual Salary  
134,000

Department of Revenue

Public Service Administrator  
(Pos. No. 37015-25-61-140-80-01) Annual Salary  
76,668

Public Service Administrator  
(Pos. No. 37015-25-61-140-90-01) Annual Salary  
74,904

Department of State Police

Senior Public Service Administrator  
(Pos. No. 40070-21-10-000-00-01) Annual Salary  
117,828

Senior Public Service Administrator  
(Pos. No. 40070-21-40-000-00-01) Annual Salary  
117,828

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

**Section 310.APPENDIX A Negotiated Rates of Pay**

**Section 310.TABLE AB VR-007 (Plant Maintenance Engineers, Operating Engineers)**

Effective July 1, ~~2003~~2002

Title	Standard Rate
Plant Maintenance Engineer I	<del>5959.50</del> <u>5729.82</u>
Plant Maintenance Engineer II	<del>6243.12</del> <u>6003.00</u>

NOTE: All Plant Maintenance Engineers that are not on the standard rate will receive a 4% increase.

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Child Care
- 2) Code Citation: 89 Ill. Adm. Code 50
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
50.210	Amendment
50.230	Amendment
50.235	Amendment
50.240	Amendment
50.310	Amendment
50.320	Amendment
- 4) Statutory Authority: Implementing Articles I through IXA and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IXA and 12-13]
- 5) Effective Date of Amendments: April 23, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposed Amendments Published in Illinois Register: August 22, 2003 (27 Ill. Reg. 13919)
- 10) Has JCAR Issued a Statement of Objection to these amendments? No
- 11) Difference between proposal and final version: No substantive changes were made in the text of the proposed amendments.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will these amendments replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part: No

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and purpose of Amendments: Pursuant to provisions of P. A. 93-361, these amendments update the income eligibility standards to 50% of the 2004 State Median Income (SMI). This rulemaking also eliminates the 10% gross wages and salary disregard which was previously used to determine the family's eligibility for child care services. Annual Income Ceilings are being changed to Gross Monthly Income Ceilings. In addition, these amendments reflect current Department policy on child care payments. Clarifications include the following:
- Child Care is paid only when employment and education and training activities occur outside the home;
  - Family must include the child receiving care, the child's siblings, and the child's and sibling's parents living in the home;
  - A person living in the home who is a parent of a child's sibling or has a child in common with the applicant will not be paid to provide child care. The person is considered available to provide care in the home unless he or she is employed, attending an education or training program, or not qualified to provide care. The person's income is included in the family income;
  - Relatives (other than parents) who receive a child-only TANF or GA benefit for children needing care due to the relatives' employment may qualify for child care payments without regard to family income, and they are not required to make a co-payment;
  - The Department may reduce the co-payment for part-time care; and
  - Obsolete information on FY 2002 allocation and grandfathered cases is removed.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Tracie Drew, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3<sup>rd</sup> Floor, Harris Bldg.  
Springfield, Illinois 62762

Telephone number: (217) 785-9772

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 17) Do these amendments require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? [30 ILCS 50/5-25] No

The full text of the adopted amendments begins on the next page:

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER a: GENERAL PROGRAM PROVISIONSPART 50  
CHILD CARE

## SUBPART A: GENERAL PROVISIONS

Section	
50.101	Incorporation by Reference
50.110	Participant Rights and Responsibilities
50.120	Notification of Available Services
50.130	Child Care Overpayments and Recoveries

## SUBPART B: APPLICABILITY

Section	
50.210	Child Care
50.220	Method of Providing Child Care
50.230	Child Care Eligibility
50.235	Income Eligibility Criteria
50.240	Qualified Provider
50.250	Additional Service to Secure or Maintain Child Care

## SUBPART C: PAYMENT FEES

Section	
50.310	Fees for Child Care Services
50.320	Maximum <del>Monthly</del> <u>Annual</u> Income and Parent Fee by Family Size, Income Level and Number of Children Receiving <u>Full-time</u> Care

## SUBPART D: CHILD CARE ABUSE AND NEGLECT

Section	
50.410	Provider Eligibility
50.420	Payment for Child Care Services

## SUBPART E: GREAT START PROGRAM

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

## Section

50.510	Great START Program
50.520	Method of Providing the Wage Supplement
50.530	Eligibility
50.540	Employer Responsibility
50.550	Notification of Eligibility
50.560	Phase-in of Wage Supplement Scale
50.570	Wage Supplement Scale
50.580	Evaluation

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

SOURCE: Emergency rules adopted at 21 Ill. Reg. 9502, effective July 1, 1997, for a maximum of 150 days; adopted at 21 Ill. Reg. 14961, effective November 10, 1997; emergency amendment at 22 Ill. Reg. 12816, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 21037, effective November 27, 1998; emergency amendment at 23 Ill. Reg. 10875, effective August 20, 1999, for maximum of 150 days; amended at 24 Ill. Reg. 1058, effective January 10, 2000; emergency amendment at 24 Ill. Reg. 6604, effective April 5, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 13987, effective September 1, 2000; amended at 24 Ill. Reg. 15423, effective October 10, 2000; emergency amendment at 25 Ill. Reg. 2735, effective February 5, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 8176, effective June 23, 2001; emergency amendment at 25 Ill. Reg. 8443, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 14854, effective October 31, 2001; emergency amendment at 25 Ill. Reg. 16116, effective December 1, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 7113, effective April 25, 2002; amended at 27 Ill. Reg. 12090, effective July 14, 2003; amended at 27 Ill. Reg. 18411, effective November 24, 2003; amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART B: APPLICABILITY

**Section 50.210 Child Care**

- a) To the extent resources permit, the Department shall provide child care services:
  - 1) to parents or other relatives who are working; [outside the home](#);
  - 2) to parents or other relatives who are participating in employment, training, or education programs [outside the home that are](#) approved by the Department; and

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 3) to teen parents to enable them to obtain a high school degree or its equivalent.
- b) The term "parents" and the phrase "parents or other relatives" refer to applicants for or recipients of child care services. They include a child's custodial biological or adoptive parent, stepparent, legal guardian, or caretaker relative within the fifth degree of kinship.
- c) Family means the applicant, his or her spouse, and the biological or adoptive children or stepchildren of the applicant or his or her spouse under age 21 living in the same household. [Family must also include the child for whom care is requested, the child's dependent blood-related and adoptive siblings, and the child's and sibling's parents living in the same household.](#) The applicant may include in his or her family other persons related by blood or law to the applicant or his or her spouse living in the same household if they are dependent upon the family for more than 50 percent of their support. The applicant may include in his or her family a child of the applicant or his or her spouse under age 21 who is dependent upon the family for more than 50 percent of his or her support and who is a full-time student away at school, provided he or she has not established legal residence outside the family household.
- d) Teen parent means parents through age 19.

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 50.230 Child Care Eligibility**

- a) Child care services are restricted to children under age 13 and to children under age 19 who are under court supervision or have physical or mental incapacities as documented by a statement from a local health provider or other health professional.
- b) Parents and other relatives eligible to receive child care services include:
  - 1) Recipients of Temporary Assistance for Needy Families (TANF) under Article IV of the Public Aid Code participating in work and training activities as specified in their personal plans for employment and self-sufficiency who have been approved for child care benefits by the Department and who meet the [monthlyannual](#) income ceilings in

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subsection (b)(2) of this Section.

- 2) Working families, including teen parents while they attend school to obtain a high school degree or its equivalent, whose ~~monthly~~ ~~annual~~ incomes do not exceed the following amounts by family size:

Family Size	<del>Annual</del> <u>Gross Monthly</u> Income
2	<del>17,663</del> <u>\$1,885</u>
3	<del>21,819</del> <u>\$2,328</u>
4	<del>25,975</del> <u>\$2,772</u>
5	<del>30,131</del> <u>\$3,215</u>
6	<del>34,288</del> <u>\$3,658</u>
7	<del>35,067</del> <u>\$3,741</u>
8	<del>35,846</del> <u>\$3,825</u>

The above income guidelines will be indexed annually so that the thresholds are no less than 50% of the most current State Median Income for each family size.

- 3) ~~Families Subject to an annual allocation of \$15 million for FY 2002 and \$7.5 million in subsequent fiscal years, families~~ who do not receive TANF and need child care services in order to attend school or training (up to and including the acquisition of the first Associate Degree and/or the first a Bachelor's Degree) ~~and~~ whose ~~monthly~~ ~~annual~~ income does not exceed the ~~monthly~~ ~~annual~~ income ceilings in subsection (b)(2) of this Section. Qualifying families are eligible to receive child care services needed to attend literacy and other adult basic education, English as a Second Language, GED preparation, and vocational training for up to 24 non-consecutive months with no work requirement, after which they must work a monthly average of at least 20 hours per week in paid employment. Child care provided to a teen parent to obtain a high school degree, or its equivalent, does not count against this 24-month limit. Qualifying families are eligible to receive child care services to attend a 2 or 4 year college degree program if they work a monthly average of at least 10 hours per week in paid employment or a monthly average of at least 20 hours per week in a combination of paid employment and unpaid, educationally-required work activities such as student teaching, an internship, a clinical, a practicum or an apprenticeship. Child care

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services shall be available during time periods that are reasonably related to the following activities performed outside the home: paid work, self-employment and education or training activity, including class hours and research, laboratory, library and transportation time. Families with a work requirement shall receive the same grace periods between jobs as persons who receive services pursuant to subsection (b)(2) of this Section. If a parent is claimed as a dependent by another person for federal income tax purposes, that parent is only eligible if his or her income when added to the income of the other person does not exceed the monthlyannual income ceiling in subsection (b)(2) of this Section for that family size. ~~Enrollment for child care under this subsection (b)(3) will be stopped when the projected annual costs for enrolled participants reaches \$15 million in FY 2002 and \$7.5 million in subsequent fiscal years.~~

- 4) Relatives (other than parents) who receive child-only TANF or General Assistance (GA) benefits as Representative Payee for children in need of care while they work outside the home.
- c) All families must be residents of Illinois.
- d) Payment for child care services to eligible parents may begin:
- 1) if care was provided at the time and all eligibility factors are met, on either:
    - A) the date of the parent's signature; or
    - B) one week (seven calendar days) prior to the stamped date of receipt by the Department or its agents, whichever is later; or
  - 2) on the date the child care provider actually begins providing child care services, if the application is received in advance of services being provided and all eligibility factors are met.
- e) Eligibility ceases 10 calendar days from the date of the termination notice sent to the parent by the Department or its agents following a determination of ineligibility.

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 50.235 Income Eligibility Criteria**

A family is considered "income eligible" when the combined gross monthly income of all family members is at or below the amounts listed in Section 50.230 for the corresponding family size. In two parent families, both incomes must be combined to determine eligibility. [Two-parent families include those with 2 or more adults living in the home, such as the applicant and his or her spouse or parents of a common child in the home.](#) Eligibility is determined on the basis of monthly gross income. To convert weekly income into monthly income, multiply weekly income by 4.333. To convert bi-weekly income into monthly income, multiply bi-weekly income by 2.1666. To convert twice monthly income into monthly income, multiply twice monthly income by 2.

Documentation must be secured for all income and maintained in the family eligibility file prior to approval for child care payments.

- a) Income Included (Non-Exempt)
  - 1) gross wages and salary ~~minus 10%~~;
  - 2) net income from farm self-employment;
  - 3) net income from non-farm self-employment;
  - 4) dividends, interest, net rental income and royalties;
  - 5) pensions and annuities;
  - 6) alimony;
  - 7) child support received by the family;
  - 8) ongoing monthly adoption assistance payments from DCFS;
  - 9) veteran's pensions;
  - 10) unemployment compensation;
  - 11) worker's compensation;
  - 12) public assistance and welfare payments;

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- 13) social security payments for all family members, including SSI and pensions;
  - 14) survivor's benefits, permanent disability payments, and railroad retirement benefits from the federal government.
- b) Exempt Income
- 1) per capita payments to or funds held in trust for any individual in satisfaction of the Indian Claims Commission or the Court of Claims;
  - 2) payments made pursuant to the Alaska Native Claims Settlement Act to the extent such payments are exempt from taxation under Section 21(a) of the Act (43 USC 1620(a));
  - 3) money received from sale of property, such as stocks, bonds, a house, or a car (unless the person was engaged in the business of selling such property, in which case the net proceeds would be counted as income from self-employment);
  - 4) money borrowed, including educational loans to a student who is included in the family unit as authorized in Section 50.210(c);
  - 5) withdrawals of bank deposits;
  - 6) tax refunds, or any Earned Income Tax Credit payments;
  - 7) gifts;
  - 8) lump sum inheritances or insurance payments;
  - 9) capital gains;
  - 10) the value of the coupon allotment or food stamp benefits under the Food Stamp Act of 1977, as amended;
  - 11) the value of United States Department of Agriculture (USDA) donated foods;

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- 12) the value of supplemental food assistance under the Child Nutrition Act of 1966 and the special food service for children under the National School Lunch Act, as amended;
- 13) any payment received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;
- 14) earnings of a child under age 19 (unless that child is the applicant);
- 15) grants such as scholarships, obtained and used by a student who is included in the family unit as authorized in Section 50.210(c) under conditions that preclude their use for current living costs;
- 16) any grant or loan to any undergraduate student for educational purposes made or insured under any program administered by the Commission of Education under the Higher Education Act of 1965;
- 17) home produce utilized for household consumption;
- 18) energy grants or allowances received through the Low-Income Energy Assistance Program authorized by the Home Energy Assistance Act of 1980;
- 19) any DCFS foster care board payments or clothing allowance;
- 20) child support paid out of the family's income.

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 50.240 Qualified Provider**

- a) Payment will be made for child care that otherwise meets the requirements of this Section; meets applicable standards of State and local law and regulation, including but not limited to licensure requirements promulgated by the Department of Children and Family Services (DCFS) at 89 Ill. Adm. Code: Chapter I, Subchapter e: Requirements for Licensure, and Fire Prevention and Safety requirements promulgated by the Office of the State Fire Marshal at 41 Ill. Adm. Code 100; and is provided in any of the following:
  - 1) Licensed Day Care Center;

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- 2) Day Care Center Exempt from Licensing;
  - 3) Licensed Day Care Home;
  - 4) Licensed Group Day Care Home;
  - 5) Day Care Home Exempt from Licensing (No more than three children may be cared for, including the provider's own children, unless all children are from the same household);
  - 6) Relative Exempt from Licensing (Care provided in the home of a relative. No more than three children may be cared for, including the provider's own children, unless all children are from the same household);
  - 7) Non-relative Exempt from Licensing (Care provided in the home of the child. No more than three children may be cared for, including the provider's own children, unless all children are from the same household);  
and
  - 8) Relative Exempt from Licensing (Care provided in the home of the child. No more than three children may be cared for, including the provider's own children, unless all children are from the same household).
- b) Payments will not be made to a provider who is the child's mother or father, or to a stepparent who is currently married to the child's parent and is living in the same household as the child, or to any provider who is included in the same public assistance grant as the child (for those families receiving such assistance), or to a person living in the home who is a parent of the child's sibling or has a child in common with the applicant. If such a provider is available and qualified to care for the child in the home, child care will not be approved.
- c) Payments will not be made to a provider (even if operating within a setting exempt from licensing) who has been convicted of crimes enumerated in 89 Ill. Adm. Code 385, Background Checks, nor will such a person be considered available to provide care.
- d) Payments will not be made to a provider who, after receiving written notification of an outstanding overpayment, fails to establish a repayment plan or is in default of a repayment plan.

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(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART C: PAYMENT FEES

**Section 50.310 Fees for Child Care Services**

All parents must share in the cost of child care as illustrated in Section 50.320, [except relatives \(other than parents\) who receive a child-only TANF or GA benefit for children needing care due to the relatives' employment](#). If the care is for less than 5 hours per day, the parent share is 50% of the amount shown, rounded up to the nearest cent.

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 50.320 Maximum Monthly Income and Parent Fee by Family Size, Income Level and Number of Children Receiving Full-time Care**MONTHLY FEE FOR NUMBER OF CHILDREN IN CARE FOR FAMILY SIZE OF 2

<u>Gross Monthly Income</u>	<u>1</u>
\$ 0 – 327	\$ 4.33
328 – 491	13.00
492 – 654	21.67
655 – 818	34.66
819 – 981	47.66
982 – 1,145	65.00
1,146 – 1,308	86.66
1,309 – 1,472	108.33
1,473 – 1,636	134.32
1,637 – 1,799	160.32
1,800 – 1,885	186.32

MONTHLY FEE FOR NUMBER OF CHILDREN IN CARE FOR FAMILY SIZE OF 3

<u>Gross Monthly Income</u>	<u>1</u>	<u>2</u>
\$ 0 – 423	\$ 4.33	\$ 8.67
424 – 606	13.00	17.33
607 – 808	21.67	30.33

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809 – 1,010	34.66	52.00
1,011 – 1,212	47.66	69.33
1,213 – 1,414	65.00	95.33
1,415 – 1,616	86.66	147.32
1,617 – 1,818	108.33	190.65
1,819 – 2,020	134.32	233.98
2,021 – 2,222	160.32	277.31
2,223 – 2,328	186.32	320.64

MONTHLY FEE FOR NUMBER OF CHILDREN IN CARE FOR FAMILY SIZE OF 4

<u>Gross Monthly Income</u>	<u>1</u>	<u>2</u>	<u>3</u>
\$ 0 – 481	\$ 4.33	\$ 8.67	\$ 8.67
482 – 722	13.00	17.33	17.33
723 – 962	21.67	30.33	34.66
963 – 1,203	34.66	52.00	52.00
1,204 – 1,443	47.66	69.33	73.66
1,444 – 1,684	65.00	95.33	99.66
1,685 – 1,924	86.66	147.32	151.66
1,925 – 2,165	108.33	190.65	194.99
2,166 – 2,405	134.32	233.98	238.32
2,406 – 2,646	160.32	277.31	281.65
2,647 – 2,772	186.32	320.64	324.98

MONTHLY FEE FOR NUMBER OF CHILDREN IN CARE FOR FAMILY SIZE OF 5

<u>Gross Monthly Income</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
\$ 0 – 558	\$ 4.33	\$ 8.67	\$ 8.67	\$ 8.67
559 – 837	13.00	17.33	17.33	21.67
838 – 1,116	21.67	30.33	34.66	34.66
1,117 – 1,395	34.66	52.00	52.00	56.33
1,396 – 1,674	47.66	69.33	73.66	77.99
1,675 – 1,953	65.00	95.33	99.66	103.99
1,954 – 2,232	86.66	147.32	151.66	155.99
2,233 – 2,511	108.33	190.65	194.99	199.32
2,512 – 2,790	134.32	233.98	238.32	242.65
2,791 – 3,069	160.32	277.31	281.65	285.98

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3,070 – 3,215                      186.32              320.64              324.98              329.31

MONTHLY FEE FOR NUMBER OF CHILDREN IN CARE FOR FAMILY SIZE OF 6

<u>Gross Monthly Income</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>
\$ 0 – 635	\$ 4.33	\$ 8.67	\$ 8.67	\$ 8.67	\$ 8.67
636 – 952	13.00	17.33	17.33	21.67	21.67
953 – 1,270	21.67	30.33	34.66	34.66	39.00
1,271 – 1,587	34.66	52.00	52.00	56.33	60.66
1,588 – 1,905	47.66	69.33	73.66	77.99	82.33
1,906 – 2,222	65.00	95.33	99.66	103.99	108.33
2,223 – 2,540	86.66	147.32	151.66	155.99	160.32
2,541 – 2,857	108.33	190.65	194.99	199.32	203.65
2,858 – 3,175	134.32	233.98	238.32	242.65	246.98
3,176 – 3,492	160.32	277.31	281.65	285.98	290.31
3,493 – 3,658	186.32	320.64	324.98	329.31	333.64

MONTHLY FEE FOR NUMBER OF CHILDREN IN CARE FOR FAMILY SIZE OF 7

<u>Gross Monthly Income</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>
\$ 0 – 649	\$ 4.33	\$ 8.67	\$ 8.67	\$ 8.67	\$ 8.67	\$ 8.67
650 – 974	13.00	17.33	17.33	21.67	21.67	21.67
975 – 1,299	21.67	30.33	34.66	34.66	39.00	39.00
1,300 – 1,623	34.66	52.00	52.00	56.33	60.66	65.00
1,624 – 1,948	47.66	69.33	73.66	77.99	82.33	86.66
1,949 – 2,273	65.00	95.33	99.66	103.99	108.33	112.66
2,274 – 2,598	86.66	147.32	151.66	155.99	160.32	164.65
2,599 – 2,922	108.33	190.65	194.99	199.32	203.65	207.98
2,923 – 3,247	134.32	233.98	238.32	242.65	246.98	251.31
3,248 – 3,572	160.32	277.31	281.65	285.98	290.31	294.64
3,573 – 3,741	186.32	320.64	324.98	329.31	333.64	337.97

MONTHLY FEE FOR NUMBER OF CHILDREN IN CARE FOR FAMILY SIZE OF 8

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Gross Monthly Income	1	2	3	4	5	6	7
\$ 0 – 664	\$ 4.33	\$ 8.67	\$ 8.67	\$ 8.67	\$ 8.67	\$ 8.67	\$ 8.67
665 – 996	13.00	17.33	17.33	21.67	21.67	21.67	26.00
997 – 1,328	21.67	30.33	34.66	34.66	39.00	39.00	43.33
1,329 – 1,660	34.66	52.00	52.00	56.33	60.66	65.00	65.00
1,661 – 1,992	47.66	69.33	73.66	77.99	82.33	86.66	90.99
1,993 – 2,323	65.00	95.33	99.66	103.99	108.33	112.66	116.99
2,324 – 2,655	86.66	147.32	151.66	155.99	160.32	164.65	168.99
2,656 – 2,987	108.33	190.65	194.99	199.32	203.65	207.98	212.32
2,988 – 3,319	134.32	233.98	238.32	242.65	246.98	251.31	255.65
3,320 – 3,651	160.32	277.31	281.65	285.98	290.31	294.64	298.98
3,652 – 3,825	186.32	320.64	324.98	329.31	333.64	337.97	342.31

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ILLINOIS TOLL HIGHWAY AUTHORITY

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- 1) Heading of the Part: State Toll Highway Rules
- 2) Code Citation: 92 Ill. Admn. Code 2520
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
2520.110	Amend
2520.223	Amend
2520.700	Amend
2520.702	Amend
2520.704	Amend
2520.705	Amend
2520.706	Amend
2520.707	Repeal
2520.708	Amend
2520.709	Amend
2520.710	Repeal
2520.711	Amend
2520.712	Amend
2520.713	Amend
2520.715	New
2520.716	New
2520.717	New
- 4) Statutory Authority: 605 ILCS 10/10(a)
- 5) Effective Date of Rulemaking: April 23, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: December 1, 2003; 27 Ill. Reg. 17492
- 10) Has JCAR issued a Statement of Objection to these amendments? No

## ILLINOIS TOLL HIGHWAY AUTHORITY

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- 11) Differences between proposal and final version: JCAR has made some grammatical changes. Otherwise, there have been no substantive changes made between the agency's original proposal and the final version.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? Yes. The authority adopted emergency amendments in the January 30, 2004 Illinois Register in order to return the text of this Part to the version that existed before emergency amendments were adopted on November 6, 2003 at 27 Ill. Reg. 18238. The adopted amendments in this week's Illinois Register will now supersede the January emergency rulemaking.
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rule making is primarily intended to modify the Tollway's existing administrative hearing procedures in an effort to clarify, modify, and reorganize the existing toll violation hearing requirements and procedures.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Robert T. Lane  
Assistant Attorney General  
2700 Ogden Avenue  
Downers Grove, IL 60515  
(630) 241-6800 x1530

Fax (630) 271-7559

The full text of the adopted amendments begins on the next page:

## ILLINOIS TOLL HIGHWAY AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION  
CHAPTER IV: ILLINOIS TOLL HIGHWAY AUTHORITYPART 2520  
STATE TOLL HIGHWAY RULES

## SUBPART A: AUTHORITY AND DEFINITIONS

## Section

2520.105 Authority  
2520.110 Definitions

## SUBPART B: GENERAL TRAFFIC RULES AND REGULATIONS

## Section

2520.200 Illinois Vehicle Code  
2520.201 Use of Tollway Prohibited or Restricted  
2520.202 Vehicles and Equipment Which May Be Excepted from Provisions of Section  
2520.203 Transportation of Hazardous Materials  
2520.204 Special Usage Toll  
2520.205 Loading or Unloading of Vehicles  
2520.206 Full Stop at All Toll Plazas  
2520.207 Entering and Leaving the Tollway  
2520.208 "U" Turns, Etc.  
2520.209 Backing Up of Vehicles  
2520.210 Parking, Standing or Stopping  
2520.211 Relocating of Vehicles  
2520.212 Pushing or Towing of Vehicles  
2520.213 Stopping or Halting Vehicles by the Authority  
2520.214 Destruction of Authority Property  
2520.215 Picnics  
2520.216 Aircraft  
2520.217 Sale of Goods and Services  
2520.218 Solicitation of Rides  
2520.219 Loitering or Interfering with Traffic  
2520.220 Approaching/Departing a Toll Plaza  
2520.221 Compliance with Orders or Directions of State Troopers, Etc.  
2520.222 Duty Upon Striking Fixtures, Structures or Other Property on Tollway  
2520.223 Payment of Tolls  
2520.224 Prohibited and Restricted Lanes

## ILLINOIS TOLL HIGHWAY AUTHORITY

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- 2520.225 Traffic Control Devices
- 2520.226 Penalty for Violation

## SUBPART C: TRESPASS

- Section
- 2520.300 Authority
- 2520.301 Restriction of Vehicles Using the Tollway
- 2520.302 Restriction on Nature of Use of Tollway
- 2520.303 Enforcement
- 2520.304 Persons and Vehicles Excepted from the Requirements of Subpart C
- 2520.305 Penalties

## SUBPART D: SPEED RESTRICTIONS

- Section
- 2520.400 Authority
- 2520.401 Maximum Speed Limits for Passenger Cars
- 2520.402 Maximum Speed Limits for Trucks, Buses, Passenger Cars Towing Trailers, House Trailers and Campers
- 2520.403 Maximum Speed Limits for Designated I-Pass Lanes, Service Areas, Parking Areas, Access Roads and Ramps
- 2520.404 Road Hazards and Construction Zones
- 2520.405 Minimum Speed Limits
- 2520.406 Special Road Conditions

## SUBPART E: CONDUCT PROVISIONS

- Section
- 2520.500 Provisions
- 2520.501 Violations
- 2520.502 Littering – Penalty
- 2520.503 Spurious or Counterfeit Tickets, Coupons or Tokens – Penalty
- 2520.504 Toll Collection Devices – Penalty for Breaking

## SUBPART F: SEVERABILITY CLAUSE

- Section
- 2520.600 Partial Invalidity

## ILLINOIS TOLL HIGHWAY AUTHORITY

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## SUBPART G: General Provisions

## Section

2520.700	Authority
2520.701	Related Statutes
2520.702	Notice to Respondent
2520.703	Establishment of the Toll Free Telephone Number
2520.704	Judicial Review
2520.705	Penalties
2520.706	Discovery
2520.707	Administrative Adjudication <a href="#">(Repealed)</a>
2520.708	<a href="#">Hearing Officers – Appointment, Disqualification, and Powers and Duties</a> <del>Duties of Hearing Officer</del>
2520.709	Hearings Format
2520.710	Default – Failure to Appear <a href="#">(Repealed)</a>
2520.711	Enforcement of Final Order
2520.712	Continuance
2520.713	Authority Rulemaking
2520.714	Severability Clause <a href="#">(Repealed)</a>
<a href="#">2520.715</a>	<a href="#">Timely Request for Hearing – Notice of Hearing</a>
<a href="#">2520.716</a>	<a href="#">Failure to Respond to Notice of Violation – Default</a>
<a href="#">2520.717</a>	<a href="#">Liability of Lessor</a>

AUTHORITY: Implementing and authorized by the Toll Highway Act [605 ILCS 10].

SOURCE: Filed January 3, 1973; effective February 1, 1973; codified at 8 Ill. Reg. 19884; Part repealed, new Part adopted at 17 Ill. Reg. 8539, effective May 27, 1993; amended at 20 Ill. Reg. 10200, effective July 12, 1996; emergency amendment at 24 Ill. Reg. 2737, effective February 4, 2000, for a maximum of 150 days; emergency expired July 2, 2000; emergency amendment at 24 Ill. Reg. 4234, effective February 29, 2000, for a maximum of 150 days; emergency expired July 27, 2000; amended at 24 Ill. Reg. 16078, effective October 11, 2000; emergency amendment at 26 Ill. Reg. 16325, effective October 31, 2002, for a maximum of 150 days ; amended at 27 Ill. Reg. 6325, effective April 1, 2003; emergency amendment at 27 Ill. Reg. 18238, effective November 6, 2003, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 1780, effective January 14, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: AUTHORITY AND DEFINITIONS

**Section 2520.110 Definitions**

## ILLINOIS TOLL HIGHWAY AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

The following words and phrases when used in this Part shall have the meanings respectively ascribed to them in this Section:

"Authority" means the Illinois State Toll Highway Authority, an instrumentality and administrative agency of the State of Illinois, formerly known as the Illinois State Toll Highway Commission.

"Authorized Emergency Vehicles" means vehicles of fire departments and police departments, ambulances, emergency vehicles of public service companies, and other vehicles approved and authorized by the Authority when performing emergency business.

"Complaint" and "Notice" means the documents or information sent by the Authority to the respondent notifying the respondent of the alleged violations.

"Department of Transportation" means the Department of Transportation of the State of Illinois.

"Final Notice" means the notice sent by the Authority to the respondent that informs the respondent of a finding of liability of the listed charges that has been entered against the respondent.

"Hazardous Materials" means and includes explosives, radioactive materials, etiologic agents, and other dangerous materials, as defined in 18 USC 831, including flammable liquids.

"Hearing" means a formal hearing conducted by the Authority or appointed Hearing Officer, to determine whether a violation of the Toll Highway Act and/or any of its rules and regulations promulgated thereto exists.

"Illinois Vehicle Code" means the Illinois Vehicle Code as set forth in 625 ILCS 5.

"I-PASS" means electronic toll collection.

"I-PASS All Lanes" means that, in addition to regular toll collection equipment and toll booths, all lanes are also "I-PASS" equipped.

"I-PASS Only Lanes" means that those lanes are restricted to cars and smaller,

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and dual wheeled vehicles that have "I-PASS" transponders.

"I-PASS Express Lanes" means that those lanes are restricted to vehicles with "I-PASS" transponders.

"Motor Driven Cycles" means every motorcycle or motor scooter with less than 150 cubic centimeter piston displacement, including motorized pedalcycles.

"Oases" means the portions of the Tollway Right-of-Way occupied by restaurants, buildings and service stations, and adjacent parking and landscaped areas.

"Person" means any individual, firm, corporation, cooperative, association, trust, partnership, joint venture or other legally recognized entity.

"Respondent" means any person charged with violating the Toll Highway Act.

"Right-of-Way" means the entire area of the Tollway within the fence lines (or the barrier walls, where no fence exists), including but not limited to the roadways, shoulders, ~~plazas-structures, and~~ landscaped areas, ~~maintenance areas, Oases, toll plaza areas, or any other area under the control or jurisdiction of the Authority.~~ The right-of-way does not include property declared "excess property" or leased as declared by the Board and it does not include the maintenance buildings, Central Administration building or other buildings and their parking lots.

"Toll" means the fixed compensation to be paid to the Authority for the privilege of using the Tollway or any part thereof.

"Toll Highway Act" means 605 ILCS 10.

"Toll Plaza" means any toll collection facility located upon the Tollway, including manned toll booths and/or automatic toll collection machines.

"Tollway" means any and all toll highways operated and maintained by the Authority pursuant to State and federal laws as well as any and all intergovernmental agreements by and between the Authority and other governmental entities.

"Traffic Control Devices" means all signs, signals, markings and devices, including but not limited to barricades and traffic cones, placed or erected by the Authority or its agents for the purpose of regulating, warning, or guiding traffic.

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"Traffic Lanes" are the lanes designated for vehicular travel on the Tollway which shall be designated numerically with the extreme left lane of each directional roadway being numbered "Lane No. 1", and each lane to the right of Lane No. 1 carrying traffic in the same direction being numbered consecutively.

"Truck I-PASS/Mixed Use Lanes" means lanes primarily intended for trucks only, which may be converted for use by all vehicles with I-PASS Transponders.

"Truck I-PASS Only Lanes" means lanes restricted for use by commercial vehicles as defined in the Illinois Motor Vehicle Code at 625 ILCS 5/1-111.8.

"Violation" or "Toll Evasion" means one or more acts prohibited by the Toll Highway Act and/or any rules or regulations relating to the payment or failure to pay tolls.

Any and all terms that are not specifically defined in this Section shall have the meanings ascribed to them in the Illinois Vehicle Code and the Toll Highway Act.

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART B: GENERAL TRAFFIC RULES AND REGULATIONS

**Section 2520.223 Payment of Tolls**

- a) All persons driving vehicles upon the Tollway, except as provided in subsection (b), are required to pay the prescribed toll at each Toll Plaza encountered while using the Tollway. Tolls may be paid for in the following manner:
  - 1) By currency or change presented to a Toll Collector, or by correct change deposited in the automatic coin machine.
  - 2) By I-PASS.
- b) Tolls shall not be required of Authority officers and employees while on Authority business, or of public police, public fire or public ambulance vehicles when on emergency business or duty necessitating the use of the Tollway system, and when the vehicle is readily identifiable as such.
- c) In addition to the remedies available pursuant to the Illinois Vehicle Code at 625

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ILCS 5/3-704.2 and ~~625 ILCS~~/6-306.7, failure to pay the prescribed toll is subject to punishment as provided in Section 27.1 of the Toll Highway Act.

- d) Any person who shall use or attempt to use any currency or coins other than legal tender of the United States of America, counterfeit, expired, or unauthorized credit cards of any type, or any electronic device or equipment not authorized by the Authority in lieu of or to avoid payment of a toll shall be deemed guilty of a petty offense and shall be subject to a fine for each such offense, as provided in Section 27.1 of the Toll Highway Act.
- e) Any person, except an authorized Authority employee or agent, who removes any coin from the pavement or from the ground surface within 10 feet of a toll collection booth or machine shall be guilty of a petty offense. This subsection shall not apply to any person who retrieves coins he or she dropped while attempting payment of a toll.
- f) Whoever wilfully, maliciously and forcibly breaks any mechanical or electronic toll collection device of the Authority or any appurtenance with intent to commit larceny shall be deemed guilty of a Class 4 felony and subject to fine and/or punishment as provided by the law for such class of crime.
- g) No vehicle shall be driven through a Toll Plaza collection facility without payment of the proper toll. In the event of non-payment of the proper toll, as evidenced by video ~~or electronic~~-recording, the registered owner of such vehicle shall, upon notice to the registered owner by first class mail or personal service, be liable to make prompt payment to the Authority of the proper toll charge as well as an administrative fine fee of \$20. Upon the failure of the registered vehicle owner to either pay in-full all outstanding tolls and fines set forth in the notice or the failure to file a timely request for a hearing, the registered vehicle owner shall be deemed to have admitted liability and to have waived his or her right to a hearing and the Authority may enter a final order of liability in default against the registered vehicle owner. Upon failure to pay the proper toll and administrative fine fee to the Authority after notice ~~thereof~~ and within the time designated in the notice, the registered owner shall also be subject to payment of an additional fine of \$50 for each and every violation of this subsection and any other fine or penalty that may be prescribed by law for such violations. *Upon receipt of a certified report from the Authority stating that the registered owner of a vehicle has failed to satisfy any fine or penalty resulting from a final order of liability issued by the Authority relating directly or indirectly to 5 or more toll violations, toll evasions, or both, the Secretary of State shall suspend the vehicle*

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*registration and/or driver's license of the person* [625 ILCS 5/3-704.2 and 6-306.7]. This subsection shall not apply if the driver of the vehicle is fined or otherwise penalized for the same violation under the Illinois Vehicle Code or other Rule or Regulation regarding failure to pay the prescribed toll.

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART G: GENERAL PROVISIONS

**Section 2520.700 Authority**

The following Rules in this Subpart G provide for an administrative adjudication hearing to investigate, mediate, and/or adjudicate alleged violations of a vehicle's operation on a toll highway without the required toll having been paid, as detected by the Authority's video surveillance system, pursuant to 605 ILCS 10/10(a)(5) of the Toll Highway Act (~~see PA 89-0120, effective July 7, 1995~~).

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 2520.702 Notice to Respondent**

The Authority, or its duly authorized agent, shall give Notice to the respondent of the alleged violation. Once valid Notice has been given, nothing in this Part shall be construed to limit the Authority's rights or remedies. The notice shall be served on respondent by First Class United States Mail, postage prepaid, to the address of the registered owner of the cited vehicle as recorded with the Secretary of State or to the lessee of the cited vehicle at the last address known to the lessor of the cited vehicle at the time of the lease. The service shall be deemed complete three calendar days after the date of the Notice. The Notice shall be in the following sequence and shall include, but not be limited to, the following information: ~~a) A "Notice of Violation" specifying the date, approximate time and location of the violation cited, the particular regulation violated, the State registration number of cited vehicle (if available), the outstanding toll, the fine, and the amount of any additional fine that may be assessed for late payment, the availability of a hearing in which the violation may be contested on its merits and the manner in which the hearing may be had. Upon request, the Authority shall make available the video surveillance evidence related to the cited violation. The notice shall also state that failure to either pay the indicated toll, fine and any applicable penalty or to request a hearing on the merits may result in a final order determination of toll evasion liability in the amount of the toll, fine and/or penalty indicated. ~~b) A "Notice of Final Determination" shall be sent following a determination of toll evasion liability. The notice shall state that the unpaid fine and/or penalty is a debt owing the Authority. The notice shall contain warnings that failure to pay any fine or penalty due and~~~~

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~~owing within the time specified may result in the Authority's filing of a petition in the Circuit Court to have the unpaid fine or penalty rendered as a judgment as provided by this Section. In addition, the Authority may exercise any other right or remedy allowable under the laws of the State of Illinois. Each and every instance of toll evasion shall be considered an individual violation.~~

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 2520.704 Judicial Review**

Judicial review of all final orders of the Authority shall be conducted in accordance with the Illinois Administrative Review Law, 735 ILCS 5/Art. III. All such actions for administrative review must be filed and heard in the Circuit Court of any county in which the administrative hearing was held or in which the underlying violation occurred of DuPage County.

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 2520.705 Penalties**

~~a)~~ Section 2520.223(g) of this Part authorizes the Illinois State Toll Highway Authority to:

- ~~a)1)~~ Assess the outstanding toll per found violation and a \$20-~~00~~ fine per found violation against the registered owner of a vehicle against whom a final order of liability has been entered who fails to pay the proper toll; and
- ~~b)2)~~ Upon failure to pay the proper toll and fine to the Authority after notice of a final determination and within 14 days after the notice, the registered owner shall also be subject to payment of an additional fine of \$50-~~00~~ for each and every violation pursuant to Section 2520.223(g) of this Part; and
- ~~c)3)~~ Upon failure of a registered owner of a vehicle to satisfy any toll, fine or penalty resulting from a final order issued by the Authority relating directly or indirectly to 5 or more toll violations, notify the Secretary of State to suspend the vehicle registration and/or driver's license of the person.
- ~~1)b)~~ A prerequisite to the suspension of vehicle registration and/or driver's license by the Secretary of State, under 625 ILCS 5/3-704.2 or 6-306.7, shall be the submission to the Secretary of State, by the Authority, of a certified report containing the following information:

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~~A)1)~~ *The name, last known address and driver's license number of the person who failed to satisfy the fines or penalties and the registration number of any vehicle known to be registered in this State to the person.*

~~B)2)~~ *A statement that the Authority sent a notice of impending suspension of the person's driver's license, vehicle registration, or both, to the person named in the report at the address recorded with the Secretary of State, the date on which the notice was sent, and the address to which the notice was sent. [625 ILCS 5/3-704.2]*

~~2)e)~~ The person to whom the notice of impending suspension was sent may challenge the accuracy of the information contained in the Certified Report by submitting his/her challenges, within 21 days after the date of the notice, in writing, to:

The Illinois State Toll Highway Authority  
ATTN: Violation Administration Center  
2700 Ogden Avenue  
Downers Grove, Illinois 60515

Challenges to the accuracy of the information contained in the Certified Report shall be limited to the following:

~~A)1)~~ The person having received the notice ~~was is~~ not the registered owner of the vehicle in question at the time of the alleged violations.

~~B)2)~~ The person having received the notice has already paid the fine/penalty. ~~3) The person having received the notice was found not guilty of the alleged violations. 4) The person having received the notice was found guilty of fewer than 5 violations. 5) Any other material error in the contents of the Certified Report.~~

~~3)d)~~ *The Authority shall notify the Secretary of State whenever a person named in the certified report has satisfied the previously reported fines or penalties or whenever the Authority determines that the original report was in error. Upon receipt of the Authority's notification, the Secretary of State shall terminate the suspension. [625 ILCS 5/6-306.7]*

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- 4)e) In addition to any [tolls](#), fines, [and other penalties](#) assessed for toll violations, the registered owner of the vehicle involved in the toll violations at issue shall be required to reimburse the Authority for all fees paid to the Illinois Secretary of State for the enforcement of this Section.

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 2520.706 Discovery**

~~Except by the written agreement of all parties, discovery is limited to the following:~~

- a) The respondent will be allowed to schedule an appointment to review any video surveillance evidence prior to the ~~scheduled~~ hearing. Such appointments shall be made during regular business hours of the Authority and shall take place at the Authority's corporate office located at 2700 Ogden Avenue, Downers Grove, Illinois 60515, ~~or the Violation Administration Center, or any other location designated by the Authority.~~
- b) Written discovery shall be limited to the production of documents and identification of witnesses that each party intends to introduce or call at the hearing. Nothing in this subsection (b) shall impose a duty upon the Authority to serve respondent with any documents that were previously sent to the registered owner of the cited vehicle as recorded with the Illinois Secretary of State by U.S. mail.

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 2520.707 Administrative Adjudication [\(Repealed\)](#)**

- a) ~~If the respondent fails to pay the assessed fines in the time specified and fails to request a hearing in the time specified in the notice, the respondent may be found liable for the alleged violations. The Authority shall designate a Hearing Officer to conduct the hearing. The Authority may designate any person familiar with the law relating to the substance of the hearing as the Hearing Officer.~~
- b) ~~Notice of Hearing—The Authority shall provide written notice of the date and time of the hearing to all interested parties to the proceeding. The hearing shall be scheduled during regular business hours and shall be held at the main office of the Authority or at any other location designated by the Authority for such hearings. The Authority may, at its sole discretion, establish a process whereby respondents may contest the charges by mail rather than participating in a hearing.~~

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- e) ~~Contesting Violations by Mail—If the notice allows for the contesting of the alleged violations by mail and the respondent elects to contest the alleged violations by mail, then respondent shall be bound by the determinations of the Hearing Officer as if the respondent had appeared in person for such hearing.~~
- d) ~~Minutes of Hearing—No minutes of the hearing shall be required; however, all pleas and all determinations of liability must be evidenced in the Hearing Officer's report and must set forth the basis of the finding in sufficient detail as to allow for meaningful review of the finding.~~
- e) ~~Conduct of Hearing—The Hearing Officer shall have full authority to conduct and control the procedure at the hearing. The Hearing Officer shall apply a preponderance of the evidence standard to all hearings conducted to determine respondent's liability for the violations alleged in the notice. The Hearing Officer shall not be bound by the strict rules of evidence of courts of law and equity.~~

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 2520.708 Hearing Officers – Appointment, Disqualification, and Powers and Duties ~~Duties of Hearing Officer~~**

- a) The Authority shall appoint independent attorneys to serve as hearing officers in administrative hearings under this Subpart. In addition, each hearing officer shall be an attorney admitted to the practice of law in the State of Illinois for at least 5 years and shall participate in a formal training program on the relevant substantive and procedural law and judicial conduct.
- b) A motion to disqualify a hearing officer may be made for bias or conflict of interest and must be made prior to the commencement of the hearing.
- c) The powers and duties of the hearing officer~~Hearing Officer~~ at the hearing include, but are not limited to:
  - 1)a) presiding over the hearing;
  - 2)b) explaining the procedures of the hearing to the interested parties;
  - 3)e) administering all oaths and listening to testimony;
  - 4)d) ruling on the admissibility of evidence and permitting parties to present evidence;

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- ~~5)e)~~ permitting parties to examine and cross examine witnesses; and
- ~~6)f)~~ issuing a decision ~~preparing a report~~ indicating his/her finding ~~and the evidence and reasons supporting the finding.~~

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 2520.709 Hearings Format**

- a) The Authority may be represented by an employee or duly authorized agent at the hearing or may proceed on the notice of violation. However, in no event shall the hearing officer be allowed to present any evidence on behalf of the Authority; provided, however, that the notice of violation may be placed into the record by the hearing officer. A respondent may represent himself or herself or be represented by a duly authorized agent. The Authority or the respondent may introduce into evidence, and the Hearing Officer may consider, all video surveillance evidence relating to the charged violations regardless of any foundation objections made by the opposing party.
- b) The Authority or the respondent may introduce into evidence, and the hearing officer may consider, all video surveillance evidence relating to the charged violations, the foundation for which shall be presumed subject to rebuttal. Any employee of the Authority may present the evidence on behalf of the Authority related to the alleged violations. However, in no event shall the Hearing Officer be allowed to present any evidence on behalf of the Authority.
- c) Each party to the hearing may make an opening statement, call, examine and cross examine witnesses, and seek to offer evidence. Evidence may be written or oral.
- d) Each party may make a closing statement at the conclusion of the hearing. ~~e)The Hearing Officer may establish reasonable time limits for each presentation.~~
- ~~e)f)~~ No testimony shall be given or received at the hearing relating to discussions, offers, counter offers, rejections or admissions at any settlement conferences that may have occurred.
- ~~f)g)~~ Stipulations – Any written stipulations of the parties may be introduced as evidence at the hearing. Such stipulations shall be introduced at the beginning of the hearing and shall become part of the record of the hearing.

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- g) The Authority may, at its sole discretion, establish a process whereby respondents may contest the charges by a telephonic hearing or mail-in hearing as opposed to an in-person hearing.
- h) The hearing officer shall have full authority to conduct and control the procedure at the hearing. The hearing officer shall apply a preponderance of the evidence standard to all hearings conducted to determine respondent's liability for the violations alleged in the notice. The hearing officer shall not be bound by the strict rules of evidence of courts of law and equity. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. Evidence not admissible under the rules of evidence may be admitted (except where precluded by statute) if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced, any part of the evidence may be received in written form. Oral testimony in in-person or telephonic hearings may be recorded by audio or electronic means, provided, however, that, in the event of a recording loss or malfunction, the hearing officer may prepare a written summary of the oral testimony for purposes of administrative review. In addition, the Authority may exercise any other right or remedy allowable under the laws of the State of Illinois. Each and every instance of toll evasion shall be considered an individual violation.
- i) Final Order – Upon completion of a hearing on the merits, the hearing officer shall issue a final order setting forth his or her finding or findings as to liability or non-liability of the owner. If the hearing officer finds for the Authority, he or she, in the order, shall assess the tolls, fines and other penalties as mandated or provided by law, and shall also in the order state that an automatic additional fine of \$50 per found violation will be assessed, by operation of law and without further notice or order, upon failure of the registered owner to pay the proper toll and fine to the Authority within 14 calendar days after the issuance of a final order of liability. A final order shall also inform the parties of the right to seek judicial review under the Illinois Administrative Review Law [735 ILCS 5/Art. III].

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 2520.710 Default – Failure to Appear (Repealed)**

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- a) ~~If a party fails to appear at the hearing and fails to timely and properly request a continuance of the hearing, the Hearing Officer may enter an order of default against the party, and may also assess fines and penalties pursuant to the "Penalties" Section 2520.705, contained herein.~~
- b) ~~If a representative from the Authority fails to appear at the hearing to prosecute the complaint/violation, the Hearing Officer shall dismiss the complaint with prejudice.~~

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 2520.711 Enforcement of Final Order**

~~The~~ When the Authority determines that its order imposing fines remains unpaid, the Authority may exercise any of its remedies listed under Section ~~2520.710-2520.705~~, penalties. Those remedies will be cumulative and the exercise of any remedy does not preclude the use of any other remedy by the Authority.

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 2520.712 Continuance**

~~The hearing officer may grant a continuance only upon a finding of good cause. A respondent may be granted one continuance to seek retention of legal counsel but that motion must be made in a timely manner prior to the introduction of any testimony or other evidence on the merits. A disruption in the automated adjudicatory file system shall also be grounds for an additional continuance.~~ a) ~~The Authority shall have no right to a continuance unless the respondent requested and was granted a continuance in the matter.~~ b) ~~All requests for continuance shall be made at least 24 hours in advance of the scheduled hearing date. All requests for continuances shall be made by contacting the Authority at its toll free number and requesting a new hearing date. The respondent shall be issued a new hearing date that sets the matter for hearing within 30 days after the previously scheduled hearing date. Unless good cause is shown, in writing, at least 7 days before the scheduled hearing, no party shall be granted more than one continuance.~~

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 2520.713 Authority Rulemaking**

~~This Part~~ These rules shall be liberally construed to accomplish the purposes of the Toll Highway Act and the laws of the State of Illinois. ~~This Part~~ These rules and regulations shall be available to the general public at the main administrative office of the Authority during regular business

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hours and on the Authority's web site. These rules are subject to modification, under the Illinois Administrative Procedure Act [5 ILCS 100], at any time by the Authority's Board of Directors.

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 2520.715 Timely Request for Hearing – Notice of Hearing**

Upon receipt of a timely request for a hearing from the registered vehicle owner, the Authority or its duly authorized agent shall provide notice of the date, time and location of the hearing to the respondent. The hearing shall be scheduled during regular business hours and shall be held at the main office of the Authority or at any other location designated by the Authority for such hearings.

(Source: Added at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 2520.716 Failure to Respond to Notice of Violation – Default**

Upon the failure of the registered vehicle owner to either pay in-full all outstanding tolls and fines set forth in the notice or the failure to file a request for a hearing within the time permitted, the registered vehicle owner shall be deemed to have admitted liability and to have waived his or her right to a hearing and the Authority may enter a final order of liability in default against the registered vehicle owner.

(Source: Added at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 2520.717 Liability of Lessor**

No commercial entity that is the lessor of a vehicle pursuant to a written lease agreement shall be liable for the violation involving that vehicle during the period of the lease if the lessor provides a copy of the leasing agreement to the Authority within 21 days after the issue date of the notice of violation. In addition, the leasing agreement must contain a provision or addendum informing the lessee that the lessee is liable for payment of all tolls, as well as all fines for both evasion, and each lessor must also post a sign to that effect at the leasing counter. The copy of the leasing agreement must contain the name, address and driver's license number of the lessee. "Lessor", for purposes of this Section, includes commercial leasing and rental entities, but does not include public passenger vehicle operators.

(Source: Added at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Literacy Grant Program
- 2) Code Citation: 23 Ill. Adm. Code 3040
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
3040.120	Amend
3040.140	Amend
- 4) Statutory Authority: Implementing and authorized by the State Library Act [15 ILCS 320] and the Illinois Literacy Act [15 ILCS 322]
- 5) Effective Date: April 26, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file and available for public inspection at the Illinois State Library, Gwendolyn Brooks Building, 300 S. Second Street, Springfield IL 62701.
- 9) Notice of Proposed Amendments was published in the Illinois Register:  
January 23, 2004; 27 Ill. Reg. 1356
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Difference between proposal and final version: In Section 3040.140 (b), the word “may” was changed to “will”.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the text of the proposed amendments? Yes
- 13) Will these adopted amendments replace any emergency amendments currently in effect?  
Yes
- 14) Are there any other proposed amendments pending on this Part? No
- 15) Summary and purpose of these amendments: This rulemaking is to make literacy grant applicants aware that while grant application forms may be made available prior to the availability of funds, no grant award may be made prior to the receipt of appropriated

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funds by the Secretary of State. Also, the grant period shall be within the fiscal years the grant is awarded.

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

Joseph A. Natale  
Illinois State Library  
Gwendolyn Brooks Building  
300 S. Second  
Springfield IL 62701

217-558-4185  
jnatale@ilsos.net

The full text of the adopted amendments begins on the next page:

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE B: CULTURAL RESOURCES  
CHAPTER I: SECRETARY OF STATE

PART 3040  
LITERACY GRANT PROGRAM

SUBPART A: ADULT LITERACY GRANT PROGRAM

Section	
3040.100	Purpose
3040.110	Definitions
3040.120	Application for Grant
3040.130	Review of Grant Applications
3040.140	Award of Grants, Accountability and Recordkeeping
3040.150	Cancellation of Grant
3040.160	Fiscal Procedures
3040.170	Other Requirements
3040.180	Invalidity

SUBPART B: WORKPLACE LITERACY PROGRAM

Section	
3040.200	Purpose (Repealed)
3040.210	Definitions (Repealed)
3040.220	Application for Grant (Repealed)
3040.230	Review of Grant Applications (Repealed)
3040.240	Award of Grant, Financial Reports, and Program Progress Reports (Repealed)
3040.250	Cancellation of Grant (Repealed)
3040.260	Other Requirements (Repealed)
3040.270	Invalidity (Repealed)

SUBPART C: FAMILY LITERACY PROGRAM

Section	
3040.300	Purpose (Repealed)
3040.310	Definitions (Repealed)
3040.320	Eligible Applicants (Repealed)
3040.330	Grant Applications (Repealed)

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## SUBPART D: SPECIAL GRANT PROGRAMS

## Section

3040.400 Making Work Pay Grant Program (Repealed)

3040.450 New Chapters Grant Program (Repealed)

3040.470 Penny Severns' Grant Program

3040.EXHIBIT A Differences Among the Three Types of ~~Literacy Library~~ Grant Programs

AUTHORITY: Implementing and authorized by the State Library Act [15 ILCS 320] and the Illinois Literacy Act [15 ILCS 322].

SOURCE: Emergency rules adopted at 9 Ill. Reg. 15563, effective October 2, 1985, for a maximum of 150 days; adopted at 10 Ill. Reg. 4916, effective March 11, 1986; amended at 11 Ill. Reg. 17258, effective October 15, 1987; amended at 15 Ill. Reg. 18757, effective December 17, 1991; amended at 16 Ill. Reg. 13084, effective August 15, 1992; amended at 17 Ill. Reg. 7234, effective May 10, 1993; amended at 18 Ill. Reg. 4990, effective March 9, 1994; amended at 20 Ill. Reg. 5889, effective April 9, 1996; amended at 21 Ill. Reg. 2408, effective February 3, 1997; amended at 21 Ill. Reg. 11767, effective August 11, 1997; amended at 23 Ill. Reg. 2402, effective January 22, 1999; amended at 23 Ill. Reg. 2574, effective January 26, 1999; emergency amendment at 23 Ill. Reg. 4115, effective March 18, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 8645, effective July 13, 1999; amended at 27 Ill. Reg. 19004, effective December 15, 2003; emergency amendment at 28 Ill. Reg. 1434, effective January 12, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: ADULT LITERACY GRANT PROGRAM

**Section 3040.120 Application for Grant**

- a) ~~ISL may make grant application forms available prior to the availability of funds. Requests for a grant shall be submitted to the LAB in writing postmarked no later than March 1st for every fiscal year. Applicants shall use the forms prepared and made available by the Secretary of State, Illinois State Library for this purpose. Applications not submitted on time or on the required forms shall not be considered by the LAB.~~
- b) Applications shall be submitted to the Literacy Office, Illinois State Library, [Gwendolyn Brooks Building](#), 300 S. Second, Springfield, Illinois 62701.
- c) Applications shall be reviewed by the LAB. Awards shall be made on or after

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

July 1 of every year for the fiscal year then commencing.

- d) The maximum grant amount shall be determined by the Secretary basing his or her decision upon the amount of money appropriated by the General Assembly and the likely number of grant applications.
- e) ~~The grant period shall be within the fiscal year. The first grant period shall be for a period of 6 months, January 1, 1986, until June 30, 1986. Thereafter, the grant period shall be the fiscal year.~~
- f) Applications shall include the following information:
  - 1) The name of the literacy program for the community.
  - 2) The name and address of the grant applicant.
  - 3) The name and telephone number of grant project applicant's director or executive officer.
  - 4) The name, address, telephone number, Federal Employer Identification Number (FEIN), and signature of the grant applicant's fiscal officer, who will receive any approved grant and be responsible for the grant funds.
  - 5) The name, address and contact person for each business whose employees will participate in literacy services.
  - 6) The name, address and contact person for domestic violence shelter facilities whose clients will participate in literacy services.
  - 7) The name, address and contact person for the local public library.
  - 8) The term of the literacy program.
  - 9) The total amount of grant money requested for the literacy program.
  - 10) A brief and explicit description of the literacy program purpose and goals.
  - 11) A statement supported by statistics (e.g., dropout rates, census figures on the education level of the local population, or the number of persons receiving public assistance) and other evidence, (statements from local

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

officials, State Legislature requests, or community college reports) detailing the need for the literacy program in the particular community or geographic region of the grant applicant.

- 12) A statement of the instructional, promotional and training methods to be used by the grant applicant to meet its stated goals and objectives.
- 13) A statement of the grant applicant's plans to coordinate its effort with other community groups providing similar or related services, and to cooperate with other community groups, including education groups, volunteer organizations, governmental bodies, private business, and library organizations and a listing of participating agencies.
- 14) A statement detailing plans to evaluate projects objectives and program accomplishments by the grant applicant, including statistical data and how it is gathered and by whom and when.
- 15) A list of all organizations which are participating agencies in the literacy program project proposed by the grant applicant including signatures of organization representatives.
- 16) The budget for the literacy project, setting forth the personnel costs, fringe benefits (e.g., retirement benefits and health insurance), travel costs, equipment purchases, supplies, contractual services, instructional materials, and any other expense necessary to operate the literacy program proposed in the grant application.
- 17) A statement as to the time schedule for the completion of project objectives of the literacy program within the grant year.
- 18) For organizations that are not units of government, a statement of cash flow in accordance with Statement No. 95, FASB Statements of Financial Accounting Standards, Financial Accounting Standards Board, 401 Merritt 7, Norwalk, Connecticut 06856, November 1987, no subsequent dates or editions included.
- 19) If the applicant is a charitable organization, the proper certification of federal and State tax exempt status.

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

**Section 3040.140 Award of Grants, Accountability and Recordkeeping**

- a) The LAB will make a recommendation to the Secretary of State as to which grant applications shall be approved, based upon the criteria in Section 3040.130.
- b) ~~Grant awards will be made upon appropriation of funds. The LAB shall make its recommendations on December 1 for Fiscal Year 1986 and July 1 for Fiscal Year 1987 and thereafter.~~
- c) The Secretary of State shall make his or her final decision upon each recommendation as soon as possible within 60 days after the recommendation is presented to the Secretary.
- d) The final approved grant applications and the funding determination shall constitute the Adult Literacy Grant Program, which shall be a public record, as shall be the grant applications, whether approved or not, and shall be subject to disclose pursuant to the Freedom of Information Act [5 ILCS 140] and the rules of the Secretary of State found at 2 Ill. Adm. Code 551.
- e) Approved grant applicants shall submit to the State Library, Office of the Secretary of State, such reports as deemed necessary by the Illinois State Library staff to assure project accountability.
- f) The decision of the Secretary of State upon any grant application shall be a final decision for the purpose of the Administrative Review Law [735 ILCS 5].

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of April 20, 2004 through April 26, 2004 and have been scheduled for review by the Committee at its May 18, 2004 meeting in Springfield. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
6/2/04	<u>Department of Labor, Victims' Economic Security and Safety Act (56 Ill. Adm. Code 280)</u>	1/9/04 28 Ill. Reg. 478	5/18/04
6/4/04	<u>Drycleaner Environmental Response Trust Fund Council of Illinois, General Program (35 Ill. Adm. Code 1500)</u>	2/13/04 28 Ill. Reg. 2522	5/18/04
6/5/04	<u>Educational Labor Relations Board, Freedom of Information (2 Ill. Adm. Code 2676)</u>	1/30/04 28 Ill. Reg. 1554	5/18/04
6/5/04	<u>Educational Labor Relations Board, Americans With Disabilities Act Grievance Procedure (4 Ill. Adm. Code 900)</u>	1/30/04 28 Ill. Reg. 1560	5/18/04
6/5/04	<u>Educational Labor Relations Board, General Procedures (80 Ill. Adm. Code 1100)</u>	1/30/04 28 Ill. Reg. 1565	5/18/04
6/5/04	<u>Educational Labor Relations Board, Hearing Procedures (80 Ill. Adm. Code 1105)</u>	1/30/04 28 Ill. Reg. 1571	5/18/04
6/5/04	<u>Educational Labor Relations Board, Representation Procedures (80 Ill. Adm. Code 1110)</u>	1/30/04 28 Ill. Reg. 1587	5/18/04

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

6/5/04	<u>Educational Labor Relations Board</u> , Unfair Labor Practice Proceedings (80 Ill. Adm. Code 1120)	1/30/04 28 Ill. Reg. 1622	5/18/04
6/5/04	<u>Educational Labor Relations Board</u> , Fair Share Fee Objections (80 Ill. Adm. Code 1125)	1/30/04 28 Ill. Reg. 1632	5/18/04
6/5/04	<u>Educational Labor Relations Board</u> , Collective Bargaining and Impasse Resolution (80 Ill. Adm. Code 1130)	1/30/04 28 Ill. Reg. 1637	5/18/04
6/5/04	<u>Educational Labor Relations Board</u> , University of Illinois Bargaining Units (80 Ill. Adm. Code 1135)	1/30/04 28 Ill. Reg. 1641	5/18/04
6/5/04	<u>Department of Central Management Services</u> , Pay Plan (80 Ill. Adm. Code 310)	2/20/04 28 Ill. Reg. 2896	5/18/04
6/9/04	<u>Department of Professional Regulation</u> , Nursing and Advanced Practice Nursing Act – Registered Professional Nurse and Licensed Practical Nurse (68 Ill. Adm. Code 1300)	2/27/04 28 Ill. Reg. 3683	5/18/04
6/9/04	<u>State Board of Education</u> , Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1)	2/6/04 28 Ill. Reg. 1853	5/18/04
6/9/04	<u>State Board of Education</u> , Certification (23 Ill. Adm. Code 25)	2/6/04 28 Ill. Reg. 1920	5/18/04
6/9/04	<u>State Board of Education</u> , Certification (23 Ill. Adm. Code 25)	1/2/04 28 Ill. Reg. 82	5/18/04

## PROCLAMATION

**2004-80  
GUBERNATORIAL PROCLAMATION**

Tornadoes and severe storms moved through Northern Illinois on Tuesday, April 20, 2004. These storms resulted in the deaths of four people, injuries to more than a dozen others and major damage and destruction to scores of homes and businesses.

In the interest of aiding the citizens of Illinois and the local governments responsible for ensuring public health and safety, I hereby proclaim that a disaster exists within the State of Illinois and specifically, declare Kankakee, LaSalle, Putnam and Will counties as disaster areas, pursuant to the provisions of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7.

This gubernatorial proclamation of disaster will facilitate the Illinois Emergency Management Agency in coordinating the State's effort in responding to local government requests for assistance in the counties most severely impacted by the disaster. It will also authorize a full assessment of disaster damage and, if determined necessary, a request for federal disaster assistance.

Issued by the Governor April 21, 2004.

Filed by the Secretary of State April 21, 2004.

**2004-81  
Our World Underwater Scholarship Society Weekend**

WHEREAS, the mission of the Our World Underwater Scholarship Society is to promote educational activities associated with the underwater world and to provide an opportunity for meaningful involvement and hands-on learning; and

WHEREAS, the Our World Underwater dive and travel exposition established the first scholarship in 1974 and continues to provide funding to the Society; and

WHEREAS, the scholarships provide a hands-on introduction to underwater and other aquatic-related endeavors for young people with an interest in underwater-related disciplines, allowing these students to base their eventual career decisions on real work experiences; and

WHEREAS, to be eligible for the scholarship, the applicant: must be a certified scuba diver with a minimum of 25 open water dives, must be at least 21 years of age, but must not have reached his or her 25<sup>th</sup> birthday by March 1<sup>st</sup> of the scholarship year, must have high academic standing, must not have earned a graduate degree, and must pass an approved physical upon selection; and

WHEREAS, the Our World Underwater Society Scholarships provide knowledge that will influence the scholar's life and career choices toward working in a profession that addresses the protection, enhancement and survival of our marine and freshwater environments:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 23-25, 2004 as OUR WORLD UNDERWATER SCHOLARSHIP SOCIETY WEEKEND

## PROCLAMATION

in Illinois, and encourage all citizens to recognize and celebrate this year's scholarship recipients for the hard work they have done, and will continue to do to achieve their dreams.

Issued by the Governor April 20, 2004.

Filed by the Secretary of State April 21, 2004.

**2004-82****March of Dimes Walk America Days**

WHEREAS, the March of Dimes is a national volunteer health agency whose mission is to "improve the health of babies by preventing birth defects and infant mortality"; and

WHEREAS, in 1938, President Franklin D. Roosevelt founded the March of Dimes in an effort to combat polio, a disease crippling the nation's youth. Since its founding, the March of Dimes has had a strong history which includes: providing funding for the development of the polio vaccine, and also funding the first successful bone marrow transplant correcting a birth defect; and

WHEREAS, in 2001, over 470,000 babies were born prematurely in the United States, and over 22,000 babies in Illinois, representing 12% of the total births in the state, were born preterm; and

WHEREAS, in 2003, in response to the alarming increase in premature births over the last decade, the March of Dimes launched a five year campaign to raise public awareness of the problem of premature births, and ultimately, to find ways to reduce these occurrences; and

WHEREAS, in its 34<sup>th</sup> year, WalkAmerica has become the March of Dimes' biggest fundraiser, raising \$2.7 million in 2003 towards programs and research to treat and prevent premature births, birth defects, and other threats to babies' health; and

WHEREAS, in an effort to ensure "...a healthy future for our nation by improving the health of our children", the March of Dimes continues to serve our communities by providing education, research, and financial assistance:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 24 – 25, 2004 as MARCH OF DIMES WALK AMERICA DAYS in Illinois, and encourage all citizens to work together with the March of Dimes to give babies a fighting chance.

Issued by the Governor April 20, 2004.

Filed by the Secretary of State April 21, 2004.

## PROCLAMATION

**2004-83****Chicago Memorial Day Commemorative Day**

WHEREAS, since the Revolutionary War, more than 1.2 million people have died while serving the United States during times of war, and countless others have perished as a result of terrorism; and

WHEREAS, Memorial Day was first observed 136 years ago on May 30, 1868; and

WHEREAS, during Memorial Day weekend, many Americans will take the time to reflect on all those who have made the ultimate sacrifice for our nation; and

WHEREAS, the city of Chicago will observe the Memorial Day holiday on Saturday, May 29, 2004, with a wreath laying ceremony and parade; and

WHEREAS, this parade is heralded as the largest Memorial Day Parade in the nation; and

WHEREAS, each year, the Chicago Memorial Day committee devotes an extensive amount of time to making this ceremony reflective of the patriotic spirit Memorial Day has come to represent:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 29, 2004 as CHICAGO MEMORIAL DAY COMMEMORATIVE DAY in Illinois and encourage all citizens to remember that our state and our nation are a better place because of the heroic actions of the men and women we commemorate today.

Issued by the Governor April 20, 2004.

Filed by the Secretary of State April 21, 2004.

**2004-84****Hadassah Days**

WHEREAS, Hadassah, the Women's Zionist Organization of America, is a volunteer women's organization, whose members are motivated and inspired to strengthen their partnership with Israel, ensure Jewish continuity, and realize their potential as a dynamic force in American society; and

WHEREAS, founded in 1912, Hadassah retains the passion and timeless values of its founder, Henrietta Szold, Jewish scholar and activist, who was dedicated to Judaism, Zionism, and the American ideal; and

WHEREAS, Hadassah is dedicated to aiding American citizens by administering Jewish and Zionist education programs, Zionist Youth programs, and health awareness programs. They also advocate for issues of importance to women and the American Jewish community such as voter registration, literacy advocacy, and prevention of violence in the home; and

WHEREAS, the Great Plains Region of Hadassah promotes and supports the works of the National organization in the state of Illinois, and its surrounding areas; and

WHEREAS, this April, the Great Plains Region of Hadassah will celebrate Israeli Remembrance Day, and Israeli Independence Day, at their Spring Conference held in Rockford, Illinois; and

## PROCLAMATION

WHEREAS, the State of Illinois has developed a strong relationship with Israel throughout the years, a bond built on mutual economic benefits through improved trade, technological development, science, and agriculture; and

WHEREAS, the State of Illinois joins with the Great Plains Region of Hadassah to recognize and honor the great state of Israel:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 24 – 26, 2004 as HADASSAH DAYS in Illinois, and encourage all citizens to become aware of the great work this organization does for our country.

Issued by the Governor April 20, 2004.

Filed by the Secretary of State April 21, 2004.

**2004-85****Armenian Martyrs Day**

WHEREAS, the Armenian community, as well as the global community, remembers the Armenian genocide, which occurred 89 years ago; and

WHEREAS, during this tragic historical period between the years of 1915 and 1923, Armenians were forced to witness the genocide of their loved ones, and the loss of their ancestral homelands; and

WHEREAS, this extermination and forced relocation of over 1.5 million Armenians by the Ottoman Turks is recognized every year; and

WHEREAS, Armenians continue to be a people full of hope, courage, faith and pride in their heritage, working together to rebuild a firm foundation for Armenia; and

WHEREAS, many of the eight thousand Armenian-Americans in Illinois are descendents or survivors of the Armenian genocide, and have been forthright in their efforts to preserve their culture, heritage and language, while contributing much to our state and our nation's diverse society and economy; and

WHEREAS, both recognition and education concerning past atrocities such as the Armenian Genocide is crucial in the prevention of future crimes against humanity:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 24, 2004 as ARMENIAN MARTYRS DAY in Illinois, in honor of the 89<sup>th</sup> Anniversary of the Armenian Genocide.

Issued by the Governor April 20, 2004.

Filed by the Secretary of State April 21, 2004.

## PROCLAMATION

**2004-86****National Association of Insurance Women Week**

WHEREAS, professional insurance women make a significant contribution to the risk and insurance industry; and

WHEREAS, they are increasingly effective locally and statewide in promoting public awareness of important issues such as automobile safety and drunk driving; and

WHEREAS, they are committed to maintaining the highest professional standards and ethics in the insurance industry; and

WHEREAS, professional insurance women are effectively working on a national level, forming organizations such as the National Association of Insurance Women, International, which has reached a membership of more than 15,000; and

WHEREAS, the United States Chamber of Commerce recognizes National Association of Insurance Women Week every year in May; and

WHEREAS, these insurance professionals have earned this recognition for their outstanding accomplishments in the economically vital insurance industry:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 16 – 22, 2004 as NATIONAL ASSOCIATION OF INSURANCE WOMEN WEEK in Illinois, and encourage all citizens to recognize the important and helpful role professional insurance women play in our society.

Issued by the Governor April 20, 2004.

Filed by the Secretary of State April 21, 2004.

**2004-87****Children's Memorial Flag Day**

WHEREAS, the Child Welfare League of America has promoted the Children's Memorial Flag as a way of memorializing the thousands of children and teenagers in the United States who die violently every year from child abuse; and

each year; and

WHEREAS, the Children's Memorial Flag has become a recognizable symbol of the need to do a better job of protecting children; and

WHEREAS, the negative effects of child abuse are felt by every individual, and need to be addressed by the entire country; and

WHEREAS, effective child abuse prevention programs succeed because of partnerships created among social service agencies, schools, religious and civic organizations, law enforcement agencies, and the business community; and

WHEREAS, it is essential that as a country we become more aware of the negative effects of child abuse and its prevention within our communities, and become involved in supporting parents to raise their children in a safe and nurturing environment:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 23, 2004 as CHILDREN'S MEMORIAL FLAG DAY in Illinois, and encourage all

## PROCLAMATION

citizens to memorialize the thousands of children across the country who die from child abuse each year, and furthermore, ask all citizens to increase their participation in efforts to prevent child abuse.

Issued by the Governor April 20, 2004.

Filed by the Secretary of State April 21, 2004.

**2004-88****Infant Immunization Awareness Week**

WHEREAS, vaccines were named among the 20<sup>th</sup> Century's most successful and cost-effective public health tools available for preventing disease and death; and

WHEREAS, immunizations are one of the most important ways parents can protect their children against serious diseases; and

WHEREAS, children need a series of vaccinations, starting at birth, to be fully protected against 12 potentially serious diseases; and

WHEREAS, Illinois immunization levels among children under 2 years of age in 2003, as measured by the National Immunization Survey, reached a level of 82 percent statewide; and

WHEREAS, National Infant Immunization Week (NIIW) began 10 years ago to focus each state's attention on the importance of timely and proper immunization for infants and toddlers 24 months and under; and

WHEREAS, NIIW serves to create partnerships among parents, caregivers, and healthcare providers to participate in activities and recognition events to increase the awareness of immunizing children before their 2<sup>nd</sup> birthday; and

WHEREAS, the Illinois Department of Public Health has partnered with local health departments, the Illinois Chapter of American Academy of Pediatrics, local child health coalitions, the Chicago Area Immunization Campaign and the Illinois Health Education Consortium to promote and support immunization activities throughout the state; and

WHEREAS, the week of April 25 – May 1, 2004 has been declared National Infant Immunization Week to help ensure that children receive all recommended vaccinations by the age of 2:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim the week of April 25 – May 1, 2004 as INFANT IMMUNIZATION AWARENESS WEEK in Illinois, and encourage all citizens to spread the immunization message throughout their communities, and I also encourage public and private health care providers, parents, and children's caregivers in Illinois to advance the health of children by ensuring early and on-time immunization against preventable childhood diseases.

Issued by the Governor April 20, 2004.

Filed by the Secretary of State April 21, 2004.

**2004-89****Playground Safety Week**

## PROCLAMATION

WHEREAS, the safety and well being of children is a priority of this state; and  
WHEREAS, more than 200,000 children are injured on playgrounds in the United States each year equaling an average of one playground-related emergency room visit every two-and-one-half minutes; and

WHEREAS, the National Program for Playground Safety was created at the University of Northern Iowa to help inform the nation about playground injuries, and possible ways to reduce them; and

WHEREAS, The National Program for Playground Safety has identified key areas that could help substantially reduce the number of playground injuries and keep our children SAFE – providing: proper Supervision, Age appropriate equipment, materials to soften Falls to the surface, and Equipment maintenance; and

WHEREAS, spring is often a time that children head to the playground, as a result, a large percentage of playground injuries occur in the months of April through June; and

WHEREAS, it is essential that we take the time to inspect, repair, and sustain the many playgrounds that provide our children with much needed exercise and enjoyment; and

WHEREAS, the State of Illinois is committed to the notion that no child should play on an unsafe playground:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 26 – 30, 2004 as PLAYGROUND SAFETY WEEK in Illinois, and encourage all citizens to help to keep our children safe on community playgrounds.

Issued by the Governor April 20, 2004.

Filed by the Secretary of State April 21, 2004.

**2004-90****Money Smart Week**

WHEREAS, the United States' economic progress is directly dependent on the financial well-being of its citizens; and

WHEREAS, citizens have many choices on how they manage their financial affairs, thus it is imperative that they educate themselves on the best options available; and

WHEREAS, becoming financially literate can be a long-term process that demands much discipline and intuition, many people find it helpful to seek assistance outside of their own home; and

WHEREAS, educational and financial institutions, government entities and community-based organizations can work together to help consumers make informed choices about their personal finances; and

WHEREAS, improved financial literacy results in a higher standard of living for individuals, and more stable communities:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 10 – 15, 2004 as MONEY SMART WEEK in Illinois, and encourage all citizens to make an effort to become more financially literate, consequently helping their community, state and country.

## PROCLAMATION

Issued by the Governor April 20, 2004.  
Filed by the Secretary of State April 21, 2004.

**2004-91**  
**Lincoln Trail Hike Day**

WHEREAS, in 1926, R. Allan Stephens, a former Boy Scout Commissioner of Springfield, Illinois, developed the idea that Boy Scouts would acquire a greater appreciation of the obstacles that Abraham Lincoln overcame in his rise to the presidency if they walked the same 20-mile route that he followed from New Salem to Springfield; and

WHEREAS, this walk is known as the Lincoln Trail Hike, and boy scouts who successfully complete the trail are given a special award honoring their perseverance, and mark of respect to President Lincoln; and

WHEREAS, the 20-mile route is located closely to the roadways of Lincoln's New Salem days, keeping hikers on secondary roads, byways and trails; and

WHEREAS, beginning in 1995, in commemoration of the 25<sup>th</sup> Anniversary of the first Earth Day, the Illinois Environmental Protection Agency teamed up with the Abraham Lincoln Council of the Boy Scouts of America to support litter collection along the Lincoln Trail, in order to further Earth stewardship and promote environmental consciousness among the scouts; and

WHEREAS, Illinois Environmental Protection Agency employees support the goals of the Lincoln Trail Hike by volunteering their services to assist the scouts during the hike; and

WHEREAS, in 2004, approximately 1,300 scouts will walk the Lincoln Trail Hike, and maintain the 78 year tradition:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 24, 2004 as LINCOLN TRAIL HIKE DAY in Illinois, and encourage all citizens to recognize the committed scouts paying tribute to one of Illinois' greatest heroes.

Issued by the Governor April 20, 2004.  
Filed by the Secretary of State April 21, 2004.

**2004-92**  
**Apprenticeship Week**

WHEREAS, apprenticeship training is a key component in developing skilled workers in various trades and crafts. As part of a continuing program initiated by the government in 1937, this specialty training is supported by most industry and labor related fields; and

WHEREAS, industry professionals make cooperative efforts to encourage and improve apprenticeship training in Illinois in order to provide skilled journeymen in all trades; and

WHEREAS, the Illinois State Apprenticeship Conference will be held on May 11, 2004. This event is intended to promote the exchange of information and ideas between all crafts and trades:

PROCLAMATION

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 11 – 14, 2004 as APPRENTICESHIP WEEK in Illinois and encourage all citizens to recognize the benefits that apprenticeship opportunities provide for the state.

Issued by the Governor April 22, 2004.

Filed by the Secretary of State April 23, 2004.

# ILLINOIS ADMINISTRATIVE CODE

## Issue Index - With Effective Dates

Rules acted upon in Volume 28, Issue 19 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquires about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

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